

**STATE OF OHIO**  
**DEPARTMENT OF COMMERCE**  
**Division of Financial Institutions**  
**Consumer Finance**

In the matter of:	)	Case No. 04-0154-LOD
	)	
<b>PRESCOTT BIGELOW, IV</b>	)	<b><u>DIVISION ORDER</u></b>
5365 Miami Road	)	<b>Denial of loan officer license application</b>
Cincinnati, Ohio 45243	)	<b>&amp;</b>
	)	<b>Notice of Appellate Rights</b>

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On October 22, 2002, Prescott Bigelow, IV ("Respondent") submitted a loan officer license application to the Division of Financial Institutions ("Division"). On January 22, 2004, the Division issued Respondent a notice of the Division's intent to deny Respondent's application, and notified Respondent of his right to a hearing on the matter. Respondent requested a hearing, and pursuant thereto, an administrative hearing was held in accordance with Ohio Revised Code Chapter 119 on March 25, 2004.

The hearing officer filed his written report and recommendation with the Division on August 30, 2004, recommending that the Division deny Respondent's application. A copy of the report and recommendation and a letter explaining Respondent's right to submit written objections to the report was mailed to Respondent via certified mail. Respondent filed objections, which have been considered.

In accordance with R.C. §119.09, the Division has considered the record, consisting of the Report and Recommendation, the transcript of testimony and exhibits, as well as all applicable laws. As a result the Division makes the following findings and conclusions.

Paragraph 9 on page 4 is disapproved for the reasons addressed below.

Bigelow stated on his license application that he had never been convicted of any criminal offense. He signed the license application under oath, swearing that he had completed it "fully and frankly[, and that] the answers were complete and true" when they were not. Further, as far as any violation being "unintentional", violations of R.C. §§ 1322.07 (A), (B), and (C) do not require intent.<sup>1</sup> Additionally, respondent's false answer to question 5 on the licensing application does violate R.C. § 1322.07(A), (B) and (C) and not only one of these sections as the hearing officer suggests.

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<sup>1</sup> In R.C. §§ 1322.07 (E) and (F), both sections contain language of intent by using the term "knowingly." R.C. §§ 1322.07 (A), (B), and (C) do not.

Upon consideration of the hearing officer's report and recommendation, the Division confirms and approves the recommendation. Accordingly, Respondent's application for a loan officer license is hereby denied.

It is so ordered.

**NOTICE OF RIGHT TO APPEAL**

Respondent is hereby notified that pursuant to R.C. 119.12, this order may be appealed by filing a notice of appeal with the Ohio Division of Financial Institutions setting forth the order appealed from and the grounds for the appeal. A copy of such notice of appeal must, pursuant to R.C. 119.12, must also be filed with the court of common pleas of the county in which the place of business of the Respondent is located, or the county in which the Respondent is a resident. A notice of appeal must be filed within fifteen (15) days after the date of mailing of this order.

Signed and sealed this 17th day of November 2005.

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**ROBERT M. GRIESER**

Deputy Superintendent for Consumer Finance  
Division of Financial Institutions  
Ohio Department of Commerce