

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

QUAIL ROOST TRANIST VILLAGE
I, LTD.,

Petitioner,

FHFC Case No. 2020-040BP
DOAH Case No. 20-3094BID

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

675 ALI BABA, LLC,

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 October 16, 2020. Petitioner Quail Roost Transit Village I, Ltd., (“Quail Roost”) and Intervenor 675 Ali Baba, LLC, (“Ali Baba”) were Applicants under Request for Applications 2020-208, SAIL and Housing Credit Financing for the Construction of Workforce Housing (the “RFA”). The matter for consideration before the Board is a Recommended Order issued pursuant to sections 120.569, 120.57(1), and 120.57(3), Florida Statutes.

On June 11, 2020, Florida Housing Finance Corporation (“Florida Housing”) posted notice of its intended decision to award funding to three applicants, including Ali Baba. Petitioner timely filed a notice of intent to protest followed by a formal written protest challenging the scoring process in the RFA. Ali Baba timely intervened. On July 13, 2020, Florida Housing referred the matter to the Division of Administrative Hearings (“DOAH”). Administrative Law Judge (“ALJ”) Lawrence P. Stevenson was assigned to conduct the final hearing.

The case was set for hearing on August 12, 2020, on which date it commenced and concluded. Prior to hearing, on August 10, 2020, the parties submitted a Joint Pre-hearing Stipulation that identified three issues: 1) Quail Roost contended that Ali Baba should be found ineligible for failure to disclose a Principal and for misidentifying the name of another Principal; 2) Quail Roost contended that Ali Baba should be found ineligible because the latitude and longitude coordinates it provided for its Scattered Sites were not accurate; and 3) Quail Roost contended that Ali Baba should be found ineligible because the contract documents it proved to demonstrate Site Control did not constitute valid contracts under Florida law. Prior to hearing, Quail Roost dismissed the third challenge regarding Ali Baba’s Site Control documentation. Florida Housing agreed with Quail Roost regarding the two remaining issues and agreed that Ali Baba should be ineligible for funding.

The on-volume final hearing transcript was filed with DOAH on August 24, 2020. The parties timely filed Proposed Recommended Orders. The Recommended Order of the ALJ was entered on September 23, 2020 recommending that Florida Housing enter a final order finding that Ali Baba is ineligible for funding and awarding funding to Quail Roost, subject to the successful completion of credit underwriting. No exceptions or objections to the Recommended Order were filed.

Ruling on the Recommended Order

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

The Conclusions of Law set out in the Recommended Order are reasonable and supported by competent substantial evidence.

The Recommendation of the Recommended Order is reasonable and supported by competent substantial evidence.

ORDER

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

The Findings of Fact, Conclusions of Law, and Recommendation of the Recommended Order, attached as Exhibit A, are adopted as Florida Housing's and incorporated by reference as though fully set forth in this Order.

IT IS HEREBY ORDERED that as to funding in RFA 2020-208, Ali Baba is ineligible for funding and Quail Roost is awarded funding, subject to the successful completion of credit underwriting.

DONE and ORDERED this 16th day of October, 2020.



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, 2000 DRAYTON DRIVE, TALLAHASSEE, FLORIDA 32399-0950, 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.