

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-18831

In the Matter of

SHAWN K. DICKEN,

Respondent.

NOTICE

On April 8, 2021 the Commission issued its Second Order to Show Cause. The April 8 Order to Show Cause required Respondent “to SHOW CAUSE by May 24, 2021, why the Commission should not find her in default. Dicken’s submission shall address the reasons for her failure to timely file an answer or response to the Division’s motion, as well as her response to the substance of the Division’s request for sanctions . . .” (April 8 Order to Show Cause at 3) The April 8 Order further allowed the Division twenty-eight days to file a response if it so chose. (*Id.*)

On May 17, 2021, Respondent served the Division with a five-page document dated May 9, 2021 (“Respondent’s May 9 Brief”).¹ Respondent’s May 9 Brief purports to explain why she timely failed to answer the Division’s motion by asserting that she was occupied with efforts to overturn her conviction.² But instead of responding to the substance of the Division’s request for

¹ Respondent’s May 9 Brief was emailed to the Division and to the apfilings email address.

² It appears from the online records of the Michigan Court of Appeals that (at some earlier time not disclosed in the record) Respondent moved the Midland County Circuit Court (the trial court where she was tried) to resentencing her. On January 25, 2021 the Midland County Circuit Court denied her request. Then, on February 11, 2021, Respondent sought leave to appeal the decision of the trial court. On May 21, 2021, a three-judge panel of the Court of Appeals issued an Order

sanctions, Respondent, once again, asserted her innocence and made a collateral attack on the criminal charges, trial and conviction which form the predicate for this administrative proceeding. Respondent appears to concede that she was convicted as set forth in the Order Instituting Proceedings. Respondent does not, however, address the standards for determining whether the Commission should impose administrative sanctions against her.

The Division has already responded to the arguments contained in the Respondent's May 9 Brief, which largely repeat the content of Respondent's October 22, 2020 filing. The Division also has already asserted its factual and legal arguments in favor of imposing a bar against the Respondent based on her criminal conviction. Therefore, the Division will not file a response to Respondent's May 9 Brief, unless ordered to do so by the Commission.

Dated: May 27, 2021

Respectfully submitted,

s/John E. Birkenheier

John E. Birkenheier

Steven L. Klawans

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that the "application for leave to appeal is DENIED for lack of merit in the grounds presented." The Order of the Court of Appeals is Ex. 1 to this Notice. The docket for the proceeding, *People of Michigan v. Shawn Kristi Dicken*, Court of Appeals Case Number 356271, can be found here: [Case Search \(michigan.gov\)](#)

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the Notice of the Division of Enforcement to be served on the following on this 27th day of May 2021, in the manner indicated below:

CERTIFIED MAIL
Ms. Shawn K. Dicken
Women's Huron Valley Correctional Facility



Dated: May 27, 2021

s/John E. Birkenheier
John E. Birkenheier

EXHIBIT 1

Court of Appeals, State of Michigan

ORDER

People of MI v Shawn Kristi Dicken

Docket No. 356271

LC No. 13-005531-FH

Michael J. Kelly
Presiding Judge

Stephen L. Borrello

Amy Ronayne Krause
Judges

The motion to waive fees is GRANTED for this case only.

The application for leave to appeal is DENIED for lack of merit in the grounds presented.

Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

Date

Chief Clerk

OS Received 05/27/2021