

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2009-AH-62
ADMINISTRATIVE ACTION NO. 09-PPC-0282**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

FINAL ORDER

GARY BEDINGHAUS

RESPONDENT

* * * * *

This matter is before the Commissioner of the Department of Financial Institutions (“DFI”), pursuant to KRS 13B.120. The Commissioner hereby enters this **Final Order** imposing a fine and issuing a cease and desist against Gary Bedinghaus (“Respondent”).

This matter was scheduled for a formal hearing on April 30, 2010. On April 29, 2010, the Respondent withdrew his request for a hearing and the Hearing Officer issued a Recommended Order of Dismissal, Notice of Exception and Appeal Rights on April 30, 2010.

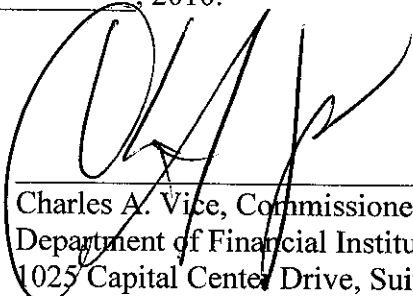
Having considered the record in this matter, the Recommended Order of Dismissal, Notice of Exception and Appeal Rights, to which no exceptions were filed, and being sufficiently advised, I hereby adopt as my own the Recommended Order of Dismissal, Notice of Exception and Appeal Rights issued by the Hearing Officer on April 30, 2010.

FINAL ORDER

THEREFORE, it is hereby **ORDERED** that:

1. The Recommended Order of Dismissal, Notice of Exception and Appeal Rights issued by the Hearing Officer on April 30, 2010 and attached hereto are hereby adopted and incorporated by reference in this Final Order:
2. The appeal of this matter is **DISMISSED** as withdrawn.
3. Gary Bedinghaus shall pay a civil penalty in the amount of seventy-two thousand five hundred dollars (\$72,500.00) for the violations of KRS Chapter 286.8 enumerated in the Administrative Complaint; and
4. Gary Bedinghaus shall **CEASE AND DESIST** from transacting business in Kentucky as a mortgage loan originator, until such time as he is properly registered as a mortgage loan originator pursuant to KRS Chapter 286.8;.

Executed on the 28th day of May, 2010.



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

NOTICE OF RESPONDENT'S APPEAL RIGHTS

This is a final and appealable order. Pursuant to KRS 286.8-210, you are hereby notified that you have the right to appeal this Final Order of the Commissioner. If you chose to appeal, you must file a written Notice of Appeal with the Franklin Circuit Court within sixty (60) days after completion of service of this Final Order. A copy of any Appeal Petition must be served on the Commissioner.

Certificate of Service

1st I hereby certify that a copy of the foregoing Final Order was served as follows on this the
day of June, 2010 to:

by messenger mail on:

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

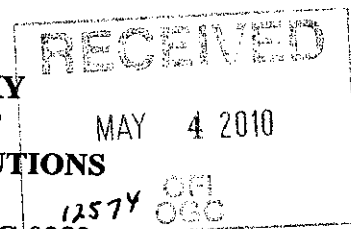
by certified mail, postage prepaid, on:

Gary Bedinghuas
106 Fort Beech Dr.
Southgate, KY41071



Shaun T. Orme
Assistant General Counsel
Department of Financial Institutions
1025 Capital Center Drive, Ste. 200
Frankfort, KY 40601
(502) 573-3390, ext. 282
(502) 573-2183

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2009-AH-62
ADMINISTRATIVE ACTION NO. 09-PPC-0282**



DEPARTMENT OF FINANCIAL INSTITUTIONS

PETITIONER

vs.

**RECOMMENDED ORDER OF DISMISSAL
NOTICE OF EXCEPTION AND APPEAL RIGHTS**

GARY BEDINGHAUS

RESPONDENT

* * * * *

An Administrative Hearing was scheduled to be held in this matter on April 30, 2010. On April 29, 2010, the Respondent, Gary Bedinghaus, left a voice message on the telephone of Peggy Riddle, Administrative Assistant in Administrative Hearings. Mr. Bedinghaus stated that he did not desire to have an administrative hearing and he would not appear on April 30.

The Hearing Officer called Mr. Bedinghaus to arrange a prehearing conference with Shaun Orme, attorney for the Petitioner. When she was unable to reach Mr. Bedinghaus, she left a voice mail message saying that she understood Mr. Bedinghaus' message as an oral motion to withdraw his request for a hearing. She then called Mr. Orme and told him that Mr. Bedinghaus did not intend to appear at the Hearing and that she understood the Respondent's message as a notice to withdraw his request for a Hearing.

Having been sufficiently advised, IT IS HEREIN RECOMMENDED that this matter be dismissed because the Respondent has withdrawn his request for a Hearing. A Final Order may be issued on the facts and charges stated in the Administrative Complaint of October 7, 2009.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110 (4) you have the right to file exceptions to this recommended decision:

You have a right to appeal the Final Order of the agency 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 proceeding 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." The Court of Appeals has suggested that an appeal to circuit court is commenced upon the filing of the appeal petition and the issuance of a summons within the 30-day time period for filing an appeal.

SO RECOMMENDED this 30th day of April, 2010.



SUSAN S. DURANT
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KY 40601-8204
(502) 696-5442

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 3rd day of May, 2010, by messenger mail, to

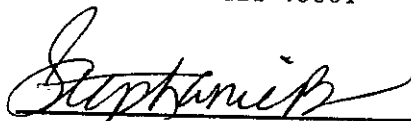
GENERAL COUNSEL
DEPT OF FINANCIAL INSTITUTIONS
1025 CAPITAL CENTER DR STE 200
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

GARY BEDINGHAUS
106 FORT BEECH DR
SOUTHGATE KY 41071

and, by messenger mail, to:

SHAUN T ORME
OFFICE OF GENERAL COUNSEL
DEPT OF FINANCIAL INSTITUTIONS
1025 CAPITAL CENTER DR STE 200
FRANKFORT KY 40601



DOCKET COORDINATOR

090282fc.ssd.wpd