

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

CAPITAL GROVE LIMITED
PARTNERSHIP,

Petitioner,

v.

FHFC CASE NO.: 2015-012BP

DOAH Case No.: 15-2386BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

HTG WELLINGTON FAMILY, LLC,

Intervenor.

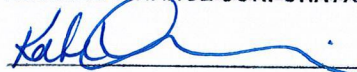
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FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on August 7, 2015. Petitioner Capital Grove Limited Partnership, (“Capital Grove”) timely submitted an Application for funding (“Application”) in response to Request for Applications 2014-114. The matter for consideration before this Board is a Recommended Order pursuant to §120.57(1) and (3), Fla. Stat. (2014).

1. Petitioner timely filed its Petition for Formal Administrative Hearing pursuant to §§120.569 and 120.57(1) and (3), Fla. Stat. (2014), (the “Petition”) challenging the preliminary agency action of Florida Housing Finance Corporation

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

 /DATL: 8-7-15

(“Florida Housing”) regarding the scoring of its Application and that of Intervenor HTG Wellington Family, LLC (“HTG”). HTG subsequently intervened in the proceeding.

2. Florida Housing reviewed the Petition pursuant to §120.569(2)(c), Fla. Stat. (2014), determined that the Petition raised disputed issues of material fact and referred the case to the Division of Administrative Hearings. Pursuant to §120.57(1), Fla. Stat. (2014), an informal hearing was held in this case on July 1, 2015, in Tallahassee, Florida, before Administrative Law Judge (ALJ) James H. Peterson, III. Following the hearing, Capital Grove, Florida Housing and HTG all timely filed Proposed Recommended Orders.

3. After consideration of the evidence and arguments presented at hearing and the Proposed Recommended Orders, the ALJ issued a Recommended Order. A true and correct copy of the Recommended Order is attached hereto as “Exhibit A.” The ALJ recommended: that Florida Housing issue a Final Order affirming the Florida Housing’s scoring of the Capital Grove Application; finding that as a result Capital Grove lacks standing to challenge HTG’s Application; otherwise affirming Florida Housing’s scoring of the HTG Application; and recommending denial of the relief requested in the Petition.

4. §120.57(1)(k), Fla. Stat. (2014) provides a procedure for a Petitioner to challenge the findings of a Recommended Order entered pursuant to a formal

hearing. Capital Grove timely filed its Exceptions to the Recommended Order on August 5, 2015, a copy of which is attached hereto as “Exhibit B” and made a part hereof by reference. Florida Housing and HTG subsequently filed a Joint Response to Petitioners Exceptions (“Joint Response”) the following day, August 6, 2015, a copy of which is attached hereto as “Exhibit C” and incorporated herein by reference.

RULING ON EXCEPTIONS

5. Based on a review of the record and the arguments presented by the Parties, the Board specifically rejects Capital Grove’s enumerated Exceptions 1-5 for the reasons set forth in the Recommended Order and the Joint Response.

RULING ON THE RECOMMENDED ORDER

6. The Findings of Fact of the Recommended Order are supported by competent substantial evidence.

7. The Conclusions of Law of the Recommended Order are supported by competent substantial evidence.

8. The arguments presented in Capital Grove’s Exceptions 1-5 are specifically rejected on the grounds set forth in the Recommended Order and the Joint Response.

ORDER

In accordance with the foregoing, it is hereby **ORDERED:**

9. The Findings of Fact of the Recommended Order are adopted as Florida Housing's findings of fact and incorporated by reference as though fully set forth in this Order.

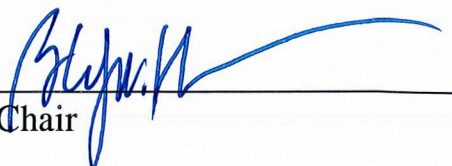
10. The Conclusions of Law of the Recommended Order are adopted as Florida Housing's Conclusions of Law and incorporated by reference as though fully set forth in this Order.

IT IS HEREBY ORDERED that Florida Housing's scoring of the Capital Grove and HTG Applications is **AFFIRMED** and the relief requested in the Petition is **DENIED**.

DONE and ORDERED this 7th day of August, 2015.



FLORIDA HOUSING FINANCE
CORPORATION

By: 
Chair

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NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 300 MARTIN LUTHER KING, JR., BLVD., TALLAHASSEE, FLORIDA 32399-1850, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.