

HARD COPY

**UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING
File No. 3-18831**

In the Matter of

SHAWN K. DICKEN,

Respondent.



**DIVISION OF ENFORCEMENT'S MOTION FOR ORDER
FINDING RESPONDENT IN DEFAULT AND IMPOSING SANCTIONS
AND BRIEF IN SUPPORT**

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ADMINISTRATIVE PROCEEDING
File No. 3-18831

In the Matter of

SHAWN K. DICKEN,

Respondent.

**DIVISION OF ENFORCEMENT'S MOTION FOR ORDER
FINDING RESPONDENT IN DEFAULT AND IMPOSING SANCTIONS**

The Division of Enforcement ("Division"), pursuant to Rule 155(a) of the Commission's Rules of Practice, 17 C.F.R. § 201.155(a), hereby moves the Commission to find Respondent Shawn K. Dicken ("Dicken") in default and determine this proceeding against her upon consideration of the record.

The Division respectfully submits that a finding of default against Dicken is appropriate and that the Commission should enter an order pursuant to Section 15(b)(6) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78o(b)(6), barring Dicken from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization, and barring Respondent from participating in any offering of a penny stock.

In support of this Motion, the Division relies on the accompanying Brief, Declaration, and Exhibits.

Dated: April 4, 2019

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John E. Birkenheier', written over a horizontal line.

John E. Birkenheier
Steven L. Klawans
Division of Enforcement
Securities and Exchange Commission
Chicago Regional Office
175 West Jackson Boulevard, Suite 1450
Chicago, Illinois 60604
Phone: 312-353-7390
Fax: 312-353-7398

UNITED STATES OF AMERICA
Before the
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ADMINISTRATIVE PROCEEDING
File No. 3-18831

In the Matter of

SHAWN K. DICKEN,

Respondent.

**DIVISION OF ENFORCEMENT'S BRIEF IN SUPPORT OF ITS MOTION FOR
ORDER FINDING RESPONDENT IN DEFAULT AND IMPOSING SANCTIONS**

INTRODUCTION

Based on Respondent Shawn K. Dicken's ("Dicken") criminal conviction, the Commission initiated this follow-on administrative proceeding. In accordance with Rule 141 of the Rules of Practice, Dicken was properly served with the Order Instituting Proceedings ("OIP") on September 27, 2018. Dicken has not filed an answer and may thus be deemed in default. Pursuant to Rule 155(a) of the Rules of Practice and Section 15(b) of the Securities Exchange Act of 1934 ("Exchange Act"), the Division of Enforcement ("Division") now moves for an order finding Dicken in default, and barring her from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization ("NRSRO"), and from participating in any offering of a penny stock. The Division respectfully submits this brief in support of its motion.

UNDISPUTED FACTS

On March 13, 2014, a state court jury found Dicken guilty of seven counts of making or using false pretenses to obtain money from a person with the intent to defraud or cheat, a felony, in violation of Michigan Compiled Laws (“MCL”) 750.218(4)(a), one count of felony embezzlement in violation of MCL 750.174a(6)(a), and one count of conducting a criminal enterprise by obtaining money by false pretenses, a felony, in violation of MCL 750.159i(1), in *People v. Shawn Kristi Dicken*, Case No. 2013-005531-FH (Cir. Ct., Midland County, Michigan). (Ex. A, Judgment of Sentence.)¹

On July 31, 2014, a judgment in the criminal case was entered against Dicken. (*Id.*) She was sentenced to 140 months to 20 years in prison. (*Id.*)

The counts of the criminal Information as to which Dicken was convicted alleged, among other things, that between January 2011 and November 2012: Dicken was employed as a salesperson for the Diversified Group; she solicited investors, mostly senior citizens to invest in Diversified; she made material misrepresentations regarding the investment, stating that the investment was without risk, was completely liquid, and featured a guaranteed rate of return of between 9.5% and 10.44%; she failed to disclose the risks that this was a highly leveraged real estate investment that could result in the loss of all of their money. (Ex. B, Criminal Information and Ex. A.) Based on these representations, Dicken obtained over \$2 million from investors, many of whom risked their life savings. (Ex. B.) The investors’ funds were ultimately invested in a Ponzi scheme. (*Id.*)

¹ All documents cited herein have been attached as exhibits to the concurrently filed Declaration of Steven L. Klawans. Thus, a citation to “Ex. A” in this section means the document attached as Exhibit A to that Declaration.

On September 24, 2018, the Commission instituted this follow-on administrative proceeding to determine, among other things, what, if any, remedial action is appropriate in the public interest against Dicken.

In the OIP, the Division alleged that from November 2010 through June 2012, Dicken was associated with W.R. Rice, a broker-dealer registered with the Commission; and that from August 2012 through May 2013, Dicken was associated with G-W Brokerage Group, Inc., another broker-dealer registered with the Commission. (OIP, at II.A.1.) The OIP also alleged the facts of Dicken's criminal conviction and sentence and the criminal charges against her, as described above. (OIP at II.A.2 and A.3.)

Dicken was served with the OIP on September 27, 2018. (Ex. C, Proof of Service.) To date, Dicken has not answered or otherwise responded to the Division's allegations.

ARGUMENT

I. A Finding of Default is Appropriate and the Allegations of the OIP Should Be Deemed True

Rule 155(a) of the Rules of Practice states that "a party to a proceeding may be found in default and the Commission ... may determine the proceeding against that party upon consideration of the record, including the order instituting proceedings, the allegations of which may be deemed to be true, if that party fails...to answer, to respond, or otherwise to defend the proceeding..." 17 C.F.R. § 201.155(a).

Here, although Dicken was served with the OIP on September 27, 2018, she has not filed an answer or otherwise defended the proceeding. As a result, a finding of default is appropriate, and the allegations in the OIP should be deemed true against Dicken. *See* 17 C.F.R. § 201.155(a) and OIP at IV (indicating that if Respondent fails to answer, she may be deemed in default).

II. Imposition of an Industry Bar is Warranted

Section 15(b)(6) of the Exchange Act authorizes the imposition of an industry bar against Dicken if: (1) at the time of the alleged misconduct, she was associated with a broker; (2) she has been convicted of any offense specified in Section 15(b)(4)(B) of the Exchange Act within 10 years of the commencement of this proceeding; and (3) a bar is in the public interest.

A. At the Time of the Misconduct, Dicken was Associated with a Broker or Dealer

During the time period of the misconduct for which she was convicted, Dicken was a registered representative with registered broker-dealers W.R. Rice and G-W Brokerage. (OIP at II.A.1. and Ex. D.)

B. Dicken Has Been Convicted of Obtaining Money through False Pretenses and Embezzlement

Among the possible bases for the imposition of bars under Section 15(b)(4)(B) of the Exchange Act, are convictions for offenses involving the purchase or sale of a security, arising out of the conduct of the business of a broker or dealer, or involving “fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds . . . or substantially equivalent activity . . .” See 15 U.S.C. §§ 78o(b)(4)(B)(i), (ii) and (iii).

On March 13, 2014, Dicken was convicted of embezzlement and of making or using false pretenses to obtain money with the intent to defraud or cheat, both felony crimes which arose out of the conduct of the business of a broker dealer. (OIP at II.B.2; Ex. A; Ex. B.) Specifically, Dicken was charged with, and convicted of, soliciting senior citizens to invest over \$2 million in a Ponzi scheme; and making material misrepresentations, and failing to disclose material facts, about the nature and risks of the investment. (*Id.*)

C. Industry and Penny Stock Bars are in the Public Interest

To determine whether a sanction is in the public interest, the Commission should look to the six factors set forth in *Steadman v. SEC*, 603 F.2d 1126, 1140 (5th Cir. 1979) *aff'd on other grounds*, 450 U.S. 91 (1981): (a) the egregiousness of the defendant's actions; (b) the isolated or recurrent nature of the infraction; (c) the degree of scienter involved; (d) the sincerity of the defendant's assurances against future violations; (e) the defendant's recognition of the wrongful nature of his conduct; and (f) the likelihood that the defendant's occupation will present opportunities for future violations. *See Bryan Lee Addington*, Initial Dec. Rel. No. 1339, 2018 WL 6722721 (Dec. 20, 2018). The "inquiry into . . . the public interest is a flexible one, and no one factor is dispositive." *David Henry Disraeli and Lifeplan Associates, Inc.*, Exchange Act Rel. No. 57027, 2007 WL 4481515, at *15 (Dec. 21, 2007), *petition denied*, 334 F. App'x 334 (D.C. Cir. 2009) (per curiam). "Absent extraordinary mitigating circumstances, an individual who has been convicted cannot be permitted to remain in the securities industry." *Frederick W. Wall*, Exchange Act Rel. No. 52467, 2005 WL 2291407, at *4 (Sept. 19, 2005) (quotation omitted); *accord Shreyans Desai*, Exchange Act Rel. No. 80129, 2017 WL 782152, at *4 (Mar. 1, 2017).

First, Dicken's conduct was egregious. Her conviction establishes that she knowingly and willfully used false pretenses to obtain over \$2 million for a Ponzi scheme. Further, Dicken raised that money from vulnerable senior citizens. (Ex. B and C.)

Second, Dicken's violations were recurrent in that they continued for almost two years. Moreover, this was not the first time Dicken had committed fraud. The trial court in Dicken's criminal proceeding considered her prior similar misconduct when departing from sentencing

guidelines and imposing a longer sentence for her conviction of operating a criminal enterprise. *People v. Dicken*, No. 322998, 2018 WL 632986, at *1 (Mich. Ct. App. Jan. 30, 2018), appeal denied, 502 Mich. 904, 913 N.W.2d 325 (2018).

Third, Dicken's degree of scienter was high as she was found guilty by a jury on eight counts of obtaining money by false pretenses and one count of embezzlement, all of which involved a requisite level of intent. (Ex. B and C.)

As Dicken has not participated in this proceeding, she has given no assurances that she will avoid future violations of the law. The existence of a violation raises an inference that the violation will be repeated. *Rockies Fund, Inc., et al.*, Exchange Act Rel. No. 54892, 2006 WL 3542989, at *7 (Dec. 7, 2006) (citing *Geiger v. SEC*, 363 F.3d 481, 489 (D.C. Cir. 2004)). Dicken has offered no evidence to rebut this inference.

Sixth, although Dicken is serving a lengthy sentence, she will eventually be released²; and unless she is barred from the securities industry she will have the chance to again harm investors. Dicken was employed in the securities industry for ten years, from 2002 to 2012. It is a business which she knows and in which she is experienced. Upon her eventual release from prison, there is a reasonable likelihood that she will return to the industry, providing ample opportunity for future violations. (Ex. D, BrokerCheck Report.) Based on a weighing of the *Steadman* factors, a bar against Dicken is both appropriate and in the public interest.

CONCLUSION

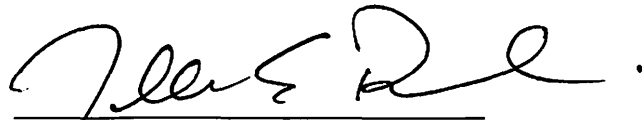
For the reasons set forth above, the Division respectfully requests, pursuant to Rule 155 of the Rules of Practice, that the Commission grant the Division's Motion finding Dicken in default

² Because Dicken was convicted of non-violent crimes in a state criminal proceeding, it is quite likely she will serve only a small percentage of her sentence. *See, e.g.*, <https://www.bis.gov/content/pub/pdf/tssp16.pdf>

and enter an order barring her from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent or NRSRO and from participating in any offering of a penny stock.

Dated: April 4, 2019

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Birkenheier", written over a horizontal line.

John E. Birkenheier
Steven L. Klawans
Division of Enforcement
Securities and Exchange Commission
Chicago Regional Office
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Chicago, Illinois 60604
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CERTIFICATE OF SERVICE

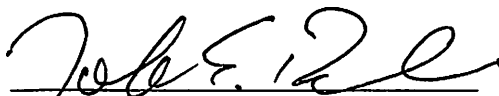
John E. Birkenheier, an attorney, certifies that on April 4, 2019, he caused a true and correct copy of the foregoing Division of Enforcement's Motion for Order Finding Respondent in Default and Imposing Sanctions and Brief in Support was served on the following, in the manner indicated below:

Vanessa Countryman, Acting Secretary
Office of the Secretary
Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549
(via facsimile and overnight delivery)

Ms. Shawn K. Dicken

[REDACTED]
[REDACTED] 928889
[REDACTED]
Ypsilanti, MI [REDACTED]
(via Certified Mail)

Dated: April 4, 2019



John E. Birkenheier
Division of Enforcement
Securities and Exchange Commission
Chicago Regional Office
175 West Jackson Boulevard, Suite 1450
Chicago, Illinois 60604
Phone: 312-353-7390
Fax: 312-353-7398
Email: birkenheierj@sec.gov

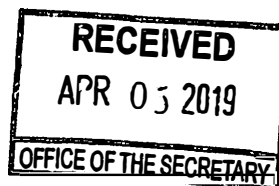
UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-18831

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SHAWN K. DICKEN,

Respondent.



**DECLARATION OF STEVEN L. KLAWANS IN SUPPORT OF
DIVISION OF ENFORCEMENT'S MOTION FOR ORDER FINDING
RESPONDENT IN DEFAULT AND IMPOSING SANCTIONS**

I, Steven L. Klawans, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am over the age of 18 and competent to testify to the facts stated herein. I am making this declaration voluntarily and based upon my personal knowledge.
2. I am an employed as an Assistant Director in the Division of Enforcement ("Division") at the Chicago Regional Office of the U.S. Securities and Exchange Commission, 175 W. Jackson Boulevard, Suite 1450, Chicago, Illinois 60604.
3. On September 24, 2018, the Division instituted this matter pursuant to Section 15(b) of the Exchange Act.
4. On September 27, 2018, the Order Instituting Proceedings ("OIP") was served on Respondent by mail.
5. As of this filing, no answer was filed by Respondent.
6. Attached as Exhibit A, is a true and correct copy of the Judgment of Sentence entered in *People v. Shawn Kristi Dicken*, Case No. 2013-005531-FH (Cir. Ct., Midland County,

Michigan) (“Criminal Proceeding”).

7. Attached as Exhibit B, is a true and correct copy of the Information filed in the Criminal Proceeding.

8. Attached as Exhibit C, is a true and correct copy of the Return Receipt accompanying the OIP, reflecting that the OIP was received on September 27, 2018.

9. Attached as Exhibit D, is a true and correct copy of FINRA’s BrokerCheck Report as of April 1, 2019, for Shawn Kristi Dicken.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 4, 2019, in Chicago, Illinois.



Steven L. Klawans

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ADMINISTRATIVE PROCEEDING
File No. 3-18831

In the Matter of

SHAWN K. DICKEN,

Respondent.

CERTIFICATE OF SERVICE

John E. Birkenheier, an attorney, certifies that on April 4, 2019, he caused a true and correct copy of the foregoing Declaration of Steven L. Klawans in Support of Division of Enforcement's Motion for Order Finding Respondent in Default and Imposing Sanctions was served on the following, in the manner indicated below:

Vanessa Countryman, Acting Secretary
Office of the Secretary
Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549
(via facsimile and overnight delivery)

Ms. Shawn K. Dicken

[REDACTED]

[REDACTED]

[REDACTED]

Ypsilanti, MI [REDACTED]
(via Certified Mail)

Dated: April 4, 2019



John E. Birkenheier
Division of Enforcement
Securities and Exchange Commission
Chicago Regional Office
175 West Jackson Boulevard, Suite 1450
Chicago, Illinois 60604
Phone: 312-353-7390
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Email: birkenheierj@sec.gov

Exhibit A

STATE OF MICHIGAN 42ND JUDICIAL CIRCUIT MIDLAND COUNTY	JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS	CASE NO. 13-005531-FH-C
--	--	----------------------------

ORI
 MI-560015J
 Police Report No. MI820025A

Court Address MIDLAND COUNTY COURTHOUSE
 301 W MAIN STREET
 MIDLAND, MI 48640

Court Telephone no.
 989-832-6735

THE PEOPLE OF THE STATE OF MICHIGAN

V

Defendant name, address, and telephone no.
 SHAWN KRISTI DICKEN
 GLADWIN, MI

CTN/TCN 961390098801
 SI
 DOB

Prosecuting attorney's name Bar no.
 DONKER, NORMAN W., 31732

Defendant attorney's name Bar no.
 GOWER, JASON P.O 69493

1.0 The defendant was found guilty on 3/13/14 of the crime(s) stated below.0
 Date

Count	CONVICTED BY		DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC code
	Plea	Court Jury			
1		X		CRIMINAL ENTER-CONDUCTING	750.15011
2o		X		FALSE PRET \$1000 - \$20000	750.2184A
3		X		FALSE PRET \$1000 - \$20000	750.2184A
4		X		FALSE PRET \$1000 - \$20000	750.2184A
5		X		FALSE PRET \$1000 - \$20000	750.2184A
6		X		FALSE PRET \$1000 - \$20000	750.2184A
7		X		FALSE PRET \$1000 - \$20000	750.2184A
8		X		FALSE PRET \$1000 - \$20000	750.2184A
9		X		EMBEZZLE-FROM VUL. ADULT>	750.174A6A
10			D	SECURITIES0- FRAUDULENT S	451.2501

*For plea: insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill.0
 insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

2.0 The conviction is reportable to the Secretary of State under MCL 257.625(21) (5) Dismissal

- Defendant's driver's license number
3. HIV testing and sex offender registration is completed.
4. The defendant has been fingerprinted according to MCL 28.243.

IT IS ORDERED:

5. Probation is revoked.
- 6.0 Participating in a special alternative incarceration unit is prohibited.0 permitted.
- 7.0 The defendant is sentenced to custody of the Michigan Department of Corrections. This0 sentence shall be executed immediately.0

Count	SENTENCE DATE	MINIMUM			MAXIMUM			DATE SENTENCE BEGINS	JAIL CREDIT		OTHER INFORMATION
		Years	Mos.	Days	Years	Mos.	Days		Mos.	Days	
1	6/19/14		140		20		6/19/14		36		
2	7/31/14		23		5		7/31/14		78		

FILED
 TIME

JUL 31 2014
 ANN MANARY
 COUNTY CLERK
 MIDLAND, MICHIGAN

ANN MANARY
 COUNTY CLERK &
 COURT
 MIDLAND COUNTY
 THE PEOPLE OF THE STATE OF MICHIGAN
 A TRUE COPY

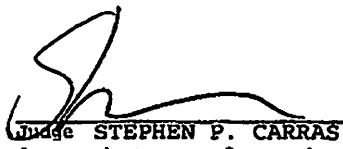
STATE OF MICHIGAN 42ND JUDICIAL CIRCUIT MIDLAND COUNTY	JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS	CASE NO. 13-005531-FH-C
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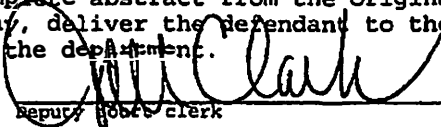
Count	SENTENCE DATE	MINIMUM			MAXIMUM			DATE SENTENCE BEGINS	JAIL CREDIT		OTHER INFORMATION
		Years	Mos.	Days	Years	Mos.	Days		Mos.	Days	
3	7/31/14		23		5		7/31/14		78		
4	7/31/14		23		5		7/31/14		78		
5	7/31/14		23		5		7/31/14		78		
6	7/31/14		23		5		7/31/14		78		
7	7/31/14		23		5		7/31/14		78		
8	7/31/14		23		5		7/31/14		78		
9	7/31/14		71		15		7/31/14		78		

8. Sentence(s) to be served consecutively to (If this item is not checked, the sentence is concurrent.)
 each other. case numbers _____.
9. The defendant shall pay: \$130.00 CRIME VICTIM RIGHTS
\$612.00 STATE MINIMUM COSTS
\$742.00 TOTAL \$742.00 BALANCE
- The due date for payment is 7/31/14. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.
10. The concealed weapon board shall suspend for _____ days permanently revoke the concealed weapon license, permit number _____, issued by _____ County.
11. The defendant is subject to lifetime monitoring under MCL 750.520n.
12. Court recommendation:
 ALL COUNTS ARE CONCURREN.

7-31-14
 Date

52700
 Bar no.


 Judge STEPHEN P. CARRAS



 Deputy Court Clerk

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver the defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

Exhibit B

STATE OF MICHIGAN 75th JUDICIAL DISTRICT 42nd JUDICIAL CIRCUIT	INFORMATION FELONY	DISTRICT: CIRCUIT: CTN: 96-13900988-01 COMPLAINT #: 2012-0025781-A
District Court ORI: MI560025J	Circuit Court ORI: MI560015J	AG ORI: MI820025A

THE PEOPLE OF THE STATE OF MICHIGAN		Victim or complainant: Judith Skrel, David Dishaw, Richard Sova, Steven Monaghan, Lind Beyer, John Beery, Ruth Lee, Gladys Nichols and Joann Kroll
v	A TRUE COPY  ANN MANARY	Complaining Witness: SA PETE ACKERLY
SHAWN KRISTI DICKEN 301 N. BOWERY AVENUE GLADWIN, MI 48624		Date: On or about January 2011 - November 2012
Co-defendant(s)	MIDLAND COUNTY CLERK & CLERK OF THE 42nd CIRCUIT COURT	Defendant DOB [REDACTED]
City/Twp./Village Midland County	County in Michigan MIDLAND	Maximum Penalty See Below
Charge(s) See Below		

STATE OF MICHIGAN, COUNTY OF MIDLAND
 IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: Bill Schuette, Attorney General for the State of Michigan, appears before the court and informs the court that on the date and at Midland County, the defendant:

Ms. Dicken was employed as a salesperson for the Diversified Group. She solicited investors, mostly senior citizens to invest in Diversified. She made material misrepresentations of the investment stating that the investment was without risk, was completely liquid, and featured a guaranteed rate of return of between 9.5% and 10.44%. She failed to disclose the risks that this was a highly leveraged real estate investment that could result in the loss of all of their money. Based on these representations Dicken obtained over two million dollars of investor funds. Many investors risked their life savings. What they really invested in was a Ponzi Scheme operated by Joel Wilson. Wilson is also facing charges, but has fled the country. Over 8 million dollars in investor funds is missing.

COUNT 1: CRIMINAL ENTERPRISES - CONDUCTING
 being a person employed by or associated with an enterprise, to wit: The Diversified Group, did knowingly conduct or participate in the affairs of the enterprise directly or indirectly through a pattern of racketeering activity, consisting of two or more of the following incidents of racketeering, to wit:
 on or about December 2011, in Bay County, Michigan, defendant did commit the following offense for financial gain, to wit: Obtaining Money by False Pretenses \$1,000 or More,
 and on or about May 2011, in Gladwin County, Michigan, defendant did commit the following offense for financial gain, to wit: Obtaining Money by False Pretenses \$1,000 or More,
 and on or about September 2010, in Midland County, Michigan, defendant did commit the following offense for financial gain, to wit: Obtaining Money by False Pretenses \$1,000 or More,
 and on or about March 2011, in Midland County, Michigan, defendant did commit the following offense for financial gain, to wit: Obtaining Money by False Pretenses \$1,000 or More,
 and on or about August 2011, in Arenac County, Michigan, defendant did commit the following offense for financial gain, to wit: Obtaining Money by False Pretenses \$1,000 or More,
 and on or about June 2011, in Gladwin County, Michigan, defendant did commit the following offense for financial gain, to wit: Obtaining Money by False Pretenses \$1,000 or More,
 and on or about May 2011, in Midland County, Michigan, defendant did commit the following offense for financial gain, to wit: Obtaining Money by False Pretenses \$1,000 or More,
 which had the same or a substantially similar purpose, or result, or method of commission, and which amount to or pose a threat of continued criminal activity; contrary to MCL 750.159i(1). [750.159i1]
FELONY: 20 Years and/or \$100,000.00; criminal forfeiture of proceeds, substituted proceeds, and instrumentalities of racketeering listed on attached notification (see MCL 750.159j(4)); court may order court costs, costs of investigation, and/or costs of prosecution

COUNT 2: FALSE PRETENSES - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, with the intent to defraud or cheat, make or use a false pretense to obtain from a person money, personal property, or the use of an instrument, facility, article, or other valuable thing or service, having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.218(4)(a). [750.2184A] (Nichols)

FELONY: 5 Years and/or \$10,000.00, or 3 times the value of the money or property involved, whichever is greater.

COUNT 3: FALSE PRETENSES - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, with the intent to defraud or cheat, make or use a false pretense to obtain from a person money, personal property, or the use of an instrument, facility, article, or other valuable thing or service, having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.218(4)(a). [750.2184A] (Kroll)

FELONY: 5 Years and/or \$10,000.00, or 3 times the value of the money or property involved, whichever is greater.

COUNT 4: FALSE PRETENSES - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, with the intent to defraud or cheat, make or use a false pretense to obtain from a person money, personal property, or the use of an instrument, facility, article, or other valuable thing or service, having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.218(4)(a). [750.2184A] (Beyer)

FELONY: 5 Years and/or \$10,000.00, or 3 times the value of the money or property involved, whichever is greater.

COUNT 5: FALSE PRETENSES - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, with the intent to defraud or cheat, make or use a false pretense to obtain from a person money, personal property, or the use of an instrument, facility, article, or other valuable thing or service, having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.218(4)(a). [750.2184A] (Beery)

FELONY: 5 Years and/or \$10,000.00, or 3 times the value of the money or property involved, whichever is greater.

COUNT 6: FALSE PRETENSES - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, with the intent to defraud or cheat, make or use a false pretense to obtain from a person money, personal property, or the use of an instrument, facility, article, or other valuable thing or service, having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.218(4)(a). [750.2184A] (Skrel)

FELONY: 5 Years and/or \$10,000.00, or 3 times the value of the money or property involved, whichever is greater.

COUNT 7: FALSE PRETENSES - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, with the intent to defraud or cheat, make or use a false pretense to obtain from a person money, personal property, or the use of an instrument, facility, article, or other valuable thing or service, having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.218(4)(a). [750.2184A] (Monaghan)

FELONY: 5 Years and/or \$10,000.00, or 3 times the value of the money or property involved, whichever is greater.

COUNT 8: FALSE PRETENSES - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, with the intent to defraud or cheat, make or use a false pretense to obtain from a person money, personal property, or the use of an instrument, facility, article, or other valuable thing or service, having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.218(4)(a). [750.2184A] (Lee)

FELONY: 5 Years and/or \$10,000.00, or 3 times the value of the money or property involved, whichever is greater.

COUNT 9: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$50,000.00 OR MORE BUT LESS THAN \$100,000.00

did, through fraud, deceit, misrepresentation, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Beverly Harry, directly or indirectly benefitting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$50,000.00 or more but less than \$100,000.00; contrary to MCL 750.174a(6)(a). [750.174A6A]

FELONY: 15 Years and/or \$15,000.00 or 3 times the value of the money or property involved, whichever is greater. To impose a fine of 3 times the value, the defendant must admit the amount, or it must be determined by the trier of fact at trial. See *Southern Union Co. v United States* 567 U.S. ___; No. 11-94 (2012)

COUNT 10: SECURITIES - FRAUDULENT SALES

in connection with the offer, sale or purchase of a security, did willfully make an untrue statement of a material fact; contrary to MCL 451.2501 and 451.2508. [451.2501]

FELONY: 10 Years or \$20,000.00

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

and against the peace and dignity of the State of Michigan.

2-26-14

Date



Norman W. Donker (P31732)
Assistant Attorney General
Corporate Oversight Division
PO Box 30755
Lansing, MI 48909
517/373-1160

STATE OF MICHIGAN
IN THE 42ND CIRCUIT COURT FOR
THE COUNTY OF MIDLAND

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiffs,

Case No. 13-005531-FH

v

HON. STEPHEN CARRAS

SHAWN KRISTI DICKEN,

Defendant.

NORMAN W. DONKER (P31732)
Assistant Attorney General
Michigan Department of Attorney General
Attorney for Plaintiffs
P.O. Box 30755
Lansing, MI 48909
(517)873-1160

JASON P. GOWER (P69493)
GOWER REDDICK PLC
Attorney for Defendant
514 E. Midland Street
Bay City, MI 48706
(989)894-0100

PEOPLE'S WITNESS LIST OF KNOWN WITNESSES

NOW COMES the People of the State of Michigan, by and through Attorney General, Bill Schuette, and Assistant Attorney General, Norman W. Donker, and pursuant to MCL 767.40a, inform this Court of the following list of witnesses known to the People.

- 1.e Judith Skrel.e
 - 2.e Steven Monaghan.e
 3. Ruth Lee.
 - 4.e David DiShaw.e
 - 5.e Linda Beyer.e
 - 6.e Gladys Nichols.e
 - 7.e Lindsay DeRosia, State of Michigan, Department of Licensing and
Regulation, 611 W. Ottawa Street, Lansing, Michigan 48909-7504.e
 - 8.e Richard Sova.e
 - 9.e John Beery.e
 10. Joann Krolle
 11. Jodi Mercer, [REDACTED], Florida [REDACTED]
 12. Jason Juretich, State of Michigan, Department of Licensing and Regulation,e
.611 W. Ottawa Street, Lansing, Michigan 48909-7504.e
 13. Joseph Spiegel, 825 Victors Way, Suite 300, Ann Arbor, Michigan 48108e
 14. Dale Glanzman, 55 W. Monroe Street, Chicago, Illinois 60603.
 15. S/A Pete Ackerly, State of Michigan, 525 W. Ottawa Street, Lansing, MI
48933.e
 16. All necessary rebuttal witnesses.e
-

17. The Attorney General is continuing its investigation and reserves the right to add to this list.

Respectfully submitted,

Bill Schuette
Attorney General




Norman W. Donker (P31732)
Assistant Attorney General
Corporate Oversight Division
Criminal Section
P.O. Box 30755
Lansing, MI 48909

Dated: October 15, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the above document(s) was served upon the attorneys of record in the above cause by mailing the same to them at their respective address, with first class postage fully prepaid thereon, on the 15th day of October, 2013.



Blanca L. Fallon

Exhibit C

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:	B. Received by (Printed Name) <i>R. Dicken</i>	C. Date of Delivery 9-27-18
Ms. Shawn K. Dicken SPECIAL MAIL-OPEN ONLY IN PRESENCE OF INMATE Ms. Shawn K. Dicken [Redacted] [Redacted] [Redacted] Ypsilanti, MI [Redacted]-0911	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YFS, enter delivery address below: <input type="checkbox"/> No 3- 18831 8045560 Press Mail Return Receipt for Merchandise P.D. <input type="checkbox"/> Fee) <input type="checkbox"/> Yes	

2 7017 2400 0000 0837 3914

PS Form 3811, August 2001 Domestic 102595-01-N-2509

Exhibit D

BrokerCheck Report
SHAWN KRISTI DICKEN
CRD# 4590563

<u>Section Title</u>	<u>Page(s)</u>
Report Summary	1
Broker Qualifications	2 - 3
Registration and Employment History	4 - 5
Disclosure Events	6

About BrokerCheck®



BrokerCheck offers information on all current, and many former, registered securities brokers, and all current and former registered securities firms. FINRA strongly encourages investors to use BrokerCheck to check the background of securities brokers and brokerage firms before deciding to conduct, or continue to conduct, business with them.

- **What is included in a BrokerCheck report?**

- BrokerCheck reports for individual brokers include information such as employment history, professional qualifications, disciplinary actions, criminal convictions, civil judgments and arbitration awards. BrokerCheck reports for brokerage firms include information on a firm's profile, history, and operations, as well as many of the same disclosure events mentioned above.

- Please note that the information contained in a BrokerCheck report may include pending actions or allegations that may be contested, unresolved or unproven. In the end, these actions or allegations may be resolved in favor of the broker or brokerage firm, or concluded through a negotiated settlement with no admission or finding of wrongdoing.

- **Where did this information come from?**

- The information contained in BrokerCheck comes from FINRA's Central Registration Depository, or CRD® and is a combination of:

- on information FINRA and/or the Securities and Exchange Commission (SEC) require brokers and brokerage firms to submit as part of the registration and licensing process, and

- on information that regulators report regarding disciplinary actions or allegations against firms or brokers.

- **How current is this information?**

- Generally, active brokerage firms and brokers are required to update their professional and disciplinary information in CRD within 30 days. Under most circumstances, information reported by brokerage firms, brokers and regulators is available in BrokerCheck the next business day.

- **What if I want to check the background of an investment adviser firm or investment adviser representative?**

- To check the background of an investment adviser firm or representative, you can search for the firm or individual in BrokerCheck. If your search is successful, click on the link provided to view the available licensing and registration information in the SEC's Investment Adviser Public Disclosure (IAPD) website at <https://www.adviserinfo.sec.gov>. In the alternative, you may search the IAPD website directly or contact your state securities regulator at <http://www.finra.org/Investors/ToolsCalculators/BrokerCheck/P455414>.

- **Are there other resources I can use to check the background of investment professionals?**

- FINRA recommends that you learn as much as possible about an investment professional before deciding to work with them. Your state securities regulator can help you research brokers and investment adviser representatives doing business in your state.



Using this site/information means that you accept the FINRA BrokerCheck Terms and Conditions. A complete list of Terms and Conditions can be found at

brokercheck.finra.org



For additional information about the contents of this report, please refer to the User Guidance or www.finra.org/brokercheck. It provides a glossary of terms and a list of frequently asked questions, as well as additional resources.

For more information about FINRA, visit www.finra.org.

Thank you for using FINRA BrokerCheck.

SHAWN K. DICKEN

CRD# 4590563

This broker is not currently registered.

Report Summary for this Broker

This report summary provides an overview of the broker's professional background and conduct. Additional information can be found in the detailed report.

Broker Qualifications

This broker is not currently registered.

This broker has passed:

- e0 Principal/Supervisory Exams
- e2 General Industry/Product Examse
- e1 State Securities Law Exame

Registration History

This broker was previously registered with the following securities firm(s):

G - W BROKERAGE GROUP, INC.
 CRD# 22691
 BEVERLY, NJ
 09/2012 - 05/2013

W R RICE FINANCIAL SERVICES, INC.
 CRD# 36700e
 BAY CITY, MI
 12/2010 - 07/2012

CHELSEA FINANCIAL SERVICES
 CRD# 47770
 BAY CITY, MI
 11/2009 - 01/2010

Disclosure Events

All individuals registered to sell securities or provide investment advice are required to disclose customer complaints and arbitrations, regulatory actions, employment terminations, bankruptcy filings, and criminal or civil judicial proceedings.

Are there events disclosed about this broker? Yes

The following types of disclosures have been reported:

Type	Count
Regulatory Event	3
Criminal	1
Customer Dispute	1

Broker Qualifications



Registrations

This section provides the self-regulatory organizations (SROs) and U.S. states/territories the broker is currently registered and licensed with, the category of each license, and the date on which it became effective. This section also provides, for every brokerage firm with which the broker is currently employed, the address of each branch where the broker works.

This broker is not currently registered.



Broker Qualifications

Industry Exams this Broker has Passed

This section includes all securities industry exams that the broker has passed. Under limited circumstances, a broker may attain a registration after receiving an exam waiver based on exams the broker has passed and/or qualifying work experience. Any exam waivers that the broker has received are not included below.

This individual has passed 0 principal/supervisory exams, 2 general industry/product exams, and 1 state securities law exam.

Principal/Supervisory Exams

Exam	Category	Date
No information reported.		

General Industry/Product Exams

Exam	Category	Date
General Securities Representative Examination	Series 7	06/11/2008
Investment Company Products/Variable Contracts Representative Examination	Series 6	10/11/2002

State Securities Law Exams

Exam	Category	Date
Uniform Securities Agent State Law Examination	Series 63	12/06/2002

Additional information about the above exams or other exams FINRA administers to brokers and other securities professionals can be found at www.finra.org/brokerqualifications/registeredrep/.



Registration and Employment History

Registration History

The broker previously was registered with the following firms:

Registration Dates	Firm Name	CRD#	Branch Location
09/2012 - 05/2013	G - W BROKERAGE GROUP, INC.	22691	BEVERLY, NJ
12/2010 - 07/2012	W R RICE FINANCIAL SERVICES, INC.	36700	BAY CITY, MI
11/2009 - 01/2010	CHELSEA FINANCIAL SERVICES	47770	BAY CITY, MI
05/2005 - 09/2009	PRIMEVEST FINANCIAL SERVICES, INC.	15340	MIDLAND, MI
01/2005 - 05/2005	PRUCO SECURITIES, LLC.	5685	NEWARK, NJ
10/2002 - 08/2004	HANTZ FINANCIAL SERVICES, INC.	46047	SOUTHFIELD, MI

Employment History

This section provides up to 10 years of an individual broker's employment history as reported by the individual broker on the most recently filed Form U4.

Please note that the broker is required to provide this information only while registered with FINRA or a national securities exchange and the information is not updated via Form U4 after the broker ceases to be registered. Therefore, an employment end date of "Present" may not reflect the broker's current employment status.

Employment Dates	Employer Name	Employer Location
07/2012 - Present	TRITON COMMERCIAL LENDING LLC	BAY CITY, MI
11/2010 - 07/2012	W R RICE FINANCIAL SERVICES	BAY CITY, MI
10/2009 - 11/2010	THE DIVERSIFIED GROUP	BAY CITY, MI
11/2009 - 01/2010	CHELSEA FINANCIAL SERVICES	STATEN ISLAND, NY
05/2005 - 09/2009	CHEMICAL BANK	MIDLAND, MI
05/2005 - 09/2009	PRIMEVEST FINANCIAL SERVICES	ST. CLOUD, MN

Other Business Activities

This section includes information, if any, as provided by the broker regarding other business activities the broker is currently engaged in either as a proprietor, partner, officer, director, employee, trustee, agent or otherwise. This section does not include non-investment related activity that is exclusively charitable, civic, religious or fraternal and is recognized as tax exempt.

TRITON COMMERCIAL LENDING LLC. 501 S. EUCLID AVE., BAY CITY, MI 48706. HARD MONEY LENDER. 120 HOURS PER MONTH, CLIENTS REGISTRATION, AND PAPERWORK PROCESSING.

Registration and Employment History



Other Business Activities. continued

1 STOP REALTY. 501 S. EUCLID AVE., BAY CITY, MI 48706. 2 HOURS PER WEEK COMPLETING PAPERWORK, NO INCOME.



Disclosure Events

What you should know about reported disclosure events:

- 1.e All individuals registered to sell securities or provide investment advice are required to disclose customer complaints and arbitrations, regulatory actions, employment terminations, bankruptcy filings, and criminal or civil judicial proceedings.
2. **Certain thresholds must be met before an event is reported to CRD, for example:**
 - oe A law enforcement agency must file formal charges before a broker is required to disclose a particular criminal event.e
 - oe A customer dispute must involve allegations that a broker engaged in activity that violates certain rules or conduct governing the industry and that the activity resulted in damages of at least \$5,000.e
3. **Disclosure events in BrokerCheck reports come from different sources:**
 - oe As mentioned at the beginning of this report, information contained in BrokerCheck comes from brokers, brokerage firms and regulators. When more than one of these sources reports information for the same disclosure event, all versions of the event will appear in the BrokerCheck report. The different versions will be separated by a solid line with the reporting source labeled.e
4. **There are different statuses and dispositions for disclosure events:**
 - oe A disclosure event may have a status of *pending*, *on appeal*, or *final*.
 - §e A "pending" event involves allegations that have not been proven or formally adjudicated.e
 - §e An event that is "on appeal" involves allegations that have been adjudicated but are currently being appealed.e
 - §e A "final" event has been concluded and its resolution is not subject to change.e
 - oe A final event generally has a disposition of *adjudicated*, *settled* or *otherwise resolved*.
 - §e An "adjudicated" matter includes a disposition by (1) a court of law in a criminal or civil matter, or (2) an administrative panel in an action brought by a regulator that is contested by the party charged with some alleged wrongdoing.e
 - § A "settled" matter generally involves an agreement by the parties to resolve the matter. Please note that brokers and brokerage firms may choose to settle customer disputes or regulatory matters for business or other reasons.
 - §e A "resolved" matter usually involves no payment to the customer and no finding of wrongdoing on the part of the individual broker. Such matters generally involve customer disputes.e

For your convenience, below is a matrix of the number and status of disclosure events involving this broker. Further information regarding these events can be found in the subsequent pages of this report. You also may wish to contact the broker to obtain further information regarding these events.

	Pending	Final	On Appeal
Regulatory Event	1	2	0



Criminal	0	1	0
Customer Dispute	0	1	N/A



Disclosure Event Details

When evaluating this information, please keep in mind that a disclosure event may be pending or involve allegations that are contested and have not been resolved or proven. The matter may, in the end, be withdrawn, dismissed, resolved in favor of the broker, or concluded through a negotiated settlement for certain business reasons (e.g., to maintain customer relationships or to limit the litigation costs associated with disputing the allegations) with no admission or finding of wrongdoing.

This report provides the information exactly as it was reported to CRD and therefore some of the specific data fields contained in the report may be blank if the information was not provided to CRD.

Regulatory - Final

This type of disclosure event may involve (1) a final, formal proceeding initiated by a regulatory authority (e.g., a state securities agency, self-regulatory organization, federal regulatory such as the Securities and Exchange Commission, foreign financial regulatory body) for a violation of investment-related rules or regulations; or (2) a revocation or suspension of a broker's authority to act as an attorney, accountant, or federal contractor.

Disclosure 1 of 2

Reporting Source:	Regulator
Regulatory Action Initiated By:	STATE OF MICHIGAN, CS&CL BUREAU
Sanction(s) Sought:	Cease and Desist Civil and Administrative Penalty(ies)/Fine(s)
Date Initiated:	11/16/2012
Docket/Case Number:	321513
URL for Regulatory Action:	
Employing firm when activity occurred which led to the regulatory action:	
Product Type:	Other: LIMITED PARTNERSHIP
Allegations:	Respondent is permanently barred from registration in Michigan under the Act, which the Bureau will record in the Central Registration Depository with the designation "BAR" effective on the entry date of this Order.
Current Status:	Final
Resolution:	Order



Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct? Yes

Resolution Date: 10/06/2015

Sanctions Ordered: Bar (Permanent)
Cease and Desist
Civil and Administrative Penalty(ies)/Fine(s)

Sanction 1 of 1

Sanction Type: Bar (Permanent)

Capacities Affected: All Capacities

Duration:

Start Date:

End Date:

Monetary Sanction 1 of 1

Monetary Related Sanction: Civil and Administrative Penalty(ies)/Fine(s)

Total Amount: \$5,000.00

Portion Levied against Individual: \$5,000.00

Payment Plan:

Is Payment Plan Current: No

Date Paid by individual:

Was any portion of penalty waived? No

Amount Waived:

Disclosure 2 of 2

Reporting Source: Regulator

Regulatory Action Initiated By: FINRA



Sanction(s) Sought: Other: N/A
Date Initiated: 09/25/2013
Docket/Case Number: 2012034090301
Employing firm when activity occurred which led to the regulatory action: W R RICE FINANCIAL SERVICES, INC.
Product Type: Other: MEMBERSHIP INTERESTS IN LIMITED PARTNERSHIPS,
Allegations: FINRA RULE 2010, NASD RULE 2310: DICKEN RECOMMENDED AND EFFECTED PURCHASES OF MEMBERSHIP INTERESTS IN LIMITED PARTNERSHIPS IN THE ACCOUNTS OF HER MEMBER FIRM'S CUSTOMERS WHO WERE RETIRED, ELDERLY AND OF LIMITED FINANCIAL MEANS. THE OFFERING MEMORANDA FOR THE LIMITED PARTNERSHIPS STATED THAT THE INVESTMENT IS SPECULATIVE IN NATURE AND POSSESSED UNIQUE RISKS, INCLUDING ILLIQUIDITY, NON-TRANSFERABILITY, DEFAULT RISK, AND ADVERSE MARKET CONDITIONS. BY FOLLOWING DICKEN'S RECOMMENDATIONS, THE CUSTOMERS INVESTED IN THE LIMITED PARTNERSHIPS AND THEIR CONCENTRATED POSITIONS IN THE LIMITED PARTNERSHIPS WERE UNSUITABLE FOR THE CUSTOMERS. THESE INVESTMENTS WERE UNSUITABLE INsofar AS IT EXPOSED DICKEN'S CUSTOMERS TO AN UNREASONABLE LEVEL OF RISK OF LOSS AND SPECULATION, AND RESULTED IN AN UNSUITABLE LEVEL OF CONCENTRATION IN THE LIMITED PARTNERSHIPS IN THEIR ACCOUNTS..
Current Status: Final
Resolution: Acceptance, Waiver & Consent(AWC)
Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct? No
Resolution Date: 09/25/2013
Sanctions Ordered: Civil and Administrative Penalty(ies)/Fine(s)
 Suspension



If the regulator is the SEC, CFTC, or an SRO, did the action result in a finding of a willful violation or failure to supervise? **No**

(1) willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board, or to have been unable to comply with any provision of such Act, rule or regulation?

(2) willfully aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board? or



(3) failed reasonably to supervise another person subject to your supervision, with a view to preventing the violation by such person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any such Acts, or any of the rules of the Municipal Securities Rulemaking Board?

Sanction 1 of 1

Sanction Type: Suspension
Capacities Affected: ANY CAPACITY
Duration: THREE MONTHS
Start Date: 10/07/2013
End Date: 01/06/2014

Monetary Sanction 1 of 1

Monetary Related Sanction: Civil and Administrative Penalty(ies)/Fine(s)
Total Amount: \$5,000.00
Portion Levied against Individual: \$5,000.00

Payment Plan:

Is Payment Plan Current:

Date Paid by Individual:

Was any portion of penalty waived? No

Amount Waived:

Regulator Statement WITHOUT ADMITTING OR DENYING THE FINDINGS, DICKEN CONSENTED



**TO THE DESCRIBED SANCTIONS AND TO THE ENTRY OF FINDINGS;
THEREFORE, SHE IS FINED \$5,000 AND SUSPENDED FROM ASSOCIATION
WITH ANY FINRA MEMBER IN ANY CAPACITY FOR THREE MONTHS. THE
FINE IS DUE AND PAYABLE EITHER IMMEDIATELY UPON RE-ASSOCIATION
WITH A MEMBER FIRM FOLLOWING HER SUSPENSION OR PRIOR TO ANY
APPLICATION OR REQUEST FOR RELIEF FROM ANY STATUTORY
DISQUALIFICATION RESULTING FROM THIS OR ANY OTHER EVENT OR
PROCEEDING, WHICHEVER IS EARLIER. THE SUSPENSION IS IN EFFECT
FROM OCTOBER 7, 2013, THROUGH JANUARY 6, 2014.**



Regulatory - Pending

This type of disclosure event involves a pending formal proceeding initiated by a regulatory authority (e.g., a state securities agency, self-regulatory organization, federal regulatory agency such as the Securities and Exchange Commission, foreign financial regulatory body) for alleged violations of investment-related rules or regulations.

Disclosure 1 of 1

Reporting Source: Regulator
Regulatory Action Initiated By: UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Sanction(s) Sought: Other: n/a

Date Initiated: 09/24/2018

Docket/Case Number: 3-18831

Employing firm when activity occurred which led to the regulatory action: W.R. Rice; G-W Brokerage Group, Inc

Product Type: No Product

Allegations: SEC Admin Release 34-84272 / September 24, 2018:
 The Securities and Exchange Commission ("Commission") deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 ("Exchange Act") against Shawn K. Dicken ("Respondent" or "Dicken").
 The Division of Enforcement alleges that on March 13, 2014, a jury found Dicken guilty of seven counts of making or using false pretenses to obtain money from a person with the intent to defraud or cheat, a felony, in violation of Michigan Compiled Laws ("MCL") 750.218(4)(a), one count of felony embezzlement in violation of MCL 750.174a(6)(a), and one count of conducting a criminal enterprise by obtaining money by false pretenses, a felony, in violation of MCL 750.159i(1), in People v. Shawn Kristi Dicken, Case No. 2013-005531-FH (Cir. Ct., Midland County, Michigan). On July 31, 2014, a judgment in the criminal case was entered against Dicken. She was sentenced to 140 months to 20 years in prison.
 The counts of the criminal Information as to which Dicken was convicted alleged, among other things, that between January 2011 and November 2012: a. Dicken was employed as a salesperson for an issuer of securities. b. She solicited investors, mostly senior citizens to invest in Diversified Group. c. She made material misrepresentations about the investment stating that the investment was without risk, was completely liquid, and featured a guaranteed rate of return of between 9.5% and 10.44%. She failed to disclose the risks that this was a highly leveraged real estate investment that could result in the loss of all of their money. d. Based on these representations Dicken obtained over \$2 million of investor funds. Many investors risked their life savings. e. What they really invested in was



a Ponzi Scheme operated by an associate of Dicken.

Current Status:

Pending



Criminal - Final Disposition

This type of disclosure event involves a criminal charge against the broker that has resulted in a conviction, acquittal, dismissal, or plea. The criminal matter may pertain to any felony or certain misdemeanor offenses, including bribery, perjury, forgery, counterfeiting, extortion, fraud, and wrongful taking of property.

Disclosure 1 of 1

Reporting Source:	Broker
Organization Name (if charge(s) were brought against an organization over which broker exercised control):	NA
Court Details:	CHARGES WERE BROUGHT IN SAGINAW DISTRICT COURT - SAGINAW, MI SAGINAW COUNTY, USA
Charge Date:	08/09/1991
Charge Details:	1) 1 COUNT 2) MISDEMEANOR 3) GUILTY
Felony?	No
Current Status:	Final
Status Date:	08/29/1991
Disposition Details:	BECAUSE COURT RECORDS HAVE BEEN DESTROYED WE DO NOT HAVE AN EXACT DATE
Broker Statement	THE INCIDENT OCCURED N AUGUST 1991. I WAS CHARGED WITH TAKING A \$2 BAG OF CHIPS FROM A GROCERY STORE. I WAS WITH A GROUP OF FRIENDS AND WAS UNDER THE ASSUMPTION THAT A FRIEND HAD PAID FOR THE CHIPS. I WAS ACCUSED OF TAKING THE CHIPS, RIGHT OR WRONG, I PLEAD GUILTY TO TAKING THE CHIPS. I WAS EMBARRASSED AND DIDN'T KNOW WHAT TO DO AND WAS AFRAID THAT MY PARENTS WOULD FIND OUT. I COMPLETELY REGRET THE ENTIRE SITUATION. THIS IS THE ONLY INCIDENT THAT HAS EVER OCCURRED.



Customer Dispute - Closed-No Action / Withdrawn / Dismissed / Denied

This type of disclosure event involves (1) a consumer-initiated, investment-related arbitration or civil suit containing allegations of sales practice violations against the individual broker that was dismissed, withdrawn, or denied; or (2) a consumer-initiated, investment-related written complaint containing allegations that the broker engaged in sales practice violations resulting in compensatory damages of at least \$5,000, forgery, theft, or misappropriation, or conversion of funds or securities, which was closed without action, withdrawn, or denied.

Disclosure 1 of 1

Reporting Source: Firm

Employing firm when activities occurred which led to the complaint: PRIMEVEST FINANCIAL SERVICES, INC.

Allegations: THE CLIENT ALLEGES THAT HE WAS MISLED AND THE PRODUCTS HE PURCHASED WERE MISREPRESENTED TO HIM.

Product Type: Annuity-Variable

Alleged Damages: \$5,000.00

Alleged Damages Amount Explanation (if amount not exact): CANNOT DETERMINE THE EXACT AMOUNT AT THIS TIME BUT ESTIMATE THAT IT IS GREATER THAN \$5,000.

Is this an oral complaint? No

Is this a written complaint? Yes

Is this an arbitration/CFTC reparation or civil litigation? No

Customer Complaint Information

Date Complaint Received: 11/24/2009

Complaint Pending? No

Status: Closed/No Action

Status Date: 05/07/2010

Settlement Amount:

Individual Contribution Amount:

Reporting Source: Broker



Employing firm when activities occurred which led to the complaint:

PRIMEVEST FINANCIAL SERVICES, INC.

Allegations:

THE CLIENT ALLEGES THAT HE WAS MISLED AND THE PRODUCTS HE PURCHASED WERE MISREPRESENTED TO HIM.

Product Type:

Annuity-Variable

Alleged Damages:

\$5,000.00

Alleged Damages Amount Explanation (if amount not exact):

CANNOT DETERMINE THE EXACT AMOUNT AT THIS TIME BUT ESTIMATE THAT IT IS GREATER THAN \$5000

Is this an oral complaint?

No

Is this a written complaint?

Yes

Is this an arbitration/CFTC reparation or civil litigation?

No

Customer Complaint Information

Date Complaint Received:

11/24/2009

Complaint Pending?

No

Status:

Closed/No Action

Status Date:

05/07/2010

Settlement Amount:

Individual Contribution Amount:

Broker Statement

[CUSTOMER] WAS NOT MISLED AS TO THE NATURE OF THE FINANCIAL PRODUCTS WHICH HE PURCHASED. HE UNDERSTANDS THEM COMPLETELY. HE IS MERELY CONCERNED THAT HE WILL NOT BE ABLE TO ACHIEVE HIS RETIREMENT INCOME GOAL DUE TO THE MARKET PERFORMANCE OF HIS INVESTMENTS. AFTER MY TERMINATION HE WAS NOT ABLE TO CONTACT ANYONE AT PRIMEVEST (MY REPLACEMENT DID NOT RETURN ANY OF HIS PHONE CALLS.) UPSET AT THIS LACK OF SERVICE, [CUSTOMER] SENT A LETTER/EMAIL TO PRIMEVEST.

UPON SPEAKING WITH [CUSTOMER], HE IS ALSO NOT AWARE THAT THIS ACTION HAS LED TO A FORMAL COMPLAINT.

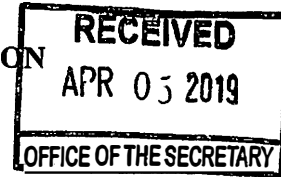
End of Report



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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
CHICAGO REGIONAL OFFICE
SUITE 1450
175 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604



JOHN E. BIRKENHEIER
SUPERVISORY TRIAL COUNSEL
DIVISION OF ENFORCEMENT

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April 4, 2019

VIA UPS NEXT DAY AIR AND FACSIMILE (202) 772-9324

Vanessa Countryman, Acting Secretary
Office of the Secretary
Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549

Re: *In the Matter of Shawn K. Dicken* (AP File No. 3-18831)

Dear Ms. Countryman:

Enclosed for filing in the above-referenced matter please find originals of the *Division of Enforcement's Motion for Order Finding Respondent in Default and Imposing Sanctions and Brief in Support, Declaration of Steven L. Klawans* and the related certificates of service.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Birkenheier".

John E. Birkenheier

Enclosures

Copies to: Shawn K. Dicken (via Certified Mail)