

RECEIVED

OCT 29 11:03:53

FLORIDA HOUSING FINANCE CORPORATION

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

PINE BERRY SENIOR LIMITED
PARTNERSHIP,

Petitioner,

vs.

Case No: 2008-101UC-Ranking
FHFC Applic. #2008-019C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

**PETITION FOR
INFORMAL ADMINISTRATIVE PROCEEDING**

Petitioner, PINE BERRY SENIOR LIMITED PARTNERSHIP (“Pine Berry”), pursuant to Sections 120.569 and 120.57(2), Florida Statutes, and Rules 28-106.301 and 67-48.005(5), Florida Administrative Code (“F.A.C.”), hereby requests an informal administrative proceeding to challenge the incorrect scoring and ranking by Respondent, the FLORIDA HOUSING FINANCE CORPORATION (“FHFC”), of several competing applications for funding in the 2008 Universal Cycle. The challenged actions resulted in FHFC denying Pine Berry its requested federal tax credit funding and Extremely Low Income (“ELI”) Supplemental Loan. In support of its Petition, Pine Berry states as follows:

1. The name and address of the agency affected by this action are:

Florida Housing Finance Corporation
City Center Building, Suite 5000
227 N. Bronough Street
Tallahassee, Florida 32301-1329

2. The address and telephone number of the Petitioner are:

Pine Berry Senior Limited Partnership
2206 Jo-An Drive
Sarasota, FL 34231
Telephone No. (941) 929-1270

3. The name, address, telephone number, and fax number of the Petitioner's attorney, which shall be the Petitioner's address for service purposes during the course of this proceeding, are:

Warren H. Husband
Metz, Husband & Daughton, P.A.
P.O. Box 10909
Tallahassee, Florida 32302-2909
Telephone No. (850) 205-9000
Facsimile No. (850) 205-9001

The Low-Income Housing Tax Credit Program

4. The United States Congress has created a program, governed by Section 42 of the Internal Revenue Code ("IRC"), by which federal income tax credits are allotted annually to each state on a per capita basis to help facilitate private development of affordable low-income housing for families. These tax credits entitle the holder to a dollar-for-dollar reduction in the holder's federal tax

liability, which can be taken for up to ten years if the project continues to satisfy all IRC requirements.

5. The tax credits allocated annually to each state are awarded by state “housing credit agencies” to single-purpose applicant entities created by real estate developers to construct and operate specific multi-family housing projects. The applicant entity then sells this ten-year stream of tax credits, typically to a “syndicator,” with the sale proceeds generating much of the funding necessary for development and construction of the project. The equity produced by this sale of tax credits in turn reduces the amount of long-term debt required for the project, making it possible to operate the project at below-market-rate rents that are affordable to low-income and very-low-income tenants.

6. Pursuant to section 420.5099, Florida Statutes, FHFC is the designated “housing credit agency” for the State of Florida and administers Florida’s low-income housing tax credit program. Through this program, FHFC allocates Florida’s annual fixed pool of federal tax credits to developers of affordable housing.¹

¹ FHFC is a public corporation created by law in section 420.504, Florida Statutes, to provide and promote the financing of affordable housing and related facilities in Florida. FHFC is an “agency” as defined in section 120.52(1), Florida Statutes, and is therefore subject to the provisions of Chapter 120, Florida Statutes.

The 2008 Universal Application Cycle

7. Because FHFC's available pool of federal tax credits each year is limited, proposed affordable housing projects must compete for this funding. To assess the relative merits of proposed developments, FHFC has established a competitive application process pursuant to Chapter 67-48, F.A.C. As set forth in Rules 67-48.002-.005, F.A.C., FHFC's application process for 2008 consisted of the following:

- a. the publication and adoption by rule of a "Universal Application Package," which applicants use to apply for a variety of FHFC-administered funding programs, including federal tax credits and SAIL loans;
- b. the completion and submission of applications by developers;
- c. FHFC's preliminary scoring of applications;
- d. an initial round of administrative challenges in which an applicant may take issue with FHFC's scoring of another application by filing a Notice of Possible Scoring Error ("NOPSE");
- e. FHFC's consideration of the NOPSE's submitted, with notice to applicants of any resulting change in their scores;
- f. an opportunity for the applicant to submit additional materials to FHFC to "cure" any items for which the applicant received less than the maximum score;
- g. a second round of administrative challenges whereby an applicant may raise scoring issues arising from another applicant's cure materials by filing a Notice of Alleged Deficiency ("NOAD");

- h. FHFC's consideration of the NOAD's submitted, with notice to applicants of any resulting change in their scores;
- i. an opportunity for an applicant to challenge, via informal or formal administrative proceedings, FHFC's evaluation of any item in their own application for which the applicant received less than the maximum score;
- j. final scores, ranking, and allocation of tax credit funding to applicants, adopted through final orders; and
- k. an opportunity for applicants to challenge, via informal or formal administrative proceedings, FHFC's final scoring and ranking of competing applications where such scoring and ranking resulted in a denial of FHFC funding to the challenger.²

8. On or about April 7, 2008, numerous applications were submitted to FHFC seeking tax credit and SAIL funding. Pine Berry (FHFC Applic. #2008-019C) applied for \$1,396,571 in annual tax credits and an Extremely Low Income ("ELI") Supplemental Loan of \$680,000 to help finance the development of its project, an 85-unit apartment complex in Clearwater, Florida. Pine Berry selected the Elderly Demographic Commitment for this project, committing to rent at least 80% of the units to Elderly households. Of the project's 85 units, 80% are dedicated to housing families earning 60% or less of the area median income ("AMI"), with 20% dedicated to housing families earning 33% or less of AMI.

² This Petition initiates such a challenge. Notably, when the challenger in such a proceeding is successful, FHFC funding is not taken away from the applicant who was scored or ranked in error and given to the challenger. Instead, the applicant keeps its funding, and the challenger receives its requested funding "off-the-top" from the next available funding allocated to FHFC. Rule 67-48.005(7), F.A.C.

9. On September 26, 2008, FHFC's Board adopted final scores and rankings.³ The Pine Berry project met all of FHFC's threshold application requirements, received the maximum application score of 66 points and the maximum tie-breaker score of 7.5 points, and competed for tax credits in the Large County Geographic Set-Aside.⁴

10. Pine Berry would have received its requested tax credit funding if not for FHFC's erroneous scoring of the following applications, each of which, like Pine Berry, proposed a project located in Pinellas County: (a) The Portland (FHFC Applic. #2008-182C); (b) The Sacramento (FHFC Applic. #2008-183C); (c) The Lansing (FHFC Applic. #2008-189C); (d) The Austin (FHFC Applic. #2008-192C); and (e) Burlington Senior Residences (FHFC Applic. #2008-283C).⁵

³ On or about September 29, 2008, Pine Berry received formal notice from FHFC of the final rankings and scores, along with notice of its rights under Chapter 120 to challenge them. This Petition is timely filed in response to that notice.

⁴ Aside from applicants proposing projects targeted to specific tenant populations (e.g., the Homeless) or located in specific areas (e.g., the Florida Keys), applicants generally compete against each other for funding within Geographic Set-Asides (Large, Medium, and Small) based upon the population of the county in which their project is located.

⁵ The location of Pine Berry and these other projects in Pinellas County is of special significance. In an effort to distribute its available tax credits across the state, FHFC uses a Set-Aside Unit Limitation ("SAUL") that restricts the number of units it will fund in any given county. Thus, an application ranked higher than applications in other counties may nonetheless be skipped over for funding if the SAUL for its county has been exceeded under FHFC's rules.

The Competing Pinellas County Applications

11. Like Pine Berry, each of the Pinellas County applications identified above competed for tax credit funding in the Large County Geographic Set-Aside. Pursuant to FHFC's ranking methodology, including application of the SAUL for Pinellas County, there were only enough tax credits available in the Large County Geographic Set-Aside to fund two of the Pinellas County applications: The Portland (FHFC Applic. #2008-182C) and Burlington Senior Residences (FHFC Applic. #2008-283C).

12. As explained below, if FHFC had not improperly scored the five Pinellas County applications identified in paragraph 10, Pine Berry would have received its requested tax credit funding and ELI Supplemental Loan. Pine Berry's substantial interests are therefore materially and adversely affected by FHFC's improper actions, and Pine Berry has standing to challenge those actions in this proceeding.

General Contractor Certifications **- Incorrect General Contractor Name & License Number -**

13. Effective March 30, 2008, FHFC adopted by reference in its rules the Universal Application Package for FHFC's 2008 Universal Cycle, which includes both the Application and Exhibits to be completed by developers and submitted to FHFC, as well as a set of Application Instructions. See Rule 67-48.004(1), F.A.C.

14. Page 8 of the Application Instructions requires applicants to provide a properly completed General Contractor Certification form in Exhibit 13, along with a Prior Experience Chart demonstrating the general contractor's experience in constructing developments similar to the one proposed in the Application. *See Appendix A.*

15. Among other things, the Certification form must state the general contractor's Florida License Number, and, per the terms of the Certification, the form must be signed by the individual licensed as a general contractor under that license number ("I certify that I am a General Contractor . . . licensed in the State of Florida"). *See Appendix B.*

16. As part of this Certification, the general contractor signing the form must also specifically certify that "I have been the General Contractor on at least two completed developments of similar development category and development type . . . as evidenced by the prior experience chart provided in this Application."⁶ *See Appendix B.* The Prior Experience Chart is specifically required to show the Development Category (New Construction or Rehabilitation/Substantial Rehabilitation) and the Development Type (Garden, Townhouses, High-Rise, etc.) of the construction projects claimed as the general contractor's prior experience. *See Appendix A.*

⁶ All emphasis in quoted materials is added by undersigned counsel unless otherwise noted.

17. Importantly, this is a “threshold” item, and the failure of a general contractor to properly document his or her experience in compliance with FHFC’s requirements mandates rejection of the application, eliminating it from further funding consideration.

18. In its preliminary scoring of The Portland, The Sacramento, The Lansing, and The Austin, FHFC determined that the Exhibit 13 provided in each of these applications was deficient for the following reason:

The name of the General Contractor on the Prior Experience Chart is Batson-Cook Construction. However, the name of the General Contractor on the General Contractor or Qualifying Agent of General Contractor Certification form is Batson-Cook Company.

FHFC Scoring Summary for #2008-182C, Item 1T; see FHFC Scoring Summaries for #2008-183C, #2008-189C, #2008-192C, Item 1T.

19. In their cure materials, the Applicants for The Portland, The Sacramento, The Lansing, and The Austin all provided a General Contractor Certification form for their listed General Contractor – “Batson-Cook Construction” – with the Florida license number “CGC058712.” The Applicants also provided General Contractor Prior Experience Charts for “Batson-Cook Construction.” *See Appendix C.*

20. According to the records of the Florida Department of Business and Professional Regulation, however, there is no construction license of any kind

associated with an entity called “Batson-Cook Construction.” *See Appendix D.* Rather, the stated license number is associated with a different entity called “Batson-Cook Company.” *See Appendix E.* Further, while the records of the Florida Department of State show an entity called “Batson-Cook Company” as a registered Florida corporation, there is no “Batson-Cook Construction” listed as a registered business entity in Florida. *See Appendix F.*

21. If the Florida projects listed on the Prior Experience Charts for “Batson-Cook Construction” were in fact completed by that entity, then “Batson-Cook Construction” was unlawfully conducting business in Florida without properly registering with the Florida Department of State and the Florida Department of Business and Professional Regulation.

22. The Florida license number listed on the Applicants’ General Contractor Certification forms does not match the named General Contractor on those forms – Batson-Cook Construction. As such, the Applicants failed to demonstrate the qualifications of their General Contractor – Batson-Cook Construction – in compliance with FHFC’s requirement. The Applications for The Portland, The Sacramento, The Lansing, and The Austin should therefore have failed this threshold item, and FHFC should not have ranked them as eligible to receive tax credit funding.⁷

⁷ Pine Berry raised this issue by filing timely NOAD’s against all four applications, but FHFC refused to modify its scoring.

General Contractor Certification
- Incorrect General Contractor Name & License Number -

23. As explained above, the general contractor signing the Certification form must also specifically certify that “I have been the General Contractor on at least two completed developments of similar development category and development type . . . as evidenced by the prior experience chart provided in this Application.” *See Appendix B.* The Prior Experience Chart is specifically required to show the Development Category (New Construction or Rehabilitation/Substantial Rehabilitation) and the Development Type (Garden, Townhouses, High-Rise, etc.) of the construction projects claimed as the general contractor’s prior experience. *See Appendix A.*

24. In its original Application, the Applicant for Burlington Senior Residences submitted in Exhibit 13 a General Contractor Certification form for Hardin Construction Company, LLC, signed by Page W. McKee on March 12, 2008. Accompanying this Certification form in the Application was a plain sheet of paper listing five developments. Per his execution of the Certification form, Mr. McKee certified that these projects were completed by Hardin Construction Company. *See Appendix G.*

25. In response to a NOPSE, FHFC determined that the Applicant’s Exhibit 13 was deficient for the following reason:

The General Contractor's or qualifying agent's prior experience chart is incomplete as it does not reflect at least two (2) completed housing developments of similar development type as required by the 2008 Universal Application Instructions.

FHFC Scoring Summary for #2008-283C, Item 8T. The project at issue here is a High-Rise Development, and the sheet of paper provided by the Applicant lists only one High-Rise Development. *See Appendix G.*

26. On June 16, 2008, the Applicant again submitted in its cure materials a plain sheet of paper, this time listing six developments – adding one High-Rise Development to the previous list. The Applicant, however, did not submit a new Certification form from Mr. McKee in which he certifies that this critical sixth project was completed by Hardin Construction Company. Moreover, this sheet of paper listing six developments bore no indication of having come from Mr. McKee or Hardin Construction Company or of their ever having seen this document. *See Appendix H.*

27. This “cure” failed to satisfy FHFC’s requirements and was fatally defective for at least two reasons.

28. First, although Mr. McKee’s certification, executed on March 12, 2008, was adequate to verify the contents of the list of five developments submitted along with that Certification form in the original Application, it was not adequate to certify the “cured” list of six developments produced some three

months later, on or about June 16, 2008. Mr. McKee's certification cannot be relied upon to certify the accuracy of this later list, which did not even exist at the time he signed the Certification form, especially when this later list bears no indication that Mr. McKee either produced it or was aware of it. As a result, the Applicant failed to produce a certification from the general contractor certifying that this critical sixth project – the additional High-Rise Development – was completed by Hardin Construction Company.

29. Second, FHFC's rule governing cure materials plainly states that "documents executed by third parties must be submitted in their entirety, including all attachments and exhibits referenced therein, even if only a portion of the original document was revised." Rule 67-48.004(6), F.A.C. Clearly, the Certification form is a document executed by a third party (the general contractor). The Certification form expressly references the required Prior Experience Chart, but this Chart was not provided as part of the cured document. The chart is an integral part of the certification because FHFC requires the General Contractor signing the Certification form to certify that the Prior Experience Chart accurately reflects his or her specific construction experience.

30. Thus, the Applicant failed to accurately supply the information required in Exhibit 13, in spite of FHFC's specific Application requirements. The Burlington Senior application was incorrect and incomplete with respect to this

threshold item, requiring rejection.

31. If FHFC had correctly scored the applications of The Portland, The Sacramento, The Lansing, The Austin, and Burlington Senior Residences, Pine Berry would have received its requested tax credit and ELI Supplemental Loan.

Satisfaction of FHFC Requirements for Post-Ranking Challenge

32. By rule, FHFC has sought to limit the types of scoring errors that an applicant may challenge via Chapter 120 proceedings. FHFC's rule in this regard, Rule 67-48.005(5)(b), states as follows:

For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-48.004(6), F.A.C.

33. In this proceeding, the contested issues all involve the adequacy of documents submitted by the indicated Applicants in their cure materials. As such, there was no lawful opportunity under FHFC's rules for any of these Applicants to "cure" the fatal defects in these documents. Moreover, even if the Applicants had been provided with the opportunity to cure these documents, their ability to do so "was not solely within the Applicant's control," because the documents necessary

to “cure the cure” would have come from a third party – the general contractor. As such, these FHFC scoring errors are of the type identified in Rule 67-48.005(5)(b), and may be properly challenged in this proceeding.

WHEREFORE, Petitioner, Pine Berry Apartments Limited Partnership, requests that:

a. FHFC award Pine Berry its requested tax credits and ELI Supplemental Loan from the next available allocation;

b. FHFC conduct an informal hearing on the matters presented in this Petition if there are no disputed issues of material fact to be resolved;

c. FHFC forward this Petition to the Florida Division of Administrative Hearings for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes, if there are disputed issues of material fact to be resolved, or if non-rule policy forms the basis of any FHFC actions complained of herein;

d. FHFC's designated hearing officer or an Administrative Law Judge, as appropriate, enter a Recommended Order directing FHFC to award Pine Berry its requested tax credits and ELI Supplemental Loan from the next available allocation;

e. FHFC enter a Final Order awarding Pine Berry its requested tax credits and ELI Supplemental Loan from the next available allocation; and

f. Pine Berry be granted such other and further relief as may be deemed just and proper.

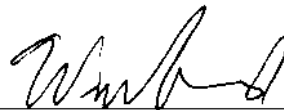
Respectfully submitted on this 20th day of October, 2008.



WARREN H. HUSBAND
FL BAR No. 0979899
Metz, Husband & Daughton, P.A.
P.O. Box 10909
Tallahassee, Florida 32302-2909
850/205-9000
850/205-9001 (Fax)
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a true and correct copy of the foregoing document were served via hand delivery to the **CORPORATION CLERK**, Florida Housing Finance Corporation, 227 N. Bronough Street, City Center Building, Suite 5000, Tallahassee, Florida, 32301-1329, on this 20th day of October, 2008.



Attorney

number of units in the proposed Development, for at least two years each by providing a prior experience chart behind a tab labeled “Exhibit 12”. The chart must include the following information:

Name of Management Agent or principal of Management Agent: _____				
Name of Development	Location (City & State)	Currently Managing or Formerly Managed	Length of Time (Years and Months)	Total Number of Units



3. General Contractor or qualifying agent of General Contractor (Threshold)
 - a. Provide the completed General Contractor or Qualifying Agent of General Contractor Certification form behind a tab labeled “Exhibit 13”.
 - b. Prior Experience Chart – The General Contractor or qualifying agent of General Contractor must demonstrate experience in the construction of at least two completed housing developments of similar development category and development type, at least one of which consists of a total number of units no less than 50 percent of the total number of units in the proposed Development, by providing a prior experience chart behind a tab labeled “Exhibit 13”. The chart must include the following information:

Name of General Contractor or qualifying agent of General Contractor: _____				
Name of Development	Location (City & State)	Development Category (New Construction or Rehabilitation)	Development Type: garden, townhouses, high-rise, duplex/quad., mid-rise w/elevator, single family, SRO, or other (specify type)	Total Number of Units

4. Architect or Engineer (Threshold)

Provide the completed Architect or Engineer Certification form behind a tab labeled “Exhibit 14”.
5. Attorney (Threshold)

Provide the completed Attorney Certification form for MMRB, HOME or SAIL behind a tab labeled “Exhibit 15” and/or the completed Attorney Certification form for HC behind a tab labeled “Exhibit 16”.
6. Accountant (Threshold)

Provide the completed Accountant Certification form behind a tab labeled “Exhibit 17”.

**2008 UNIVERSAL CYCLE - GENERAL CONTRACTOR OR QUALIFYING AGENT
OF GENERAL CONTRACTOR CERTIFICATION**

Name of Development: _____

Name of General Contractor: _____

Name of qualifying agent of General Contractor, if applicable: _____

Address of General Contractor: _____

Telephone of General Contractor: _____

Florida License Number of Signatory: _____ Expiration of License _____

Date (mm/yyyy)

I certify that I am a General Contractor as defined by Rules 67-21 and/or 67-48, F.A.C., and licensed in the State of Florida with the requisite skills, experience and credit worthiness to successfully produce the units proposed by this Application and that I have been the General Contractor on at least two completed developments of similar development category and development type, at least one of which consists of a total number of units no less than 50 percent of the total number of units in the Development proposed by this Application, as evidenced by the prior experience chart provided in this Application. I further certify that I will construct the proposed Development in accordance with the design plans and specifications as prepared by the licensed Architect/Engineer. In recognition and support of the implementation of Florida's welfare reform legislation, I certify my willingness to encourage the hiring of welfare-to-work or self-sufficiency type program participants in the construction of the proposed Development, and to provide such substantiating documentation regarding the incorporation of such program participants in the work force as may be requested by the servicing agent in conjunction with construction loan draw disbursements. I further certify my willingness and intention to enter into good faith negotiations or participate in a bidding process with the Applicant to act as the General Contractor for this proposed Development and that the information provided above is true and correct.

NOTE: If the Applicant is a Public Housing Authority with prior development experience, or is otherwise subject to the Competitive Consultants Negotiations Act, it may have the General Contractor from a prior development execute this certification. The intent of this provision is to allow experienced Public Housing Authorities or other regulated entities to have an opportunity to meet threshold without violation of bidding procedures. Public Housing Authorities without prior development experience must joint venture with an experienced development entity in order to participate in this funding cycle.

Signature of General Contractor or qualifying agent

Date (mm/dd/yyyy)

Print or Type Name of Signatory

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold. The certification may be photocopied.

2008 UNIVERSAL CYCLE - GENERAL CONTRACTOR OR QUALIFYING AGENT OF GENERAL CONTRACTOR CERTIFICATION

Name of Development: The Portland

Name of General Contractor: Batson-Cook Construction

Name of qualifying agent of General Contractor, if applicable: Donald W. Farris

Address of General Contractor: 101 East Kennedy Blvd., Suite 1750
Tampa, Florida 33602

Telephone of General Contractor: (813) 221-7575

Florida License Number of Signatory: CGC058712 Expiration of License 08/2008
Date (mm/yyyy)

I certify that I am a General Contractor as defined by Rules 67-21 and/or 67-48, F.A.C., and licensed in the State of Florida with the requisite skills, experience and credit worthiness to successfully produce the units proposed by this Application and that I have been the General Contractor on at least two completed developments of similar development category and development type, at least one of which consists of a total number of units no less than 50 percent of the total number of units in the Development proposed by this Application, as evidenced by the prior experience chart provided in this Application. I further certify that I will construct the proposed Development in accordance with the design plans and specifications as prepared by the licensed Architect/Engineer. In recognition and support of the implementation of Florida's welfare reform legislation, I certify my willingness to encourage the hiring of welfare-to-work or self-sufficiency type program participants in the construction of the proposed Development, and to provide such substantiating documentation regarding the incorporation of such program participants in the work force as may be requested by the servicing agent in conjunction with construction loan draw disbursements. I further certify my willingness and intention to enter into good faith negotiations or participate in a bidding process with the Applicant to act as the General Contractor for this proposed Development and that the information provided above is true and correct.

NOTE: If the Applicant is a Public Housing Authority with prior development experience, or is otherwise subject to the Competitive Consultants Negotiations Act, it may have the General Contractor from a prior development execute this certification. The intent of this provision is to allow experienced Public Housing Authorities or other regulated entities to have an opportunity to meet threshold without violation of bidding procedures. Public Housing Authorities without prior development experience must joint venture with an experienced development entity in order to participate in this funding cycle.

Donald W. Farris
Signature of General Contractor or qualifying agent

2-18-08
Date (mm/dd/yyyy)

Donald W. Farris
Print or Type Name of Signatory

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold. The certification may be photocopied.

Name of General Contactor or qualifying agent of General Contractor: Batson-Cook Construction

Name of Development	Location (City & State)	Development Category: (New Construction or Rehabilitation)	Development Type: garden, townhouse, high-rise, duplex/quad., mid-rise w/elevator, single family, SRO, or other (specify type)	Total Number of Units
The Phoenix on Peachtree	Atlanta, GA	New Construction	High-rise	65
The Renaissance of Sarasota	Sarasota, FL	New Construction	High-rise	256
Southwinds II Condominiums	Sandestin, FL	New Construction	High-rise	53
The Ratcliffe Condominiums	Charlotte, NC	New Construction	High-rise	57
Paces 325 Condominiums	Atlanta, GA	New Construction	High-rise	209
The Indies Condominiums	Gulf Shores, AL	New Construction	High-rise	68
Courtside Condominiums	Charlotte, NC	New Construction	High-rise	107
Athens Gameday Condominiums	Athens, GA	New Construction	Mid-rise w/elevator	133
Towers of Channelside	Tampa, FL	New Construction	High-rise	257
The Sage	St. Petersburg, FL	New Construction	Mid-rise w/elevator	112
Trademark	Jacksonville, FL	New Construction	High-rise	191
1010 Central	St. Petersburg, FL	New Construction	Mid-rise w/elevator	114

COPE

2008 UNIVERSAL CYCLE - GENERAL CONTRACTOR OR QUALIFYING AGENT
OF GENERAL CONTRACTOR CERTIFICATION

Name of Development: The Sacramento

Name of General Contractor: Batson-Cook Construction

Name of qualifying agent of General Contractor, if applicable: Donald W. Farris

Address of General Contractor: 101 East Kennedy Blvd., Suite 1750
Tampa, Florida 33602

Telephone of General Contractor: (813) 221-7575

Florida License Number of Signatory: CGC058712 Expiration of License 08/2008
Date (mm/yyyy)

I certify that I am a General Contractor as defined by Rules 67-21 and/or 67-48, F.A.C., and licensed in the State of Florida with the requisite skills, experience and credit worthiness to successfully produce the units proposed by this Application and that I have been the General Contractor on at least two completed developments of similar development category and development type, at least one of which consists of a total number of units no less than 50 percent of the total number of units in the Development proposed by this Application, as evidenced by the prior experience chart provided in this Application. I further certify that I will construct the proposed Development in accordance with the design plans and specifications as prepared by the licensed Architect/Engineer. In recognition and support of the implementation of Florida's welfare reform legislation, I certify my willingness to encourage the hiring of welfare-to-work or self-sufficiency type program participants in the construction of the proposed Development, and to provide such substantiating documentation regarding the incorporation of such program participants in the work force as may be requested by the servicing agent in conjunction with construction loan draw disbursements. I further certify my willingness and intention to enter into good faith negotiations or participate in a bidding process with the Applicant to act as the General Contractor for this proposed Development and that the information provided above is true and correct.

NOTE: If the Applicant is a Public Housing Authority with prior development experience, or is otherwise subject to the Competitive Consultants Negotiations Act, it may have the General Contractor from a prior development execute this certification. The intent of this provision is to allow experienced Public Housing Authorities or other regulated entities to have an opportunity to meet threshold without violation of bidding procedures. Public Housing Authorities without prior development experience must joint venture with an experienced development entity in order to participate in this funding cycle.

Donald W. Farris 2-18-08
Signature of General Contractor or qualifying agent Date (mm/dd/yyyy)

Donald W. Farris
Print or Type Name of Signatory

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold. The certification may be photocopied.

Name of General Contactor or qualifying agent of General Contractor: Batson-Cook Construction

Name of Development	Location (City & State)	Development Category: (New Construction or Rehabilitation)	Development Type: garden, townhouse, high-rise, duplex/quad., mid-rise w/elevator, single family, SRO, or other (specify type)	Total Number of Units
The Phoenix on Peachtree	Atlanta, GA	New Construction	High-rise	65
The Renaissance of Sarasota	Sarasota, FL	New Construction	High-rise	256
Southwinds II Condominiums	Sandestin, FL	New Construction	High-rise	53
The Ratcliffe Condominiums	Charlotte, NC	New Construction	High-rise	57
Paces 325 Condominiums	Atlanta, GA	New Construction	High-rise	209
The Indies Condominiums	Gulf Shores, AL	New Construction	High-rise	68
Courtside Condominiums	Charlotte, NC	New Construction	High-rise	107
Athens Gameday Condominiums	Athens, GA	New Construction	Mid-rise w/elevator	133
Towers of Channelside	Tampa, FL	New Construction	High-rise	257
The Sage	St. Petersburg, FL	New Construction	Mid-rise w/elevator	112
Trademark	Jacksonville, FL	New Construction	High-rise	191
1010 Central	St. Petersburg, FL	New Construction	Mid-rise w/elevator	114

CURE

2008 UNIVERSAL CYCLE - GENERAL CONTRACTOR OR QUALIFYING AGENT
OF GENERAL CONTRACTOR CERTIFICATION

Name of Development: The Lansing

Name of General Contractor: Batson-Cook Construction

Name of qualifying agent of General Contractor, if applicable: Donald W. Farris

Address of General Contractor: 101 East Kennedy Blvd., Suite 1750
Tampa, Florida 33602

Telephone of General Contractor: (813) 221-7575

Florida License Number of Signatory: CGC058712 Expiration of License 08/2008
Date (mm/yyyy)

I certify that I am a General Contractor as defined by Rules 67-21 and/or 67-48, F.A.C., and licensed in the State of Florida with the requisite skills, experience and credit worthiness to successfully produce the units proposed by this Application and that I have been the General Contractor on at least two completed developments of similar development category and development type, at least one of which consists of a total number of units no less than 50 percent of the total number of units in the Development proposed by this Application, as evidenced by the prior experience chart provided in this Application. I further certify that I will construct the proposed Development in accordance with the design plans and specifications as prepared by the licensed Architect/Engineer. In recognition and support of the implementation of Florida's welfare reform legislation, I certify my willingness to encourage the hiring of welfare-to-work or self-sufficiency type program participants in the construction of the proposed Development, and to provide such substantiating documentation regarding the incorporation of such program participants in the work force as may be requested by the servicing agent in conjunction with construction loan draw disbursements. I further certify my willingness and intention to enter into good faith negotiations or participate in a bidding process with the Applicant to act as the General Contractor for this proposed Development and that the information provided above is true and correct.

NOTE: If the Applicant is a Public Housing Authority with prior development experience, or is otherwise subject to the Competitive Consultants Negotiations Act, it may have the General Contractor from a prior development execute this certification. The intent of this provision is to allow experienced Public Housing Authorities or other regulated entities to have an opportunity to meet threshold without violation of bidding procedures. Public Housing Authorities without prior development experience must joint venture with an experienced development entity in order to participate in this funding cycle.

Donald W. Farris 2-18-08
Signature of General Contractor or qualifying agent Date (mm/dd/yyyy)

Donald W. Farris
Print or Type Name of Signatory

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold. The certification may be photocopied.

Name of General Contactor or qualifying agent of General Contractor:

Batson-Cook Construction

Name of Development	Location (City & State)	Development Category: (New Construction or Rehabilitation)	Development Type: garden, townhouse, high-rise, duplex/quad., mid-rise w/elevator, single family, SRO, or other (specify type)	Total Number of Units
The Phoenix on Peachtree	Atlanta, GA	New Construction	High-rise	85
The Renaissance of Sarasota	Sarasota, FL	New Construction	High-rise	256
Southwinds II Condominiums	Sandestin, FL	New Construction	High-rise	53
The Ratcliffe Condominiums	Charlotte, NC	New Construction	High-rise	67
Paces 325 Condominiums	Atlanta, GA	New Construction	High-rise	209
The Indies Condominiums	Gulf Shores, AL	New Construction	High-rise	68
Courtside Condominiums	Charlotte, NC	New Construction	High-rise	107
Athens Gameday Condominiums	Athens, GA	New Construction	Mid-rise w/elevator	133
Towers of Channelside	Tampa, FL	New Construction	High-rise	257
The Sage	St. Petersburg, FL	New Construction	Mid-rise w/elevator	112
Trademark	Jacksonville, FL	New Construction	High-rise	191
1010 Central	St. Petersburg, FL	New Construction	Mid-rise w/elevator	114

CURE

2008 UNIVERSAL CYCLE - GENERAL CONTRACTOR OR QUALIFYING AGENT
OF GENERAL CONTRACTOR CERTIFICATION

Name of Development: The Austria

Name of General Contractor: Balson-Cook Construction

Name of qualifying agent of General Contractor, if applicable: Donald W. Farris

Address of General Contractor: 101 East Kennedy Blvd., Suite 1750
Tampa, Florida 33602

Telephone of General Contractor: (813) 221-7575

Florida License Number of Signatory: CGC058712 Expiration of License: 08/2008
Date (mm/yyyy)

I certify that I am a General Contractor as defined by Rules 67-21 and/or 67-48, F.A.C., and licensed in the State of Florida with the requisite skills, experience and credit worthiness to successfully produce the units proposed by this Application and that I have been the General Contractor on at least two completed developments of similar development category and development type, at least one of which consists of a total number of units no less than 50 percent of the total number of units in the Development proposed by this Application, as evidenced by the prior experience chart provided in this Application. I further certify that I will construct the proposed Development in accordance with the design plans and specifications as prepared by the licensed Architect/Engineer. In recognition and support of the implementation of Florida's welfare reform legislation, I certify my willingness to encourage the hiring of welfare-to-work or self-sufficiency type program participants in the construction of the proposed Development, and to provide such substantiating documentation regarding the incorporation of such program participants in the work force as may be requested by the servicing agent in conjunction with construction loan draw disbursements. I further certify my willingness and intention to enter into good faith negotiations or participate in a bidding process with the Applicant to act as the General Contractor for this proposed Development and that the information provided above is true and correct.

NOTE: If the Applicant is a Public Housing Authority with prior development experience, or is otherwise subject to the Competitive Consultants Negotiations Act, it may have the General Contractor from a prior development execute this certification. The intent of this provision is to allow experienced Public Housing Authorities or other regulated entities to have an opportunity to meet threshold without violation of bidding procedures. Public Housing Authorities without prior development experience must joint venture with an experienced development entity in order to participate in this funding cycle.

Donald W. Farris
Signature of General Contractor or qualifying agent

2-18-08
Date (mm/dd/yyyy)

Donald W. Farris
Print or Type Name of Signatory

If this certification contains corrections or 'white-out', or if it is scanned, unaged, altered, or retyped, the Application will fail to meet threshold. The certification may be photocopied.

Name of General Contactor or qualifying agent of General Contractor:

Batson-Cook Construction

Name of Development	Location (City & State)	Development Category: (New Construction or Rehabilitation)	Development Type: garden, townhouse, high-rise, duplex/quad., mid-rise w/elevator, single family, SRO, or other (specify type)	Total Number of Units
The Phoenix on Peachtree	Atlanta, GA	New Construction	High-rise	65
The Renaissance of Sarasota	Sarasota, FL	New Construction	High-rise	256
Southwinds II Condominiums	Sandestin, FL	New Construction	High-rise	53
The Ratcliffe Condominiums	Charlotte, NC	New Construction	High-rise	57
Paces 325 Condominiums	Atlanta, GA	New Construction	High-rise	209
The Indies Condominiums	Gulf Shores, AL	New Construction	High-rise	68
Courtside Condominiums	Charlotte, NC	New Construction	High-rise	107
Athens Gameday Condominiums	Athens, GA	New Construction	Mid-rise w/elevator	133
Towers of Channelside	Tampa, FL	New Construction	High-rise	257
The Sage	St. Petersburg, FL	New Construction	Mid-rise w/elevator	112
Trademark	Jacksonville, FL	New Construction	High-rise	191
1010 Central	St. Petersburg, FL	New Construction	Mid-rise w/elevator	114

Florida Department of
**Business
Professional
Regulation**



DBPR ONLINE SERV

[Home](#) | [Help](#) | [Site Map](#)

Log On

Public Services

- Search for a Licensee
- Apply for a License
- View Application Status
- Apply to Retake Exam
- Find Exam Information
- File a Complaint
- AB&T Delinquent
- Invoice & Activity
- List Search

User Services

- Renew a License
- Change License Status
- Maintain Account
- Change My Address
- View Messages
- Change My PIN
- View Continuing Ed



Term Glossary



Online Help (FAQs)

Search License by Name

Name Information

Search By Individual Name

Last Name:

First Name:

Middle Name:

Or Search By Organization/Establishment Name

Organization/Establishment Name:

- Search Names Beginning with Exactly What You Typed
- Include Names With Alternate Spellings To What You Type

Additional Search Criteria

License Category:

License Type:

Special Qualification:

City:

County:

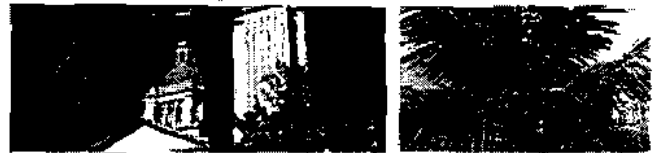
State:

Include Historic Licenses

Licenses Per Page:

[Terms of Use](#) | [Privacy Statement](#)

Florida Department of
**Business
Professional
Regulation**



DBPR ONLINE SERVICES

[Home](#) | [Help](#) | [Site Map](#)

10:50:26 AM 6/23/2008

Log On

Public Services

- Search for a Licensee
- Apply for a License
- View Application Status
- Apply to Retake Exam
- Find Exam Information
- File a Complaint
- AB&T Delinquent
- Invoice & Activity
- List Search

User Services

- Renew a License
- Change License Status
- Maintain Account
- Change My Address
- View Messages
- Change My PIN
- View Continuing Ed

[Term Glossary](#)

[Online Help \(FAQs\)](#)

There were no records found matching the search criteria.

Search Results

Please see our [glossary of terms](#) for an explanation of the license status shown in these search results.

For additional information, including any complaints or discipline, click on the name.

License Type	Name	Name Type	License Number/ Rank	Status/Expires
<div style="display: flex; justify-content: space-around;"> Back New Search </div>				

*** denotes**

Main Address - This address is the Primary Address on file.

Mailing Address - This is the address where the mail associated with a particular license will be sent (if different from the Main or License Location addresses).

License Location Address - This is the address where the place of business is physically located.

| [Terms of Use](#) | | [Privacy Statement](#) |

Florida Department of
**Business
Professional
Regulation**



DBPR ONLINE SERVICES

[Home](#) | [Help](#) | [Site Map](#)

5:11:47 PM 6/20/2008

Log On

Public Services

- Search for a Licensee
- Apply for a License
- View Application Status
- Apply to Retake Exam
- Find Exam Information
- File a Complaint
- AB&T Delinquent
- Invoice & Activity
- List Search

User Services

- Renew a License
- Change License Status
- Maintain Account
- Change My Address
- View Messages
- Change My PIN
- View Continuing Ed



- Term Glossary
- Online Help (FAQs)

Licensee Details

Licensee Information

Name: **FARRIS, DONALD WAYNE** (Primary Name)
BATSON-COOK COMPANY (DBA Name)

Main Address: **101 E KENNEDY BLVD SUITE 1750 TAMPA Florida 33602**

County: **HILLSBOROUGH**

License Mailing:

License Location: **101 E KENNEDY BLVD SUITE 1750 TAMPA FL 33602**

County: **HILLSBOROUGH**

License Information

License Type: **Certified General Contractor**
Rank: **Cert General**
License Number: **CGC058712**
Status: **Current, Active**
Licensure Date: **10/07/1996**
Expires: **08/31/2008**

Special Qualifications **Qualification Effective**
Bldg Code
Core Course
Credit
Qualified Business License Required **02/20/2004**



[Previous List](#) [Next List](#)

Entity Name List

Batson-Cook Construction?

Corporate Name	Document Number	Status
BATSON-COOK COMPANY	804828	ACT
BATSON-COOK ASSOCIATES, INC.	837045	NAME HS
BATSON-COOK OF ATLANTA, INC.	P13387	INACT
BATSON-COOK OF FLORIDA, INC.	P13212	ACT
BATSON-COOK OF TAMPA, INC.	L05000046756	INACT
BATSON-COOK OF TAMPA, INC.	F05000002984	ACT
BATSON-COOK OF TAMPA, INC.	P13228	INACT
BATSON DRUG COMPANY INC	118397	INACT
BATSON ELECTRICAL CONTRACTORS, INC.	843836	INACT
BATSON ENTERPRISES, INC.	S25787	INACT
BATSON ENTERPRISES, L.L.C.	L04000063061	ACT
BATSON INVESMENT PROPERTIES, INC.	P92000010618	INACT
BATSON INVESTMENTS, INC.	K86149	INACT
BATSON, JONES, BENNETT & CO., P.A.	585626	NAME HS
BATSON MANAGEMENT, L.L.C.	L02000033178	ACT
BATSON MOVING & STORAGE COMPANY	532478	INACT
BATSON PRODUCTIONS, INC.	P03000037685	INACT
BATSON PROPERTIES, LTD.	A03000000010	ACT
BATSON'S COMPLETE WEDDING SERVICE, INC.	M01157	INACT
BATSONS DRUG STORE INCORPORATED	103581	INACT
BATSONS ENCLOSURES, INC.	K15681	INACT
BATSON'S FOLIAGE GROUP, INC.	P06000131977	ACT
BATSON'S GREENHOUSE, INC.	P93000056410	ACT
BATSON TRANSPORT, INCORPORATED	389026	INACT

[Previous List](#) [Next List](#)

**2008 UNIVERSAL CYCLE - GENERAL CONTRACTOR OR QUALIFYING AGENT
OF GENERAL CONTRACTOR CERTIFICATION**

Name of Development: Burlington Senior Residences

Name of General Contractor: Mardin Construction Company, LLC

Name of qualifying agent of General Contractor, if applicable: Page W. McKee

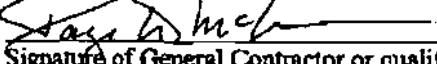
Address of General Contractor: One N. Dale Mabry Highway, Suite 820
Tampa, Florida 33609

Telephone of General Contractor: 813-354-0995

Florida License Number of Signatory: CG C059815 Expiration of License 08/2008
Date (mm/yyyy)

I certify that I am a General Contractor as defined by Rules 67-21 and/or 67-48, F.A.C., and licensed in the State of Florida with the requisite skills, experience and credit worthiness to successfully produce the units proposed by this Application and that I have been the General Contractor on at least two completed developments of similar development category and development type, at least one of which consists of a total number of units no less than 50 percent of the total number of units in the Development proposed by this Application, as evidenced by the prior experience chart provided in this Application. I further certify that I will construct the proposed Development in accordance with the design plans and specifications as prepared by the licensed Architect/Engineer. In recognition and support of the implementation of Florida's welfare reform legislation, I certify my willingness to encourage the hiring of welfare-to-work or self-sufficiency type program participants in the construction of the proposed Development, and to provide such substantiating documentation regarding the incorporation of such program participants in the work force as may be requested by the servicing agent in conjunction with construction loan draw disbursements. I further certify my willingness and intention to enter into good faith negotiations or participate in a bidding process with the Applicant to act as the General Contractor for this proposed Development and that the information provided above is true and correct.

NOTE: If the Applicant is a Public Housing Authority with prior development experience, or is otherwise subject to the Competitive Consultants Negotiations Act, it may have the General Contractor from a prior development execute this certification. The intent of this provision is to allow experienced Public Housing Authorities or other regulated entities to have an opportunity to meet threshold without violation of bidding procedures. Public Housing Authorities without prior development experience must joint venture with an experienced development entity in order to participate in this funding cycle.


Signature of General Contractor or qualifying agent

3.12.08
Date (mm/dd/yyyy)

Page W. McKee
Print or Type Name of Signatory

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold. The certification may be photocopied.

Name of General Contractor or qualifying agent of General Contractor: Hardin Construction Company LLC

Name of Development	Location (City & State)	Development Category: (New Construction or Rehabilitation)	Development Type: garden, townhouse, high-rise, duplex/quad., mid-rise, w/ elevator, single family, SRO, or other (specify type)	Total Number of Units
Madison at Soho	Tampa, Florida	New Construction	Garden	368
Paces Landings Apartments	Gainvesville, GA	New Construction	Garden	140
345 Bayshore	Tampa, Florida	New Construction	High-rise	250
Parkside of One Bayshore	Tampa, Florida	New Construction	Mid-rise	104
Grand Central	Tampa, Florida	New Construction	Mid-rise	392

Name of General Contractor or qualifying agent of General Contractor: Hardin Construction Company LLC

Name of Development	Location (City & State)	Development Category: (New Construction or Rehabilitation)	Development Type: garden, townhouse, high-rise, duplex/quad., mid-rise, w/ elevator, single family, SRO, or other (specify type)	Total Number of Units
Madison at Soho	Tampa, Florida	New Construction	Garden	368
Paces Landings Apartments	Gainesville, GA	New Construction	Garden	140
345 Bayshore	Tampa, Florida	New Construction	High-rise	250
Parkside of One Bayshore	Tampa, Florida	New Construction	High-rise	104
Grand Central	Tampa, Florida	New Construction	Mid-rise	392
The Plaza Harbour Island	Tampa, Florida	New Construction	High-rise	138