

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

MADISON HOLLOW, LLC, AND
AMERICAN RESIDENTIAL
DEVELOPMENT, LLC,

Petitioners,

v.

FHFC CASE NO.: 2015-023BP
DOAH CASE NO.: 15-3301BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

BRIXTON LANDING, LTD,

Intervenor.

_____ /

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on December 11, 2015. Petitioners Madison Hollow, LLC, (“Madison Hollow”) and American Residential Development, LLC (“American Residential”) timely submitted Applications for funding (“Applications”) in response to Request for Applications 2014-115: Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties (the “RFA”). The matter for consideration before this Board is a

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

 /DACL: 12-14-15

Recommended Order pursuant to §120.57(3), Fla. Stat. (2015), and Fla. Admin. Code R. 67-60.009 (Rev. 10-18-14).

Petitioners timely filed a Petition for Formal Administrative Hearing pursuant to §§120.569 and 120.57(3), Fla. Stat. (2015), (the “Petition”) challenging the preliminary agency action of Florida Housing Finance Corporation (“Florida Housing”) regarding the scoring of the Applications. Brixton Landing, LTD, (“Brixton Landing”) intervened by filing a Notice of Appearance. Florida Housing referred the Petition to the Division of Administrative Hearings on June 9, 2015.

A formal hearing took place on August 3 and 4, 2015, in Tallahassee, Florida, before the Honorable Administrative Law Judge Suzanne Van Wyk. Respondent and Intervenor timely filed Proposed Recommended Orders on August 31, 2015. Petitioners filed a Proposed Recommended Order on September 1, 2015.

After consideration of the evidence and arguments presented at hearing, and the Proposed Recommended Orders, the Administrative Law Judge issued a Recommended Order on October 29, 2015. A true and correct copy of the Recommended Order is attached hereto as “Exhibit A.” The Administrative Law Judge recommended that Florida Housing issue a Final Order affirming Brixton Landing for funding under RFA 2014-115.

On November 9, 2015, Petitioners filed Petitioners’ Exceptions to Recommended Order attached hereto as “Exhibit B.” On November 16, 2015,

Brixton Landing filed Brixton Landing, LTD.'s Response to Petitioners' Exceptions to Recommended Order attached hereto as "Exhibit C." On November 17, 2015, Florida Housing submitted Respondent Florida Housing Finance Corporation Response to Petitioners' Exceptions attached hereto as "Exhibit D."

RULING ON EXCEPTIONS

1. The exceptions in Petitioners' Exceptions to Recommended Order were not numbered. In this Final Order, the exceptions will be referred to in numerical order based upon the order presented by Petitioners in Petitioners' Exceptions to Recommended Order (ex. the first exception presented will be exception one, the second exception presented will be exception two and so forth).

2. Based on a review of the record and the arguments presented by the Parties, the Board specifically rejects Petitioner's Exceptions One through Eighteen for the reasons set forth in the Recommended Order and the Responses filed by Respondent and Intervenor.

RULING ON THE RECOMMENDED ORDER

3. The Findings of Fact set out in the Recommended Order are supported by competent substantial evidence.

4. The Conclusions of Law in the Recommended Order are accepted without change.

4. The arguments presented in Petitioner's Exceptions are specifically rejected on the grounds set forth in the Recommended Order and Respondent's and Intervenor's Responses to Petitioner's Exceptions.

ORDER

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

8. 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.

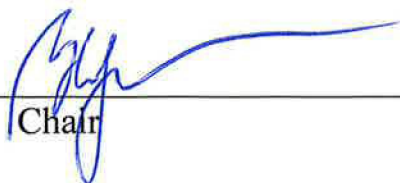
9. The conclusions of Law in the Recommended Order are adopted as Florida Housing's Conclusions of Law and incorporated by reference as though fully set forth in this Order.

IT IS HEREBY ORDERED that Florida Housing's recommendation to award funding to Brixton Landing is **AFFIRMED** and the relief requested in the Petition is **DENIED**.

DONE and ORDERED this 11th day of December, 2015.



FLORIDA HOUSING FINANCE CORPORATION

By: 
Chair

Copies to:

Hugh R. Brown, General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301

J. Stephen Menton, Esquire
Rutledge Ecenia, P.A.
Post Office Box 551 (32302)
119 South Monroe Street, Suite 202
Tallahassee, Florida 32301

Douglas P. Manson, Esquire
Manson Bolves Donaldson, P.A.
1101 West Swann Avenue
Tampa, Florida 33606

Paria Shirzadia, Esquire,
Manson Bolves Donaldson, P.A.
1101 West Swann Avenue
Tampa, Florida 33606

Christopher Dale McGuire, Esquire
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301

James W. Middleton, Esquire
Smith, Gambrell, & Russell, LLP
Suite 2600
50 North Laura Street
Jacksonville, Florida 32202

Kenneth B. Bell, Shareholder
Gunster, Yoakley & Stewart, P.A.
Suite 601
215 South Monroe Street
Tallahassee, Florida 32301

Ken Reecy
Director of Multifamily Programs
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, FL 32301

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.