

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2008-AH-236
ADMINISTRATIVE ACTION NO. 08-PPC-0439**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

RECOMMENDED ORDER OF DEFAULT

MAN O'WAR MORTGAGE, LLC, and
MICHAEL D. TRIMBLE, and
JAMES T. TRIMBLE

RESPONDENTS

* * * * *

A telephonic show cause conference was held on March 30, 2009, at 9:00 a.m., ET. hearing. Sally Mooney appeared as counsel for the Complainant, the Department of Financial Institutions ("the Department"). The Hearing Officer was unable to reach either Michael D. Trimble or James T. Trimble at the phone numbers they used for prior prehearing conferences, (859) 797-7653 and (859) 509-9400.

The Department's counsel reported that the parties had reached a tentative settlement and that her predecessor counsel sent the Respondents a settlement agreement to sign, but the Department had not heard from any of the Respondents since then.

A Show Cause Order was issued on February 23, 2009, ordering the Respondents to appear on March 10, 2009, and show cause why a default order should not be issued against them. The show cause conference was rescheduled for March 30, 2009, by order dated February 27, 2009.

Pursuant to KRS 13B.080(6), "If a party properly served under KRS 13B.050 fails to attend or participate in a prehearing conference . . . the hearing officer may adjourn the proceedings and issue a default order granting or denying relief as appropriate . . . having due

regard for the interests of justice and the orderly and prompt conduct of the proceedings. A default order shall be considered a recommended order and shall be processed as provided in KRS 13B.110.”

The Department filed proof of compliance with the notice requirements of KRS 13B.050(2). It is appropriate to issue a default order against the Respondents.

The Department’s counsel reported at the show cause conference that the Respondents had paid the fee bill in the amount of \$1,176 referred to in the Administrative Complaint.

Therefore, there being no reason to hold a hearing in this matter, IT IS HEREBY RECOMMENDED that the Department enter a Final Order as follows:

1. Ordering that all the allegations in the Complaint are true by reason of the Respondents’ default.
2. Ordering that the mortgage broker license of the Respondent, Man O’War Mortgage, LLC, is revoked.
3. Ordering that the loan originator registrations of the Respondents, Michael D. Trimble and James T. Trimble, are revoked.
4. Ordering that no fine or fee bill be charged to the Respondents.

**NOTICE TO PARTIES OF EXCEPTION
AND APPEAL RIGHTS**

Pursuant to KRS 13B.110(4):

a copy of the hearing officer's recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head.

Pursuant to KRS 13B.120(2):

the agency head may accept this recommended order and adopt it as the agency's final order, or it may reject or modify, in whole or in part, the recommended order, or it may remand the matter, in whole or in part, to the hearing officer for further proceedings as appropriate.

Pursuant to KRS 13B.120(4):

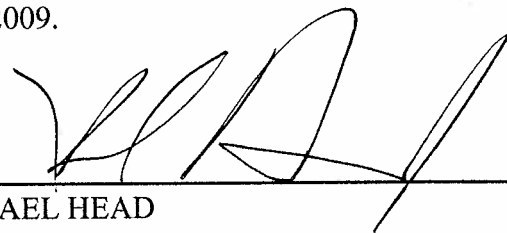
the agency head shall render a final order in an administrative hearing within ninety (90) days after the hearing officer submits a recommended order to the agency head, unless the matter is remanded to the hearing officer for further proceedings.

Pursuant to KRS 13B.140:

All final orders of an agency shall be subject to judicial review in accordance with the provisions of KRS Chapter 13B. 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.

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 8 day of April, 2009.



MICHAEL HEAD
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KY 40601-8204
(502) 696-5442
(502) 573-1009 - FAX

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 8th day of

April, 2009, by messenger mail, to

GENERAL COUNSEL
DEPARTMENT 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:

MAN O'WAR MORTGAGE LLC
501 DARBY CREEK RD STE 46
LEXINGTON KY 40509

MICHAEL D TRIMBLE
200 RICHARDSON PLC
LEXINGTON KY 40509

JAMES T TRIMBLE
4393 RIVARD LN
LEXINGTON KY 40509

and, by messenger mail, to:

SALLY MOONEY
OFFICE OF GENERAL COUNSEL
DEPARTMENT OF FINANCIAL INSTITUTIONS
1025 CAPITAL CENTER DR STE 200
FRANKFORT KY 40601



DOCKET COORDINATOR