

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PINNACLE RIO, LLC,

Case No. 14-1398BID

Petitioner,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,
and

ALLAPATTAH TRACE APARTMENTS,
LTD.,

Intervenor.
_____ /

PINNACLE RIO, LLC,

Case No. 14-1399BID

Petitioner,

vs.

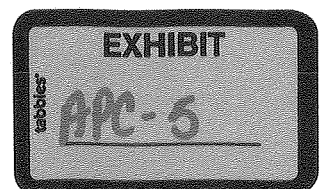
FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

ALLAPATTAH TRACE APARTMENTS,
LTD., AND TOWN CENTER PHASE TWO,
LLC,

Intervenors.
_____ /



TOWN CENTER PHASE TWO, LLC,

Case No. 14-1400BID

Petitioner,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

ALLAPATTAH TRACE APARTMENTS,
LTD.,

Intervenor.
_____ /

2401 NW, LLC,

Case No. 14-1425BID

Petitioner,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

ALLAPATTAH TRACE APARTMENTS,
LTD.,

Intervenor.
_____ /

THE VILLAGE MIAMI PHASE I, LTD.
AND THE URBAN LEAGUE OF
GREATER MIAMI,

Case No. 14-1426BID

Petitioners,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

ALLAPATTAH TRACE APARTMENTS,
LTD.,

Intervenor.

_____ /

HTG MIAMI-DADE 6, LLC,

Case No. 14-1427BID

Petitioner,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

ALLAPATTAH TRACE APARTMENTS,
LTD., AND TOWN CENTER PHASE TWO,
LLC,

Intervenors.

_____ /

APC FOUR FORTY FOUR, LTD.,

Case No. 14-1428BID

Petitioner,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

ALLAPATTAH TRACE APARTMENTS,
LTD., HTG MIAMI-DADE 5, LLC, AND
TOWN CENTER PHASE TWO, LLC,

Intervenors.
_____ /

**PETITIONER APC FOUR FORTY FOUR, LTD'S FIRST SET OF
INTERROGATORIES TO RESPONDENT FLORIDA HOUSING FINANCE
CORPORATION**

Pursuant to Florida Rule of Civil Procedure 1.340 and the Order of Pre-Hearing Instructions, Petitioner APC Four Forty Four, Ltd., ("APC") requests that Respondent Florida Housing Finance Corporation ("FHFC") answer the following interrogatories separately and fully in writing, under oath.

INSTRUCTIONS AND DEFINITIONS

1. Please answer each interrogatory in the space provided, using additional sheets where your answers exceed that space.

2. In answering these interrogatories, you must furnish all information, unless privileged, that is known or available to you irrespective of whether this information is possessed directly by you or by agents, members, employees, representatives or investigators and all others from whom they may freely obtain information as well as your attorneys and their investigators.

You must list by general description any and all information that is not furnished on grounds of privilege or other grounds and must state the objection and basis on which that privilege or other ground is asserted.

3. If any of these interrogatories cannot be answered in full, answer the interrogatory to the fullest extent possible and specify the reasons for the inability to answer the remainder and state whatever information, knowledge, or belief you have concerning the unanswered portion. Give any information in your possession that may partially answer the interrogatory or subpart that you cannot answer in full or that may lead to APC discovering the answer thereto.

4. These interrogatories are continuing in nature and you are required to supplement your responses with any additional responsive information that is subsequently obtained by you or any person on your behalf.

5. As used in this document, unless the context indicates otherwise, the following words and phrases are defined as follows:

a. **“Person”** means any natural person, firm, partnership, association, proprietorship, joint venture, corporation, governmental agency, or other organization or legal or business entity.

b. **“Identify”** when used in reference to an individual person, means to state the person’s full name, home address, job title, business or employment address, and telephone number. When used in reference to a person other than an individual person, **“identify”** means to state whether that person is a corporation, partnership, governmental unit, or other organization, and the name, present address, and phone number of the person. When used in any other context, **“identify”** means to name, list, state, or describe the information requested.

c. **“Florida Housing”** or **“FHFC”** means Florida Housing Finance Corporation.

d. The term **“document”** includes those items listed in Florida Rule of Civil Procedure 1.350(a) and also includes, without limitation, the originals of all writings of every kind. The term **“document”** also includes copies of all documents that are not identical duplicates of the originals, and copies of documents if the originals of documents are not in the possession, custody or control of Florida Housing’s employees, attorneys or other agents.

e. To **“state the basis for”** or equivalent language of a particular claim, assertion, allegation or contention, means to:

1. Identify by date, title and description each and every document (and, where pertinent, the section, article and/or subparagraph thereof), which forms any part of the source of your information;
2. Identify by date, time, parties and subject matter each and every communication which forms any part of the source of your information;
3. State separately any other fact that forms the basis for your information; and
4. Identify each person with personal knowledge of the basis for or facts supporting the claim, assertion, allegation or contention.

f. **“Petition”** means APC’s Amended Formal Written Protest and Petition for Formal Administrative Proceeding filed with FHFC on March 3, 2014.

g. **“RFA”** means the Request for Applications 2013-003 for Affordable Housing Developments Located in Broward, Miami-Dade and Palm Beach Counties and all addenda.

h. **“Procurement associated with the RFA”** means all aspects of the FHFC’s actions in connection with RFA 2013-003, including but not limited to review and scoring of Applications at any point up to and including the time when the Florida Housing Board of Directors approved the recommendation of the Review Committee.

i. **“You”** and **“your”** refer to FHFC and its agents and attorneys.

j. **“All”** means **“any”** and **“any”** means **“all”**.

k. **“Application”** means an application for an allocation of Housing Credits pursuant to RFA 2013-003.

l. All other terms in these Interrogatories subject to more than one interpretation shall be given their broadest possible meaning.

INTERROGATORIES

1. Please identify every non-expert witness who is expected to testify on behalf of Florida Housing at the final hearing in this matter.

a. For each person identified, please identify the specific subject matter(s) about which the person is expected to testify, and provide a copy of the person's resume or curriculum vitae.

2. Please identify every expert witness who is expected to testify on behalf of Florida Housing at the final hearing in this matter.

a. For each person identified, please identify the specific subject matter(s) about which the person is expected to testify and provide a copy of the person's resume or curriculum vitae.

b. For each person identified, please state the witness' qualifications as an expert.

c. For each person identified, please state the substance of the facts and opinions to which the witness is expected to testify, and provide a summary of the grounds for each opinion.

3. State the name and address of all witnesses whom you believe have knowledge of your determination that APC's application was ineligible for an allocation of Housing Credits.

4. State the basis for FHFC's determination that Attachment 4 to APC's Application (Prior General Development Experience Chart) does not satisfy the mandatory eligibility requirements in the RFA for Prior General Development Experience.

5. Describe in detail the process that Florida Housing used to determine whether a Principal identified in Attachment 4 to an Application (Prior Development Experience Chart) meets the mandatory eligibility requirements in the RFA for Prior General Development Experience.

a. Is this process the same for Applicants that list out-of-state experience and for those that list in-state experience with Florida Housing?

b. If the answer is no, please explain how the process differs.

6. Identify the person(s) responsible for reviewing and scoring of all Applications submitted in response to the RFA and the portions of the Applications each person was responsible for reviewing and scoring.

7. Identify the person(s) responsible for determining whether Applications satisfied the "Mandatory Items" identified on page 37 of the RFA.

a. If different persons were responsible for review of different Mandatory Items, please identify which items each person was responsible for.

8. Identify the person(s) responsible for any determination that a deviation in any Application's compliance with the requirements of the RFA constituted a "minor irregularity" as defined in rule 67-60.002(6), Florida Administrative Code.

9. Identify each and every document, item, record or other matter that you intend to introduce, or in any way rely upon, at the final hearing in this matter.

BY: _____

TITLE: _____

VERIFICATION

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath that the foregoing answers are true and correct.

(SEAL)

Notary Public
State of Florida at Large
Commission

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PINNACLE RIO, LLC,

Petitioner,

vs.

Case Nos. 14-1398BID

14-1399BID

14-1400BID

FLORIDA HOUSING FINANCE
CORPORATION,

14-1425BID

14-1426BID

14-1427BID

Respondent,

14-1428BID

and

ALLAPATTAH TRACE APARTMENTS,
LTD.,

Intervenor.

RESPONSE TO APC FOUR FORTY FOUR, LTD'S FIRST
SET OF INTERROGATORIES TO RESPONDENT

Respondent, by and through undersigned counsel, provides the following Responses corresponding to Petitioner APC Four Forty Four, First Set of Interrogatories and states:

1. RESPONSE:

Candice Allbaugh, Assistant Director of Multifamily Programs

- a) General scoring procedure and Developer experience scoring

Stephen P. Auger, Executive Director

- a) General information regarding scoring and RFA process

William Cobb, Multifamily Programs Manager

- a) General Applicant/Development information and certification scoring

Kenny Derrickson, Assistant Comptroller

Todd Fowler, Special Assets Director

Tim Kennedy, Special Assets Administrator

- a) Applicant arrears status

Amy Garmon, Multifamily Programs Manager

- a) Site Control scoring

Kevin Tatreau, Director of Development Finance

- a) Finance, Local Government Contribution and tiebreaker scoring

Elizabeth O'Neill, Senior Policy Analyst

Liz Thorp, Multifamily Programs Manager

- a) Developer Experience scoring

Ken Reecy, Director of Multifamily Programs

- a) General information regarding scoring and RFA process

Jean Salmonsens, Multifamily Housing Development Manager

- a) General information regarding scoring and RFA process, tiebreaker and proximity scoring, Application ranking.

All witnesses listed or called by any party.

Impeachment and rebuttal witnesses.

2. RESPONSE:

None.

3. RESPONSE:

Candice Allbaugh, Assistant Director of Multifamily Programs

Stephen P. Auger, Executive Director

Amy Garmon, Multifamily Programs Manager

Elizabeth O'Neill, Senior Policy Analyst

Ken Reecy, Director of Multifamily Programs

Jean Salmonsens, Multifamily Housing Development Manager

Liz Thorp, Multifamily Programs Manager

Gayle White, Multifamily Housing Development Manager

4. RESPONSE:

Attachment 4 to APC's Application does not satisfy the mandatory eligibility requirements in the RFA for Developer Experience because one of the persons on which the claimed experienced is based, Liz Wong, was not a Principal or Developer on the developments listed, per Florida Housing's records of those developments.

5. RESPONSE:

The applications and credit underwriting reports of ay developments previously funded by Florida Housing and listed in Attachment 4 by Applicants were reviewed to determine whether the person proposed as Developer was a Principal on those previously funded developments.

- a. No.
- b. Florida Housing does not possess detailed records of out-of-state developments that it did not fund.

6. RESPONSE:

William Cobb
– General development information

Kenny Derrickson
- Applicant arrears status

Amy Garmon
– Site control

Elizabeth O'Neill
– Applicant and Developer information and experience

Jean Salmonsens
– Submission requirements, tie-breakers, proximity and ranking

Kevin Tatreau
- Finance, local government forms, tie-breakers

7. RESPONSE:

All persons listed in Response 6 in the categories described.

8. RESPONSE:

Any person listed in Response 6, in consultation with Corporation legal counsel.

9. RESPONSE:

All Applications described in the Petition filed by APC Four Forty Four in this matter, plus attachments;
Review Committee members' scoring notes;

Scoring spreadsheets prepared for RFA 2013-003;
RFA 2013-003 and related documents;
Applications and Credit Underwriting Reports for developments listed in
Petitioner's Attachment 4 to its Application regarding RFA 2013-003.
Impeachment and rebuttal exhibits;
All documents described or attached to any Petition filed in this matter;
All documents listed or submitted by any party to this matter.

The Verification page regarding these Responses is attached hereto as Exhibit A.

Respectfully submitted this 7th day of April, 2014.



HUGH R. BROWN
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EXHIBIT A

FLORIDA HOUSING FINANCE CORPORATION

By: [Signature]

Its: Candice Allbaugh

STATE OF FLORIDA)
COUNTY OF LEON)

BEFORE ME, the undersigned authority, personally appeared Candice Allbaugh who by me being first duly sworn, deposes and states that the Responses to the foregoing Interrogatories are true and correct to the best of her knowledge, information and belief.

SWORN TO AND SUBSCRIBED before me this 7th day of April, 2014, by Candice Allbaugh as Assistant Director of Multifamily Programs of the FLORIDA HOUSING FINANCE CORPORATION. He/she is personally known to me.



[Signature]
NOTARY PUBLIC, State of Florida

(SEAL)

APC 444

