

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2008-AH-225
ADMINISTRATIVE ACTION NO. 08-PPC-0255**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

Vs.

**FINAL ORDER DENYING
APPLICATION TO AMEND BYLAWS**

BEACON COMMUNITY CREDIT UNION

RESPONDENT

The Department of Financial Institutions denied the Respondent's application to amend its bylaws to include in its field of membership "persons who live or work in Jefferson County, Kentucky" and "persons who live or work in Bullitt County, Kentucky." The Department denied the amendment based on an order from the Franklin Circuit Court in *Home Federal Savings and Loan Association v. The Commonwealth of Kentucky, ex. rel., The Office of Financial Institutions, and Cordell G. Lawrence, Executive Director, et al*, Case No. 06-CI-737, and affirmed by the Kentucky Court of Appeals on October 31, 2008, in which the Office of Financial Institutions (now the Department of Financial Institutions) was enjoined from approving bylaws that provide for a geographic field of membership for credit unions. The Respondent requested a hearing pursuant to KRS 286.6-012 and the matter was referred to the Division of Administrative Hearings, Office of the Attorney General, where the case was assigned to a hearing officer, the Hon. Susan Durant, who scheduled the matter for a hearing. On March 10, 2009, the hearing officer granted the Complainant's motion for summary judgment, cancelled the hearing scheduled for April 9, 2009, and issued a Recommended Order.

ORDER

Having reviewed the record, including the Recommended Order and exceptions to the Recommended Order, and having been sufficiently advised, now therefore, **IT IS ORDERED:**

1. The Recommended Order Granting Motion for Summary Judgment is **HEREBY AFFIRMED**; and
2. The Respondent's application to amend its bylaws is **HEREBY DENIED**.

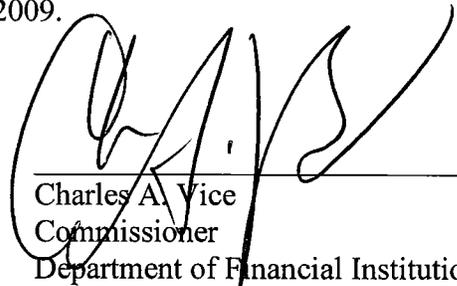
Notice of Appeal Rights

This constitutes a Final Order of the Commissioner in the above matter. You have a right to appeal the Final Order pursuant to KRS 13B.140 which reads in part:

(1) All final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceedings and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served when filing an appeal petition in the Circuit Court.

SO ORDERED this 8th day of June, 2009.



Charles A. Vice
Commissioner
Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601

Certificate of Service

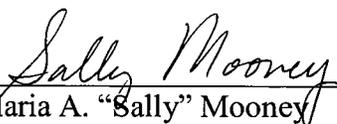
I hereby certify that on this the 9th day of June, 2009, this **Final Order** was served by mailing a true and correct copy of same by:

Certified mail, return receipt requested to:

David T. Wilson II
Skeeters Bennett Wilson & Pike
550 W. Lincoln Trail Blvd.
Radcliff, KY 40601

and, by messenger mail to:

Susan S. Durant
Hearing Officer
Division of Administrative Hearings
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204



Maria A. "Sally" Mooney
Counsel