

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PINNACLE RIO, LLC,

Petitioner,

vs.

DOAH NOS. 14-1398BID
14-1399BID
14-1400BID
14-1425BID
14-1426BID
14-1427BID
14-1428BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

ALLAPATTAH TRACE APARTMENTS,
LTD.

Intervenor.

**TOWN CENTER PHASE TWO, LLC'S FIRST SET OF INTERROGATORIES TO
ALLAPATTAH TRACE APARTMENTS, LTD.**

Town Center Phase Two, LLC ("Town Center"), by and through undersigned counsel and pursuant to Rule 28-106.206, Florida Administrative Code and Rule 1.340, Florida Rules of Civil Procedure, requests Allapattah Trace Apartments, Ltd. ("ATA") to answer the following interrogatories in writing and under oath within their time prescribed by the Administrative Law Judge in the Order of Pre-Hearing Instructions entered in this matter.

Definitions and Instructions

1. Each interrogatory is to be answered separately and as completely as possible.
2. These interrogatories are continuing in nature. If subsequent to answering the interrogatories you obtain or become aware of additional information or documentation pertaining to these interrogatories, you are requested to serve supplemental answers to the interrogatories.
3. "RFA" means the Request for Applications 2013-003 for Affordable Housing Developments located in Broward, Miami-Dade and Palm Beach counties issued by Florida Housing Finance Corporation.
4. The terms "you" and "yours" refers to Allapattah Trace Apartments, Ltd., ("ATA") its agents, employees, representatives, subsidiaries, affiliates, entities having common or overlapping control, successors in interest, its attorneys, unless privileged, any person helping to answer these interrogatories and any former employee, agent, partner, attorney representative or other person acting or purporting to act on behalf of the person in question.
5. If your response is withheld pursuant to a claim or privilege, please provide the following identifying information,
 - a) A statement of the basis upon which the privilege is claimed; and
 - b) The numbers of each specific request to which the document or thing would be responsive.
6. Proposed Development refers to the Allapattah Trace Apartments proposed by ATA in response to RFA 2013-003.

Interrogatories

1. Identify all persons you believe to have knowledge of facts material to whether sewer capacity for ATA's proposed Development in Miami-Dade County was available to the Development site as of the Application Deadline?

ANSWER:

Allapattah Trace Apartments, Ltd. ("ATA) objects to this Interrogatory. It is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, ATA provides the following additional response.

William T. Fabbri
The Richman Group of Florida
477 South Rosemary Avenue
Suite 301
West Palm Beach, Florida 33401

Ely Banks
The Richman Group of Florida
477 South Rosemary Avenue
Suite 301
West Palm Beach, Florida 33401

Douglas Pile
New Business Contract Officer
Miami-Dade County Water & Sewer
PO Box 330316
3575 S. LeJeune Rd.
Miami, Florida 33233-0316

2. If it is your contention that sewer capacity was available to the Development site for the proposed Development as of the Application Deadline of November 12, 2013, please explain in detail how exactly the ATA Development Site would connect to the Miami-Dade Sewer System?

ANSWER:

Allapattah Trace Apartments, Ltd. ("ATA) objects to this Interrogatory. It is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, ATA provides the following additional response.

See the November 12, 2013 letter from Miami Dade County Water and Sewer attached as Exhibit 3 to ATA's Motion to Strike or Dismiss filed against Town Center.

3. If it is your contention that a private pump station could be constructed please indicate the steps taken to reach that conclusion, including the identification of any engineering reports or plans developed, and any communications with Miami-Dade County, specifically the Water and Sewer Department or the Miami-Dade County Department of Regulatory and Economic Resources about the construction of a private pump station?

ANSWER:

Allapattah Trace Apartments, Ltd. ("ATA) objects to this Interrogatory. It is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, ATA provides the following additional response.

See the November 12, 2013 letter from Miami Dade County Water and Sewer attached as Exhibit 3 to ATA's Motion to Strike or Dismiss filed against Town Center.

4. If it is your contention that a private pump station will be constructed as an alternative to the Initial Moratorium, have you submitted the appropriate applications and engineered plans to Miami-Dade County including the Department of Water and Sewer, The Department of Regulatory and Economic Resources or any other Miami-Dade County Department or State agency?

ANSWER:

Allapattah Trace Apartments, Ltd. ("ATA) objects to this Interrogatory. It is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, ATA provides the following additional response.

No. That is not required at this early stage of the process.

5. If the answer to Interrogatory #4 is yes you have submitted applications to the appropriate agency, when were those applications submitted and what is the current processing status for those applications?

ANSWER: N/A

6. If it is your contention that a private pump station will be constructed as an acceptable alternative to the Initial Moratorium please explain the costs associated with the construction of the private pump station alternative and where those itemized costs can be found in the ATA Cost Proforma submitted with the ATA Application responding to the RFA?

ANSWER:

Allapattah Trace Apartments, Ltd. ("ATA") objects to this Interrogatory. It is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, ATA provides the following additional response.

The need to construct a private pump station was known to ATA at the time it filed its application. The costs of a private pump station were taken into account in the construction cost estimate. Itemization was not done nor was it required.

7. Please explain in detail what development, if any, currently exists on the Development site for the proposed Allapattah Trace Development?

ANSWER:

- 2 apartment units
- Dollar/convenience store
- Clothing/apparel store
- Income tax svc
- Money svc
- Barber shop
- Mini mart (convenience store)
- Bakery
- Beauty salon
- Beauty supply store

8. Identify each witness that you expect to call at the final administrative hearing in this proceeding, and state the subject matter on which each witness is expected to testify.

ANSWER:

William T. Fabbri

Mr. Fabbri will testify about his authority as the authorized representative of the applicant; about the site of the proposed ATA project; about the sewer issue raised by Town Center; about other aspects of the ATA application as contested by the Petitioners in the above-styled cause; and other areas yet to be determined.

Mark Johnson

Mr. Johnson is a surveyor will testify about the scattered site issue raised by APC Four Forty Four; about the experience of his firm in constructing private pump stations; and other areas yet to be determined.

Felix Jorge Cordoves

Mr. Cordoves is an architect. He will testify about the site as submitted to the City of Miami prior to the filing of the ATA application and other areas yet to be determined.

Douglas Pile

Mr. Pile will testify regarding his November 12, 2013 letter and other areas yet to be determined.

Ken Reecy

Mr. Reecy will testify regarding matters discussed in his deposition on April 16, 2014.

ATA reserves the right to identify other witnesses

9. Identify each witness that you expect to proffer as an expert witness at the final administrative hearing in this proceeding and provide a summary of the witness' education and professional background.

ANSWER:

William T. Fabbri- See attached.

Mark Johnson

Mr. Mark S. Johnson joined Schwebke-Shiskin & Associates (SS&A) in 2003 as a Vice-President and Project Manager of the Surveying Department with more than thirteen years of experience as a Professional Land Surveyor. In 2006, he became one of three principals and adopted his current title of Secretary-Treasurer. As such, he is responsible for all surveying operations and personnel management within the company. Johnson has vast experience and knowledge in platting within Miami-Dade and Broward. Not only is Johnson a proven Land Surveyor, but his physics degree from Florida State University in 1987 and his aggregate of knowledge of land development makes him one of the company's greatest assets with respect to surveying, engineering, land planning, and general construction.

Felix Jorge Cordoves- See attached

Douglas Pile- Mr. Pile works for Miami-Dade County Water and Sewer. ATA does not have the requested information.

10. For each witness that you expect to proffer as an expert at the final administrative hearing in this proceeding, provide a summary of each opinion to which the witness is expected to testify, the grounds for each opinion, and the facts on which each opinion is based.

ANSWER:

See Response to Interrogatory 8

11. Identify each document that you intend to introduce into evidence at the final administrative hearing in this proceeding.

ANSWER:

See attached list. ATA reserves the right to add additional documents.

12. Identify all documents referred to, consulted, relied upon, or examined in preparing the answers to these interrogatories.

ANSWER:

All documents referred to have been identified herein.

13. Identify every person who participated in answering these interrogatories or who provided information or assistance as to the answers, the person's official position or relationship with the party to whom the interrogatories are directed, or any other party, and the numbered interrogatories that each person participated in answering or provided information or assistance in answering.

ANSWER:

All Interrogatories were answered by William T. Fabbri and Ely Banks with the assistance of legal counsel.

VERIFICATION

I hereby verify under oath that the foregoing Answers to Interrogatories and the statements contained therein are true and accurate.

By: [Signature]

Printed Name: WILLIAM T. FABRI.

Title: EXECUTIVE VICE PRESIDENT

STATE OF Florida
COUNTY OF Palm Beach

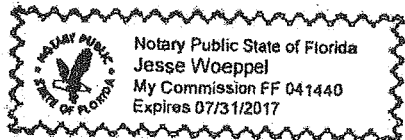
BEFORE ME, the undersigned authority, personally appeared William Todd Fabri
who is personally known to me, or who produced _____ as identification.

SWORN TO AND SUBSCRIBED before me this 14 day of April, 2014

[Signature]
(Signature)

Jesse Woepfel
(Printed Name)

(AFFIX NOTARIAL SEAL)
(Commission Expiration Date)



William T. Fabbri
Executive Vice President
The Richman Group of Florida, Inc.

Selected Projects

The Amalfi Clearwater, Florida

Successfully completed a \$14 million 108 unit luxury rental project located within the City of Clearwater, FL

The Sedona Tampa, Florida

Successfully completed a \$31 million 240 unit luxury rental project located in Tampa, FL

West Brickell Tower Apartments Miami, Florida

Successfully completed an \$11 million 32 unit high rise rental development in the City of Miami, FL, Miami Dade County

West Brickell View Apartments Miami, Florida

Successfully completed a \$22 million 64 unit high rise rental development in the City of Miami, FL, Miami Dade County

Vista Grande Apartments Miami, Florida

Successfully completed a \$26 million 89 unit high rise style apartment development within the City of Miami, Miami Dade County

Professional Summary

William T. Fabbri is the Executive Vice President of The Richman Group of Florida, Inc. Mr. Fabbri currently oversees all development activity, real estate acquisition and financing of projects throughout the State of Florida. Since beginning employment with The Richman Group in June of 2000, Mr. Fabbri has successfully completed the development, construction and stabilization of more than 8,000 residential apartment units within the State of Florida.

Mr. Fabbri has expertise in site selection, site acquisition, entitlements, site development, and identifying financing opportunities utilizing specialized funding vehicles to produce high quality affordable, mixed-income and luxury rental developments.

Qualifications and Experience

Work Experience:

Executive Vice President
The Richman Group of Florida, Inc.

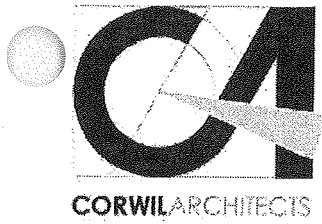
Director of Development
Adult Care Corporation

Assistant Vice President
Balanced Care Corporation

Education:

M.S. Geoenvironmental Studies
University of Shippensburg

B.S. – Social Science
Pennsylvania State University



FELIX JORGE CORDOVES
Corwil Architects, Inc.
Vice-President

Experience

Over forty four years of experience in the architectural and construction industries in Cuba, Africa, Central America, and the United States. Currently overseeing production of Architectural Construction Documents and Architectural Project Management.

Work Record

2006-Present

Corwil Architects, Inc.

1971-2006

Construction Superintendent and on-Site Project Manager.

Licenses

Architecture, State of Florida, AR0016003

Education

1964 - 1970

M.A. in Architecture, University of Havana, Cuba

1959 - 1964

Bachelors in Science, Institute of Havana, Cuba

ALLAPATTAH TRACE APARTMENTS, LTD.'S
EXHIBIT LIST

1. Florida Housing Finance Corporation, Request for Applications 2013-003, For Affordable Housing Developments Located in Broward, Miami-Dade and Palm Beach Counties, Issued September 19, 2013 including Questions and Answers.
2. Allapattah Trace Apartments, Ltd. Application #2014-184C including all attachments.
3. Agreement of Limited Partnership, Allapattah Trace Apartments, Ltd.
4. Articles of Organization, Allapattah Trace GP, LLC.
5. Certificate of Good Standing, Allapattah Trace GP, LLC.
6. Certificate of Good Standing, Allapattah Trace Apartments, Ltd.
7. Certificate of Limited Partnership, Allapattah Trace Apartments, Ltd.
8. Operating Agreement, Allapattah Trace GP, LLC.
9. Application to Transact Business in Florida, TRG Member of FL, II, LLC.
10. Certificate of Filing, TRG Member of FL, II, LLC.
11. TRG Member of FL II, LLC Written Action in Lieu of Annual Meeting of the Members, December 2009.
12. Amended and Restated Limited Liability Company Agreement – TRG Member of FL II, LLC.
13. RFA 2013-003 Sorting Order.
14. RFA 2013-003 Review Committee Recommendations.
15. Affidavit of Angel Puentes including exhibits.
16. Affidavit of Kristin M. Miller including exhibits.
17. Affidavit of William T. Fabbri including exhibits.
18. Attachment 8: 2013 Local Government Verification of Contribution – Fee Waiver Form for the following:
 - Allapattah Trace, Application #2014-184
 - APC Four Forty Four, Application #2014-240C

- 2401 Plaza, Application #2014-183C
- Village Apartments, Phase I, Application #2014-212C
- Wagner Creek, Application #2014-239C
- Town Center Phase Two, Application #2014-267C
- Pinnacle Rio, Application #2014-213C
- Canal Pointe, Application #2014-269C

19. 2011-Universal Application Cycle – 2011 Universal Application.
20. 2011-Universal Application Cycle – 2011 Universal Application Instructions.
21. 2011 Universal Cycle – Verification of Availability of Infrastructure – Sewer Capacity, Package Treatment, or Septic Tank.
22. Notice of Possible Scoring Error “NOPSE” Request Review Form regarding Application #2011-128C filed by Applicant #2011-076C, including attachments.
23. Notice of Possible Scoring Error “NOPSE” Request Review Form regarding Application #2011-128C filed by Applicant #2011-051C, including attachments.
24. Notice of Possible Scoring Error “NOPSE” Request Review Form regarding Application #2011-128C filed by Applicant #2011-182C, including attachments.
25. Club Mariner Related, LLC Application #2014-249C, including all attachments.
26. Earlington Square Apartments, LLC Application #2014-253C, including all attachments.
27. October 21, 2013 Miami-Dade County, Water and Sewer letter to Town Center Phase Two, LLC regarding water and sewer availability, Folio #08-2121-004-0610 and 08-2121-004-0620.
28. October 21, 2013 Miami-Dade County, Water and Sewer letter to Town Center Phase Two, LLC regarding water and sewer availability, Folio #08-2121-004-1630.
29. November 8, 2013 Miami-Dade County, Water and Sewer letter to Earlington Square Apartments, LLC regarding water and sewer availability, Folio #'s 01-3126-038-0090 and 0100.
30. October 21, 2013 Miami-Dade County, Water and Sewer letter to Earlington Square Apartments, LLC regarding water and sewer availability, Folio # 01-3126-038-0150.
31. October 21, 2013 Miami-Dade County, Water and Sewer letter to Club Mariner Related, LLC regarding water and sewer availability, Folio #'s 30-6007-000-0380, -0381, -0382, -0383, and -0430.
32. Alleyway pictures.

33. Boundary Survey, Section 26, Township 53 South, Range 41 East, City of Miami, Miami-Dade County, Florida prepared by Schwebke-Shiskin & Associates dated October 31, 2013.
34. Final and Recommended Orders, *Collins Park Apartments, LLC v. FHFC*, FHFC Case No. 2012-043UC, Application No. 2011-052C, Nov. 2, 2012.
35. Final and Recommended Orders, *Jack Orr Preservation One, LLC v. FHFC*, FHFC Case Nos. 2012-044UC, 2012-046UC, Application No. 2011-114C, Nov. 2, 2012.
36. Resumes of all witnesses.
37. All documents listed by all other parties.

ATA reserves the right to add other exhibits.

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PINNACLE RIO, LLC,

Petitioner,

vs.

DOAH Case Nos. 14-1398BID
14-1399BID
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14-1428BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

ALLAPATTAH TRACE APARTMENTS,
LTD.,

Intervenor.

**PETITIONER 2401 NW, LLC'S FIRST SET OF INTERROGATORIES
TO INTERVENOR ALLAPATTAH TRACE APARTMENTS, LTD.**

Petitioner, 2401 NW, LLC ("2401") propounds the following interrogatories to Intervenor, Allapattah Trace Apartments, Ltd. ("Allapattah"). Allapattah is hereby required to answer the following interrogatories separately and fully, in writing and under oath, within five (5) days from the date of service hereof.

In answering these interrogatories, you are required to provide all information known to you or to any person acting by or through you or on your behalf.

If you are unable to answer all or part of any interrogatory after exercising due diligence to do so, state your inability to answer and the reasons therefore and answer the remainder to the extent possible stating whatever information or knowledge you have concerning the unanswered portions.

Definitions and Instructions

1. The words "and" and "or" shall be construed both conjunctively and disjunctively so as to make the request inclusive rather than exclusive. The singular shall be construed to include the plural and the plural to include the singular.

2. The terms "Allapattah," "you," and "your" mean Intervenor, Allapattah Trace Apartments, Ltd., its representatives, officers, agents, consultants, experts, employees and all other persons acting on Allapattah's behalf.

3. All other terms shall be given their plain, ordinary meaning, unless indicated otherwise. Terms subject to more than one interpretation shall be given their broadest possible meaning.

INTERROGATORIES

1. Please identify all statutes and adopted rules that you contend require that 2401 NW LLC's application for Housing Credits be found to be ineligible for funding.

ANSWER:

ATA objects to this Interrogatory to the extent it seeks attorney work product and requests an improper use for an interrogatory. Without waiving these objections, ATA states the following.

Those statutes and rules that support the determination that 2401's application is ineligible for funding include:

- Sections 420.507 and 420.5099, Fla. Stat.
- Florida Administrative Code Rules 67-48.002, 67-48.004, 67-48.0075, 67-60.002
67-60.006

ATA contends that there are additional support for the determination that the 2401 application was ineligible beyond those contained in the referenced statutes and rules. ATA reserves the right to cite other relevant statutes and rules should additional evidence or information be discovered.

2. Do you contend that any rules or statutes applicable to this proceeding prohibit applicants from offering evidence to correct errors in any documents submitted by the applicant to demonstrate site control? If so, please identify the statutes or rules that you rely upon for this contention.

ANSWER:

ATA objects to this Interrogatory to the extent it seeks attorney work product and requests an improper use for an interrogatory. Without waiving these objections, ATA states the following.

Those statutes and rules that support the prohibition on offering evidence to correct errors in documents submitted by the applicant to demonstrate site control include:

- Sections 120.57, 420.507 and 420.5099, Fla. Stat.
- Florida Administrative Code Rules 67-60.001, 67-60.002, 67-60.006, 67-60.008,
67-60.009

ATA contends that there are additional support for limitation on evidence to correct errors I documents submitted by the applicant to demonstrate site control. ATA reserves the right to cite other relevant statutes and rules should additional evidence or information be discovered.

ALLAPATTAH TRACE APARTMENTS, LTD.

By: _____

Its: Executive Vice President

STATE OF FLORIDA

COUNTY OF Palm Beach

BEFORE ME, the undersigned authority, personally appeared William Todd Fabbri
_____, who by me being first duly sworn, deposes and states that the Answers to
the foregoing Interrogatories are true and correct to the best of his/her knowledge, information,
and belief.

SWORN TO AND SUBSCRIBED before me this 7 day of April, 2014, by _____
William Todd Fabbri, as Executive Vice President
_____ of ALLAPATTAH TRACE APARTMENTS, LTD. He/she is personally known to me
or has produced _____ as identification.

Jesse Woepfel

NOTARY PUBLIC, State of Florida at Large

(SEAL)

