

CCHOA Board Meeting Agenda
27 April 2022, 6:30pm
Circle C Community Center via zoom

- I. Roll Call
- II. Acceptance of Agenda
- III. Acceptance of March 30, 2022 board meeting minutes *Trinh Bartlett*
- IV. Homeowner Forum (*3 min each*)
(Homeowners may sign up to speak for the Homeowners Forum by calling the HOA manager at 512-288-8663 or sending an email to info@circlecranch.info at least a week before the meeting, in writing. Members will be given 3 minutes to address the board. The Board will send a reply through the HOA Office after the meeting.
 - a. Danielle Bouffard Morin
 - b. Jim Casey
- V. Management Reports
 - a. General Report, *Karen Hibpshman*
 - 1. Mar YTD Financials
 - b. Landscape Report, *Clayton Hoover*
 - c. Aquatics Report, *Brody McKinley*
 - d. Maintenance Report, *Robert Bardeleben*
- VI. Discussion Items
 - a. Escarpment Loop Project
 - b. CCN Project – Update
 - c. PPP Loan Repayment - \$152,786.50
- VII. Action Items
 - a. Acceptance of the remaining common area lots in Avana
 - 1. A0127 S H W Cocke Survey, Tract PT of A, Acres 0.7178 – Hays County
 - 2. Avana Phase One, Sec Two, Block H, Lot PT 13, Acres 0.09 – Hays County
 - 3. ABS 2301 Sur 43 Hudson C W ACR 21.1471 – Travis County
 - 4. Lot 59, Blk A, Avana Phase 2, Sec 1 – Travis County
 - 5. Lot 31, Blk A Esquel, Phase 1, Sec 2 – Travis County
 - 6. Lot 1, Blk A, Esquel, Phase 1, Sec 2 – Travis County
 - 7. Lot 13, Blk H, Avana Phase 1, Sec 2 – Travis County
- VIII. Adjourn Public Meeting
- IX. Executive Session
 - a. Legal
 - b. HR

Attachments

- 1. Mar 2022 Board Meeting Minutes
- 2. General Report (including YTD Financials)
- 3. Landscape Report
- 4. Aquatics Report
- 5. Maintenance Report

Circle C Homeowners Association
Board Meeting Minutes
March 30, 2022

1. The CCHOA Board of Directors convened on March 30, 2022, via video conferencing (Zoom). Russ Hodes called the meeting to order at 6:35 p.m. In attendance were board members Russ Hodes, Jason Bram, Theresa Bastian, David Lachance, Kimberly De La Garza and Stephen Bega. Trinh Bartlett joined the meeting at 6:45pm. CCHOA Manager Karen Hibpshman (HOA Manager), Marnie McLeod (Assistant Manager), Brody McKinley (Aquatics Director) and Robert Bardeleben (Facilities Coordinator) were present.
2. Russ presented the March 30, 2022 agenda. Russ asked that we move Action item c to a discussion item. Theresa motioned to accept the agenda with that change. Jason seconded the motion. All were in favor and the motion passed.
3. Russ presented the February 23, 2022 Board of Directors Meeting Minutes. Theresa motioned to approve the minutes as written. Jason seconded the motion. All were in favor and the motion passed.
4. Russ introduced the Homeowner Forum. Gail Austin addressed the board concerning the use of pesticides throughout the property. Also asked if we can look at the schedule to see if we are able to cut back the use of pesticides.

Jennifer Ferrell addressed the board would put out to a vote to allow chickens in the community. Austin Utilities are including information in their mailings about having chickens, having less food waste. It is also a good natural fertilizer and provides pest control.

5. Theresa has been attending Commissioner Ann Howard has been hosting a neighborhood outreach for disaster preparedness and has been attending them. When there is an emergency, it is important to be able to get the information out to the neighborhood level and what to expect. Since it is National Wildfire Awareness month, on April 30th they want to do a training event. The Fire Marshall would like to do a training event to train people to conduct “Home Ignition Assessment”. The goal would be for those people to also pass on this information on to others.
6. Karen provided the management report and the YTD Financials.
7. Karen presented the landscaping report.
8. Brody presented the aquatics report.
9. Robert presented the maintenance report.

10. The first discussion item was Escarpment Loop Project. Karen has reached out to Trent Rush for an update and should have an updated set of plans in the next week or so that can be used to bid out the project. The plans will also allow us to hold a workshop for the board to review the plans.
11. The second discussion item is the CCN Project Update. Karen updated that we are still working through the permitting process with the City of Austin. We were able to obtain one of the permits. As of the day of the meeting, I received another denial for a permit so we are working through the questions that has been raised.
12. The third discussion item was Mail Center Security. One of the outstanding questions that was pending was “is it possible to have an enclosed area with a gate”. Since the majority of the mail centers throughout Circle C are front facing onto a street and located in a City of Austin ROW, you cannot have a gate that opens onto the street.
13. The fourth discussion item was the Acceptance of the remaining common area lots in Avana. Karen went through the different maps showing the location of the common area properties. The majority of the property are naturalized areas and any of the property that is along the ROW, we are currently already maintaining those areas. It will be an action item at the April board meeting.
14. The first action item was Board Officer Appointments. Russ motion to appoint Theresa Bastian as President, Stephen Bega as Vice President, David Lachance as Treasurer and Trinh Bartlett as Secretary. Kim seconded the motion. All were in favor and the motion passed.
15. The second action item was the Drip Replacement on Escarpment. Russ motioned to accept the bid for the Drip Replacement on Escarpment for \$31,200. David seconded the motion. All were in favor and the motion passed.
16. Jason motioned to adjourn the Public Meeting at 7:40 pm. Russ seconded the motion. All were in favor and the motion passed.
17. The Board went into executive sessions at 7:45 pm to discuss legal and staffing issues. No votes or actions were taken. The Board adjourned the executive session at 8:09 pm.

**Circle C Homeowners Association
Manager's Report
March 28, 2022 – April 22, 2022**

	Mar 28 - Apr 22, 2022		Mar 29-Apr 23, 2021	
233 Violations			262 Violations	
Rubbish/Debris	130	55.79%	138	52.67%
Front Yard Maintenance	49	21.03%	60	22.90%
Architectural	8	3.43%	9	3.44%
Vehicle Storage	10	4.29%	4	1.53%
Repair of Exterior Damages	16	6.87%	14	5.34%
Exterior Lighting	15	6.44%	27	10.31%
Driveway	0	0%	0	0.00%
Fencing	1	.43%	2	0.76%
Use Limitations	0	0%	6	2.29%
Recreational Equipment	0	0%	1	0.38%
Maintenance	4	1.72%	1	38.00%

233 Violations By Stage			262 Violations By Stage		
State 0/Note	1	.42			
Stage 1/Cooperative Letters	190	81.54%	162	81.25%	
Stage 2 Letters	41	17.59%	37	14.70%	
Stage 3 Letters	1	.42	8	4.05%	

233 Violation Updates/Creates			207 Violation Updates/Creates		
Closed	152	65.24%	204	77.86%	
New	56	24.03%	41	15.65%	
Escalated	21	9.01%	6	2.29%	
Re-Opened	4	1.72%	5	2%	
Attorney	2	1%	2	1%	

Administration

18 New Homeowner Packets mailed March 21st – April 20th

Financial

AP checks were signed April 20th with Terri Giles

Upcoming Special Events

Apr 30th – 1st Semi-Annual Garage Sale 2022

(Electronic Recycling, Paper shredding, Salvation Army)

May 7th – CCCC – Voting Location - Texas Constitutional Amendment Election

May 7th – Seasonal Pools scheduled to open weekends only. The opening of the seasonal pools is
Dependent on staffing

May 24th – CCCC Voting Location – Texas Primary Runoff

May 25th – Board Meeting

May 30th – Memorial Day – HOA Office Closed

Project/Updates

- City of Austin Large Brush pick-up resumes on July 11th.
- City of Austin Bulk pick-up resumes on Aug 1st for those South of Slaughter Lane and on Aug 29th for those North of Slaughter Lane.
- AISD have completed the repairs on Lot 44 and Escarpment. Final irrigation check was completed. This was communicated to AISD and we have taken over the maintenance again. Once the City signs off on the rest of the open permits, the silt fencing will be removed
- Park Place mailboxes have been received. Coordinating with USPS and Robert on the installation which is scheduled for May 17th. USPS will install their master locks on the 18th. USPS will also provide a list of all the addresses that receive mail at this location and we will be distributing new mail keys at the mailbox center for convenience of the residents on May 18th from 12-2pm. Those that aren't able to pick up their keys will have to pick up their keys at the Oak Hill Post Office located at 6104 Old Fredericksburg Rd. Information will be put out in blast email and signs posted in Park Place.
- The season pools are scheduled to be open on May 7th, weekends only. Opening of the seasonal pools is completely dependent on staffing.
- The phones at the Swim Center have been changed. The new number is 512-363-5578.
- The Circle C Ranch HOA Facebook page is live and has been very easy to update.

• **Capital Projects**

2022 Capital Budget Projects include:

SC – Picnic Tables/Benches	Benches received – In process of installation
GR – Shade Structure	Completed
CC – Pool Splash Pad UV System	Ordered – Scheduled Completion April 15th

CC – Pool Replaster	Completed
CC – Pool Slide Repairs/Polishing	Completed
CC – Splash Pad Refinishing Features	Will complete in the fall due to manufacturer lead times
Avana – Parking Lot Seal/Stripe	Completion
GR – Parking Lot Seal/Stripe	Completed
SC – Lounge Chairs	Ordered – Scheduled completion April 30th
SC – Wade Pool Bucket Repaint	Completed
Node Clock Replacement	Started
Rock Work	Not Started
Escarpment Loop Project	Preliminary breakdown outlined. Will have a follow up meeting on the new plans.
Circle C North Improvements	Information has been submitted to the City for the permits. One permit has been received.
Park Place Mailboxes	New mailboxes have been received. Coordinating the installation with maintenance and USPS
Construction Repairs	Repairs due to construction have been done at Bernia, Trissino, Slaughter, La Crosse, Escarpment and Archeleta.
SC Roof	

Current or Future Projects

- Irrigation Infrastructure
- Signage
- Monuments
- Landscape Prep
- Expansion of CCCC pool
- Phase II
- Last shade structure has been installed

2022 CCHOA INCOME BUDGET

Category	Subcategory	2022 Budget	Jan-22	Feb-22	Mar-22	Totals	%
Homeowner Income	Homeowner Dues	\$4,070,000	\$38,642.70	\$932,973.43	\$774,090.60	\$1,745,706.73	43%
Homeowner Income	Resale Certificates	\$78,750	\$2,925.00	\$4,725.00	\$4,950.00	\$12,600.00	16%
Homeowner Income	Transfer Fees IOcome	\$67,200	\$3,325.00	\$2,275.00	\$5,075.00	\$10,675.00	16%
Homeowner Income	Late Fees Collected	\$25,000	\$1,671.17	\$1,374.29	\$1,511.26	\$4,556.72	18%
Homeowner Income	Lien Admin Fees Income	\$420	\$14.00	\$0.00	\$14.00	\$28.00	7%
Homeowner Income	Filing Fee Income	\$1,680	\$56.00	\$0.00	\$84.82	\$140.82	8%
Homeowner Income	NSF Charges	\$100	\$0.00	\$0.00	\$0.00	\$0.00	0%
Homeowner Income Total		\$4,243,150	\$46,633.87	\$941,347.72	\$785,725.68	\$1,773,707.27	42%
Architectural Review Income	Architectural Review IOcome	\$10,000	\$1,630.00	\$1,340.00	\$1,465.00	\$4,435.00	44%
Architectural Review IOcome Total		\$10,000	\$1,630.00	\$1,340.00	\$1,465.00	\$4,435.00	44%
Rental Income	Office Rent	\$9,000	\$661.50	\$1,834.11	\$0.00	\$2,495.61	28%
Rental Income	Grill Rent	\$6,600	\$1,075.80	\$0.00	\$600.25	\$1,676.05	25%
Rental Income Total		\$15,600	\$1,737.30	\$1,834.11	\$600.25	\$4,171.66	27%
Aquatics Income	Pool Programs	\$60,000	\$1,399.00	\$2,492.00	\$6,893.00	\$10,784.00	18%
Aquatics Income	Pool Programs - Swim Team	\$145,500	\$14,787.50	\$14,055.00	\$14,840.00	\$43,682.50	30%
Aquatics Income	Facility Income	\$35,000	\$3,101.38	\$95.00	\$6,366.80	\$9,563.18	27%
Aquatics Income Total		\$240,500	\$19,287.88	\$16,642.00	\$28,099.80	\$64,029.68	27%
CCCC Income	CCCC Facility Rentals	\$50,000	\$5,546.25	\$3,723.00	\$6,040.00	\$15,309.25	31%
CCCC Income Total		\$50,000	\$5,546.25	\$3,723.00	\$6,040.00	\$15,309.25	31%
Landscape Reimbursements	Stratus Reimb	\$97,000	\$0.00	\$0.00	\$0.00	\$0.00	0%
Landscape Reimbursements	COA Reimb	\$17,600	\$0.00	\$0.00	\$0.00	\$0.00	0%
Landscape Reimbursements Total		\$114,600	\$0.00	\$0.00	\$0.00	\$0.00	0%
Miscellaneous	Interest Income	\$15,000	\$272.11	\$221.30	\$326.99	\$820.40	5%
Miscellaneous	Sales Tax Discount	\$0	\$1.13	\$0.00	\$0.00	\$1.13	
Miscellaneous Total		\$15,000	\$273.24	\$221.30	\$326.99	\$821.53	5%
Cove @ CC Reimbursement	Cove @ Circle C HOA	\$5,000	\$0.00	\$0.00	\$0.00		
Rowell Reimbursement	The Rowell HOA	\$95,000	\$0.00	\$0.00	\$0.00	\$0.00	0%
Rimbursement Total		\$100,000	\$0.00	\$0.00	\$0.00	\$0.00	0%
Grand Total		\$4,788,850.00	\$75,108.54	\$965,108.13	\$822,257.72	\$1,862,474.39	39%

2022 CCHOA EXPENSE BUDGET

Category	Subcategory	2022 Budget	Jan-22	Feb-22	Mar-22	Totals	%
Commons Area Services	Landscape Maint Contract	\$1,350,112	\$114,443.86	\$114,443.86	\$114,443.86	\$343,331.58	25%
Commons Area Services	Contract Landscape SC	\$35,097	\$2,924.81	\$2,924.81	\$2,924.81	\$8,774.43	25%
Commons Area Services	Contract Landscape CCCC	\$35,097	\$2,924.81	\$2,924.81	\$2,924.81	\$8,774.43	25%
Commons Area Services	Contract Landscape AV	\$24,888	\$2,074.06	\$2,074.06	\$2,074.06	\$6,222.18	25%
Common Area Services	Contract Landscape GR	\$24,888	\$2,074.06	\$2,074.06	\$2,074.06	\$6,222.18	25%
Common Area Services	Common Area Holiday Lighting	\$48,288	\$0.00	\$0.00	\$0.00	\$0.00	0%
Commons Area Services	Landscape Repairs	\$115,000	\$12,978.63	\$37,332.40	\$14,967.29	\$65,278.32	57%
Commons Area Services	Landscape Water Utilities	\$255,000	\$11,951.10	\$7,385.12	\$7,063.59	\$26,399.81	10%
Commons Area Services	COA Water Utility Compliance	\$8,000	\$2,275.00	\$0.00	\$0.00	\$2,275.00	28%
Common Area Services	Landscape Electric Utilities	\$36,000	\$2,965.89	\$2,670.12	\$2,913.14	\$8,549.15	24%
Common Area Services	Tree Care	\$75,000	\$1,025.14	\$7,088.50	\$3,300.00	\$11,413.64	15%
Commons Area Services	Fence Repairs & Maint	\$7,000	\$0.00	\$0.00	\$0.00	\$0.00	0%
Commons Area Services	Electrical Repairs & Maint	\$12,000	\$0.00	\$998.54	\$0.00	\$998.54	8%
Common Area Services	Neighborhood Maint & Repair	\$20,000	\$0.00	\$69.83	\$10.81	\$80.64	0%

Common Area Services	Non Contract Landscape - SC	\$20,000	\$0.00	\$0.00	\$0.00	\$0.00	0%
Commons Area Services Total		\$2,066,370	\$155,637.36	\$179,986.11	\$152,696.43	\$488,319.90	24%
Aquatics Facilities	Administrative	\$65,000	\$712.73	\$543.34	\$3,812.45	\$5,068.52	8%
Aquatics Facilities	Supplies - Pool	\$27,500	\$1,541.52	\$102.80	\$3,336.84	\$4,981.16	18%
Aquatics Facilities	Supplies - Chemicals	\$74,000	\$1,743.30	\$2,971.70	\$4,238.08	\$8,953.08	12%
Aquatics Facilities	Supplies & Fees - Swim Team	\$22,000	\$283.72	\$1,353.70	\$1,879.33	\$3,516.75	16%
Aquatics Facilities	Maintenance - Pool	\$94,600	\$1,411.98	\$6,359.59	\$3,778.07	\$11,549.64	12%
Aquatics Facilities	Maintenance - Building	\$67,900	\$609.96	\$3,027.87	\$3,658.41	\$7,296.24	11%
Aquatics Facilities	Payroll - Staff	\$751,650	\$19,669.99	\$27,096.25	\$57,409.26	\$104,175.50	14%
Aquatics Facilities	Payroll - Programming Staff	\$37,000	\$290.24	\$349.24	\$1,969.08	\$2,608.56	7%
Aquatics Facilities	Payroll - Swim Team	\$138,550	\$6,605.31	\$7,461.01	\$11,181.42	\$25,247.74	18%
Aquatics Facilities	SC-Utilities - Water	\$30,000	\$2,035.04	\$1,844.92	\$1,636.46	\$5,516.42	18%
Aquatics Facilities	Avana _Utilities-Water	\$6,000	\$166.60	\$166.60	\$166.60	\$499.80	8%
Aquatics Facilities	GR- Utilities - Water	\$4,000	\$205.41	\$188.14	\$181.57	\$575.12	14%
Aquatics Facilities	SC-Utilities - Electric	\$28,000	\$1,344.67	\$2,603.90	\$2,118.00	\$6,066.57	22%
Aquatics Facilities	Avana - Utilities- Electric	\$12,000	\$922.72	\$1,023.15	\$925.60	\$2,871.47	24%
Aquatics Facilities	GR -Utilities-Electric	\$6,000	\$441.79	\$443.06	\$564.82	\$1,449.67	24%
Aquatics Facilities	Utilities - Natural Gas	\$32,000	\$3,845.36	\$5,531.33	\$7,233.03	\$16,609.72	52%
Aquatics Facilities	SC-Utilities - Telephone/Intern	\$15,000	\$540.51	\$2,697.10	\$783.66	\$4,021.27	27%
Aquatics Facilities	Avana - Telephone/Internet	\$5,000	\$182.16	\$210.62	\$171.72	\$564.50	11%
Aquatics Facilities	GR- Telephone/Internet	\$5,000	\$219.67	\$136.57	\$108.19	\$464.43	9%
Aquatic Facilities Total		\$1,421,200	\$42,772.68	\$64,110.89	\$105,152.59	\$212,036.16	15%
Circle C Community Center	Utilities - Water	\$27,000	\$351.30	\$375.93	\$561.35	\$1,288.58	5%
Circle C Community Center	Utilities - Electric	\$24,000	\$751.13	\$1,530.49	\$1,739.12	\$4,020.74	17%
Circle C Community Center	Utilities - Telephone/Internet	\$9,000	\$664.07	\$664.07	\$676.72	\$2,004.86	22%
Circle C Community Ctr	Events Payroll	\$6,000	\$114.53	\$111.03	\$521.06	\$746.62	12%
Circle C Community Center	Maintenance - Building	\$50,000	\$1,297.23	\$4,138.76	\$2,455.83	\$7,891.82	16%
Circle C Community Ctr Total		\$116,000	\$3,178.26	\$6,820.28	\$5,954.08	\$15,952.62	14%
Maintenance Operations	Office Supplies	\$1,200	\$64.89	\$0.00	\$111.81	\$176.70	15%
Maintenance Operations	Employee Education	\$1,200	\$225.00	\$0.00	\$0.00	\$225.00	19%
Maintenance Operations	Uniforms	\$1,800	\$0.00	\$0.00	\$0.00	\$0.00	0%
Maintenance Operations	Staff Recruitment	\$300	\$0.00	\$35.00	\$0.00	\$35.00	12%
Maintenance Operations	Safety Equip/Supplies	\$1,400	\$337.42	\$0.00	\$0.00	\$337.42	24%
Maintenance Operations	Maintenance Payroll	\$180,000	\$14,013.80	\$14,013.80	\$21,020.70	\$49,048.30	27%
Maintenance Operations	Pool Tech	\$69,000	\$3,076.94	\$3,076.94	\$4,615.41	\$10,769.29	16%
Maintenance Operations	Payroll Taxes	\$15,000	\$1,409.78	\$1,332.36	\$1,839.97	\$4,582.11	31%
Maintenance Operations	Computer/Software	\$1,400	\$0.00	\$1,037.76	\$0.00	\$1,037.76	74%
Maintenance Operations	Tools/Supplies	\$5,000	\$1,217.44	\$372.14	\$386.76	\$1,976.34	40%
Maintenance Operations	Office Furniture	\$600	\$0.00	\$0.00	\$0.00	\$0.00	0%
Maintenance Operations Total		\$276,900	\$20,345.27	\$19,868.00	\$27,974.65	\$68,187.92	25%
HOA Operations	Office Supplies	\$9,000	\$1,648.12	\$188.60	\$532.83	\$2,369.55	26%
HOA Operations	Equip & Maintenance	\$15,000	\$401.41	\$151.46	\$1,208.92	\$1,761.79	12%
HOA Operations	HOA Owned Vehicle Expense	\$8,000	\$177.22	\$1,350.86	\$219.01	\$1,747.09	22%
HOA Operations	Postage	\$18,000	\$3,619.56	\$2,454.12	\$592.30	\$6,665.98	37%
HOA Operations	Web Operations	\$3,000	\$20.47	\$955.54	\$0.00	\$976.01	33%
HOA Operations	Printing	\$3,000	\$405.94	\$0.00	\$0.00	\$405.94	14%
HOA Operations	HOA Meetings	\$5,000	\$3,575.70	\$0.00	\$757.25	\$4,332.95	87%
HOA Operations	Deed Restrictions	\$5,000	\$708.56	\$90.00	\$0.00	\$798.56	16%
HOA Operations	HOA Special Events	\$30,000	\$0.00	\$139.00	\$0.00	\$139.00	0%
HOA Operations	Professional Fees	\$2,000	\$0.00	\$1,520.96	\$886.72	\$2,407.68	120%
HOA Operations Total		\$98,000	\$10,556.98	\$6,850.54	\$4,197.03	\$21,604.55	22%
Financial Management	Management Services	\$115,000	\$9,276.30	\$9,276.30	\$9,276.30	\$27,828.90	24%
Financial Management	Resale Certificate	\$17,500	\$650.00	\$850.00	\$1,100.00	\$2,600.00	15%
Financial Management	Lien Filing Administrative Fees	\$2,500	\$104.00	\$0.00	\$1,110.00	\$1,214.00	49%
Financial Management	Bank Fees	\$38,000	\$3,178.95	-\$1,876.69	\$10,458.78	\$11,761.04	31%
Financial Management	CPA/Audit	\$8,000	\$0.00	\$0.00	\$0.00	\$0.00	0%

Financial Management Total		\$181,000	\$13,209.25	\$8,249.61	\$21,945.08	\$43,403.94	24%
HOA Management	Management Payroll	\$190,000	\$14,377.88	\$14,655.28	\$20,823.62	\$49,856.78	26%
HOA Management	Management Payroll Taxes	\$15,000	\$1,457.93	\$1,403.91	\$1,868.33	\$4,730.17	32%
HOA Management	Mileage Reimbursement	\$6,000	\$364.46	\$294.26	\$428.22	\$1,086.94	18%
HOA Management	Insurance Stipend	\$54,000	\$5,117.72	\$3,624.92	\$2,878.52	\$11,621.16	22%
HOA Management	Cont Ed & Skills Enhancement	\$2,000	\$0.00	\$0.00	\$0.00	\$0.00	0%
HOA Management Total		\$267,000	\$21,317.99	\$19,978.37	\$25,998.69	\$67,295.05	25%
Architctural Review Expens	Architctural Review Expenses	\$7,500	\$1,385.50	\$1,139.00	\$1,620.25	\$4,144.75	55%
Architctural Review Expenses Total		\$7,500	\$1,385.50	\$1,139.00	\$1,620.25	\$4,144.75	55%
Legal Services	Legal Services	\$20,000	\$0.00	\$2,325.00	\$540.00	\$2,865.00	14%
Legal Services Total		\$20,000	\$0.00	\$2,325.00	\$540.00	\$2,865.00	14%
Taxes	Property	\$5,500	\$0.00	\$0.00	\$0.00	\$0.00	0%
Taxes	Income/Franchise Taxes	\$0	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
Taxes Total		\$5,500	\$0.00	\$0.00	\$0.00	\$0.00	0%
Insurance	General, Property, Boiler & Aut	\$78,000	\$6,755.36	\$6,761.36	\$6,600.00	\$20,116.72	26%
Insurance	Auto	\$5,000	\$431.09	\$431.09	\$618.82	\$1,481.00	30%
Insurance	D & O Insurance	\$12,000	\$0.00	\$0.00	\$0.00	\$0.00	0%
Insurance	Worker's Comp	\$16,000	\$0.00	\$0.00	\$0.00	\$0.00	0%
Insurance Total		\$111,000	\$7,186.45	\$7,192.45	\$7,218.82	\$21,597.72	19%
Community Enhancement	Donations	\$1,000	\$0.00	\$0.00	\$0.00	\$0.00	0%
Community Enhancement	Association Memberships	\$2,000	\$50.00	\$0.00	\$0.00	\$50.00	3%
Community Enhancement Total		\$3,000	\$0.00	\$0.00	\$0.00	\$0.00	0%
Reserve Transfer		\$215,380	\$0.00	\$0.00	\$0.00	\$0.00	0%
Grand Total		\$4,788,850	\$275,590	\$316,520	\$353,298	\$945,408	20%

Expected Reserve Expenditures and Capital Improvement for 2022

		YTD
SC Pincnic Tables/Bench	\$5,400	\$4,743.39
GR Shade Structure	\$39,000	\$36,826.65
CC Pool Splash Pad	\$9,000	\$8,995.58
CC Pool Replaster	\$84,000	\$2,160.67
CC Pool Slide Repairs	\$6,500	\$5,408.75
CC Splash Pad Refinish	\$4,500	\$0.00
AV Parking Lot Seal/Stripe	\$7,200	\$0.00
GR Parking Lot Seal/Stripe	\$5,800	\$0.00
SC Lounge Chairs	\$8,200	\$8,221.00
SC Wade Pool Bucket	\$5,500	\$6,370.00
Node Clock Replacement	\$75,000	\$37,500.00
Rock Work	\$50,000	\$11,193.05
Escarpment Project	\$340,000	\$1,000.00
CCN Improvement	\$200,000	\$399.88
Construction Repairs	\$50,000	\$11,369.45
SC Roof	\$0	\$26,412.44
Mailbox Replacement	\$0	\$15,906.51
Total	\$890,100	\$176,507.37

Total Capital Budget Projects **\$890,100.00** **\$176,507.37**

Grand Total Expenses

\$5,678,950.00

**Circle C Landscape
Board Report
April, 2022**

Weather

General:	Spring Warming with high winds
Rainfall Total:	2.48"
Temperature:	80/57°F
Major Events:	None

Central Texas is in a La Nina pattern. Rainfall is less than normal.

Maintenance Services

General:	Mowing rotation on all areas
Weeding:	Bed weeding rotation ongoing
Mulching:	Ongoing across all areas
Treatments:	Pre emergent weed treatment in all beds Fire Ant Bait applie at all parks and amenity centers

Outlying Areas

Filter Pond, CCCC	weedeated, trash removed
Outlying mail centers	checked and cleaned

Irrigation

Irrigation controllers remain off excepting new areas
General repairs throughout
Main line repair Escarpment median at Redmond
Main line repair Slaughter Lane at Vinemont due to construction
Emergency shut off of Greyrock on weekend due to stuck valve
Main line repair Avana Escarpment, west side at Estana
Annual Irrigation Check ongoing
Node Clock install ongoing
Repair at Greyrock Amenity due to shade structure

Rock Work

Clean up and repair flat rock throughout as needed

Trees

Continue evaluation and removal of small dead trees
Water in for tree treatments on Escarpment at Slaughter

Escarpment at Hedges: Replace drip line throughout

Disconnect, remove haul and dispose all old drip line	complete
Install new ss drip line unde hedges with appropriate piping	complete
Complete connections and install pressure reducers and filters	ongoing/complete

Construction Damage and Projects

Slaughter at Vinemont:
Installation of cross walk across Slaughter
Construction at four corners and medians
Repaired main line due to construction

Slaughter Lane (General) ongoing mobility corridor improvements

Slaughter at Beckett: Main line was cut off, no water at median east of Beckett

Bear Creek Elementary:

Clean up

Integration of improvements into existing system

LaCrosse at Wildflower Park

Construction ongoing

LaCrosse at Mopac East Side

Construction is finished

Evaluation of Improvements underway

Greyrock: All improvements due to construction complete

Escarpment near Aden Lane

Street light improvements underway

Circle C Aquatics

March-22

Winter/Spring Operations

Facility Usage	Swim Center		Community Center		Avaña		Greyrock		Total	
	Mar-22	YTD	Mar-22	YTD	Mar-22	YTD	Mar-22	YTD	Mar-22	YTD
Resident Entries	2,027	3,457	0	0	0	0	0	0	2,025	1,430
Unique Residents	846	910	0	0	0	0	0	0	846	229
Unique Households	371	407	0	0	0	0	0	0	371	161
Guest Entries	80	102	0	0	0	0	0	0	80	22
Other Entries	629	2,119							629	2,119
Average Hourly Count	10									
% of Capacity	7%									
Total Entries	2,736	5,678	0	0	0	0	0	0	2,734	3,571

Incidents	Swim Center		Community Center		Avaña		Greyrock		Total	
	Mar-22	YTD	Mar-22	YTD	Mar-22	YTD	Mar-22	YTD	Mar-22	YTD
Water Rescues	3	3		0		0		0	3	3
First Aid Responses	1	3		0		0		0	1	3
Sudden Illness Treatments		0		0		0		0	0	0
Patron Behavior Incidents		0		0		0		0	0	0
Biohazard Cleanups		0		0		0		0	0	0
Suspensions/Expulsions		0		0		0		0	0	0
EMS/911 Callouts		0		0		0		0	0	0
Total Incidents	1	6	0	0	0	0	0	0	1	6
Incident per Entry Ratio	0.04%	0.11%							0.04%	0.17%

Revenue	Mar-22	YTD
Aquatics Programs	\$ 6,893	\$ 10,784
Swim Team	\$ 14,840	\$ 43,683
Guest Fees	\$ 211	\$ 242
Area Reservations	\$ 0	\$ 0
Facility Rentals	\$ 0	\$ 0
Lane Rentals	\$ 5,716	\$ 8,744
Other Facility Income	\$ 439	\$ 577
Total Aquatics Revenue	\$ 28,100	\$ 64,030

Programs	Mar-22
Select Swim Team	84
Masters Swimming	16
Group Swim Lessons	0
Private Swim Lessons	32
Water Aerobics	0
Certification Courses	19
WSI Course	0
Total Participants	0

Reservations & Rentals	Mar-22	YTD
Area Reservations	0	0
Facility Rentals	0	0
Lap Lane Reservations	0	0
Total Reservations	0	0

Aquatics Staffing	Mar-22
Lifeguards/Head Guards	54
Front Desk Staff	9
Instructors/Coaches	4
Total Staff	67

Resident Stats	Individuals	Households	Members / Household
Homeowners	17,078	5,523	3.09
Renters	1,395	401	3.48
New Memberships	161	56	
Totals	18,473	5,924	3.12

Circle C HOA
Maintenance Report for Board April 2022
Prepared by Robert Bardeleben -Facilities Director

GENERAL—We have seen a significant increase in pool chemical prices since January 1. 62% price increase in Pool Acid and 37% increase in Pool Chlorine. These are pretty big jumps that will affect budget numbers for the year. We have also seen an average increase of 30% on all pool parts and supplies. We will need to keep an eye on the budget numbers this year.

SWIM CENTER COMPOUND/Maintenance Offices

- Routine Cleaning and Maintenance have been completed
- Minor Equipment and Facility Repairs Made
- Slide Inspection Completed

COMMUNITY CENTER

- Routine inspections and maintenance have been completed

COMMUNITY CENTER POOL

- Routine cleaning and maintenance have been performed.
- Minor Repairs have been completed on equipment and facility.
- Pool Replaster Completed
- Summer Preparations have started
- Slide Inspection Completed

NEIGHBORHOOD

- Minor repairs have been completed as needed
- Prepared Park Place Mailbox Center for new mailboxes.

AVANA AMENITIES CENTER

- Routine Cleaning and Maintenance have been completed
- Minor repairs have been made
- Summer Preparations have started

GREY ROCK AMENITIES CENTER

- Routine Cleaning and Maintenance have been completed
- Minor repairs have been made
- Summer Preparations have started

**United States Small Business Administration
Office of Hearings and Appeals**

**PAYCHECK PROTECTION PROGRAM
APPEAL OF:**

Circle C Homeowners Association Inc.

Appellant

Appealed from
SBA PPP Loan No. 6526348904

Issued: **April 7, 2022**

Decision No. **6526348904**

Appearances:

TERRI GILES, for the Appellant.

JEFFREY HSU, Office of General Counsel for the Small Business Administration.

DECISION

After carefully considering the evidence and arguments presented in the Administrative Record, the appeal petition of Circle C Homeowners Association Inc. (Appellant) is **DENIED**. For the reasons discussed below, Appellant is not entitled to loan forgiveness.

PROCEDURAL HISTORY

On April 30, 2021, the Appellant (Borrower) submitted a Paycheck Protection Program (PPP) Borrower Application. On or about May 2, 2021, the Appellant was approved for a PPP loan by Texas Partners Bank (Lender) in the amount of \$399,372.50, executed a PPP Promissory Note, and received the loan proceeds.

On September 2, 2021, the Appellant submitted a PPP Loan Forgiveness Application Form 3508 through the Lender. On September 2, 2021, the Lender determined the Appellant should receive full loan forgiveness in the amount of \$399,372.50.

On December 19, 2021, the U.S. Small Business Administration (SBA) Office of Capital Access issued a final PPP loan review decision finding the Appellant ineligible for the PPP loan amount received and only providing loan forgiveness in the amount of PPP loan eligibility.

On January 18, 2022, the Appellant filed the instant appeal from that final SBA loan review decision. Appellant argues that the Final SBA Loan Review Decision is clearly erroneous, and requests that the Office of Hearings and Appeals (OHA) reverse it, and find Appellant is eligible for PPP loan forgiveness.

On February 16, 2022, a Notice and Order requiring the filing of the Administrative Record (AR) by March 8, 2022, providing for the Appellant to Object to the same by March 18, 2022, and allowing for SBA to respond to the Petition by April 4, 2022.

On February 24, 2022, the AR was filed. The Appellant did not file an Objection to the AR and SBA did not file a Response to the Petition. The AR was closed on April 4, 2022.

ISSUES

Whether the final SBA loan review decision contains clear error of law or fact to allow Appellant \$399,372.50 in requested PPP loan forgiveness?

APPLICABLE LAW AND POLICY

I. Paycheck Protection Program

PPP is a temporary SBA 7(a) Loan Program designed to provide emergency assistance to certain small businesses during the COVID-19 crisis, for the purposes of helping businesses keep their workers paid and employed. PPP was established under section 1102 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116–136), which was signed into law on March 27, 2020, and subsequently was revised and expanded by other statutes.

In general, PPP was open to all American small businesses with 500 or fewer employees, including sole proprietorships, independent contractors, and self-employed individuals. 15 U.S.C. § 636(a)(36)(D).

Subject to other PPP requirements, Sections B.1.d and B.1.g permit the following types of business concerns to be eligible for PPP loans: 1) Certain eligible businesses owned by directors or shareholders of a PPP lender permitted to apply for a PPP loan through the lender with which they are associated; 2) A hospital owned by governmental entities; 3) Businesses that receive revenue from legal gaming; 4) Telephone & Electric cooperatives that are exempt from Federal income taxation under section 501(c)(12) of the Internal Revenue Code; 5) Housing cooperatives as defined in section 216(b) of the Internal Revenue Code; 6) Nonprofit and tax-exempt news organizations; 7) Destination marketing organizations; and 8) 501(c)(6) organizations.

Under PPP, borrowers obtain loans through an SBA-approved lender, rather than from SBA itself, and the lender services the PPP loan. SBA implements the program and guarantees 100% of PPP loans in the event of default.

Borrowers were permitted to apply for both an Economic Injury Disaster Loan and a PPP loan but could not utilize the loans for the same purpose. 15 U.S.C. § 636(a)(36)(Q).

PPP loans could be used for payroll and employee benefits costs, as well as other operating expenses, including mortgage interest payments (not principal), rent and lease payments, and utilities. 15 U.S.C. § 636(a)(36)(F).

As a condition for obtaining a PPP loan, a borrower was required to certify that PPP funds would be used to retain workers and maintain payroll or to make mortgage, lease, and utility payments. 15 U.S.C. § 636(a)(36)(G). PPP funds could not be used for compensation of employees whose principal place of residence was outside the United States. Further, salary expenditures were capped at no more than \$100,000 annually per employee. 15 U.S.C. § 636(a)(36)(A)(viii)(II).

Businesses applying for a second PPP loan were required to demonstrate at least a 25% reduction in gross receipts between comparable quarters in 2019 and 2020. 15 U.S.C. § 636(a)(37)(A)(iv).

The CARES Act defines a “seasonal employer” as an “eligible recipient” that does not operate for more than 7 months in any calendar year; or during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year. 15 U.S.C. § 636(a)(36)(xiii)(I-II).

Through Interim Final Rule #1, SBA addressed the needs of certain potential borrowers that are seasonal employers by allowing seasonal employers to use an alternative base period for purposes of calculating the loan amount for which they are eligible under the PPP. Section 1102 of the Act permits seasonal employers to calculate their maximum loan amount by using their monthly average payments for payroll during “the 12-week period beginning February 15, 2019, or at the election of the eligible borrower, March 1, 2019, and ending June 30, 2019.”

II. PPP Loan Forgiveness

To seek loan forgiveness, a PPP borrower must submit a Loan Forgiveness Application (Form 3508) to its lender, with supporting documentation of its expenditures. 15 U.S.C. § 636m(e). Within the application, the borrower must certify that PPP funds were utilized for authorized purposes, and that all documentation provided is true and correct. 15 U.S.C. § 636m(e)(3). Forgiveness is prohibited without appropriate supporting documentation, or without the required certification. 15 U.S.C. § 636m(f). In general, a PPP borrower may obtain forgiveness, up to the full amount of its loan, for eligible expenses made during the loan’s “covered period” (typically, 24 weeks from the date of loan origination). 15 U.S.C. § 636m(b).

To be eligible for loan forgiveness, at least 60 percent of the PPP loan must have been used to fund payroll and employee benefits costs. 15 U.S.C. § 636m(d)(8). The remaining portion (up to 40 percent) of the loan may have been used for mortgage interest, rent, and other eligible expenses. Subject to certain exceptions, the amount that can be forgiven may be reduced in proportion to any reductions in the number of full-time equivalent employees, or if employee salary or wages were reduced by more than 25%. 15 U.S.C. § 636m(d)(2) and (d)(3).

The lender reviews the application and makes an initial decision regarding loan forgiveness. 15 U.S.C. § 636m(g). Following issuance of an initial decision, Office of Capital Access may issue a final SBA loan review decision, which is an official written decision issued by the SBA Office of Capital Access which reviews the PPP loan and finds a borrower:

- (1) Was ineligible for a PPP loan;
- (2) Was ineligible for the PPP loan amount received or used PPP loan proceeds for unauthorized uses;
- (3) Is ineligible for PPP loan forgiveness in the amount determined by the lender in its full approval or partial approval decision issued to the SBA; and/or,
- (4) Is ineligible for PPP loan forgiveness in any amount when the lender issued a full denial decision to SBA. 13 C.F.R. §134.1201(b)(1)-(4).

The Lender must provide a copy of the final SBA loan review decision to the borrower within five (5) business days of the date of the decision (SBA Procedural Notice #5000-20077, effective January 15, 2021¹).

OHA conducts PPP appeals under the authority of 13 C.F.R. part 134 Subpart L. The Appellant has the burden of proving all elements of the appeal. Specifically, the Appellant must prove the final SBA loan review decision was based upon a clear error of fact or law. 13 C.F.R. § 134.1210. Only a borrower on a loan, or its legal successor in interest, has standing to appeal a final SBA loan review decision. 13 C.F.R. §134.1203.

FINDINGS OF FACT AND ANALYSIS

After careful consideration of the entire record (Exhibit List attached and incorporated herein), a preponderance of the evidence establishes:

On April 30, 2021, the Appellant submitted a PPP Borrower Application. On or about May 2, 2021, the Appellant was approved for a PPP loan by the Lender in the amount of \$399,372.50, executed a PPP Promissory Note, and received the loan proceeds. (AR pp. 356-363, 429-432, and 428).

On September 2, 2021, the Appellant submitted PPP Loan Forgiveness Application Form 3508EZ. (AR pp. 408-411 and 449-453). On September 2, 2021, the Lender determined the Appellant should receive full loan forgiveness in the amount of \$399,372.50. (AR pg. 17).

SBA reviewed the matter and found: “It is verified that the borrower received an ineligible loan amount, due to a miscalculation of eligible payroll at loan origination. When analyzing the loan origination supporting documentation, it is confirmed that the Borrower’s loan origination amount was miscalculated. There were documents stating calculations were made as a seasonal employer (see document “Lender Calculation”); however, the business is in operation year-round. They also provided 2019 Q1 - Q4 941’s and 2019 payroll. The 2019 wages were calculated using

¹ SBA PPP lender notices are available from **SBA.gov** at <https://www.sba.gov/funding-programs/loans/covid-19-relief-options/paycheck-protection-program/ppp-lender-information#section-header-4>.

the 2019 941's Q1-4 (see document "9-7-21 requested Info") which totaled \$1,183,612. A review of the "3rd party payroll report" confirms there were no wages in excess of 100k. There were no employer benefits paid and no state SUTA on the report. The 2019 total payroll cost equals \$1,183,612, producing a maximum eligible loan of \$246,586, which is 2.5 times the average monthly payroll." (AR pg. 13).

On December 19, 2021, SBA issued a final loan review decision providing the Appellant with \$246,586.00 of PPP loan forgiveness. SBA held: "After review of the documentation provided, the SBA has recalculated the borrower's maximum eligible loan amount and thus limited forgiveness to this eligible amount. It is verified that the borrower received an ineligible loan amount, due to a miscalculation of eligible payroll at loan origination. Here is the eligible loan amount calculation: The 2019 wages were calculated using the 2019 941's Q1-4 which totaled \$1,183,612. A review of the "3rd party payroll report" confirms there were no wages in excess of 100k. There were no employer benefits paid and no state SUTA on the report. The 2019 total payroll cost equals \$1,183,612, producing a maximum eligible loan of \$246,586, which is 2.5 times the average monthly payroll. It appears that the original loan amount was calculated based on a seasonal calculation. Documentation received indicates the business does not meet the seasonal business criteria." (AR pp. 17-18).

Through written argument, the Appellant argues in favor of full loan forgiveness, as follows: "I respectfully appeal your decision to alter the amount of forgiveness on our PPP loan. It seems that the determination that Circle C Homeowners Association is not a seasonal employer is directing this decision. While CCHOA has staff that works and is paid for the entire year, the payroll fluctuates seasonally when all of the pools are open. Staff increases tremendously with payroll ranging from \$55,071 in January to \$154,259 in July. I have included a chart of the actual salaries below."

Month	Gross
Jan	\$55,071.03
Feb	\$61,467.30
Mar	\$63,915.81
April	\$120,335.53
Mav	\$109,774.69
June	\$144,830.36
July	\$154,259.54
Aug	\$143,602.70
Sent	\$85,934.87
Oct	\$111,675.95
Nov	\$56,285.77
Dec	\$76,458.75

The Appellant also provided 4 quarterly SUTA reports for consideration in determining it's Seasonal Status. (Petition)

SBA carries out the policies of the Small Business Act. 15 U.S.C. § 633(a). The SBA Administrator makes rules and regulations to carry out the Small Business Act. 15 U.S.C. § 634(b)(6). Section 7(A) of the Small Business Act authorizes SBA to make loans to qualified small businesses. 15 U.S.C. § 636(a). For the purposes of the Small Business Act, a small business concern is one which is independently owned and operated, not dominant in its field of operation, and meets the size standards set by the Administrator. 15 U.S.C. § 632(a)(1)-(2)(A)-(B); 15 U.S.C. § 636e(6); 13 C.F.R. §§ 121.101(a), 121.102(a) and 121.201.

The CARES Act amends Sections 7 and 7(A) of the Small Business Act to establish the PPP and PPP loan forgiveness. P.L. 116-36, §1102; *see* also 15 U.S.C. §§ 636(a)(36) and 636m. The CARES Act grants the Administrator emergency rulemaking authority and instructed the Administrator to issue regulations to carry out the Act within 15 days of March 27, 2020, along with the issuance of guidance and regulation to implement loan forgiveness within 30 days. 15 U.S.C. § 9012 and 15 U.S.C. § 9012; 15 U.S.C. § 636m(k).

Unless otherwise provided by 15 U.S.C. § 636(a)(36), SBA guarantees covered PPP loans under the same terms, conditions, and processes as other 7(A) loans. 15 U.S.C. § 636(a)(36)(B).

The CARES Act set forth the following definitions: ‘Covered Loan’ means a loan made under the PPP; ‘Covered Period’ means the period beginning on February 15, 2020 and ending on June 30, 2021; & ‘Eligible Recipient’ means an individual or entity eligible to receive a covered loan. 15 U.S.C. § 636(a)(36)(A)(ii-iv).

The CARES Act provides forgiveness of both first and second draw PPP loans to an eligible recipient on a covered loan in an amount equal to the sum of the costs incurred/payments as defined by the CARES Act made during the covered period. 15 U.S.C. § 636(a)(36) & (37)(J).

Here, the Appellant received PPP loan approval as a seasonal employer, which resulted in a PPP loan totaling \$399,372.50. SBA determined the Appellant did not meet the definition of a seasonal employer, recalculated the Appellant’s maximum PPP loan eligibility, and limited PPP loan forgiveness to this revised amount.

The CARES Act provided certain flexibilities to seasonal employers. Some seasonal employers have ‘seasons’ that occurred outside of the time periods used in establishing eligibility of PPP loan. Without the ability to use an alternative base period, many summer seasonal businesses would have been unable to obtain PPP funding on terms commensurate with those available to winter and spring seasonal businesses. IFR #1 addressed that disparity and ensured consistency in program administration by providing a seasonal employer the option of using any consecutive 12-week period between May 1, 2019 and September 15, 2019 for determining its maximum loan amount. As required by section 1109(d)(2)(B), that alternative period for seasonal employers is, to the “maximum extent practicable,” consistent with the terms applicable to the PPP in general. In section 1102, Congress gave seasonal employers the option to calculate their maximum loan amount using alternative base periods.

By permitting seasonal employers to calculate the maximum loan amount using any consecutive 12 weeks within a specified 4.5- month period, IFR #1 ensured that seasonal employers affected by the pandemic are treated even-handedly.

Other than that adjustment, the terms and requirements applicable to PPP loans is identical to the terms and requirements that section 1102 and SBA regulations impose on other PPP loans. As a result, a seasonal borrower that electing to use the alternative timing criterion under IFR #1 was allowed to follow the same processes and procedures applicable to other PPP loans. The Appellant's application for this PPP loan utilized this adjustment.

The CARES Act defines a "seasonal employer" as an "eligible recipient" that does not operate for more than 7 months in any calendar year; or during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year. 15 U.S.C. § 636(a)(36)(xiii)(I-II).

Here, the Appellant argues that AR (submitted financial records, including the 2019 SUTA), reflect seasonal employment. The AR clearly reflects the Appellant operates the business 12 months per year. The AR further reflects the Appellant did not have gross receipts for any 6 months of 2019 that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of 2019. The Appellant is not a seasonal employer.

The AR reflects the Lender calculated the Appellant's maximum PPP loan eligibility based upon the Appellant being a seasonal employer. The SBA recalculation removes this status and properly determined the Appellant's maximum loan eligibility. This results in the Appellant having received \$152,786.50 of the \$399,372.50 provided by the Lender for PPP Loan Number 6526348904 while not being eligible for the same. The final SBA loan review decision properly relies on the AR in determining the Appellant's lack of seasonal employer status and used all existing law, policy, and guidance in determining the amount of PPP loan the Appellant was entitled to receive and have forgiven.

The final SBA loan review decision is well supported by the record and devoid of any clear error of law or fact. As such, the final SBA loan review decision is **AFFIRMED**. Appellant is not entitled to additional loan forgiveness.

CONCLUSION OF LAW

The Appellant is not a seasonal employer and was ineligible to receive \$152,786.50 of the \$399,372.50 provided by the Lender for PPP Loan Number 6526348904. The Appellant is only eligible for PPP loan forgiveness in the amount of \$246,586.00. The final SBA loan review decision is not based on clear error of fact or law. The Appellant remains liable for \$152,786.50 associated with PPP Loan Number 6526348904.

ORDER

For the reasons discussed above, this appeal petition is **DENIED**. The Appellant is only entitled to PPP loan forgiveness in the amount established by the final SBA loan review decision. I direct SBA to process the loan forgiveness request in accordance with this decision.

SO ORDERED.

Brian J. Haring
U.S. Administrative Law Judge

NOTICE OF APPEAL RIGHTS AND PROCEDURES

Either SBA or the Appellant may request reconsideration of an initial decision by filing with the Judge and serving a petition of reconsideration within ten (10) calendar days after service of the initial decision. 13 C.F.R. § 1211(c)(1).

The Judge may also reconsider an initial decision on his or her own initiative within 20 calendar days after service of the initial decision. 13 C.F.R. § 134.1211(c)(2).

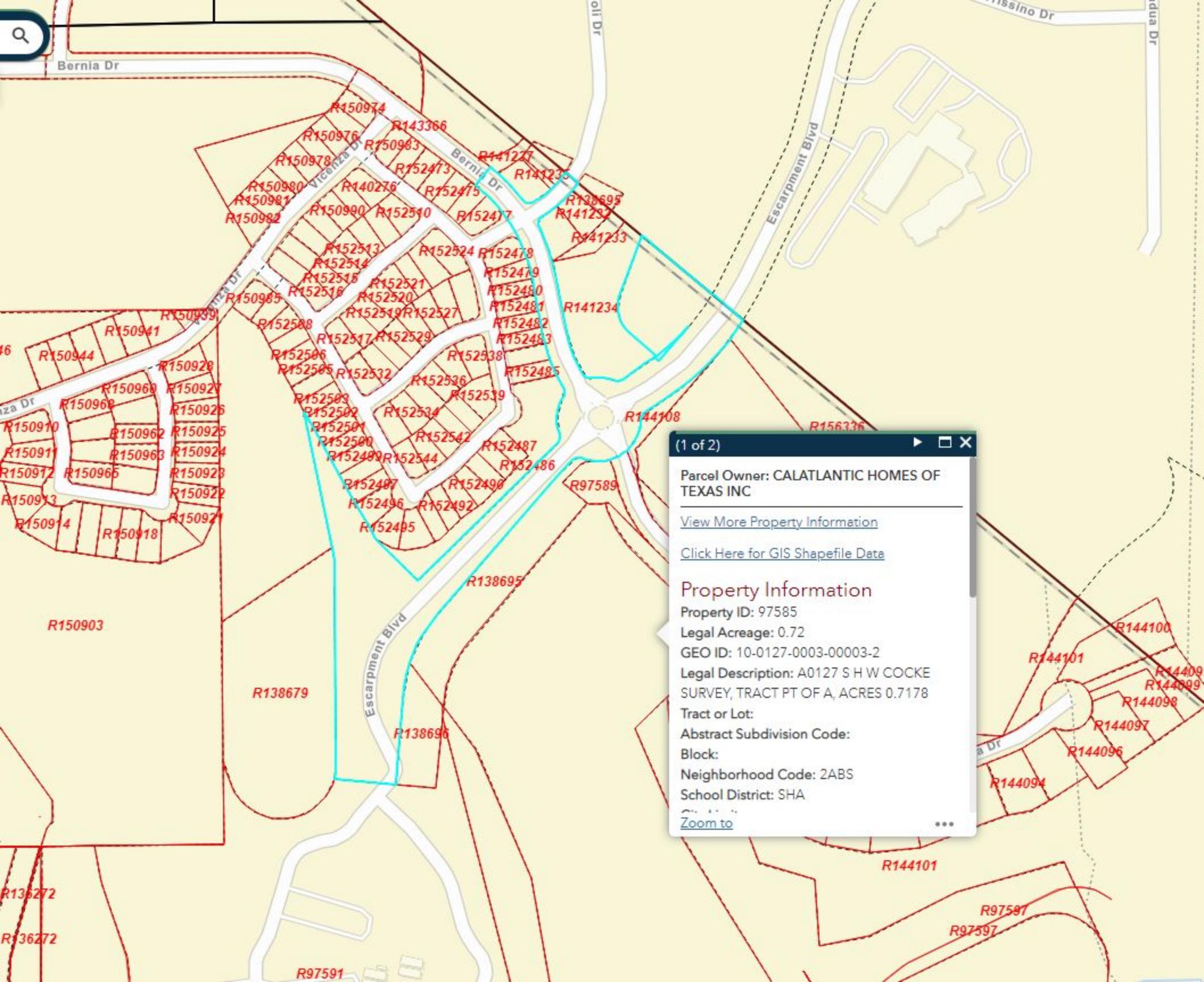
A **RECONSIDERED INITIAL DECISION** becomes the FINAL DECISION of SBA 30 calendar days after service unless the SBA Administrator decides to review or reverse the reconsidered decision under 13 C.F.R. §134.1211(d). 13 C.F.R. § 134.1211(c)(3).

The discretionary authority of the SBA Administrator does not create any additional appeal rights for Appellant not otherwise specified in the applicable SBA regulations at Title 13, Part 134, Subpart L. 13 C.F.R. § 134.1211(c)(3).

Within 30 calendar days after service of an initial OHA decision or reconsidered initial OHA decision, the SBA Administrator, solely within the Administrator's discretion, may elect to review and/or reverse an initial decision or reconsidered initial decision. 13 C.F.R. § 134.1211(d).

In the event the SBA Administrator elects to review and/or reverse an initial OHA decision and a timely reconsideration request is also filed by Appellant pursuant to 13 C.F.R. § 134.1211(c)(1), the Administrator will consider the reconsideration request. 13 C.F.R. § 134.1211(d).

The SBA Administrator's decision will become the FINAL DECISION of SBA upon issuance. 13 C.F.R. § 134.1211(d).



(1 of 2) ▶ □ ✕

Parcel Owner: CALATLANTIC HOMES OF TEXAS INC

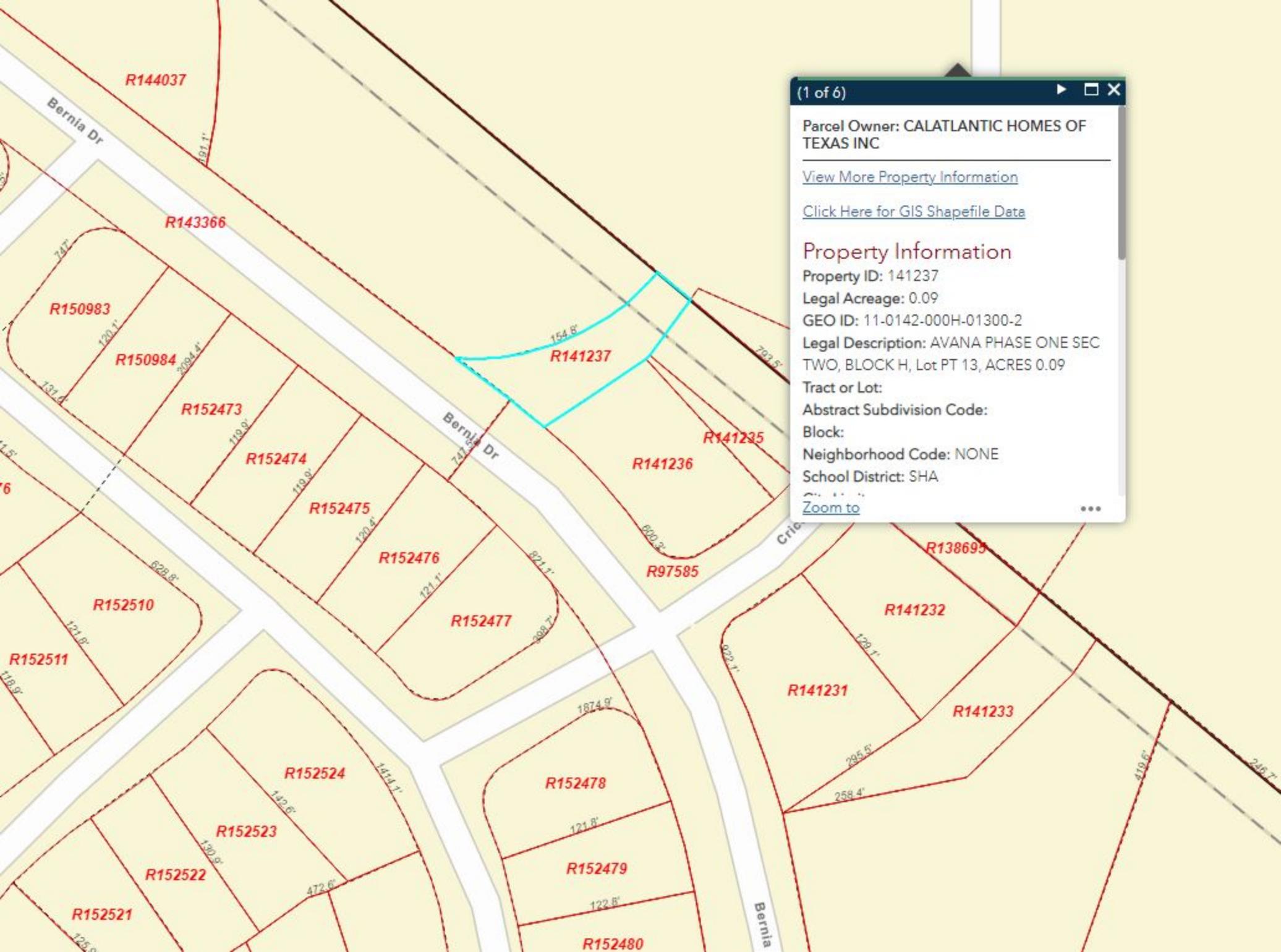
[View More Property Information](#)

[Click Here for GIS Shapefile Data](#)

Property Information

Property ID: 97585
Legal Acreage: 0.72
GEO ID: 10-0127-0003-00003-2
Legal Description: A0127 S H W COCKE SURVEY, TRACT PT OF A, ACRES 0.7178
Tract or Lot:
Abstract Subdivision Code:
Block:
Neighborhood Code: 2ABS
School District: SHA

[Zoom to](#) ⋮



(1 of 6)

Parcel Owner: CALATLANTIC HOMES OF TEXAS INC

[View More Property Information](#)

[Click Here for GIS Shapefile Data](#)

Property Information

Property ID: 141237

Legal Acreage: 0.09

GEO ID: 11-0142-000H-01300-2

Legal Description: AVANA PHASE ONE SEC TWO, BLOCK H, Lot PT 13, ACRES 0.09

Tract or Lot:

Abstract Subdivision Code:

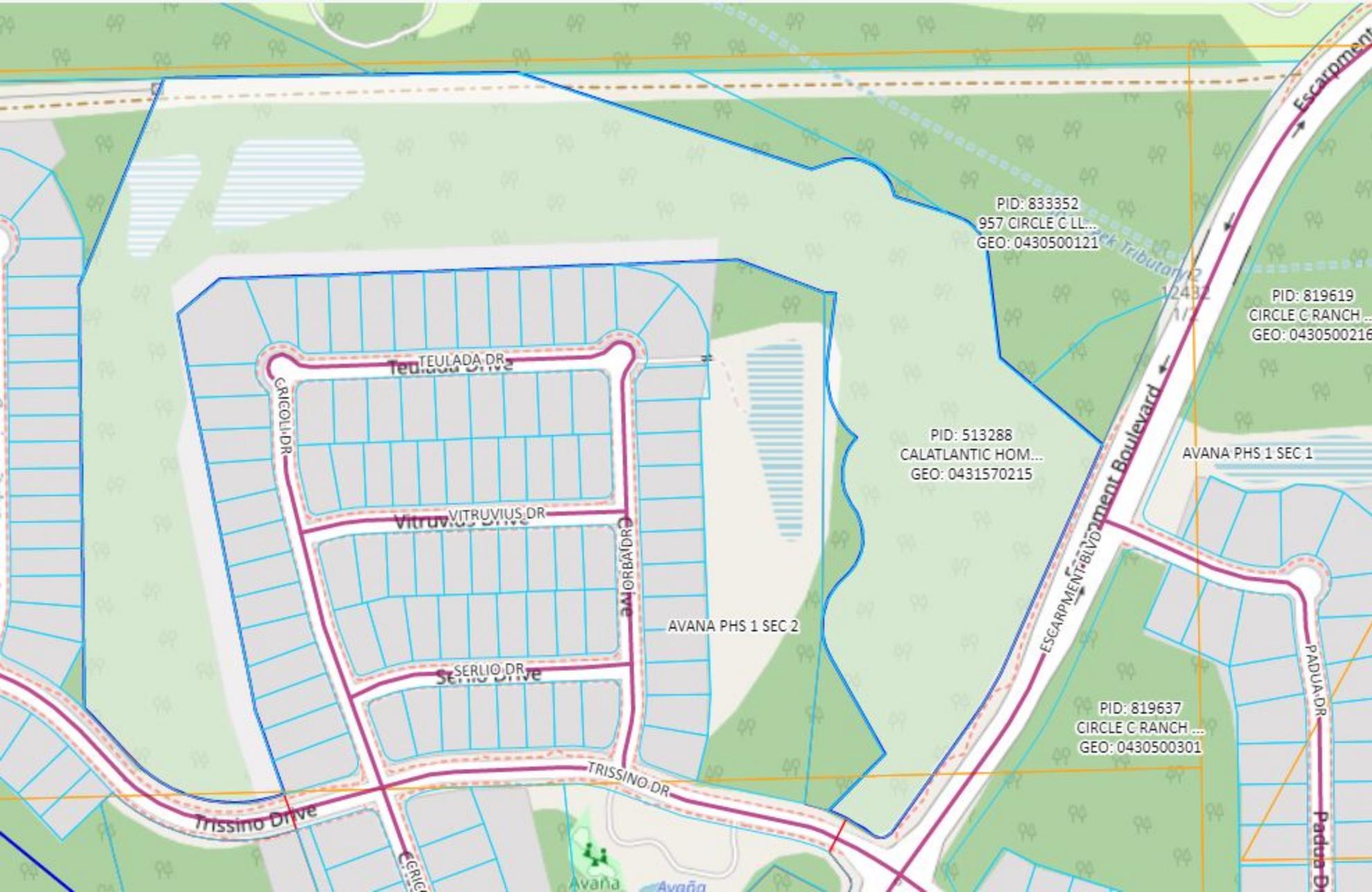
Block:

Neighborhood Code: NONE

School District: SHA

[Zoom to](#)





PROPERTY INFORMATION

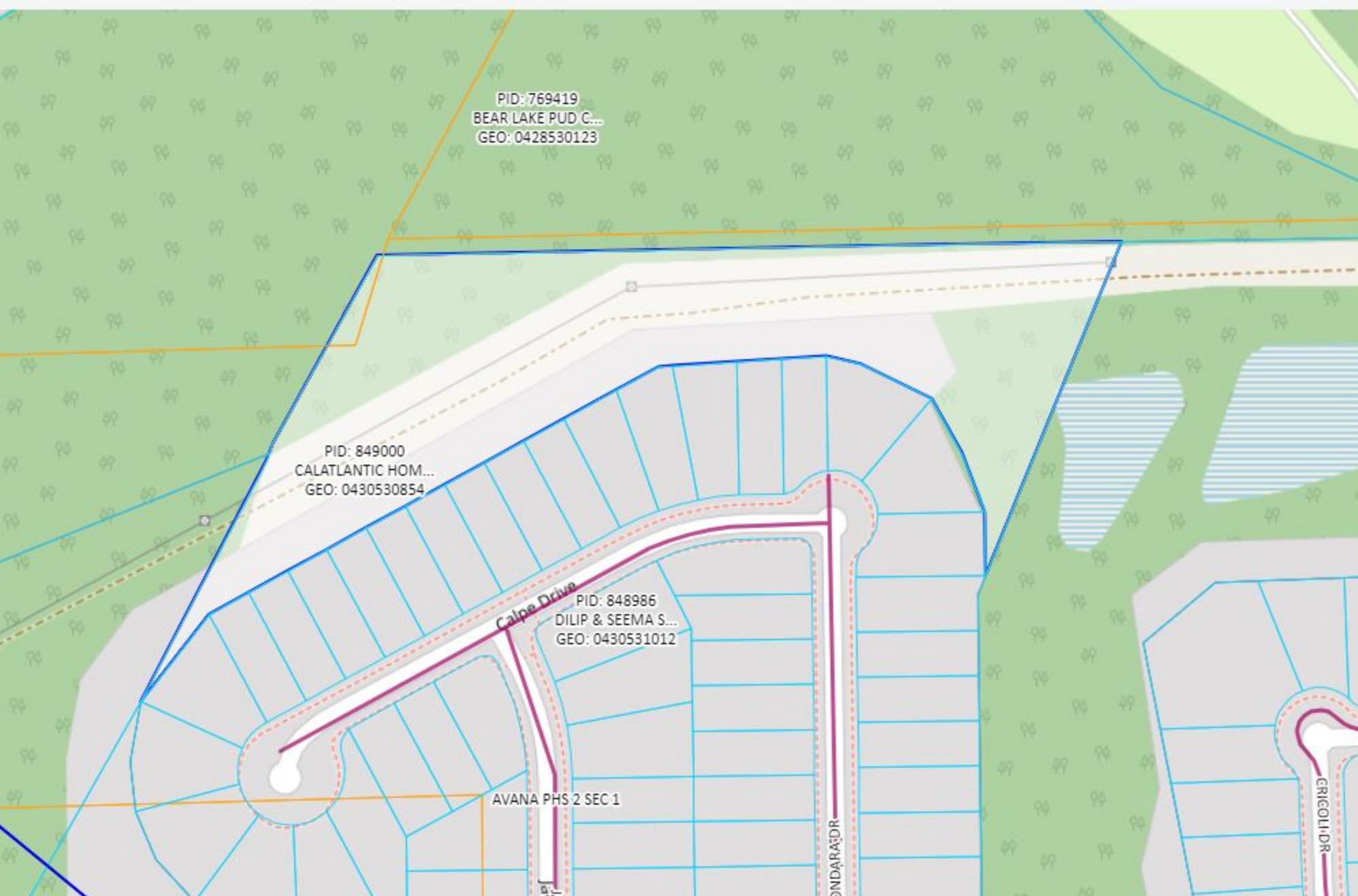
Prop ID Geo ID
513288 ↗ 0431570215
 Situs Address
F M RD 1826 TX 78645
 Legal Description
 ABS 2301 SUR 43 HUDSON C W ACR 21.1471
 Taxing Units
 01,02,03,0A,2J,68
 Market Area Latitude
 _RGN215 30.17448577764084
 Longitude
 -97.91185782250001

OWNER INFORMATION

Owner Name & Mailing Address
CALATLANTIC HOMES OF TEXAS INC (1673550)
1106 WINIFRED
AUSTIN TX 78748-4120

IMPROVEMENT AND LAND INFORMATION

Liv Area	Class	State Cd	Use
Land Size		Type	
19.3471	Lnd Class	LAND	Ag/Tim



PROPERTY INFORMATION

Prop ID: **849000** Geo ID: **0430530854**

Situs Address: **CALPE DR DR TX 78739**

Legal Description: **LOT 59 BLK A AVANA PHS 2 SEC 1 (DRAINAGE/W**

Taxing Units: **01,02,03,0A,2J,68**

Market Area: **O1000** Latitude: **30.175728034972963**

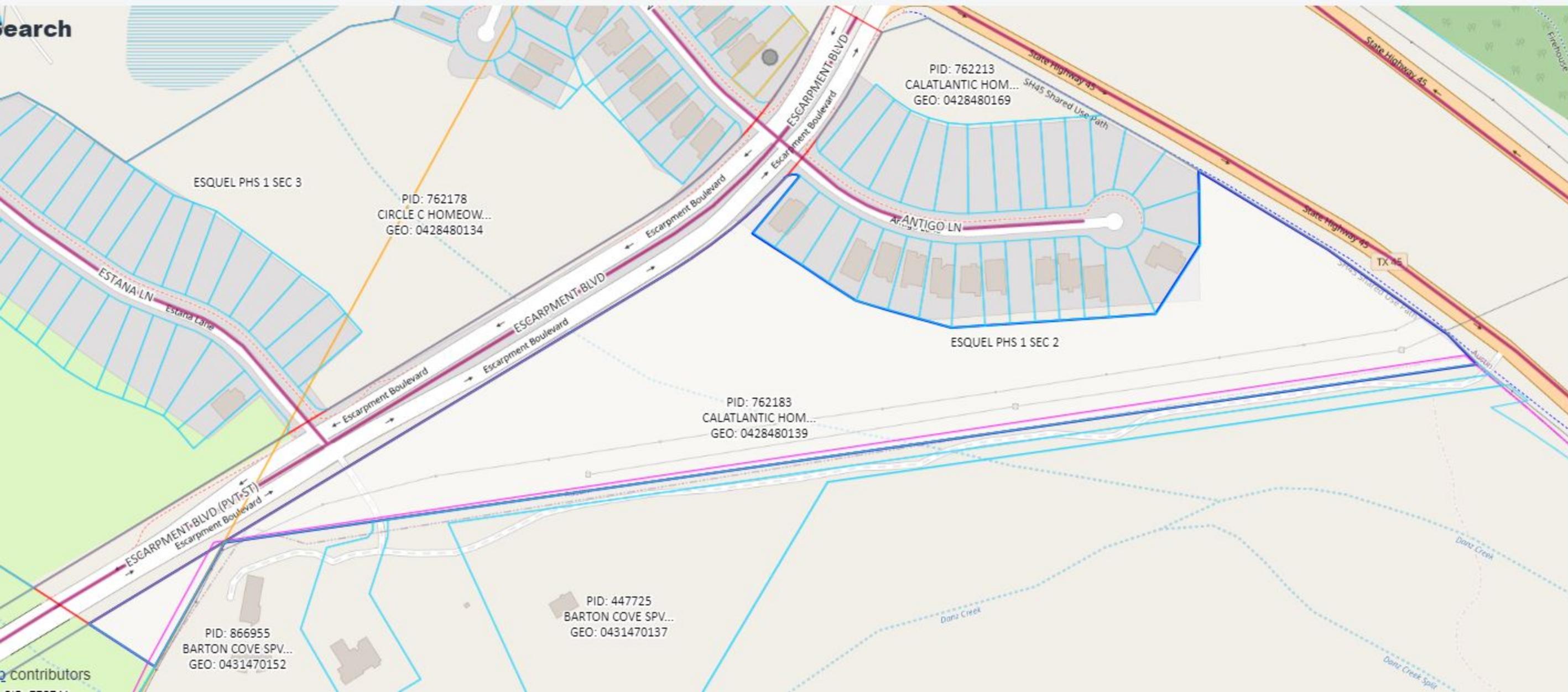
Longitude: **-97.91613622300001**

OWNER INFORMATION

Owner Name & Mailing Address: **CALATLANTIC HOMES OF TEXAS INC (1673550)
1106 WINIFRED
AUSTIN TX 78748-4120**

IMPROVEMENT AND LAND INFORMATION

Liv Area	Class	State Cd	Use
4.1964	Lnd Class	LAND	Ag/Tim



PROPERTY INFORMATION

Prop ID: **762183** Geo ID: 0428480139

Situs Address: **ANTIGO LN TX 78739**

Legal Description: LOT 31 BLK A ESQUEL PHS 1 SEC 2 (WATER QUAL)

Taxing Units: 01,02,03,0A,2J,68

Market Area: O1000 Latitude: 30.17861666501709

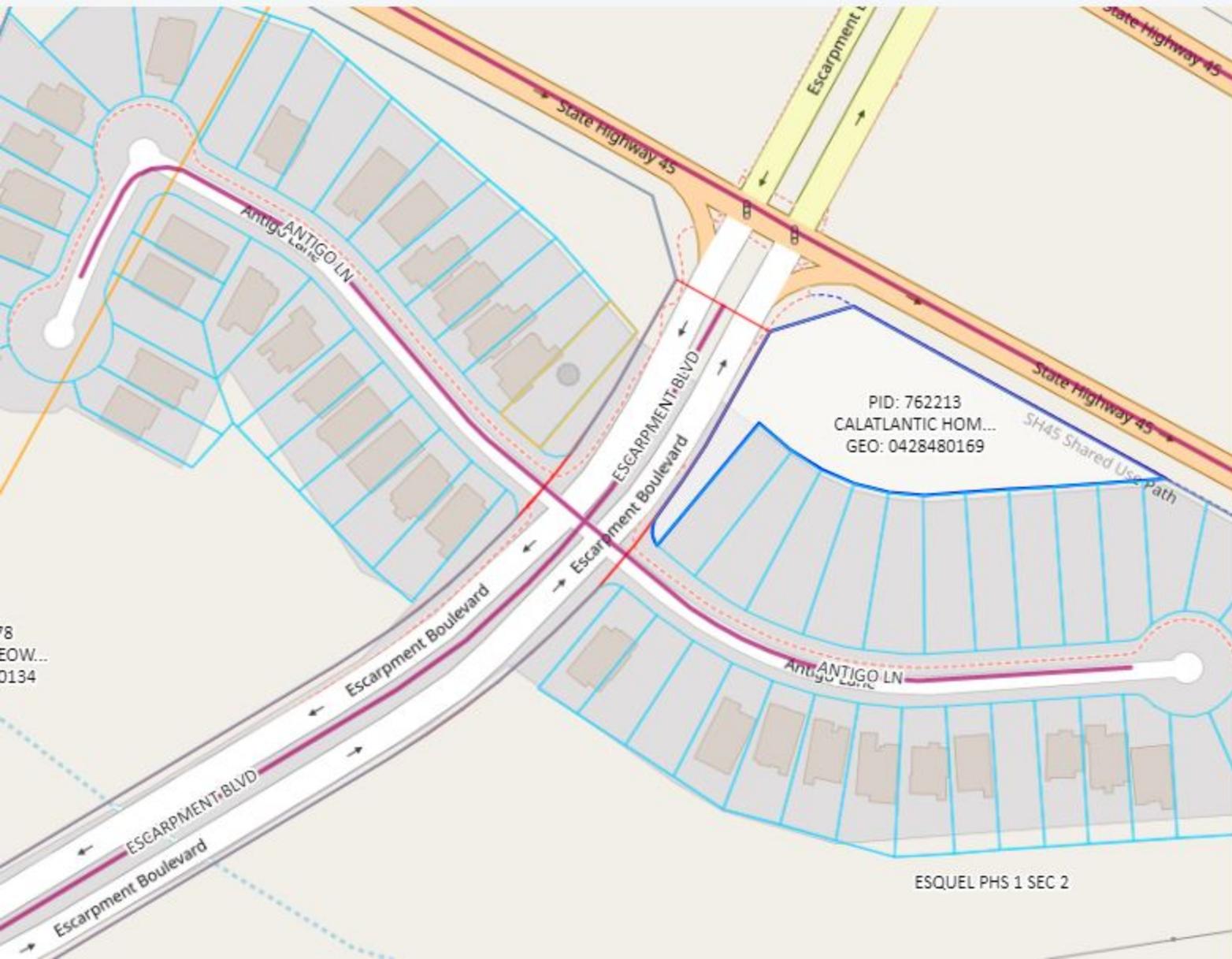
Longitude: -97.90086428949999

OWNER INFORMATION

Owner Name & Mailing Address:
CALATLANTIC HOMES OF TEXAS INC (1673550)
1106 WINIFRED
AUSTIN TX 78748-4120

IMPROVEMENT AND LAND INFORMATION

Liv Area	Class	State Cd	Use
Land Size		Type	
15 3036	Und Class	LAND	Aq/Tim



PROPERTY INFORMATION

Prop ID

762213

Geo ID

0428480169

Situs Address

ANTIGO LN TX 78739

Legal Description

LOT 1 BLK A ESQUEL PHS 1 SEC 2 (DRAINAGE EA

Taxing Units

01,02,03,0A,2J,68

Market Area

O1000

Latitude

30.180458379700326

Longitude

-97.8997355955

OWNER INFORMATION

Owner Name & Mailing Address

CALATLANTIC HOMES OF TEXAS INC (1673550)
1106 WINIFRED
AUSTIN TX 78748-4120

IMPROVEMENT AND LAND INFORMATION

Liv Area

Class

State Cd

Use

Land Size

Type



PROPERTY INFORMATION

Prop ID Geo ID
831201 0430530610

Situs Address
6808 TRISSINO DR 78739

Legal Description
LOT 13 BLK H AVANA PHS 1 SEC 2 (DRAINAGE)

Taxing Units
01,02,03,0A,2J,68

Market Area Latitude
01000 30.17151584725147

Longitude
-97.9135359205

OWNER INFORMATION

Owner Name & Mailing Address
CALATLANTIC HOMES OF TEXAS INC (1673550)
1106 WINIFRED
AUSTIN TX 78748-4120

IMPROVEMENT AND LAND INFORMATION

Liv Area	Class	State Cd	Use
Land Size	Type		
0.4754	Lnd Class	LAND	Ag/Tim