

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-20086

<p>In the Matter of</p> <p>Gary Edward Haynes,</p> <p>Respondent.</p>
--

**BRIEF OF DIVISION OF
ENFORCEMENT**

The Division of Enforcement hereby respectfully files this brief addressing the questions set forth below, as ordered by the Commission in its Order Requesting Briefs, dated April 28, 2022.

Question 1

The first question posed by the Commission is “Was Haynes convicted of several counts of exploiting a vulnerable adult in violation of MCL § 750.174a, rather than several counts of embezzlement from a vulnerable adult in violation of MCL § 750.174?”

According to the Information Felony setting out the charges against Haynes, and filed on August 17, 2018, he was charged with one count of “Embezzlement from a Vulnerable Adult -- \$100,000 or More,” in violation of MCL § 750.174a(7)(a) and eight counts of “Embezzlement from a Vulnerable Adult -- \$1,000 or More but Less Than \$20,000” in violation of MCL § 750.174a(4)(a). (Ex. 1 hereto at Counts 2 and 3-10.)

According to the Judgment of Sentence Commitment to Department of Corrections that filed against Haynes on February 12, 2019, he was found guilty by a jury of one count of

“Embez – From Vul Adult\$100” in violation of MCL § 750.174a(7)(a) and eight counts of “Vulnerable Adult-Embezmnt” in violation of MCL § 750.174a(4)(a). (Ex. 2 hereto at 1.)¹

It thus appears that the allegation in the OIP that “Haynes was convicted by a jury of one count of ‘Conducting A Criminal Enterprise’ and of several counts of ‘Embezzlement From A Vulnerable Adult’ – violations of MCL 750.159i(1) and 174” (OIP at 1) contained a typographical error in citing to MCL 750.174 instead of MCL 750.174a.

Question 2

The second question posed by the Commission contains two parts. First, should the OIP be amended? The Division submits that the OIP need not be amended.

The Commission may *sua sponte* ignore inconsequential typographical errors. *SEC v. Scott*, 2015 WL 13742024 at *17 n.5 (E.D.N.Y. 2015) (Court overlooked inconsequential typographical errors when SEC mistakenly referred to “17 C.F.R. § 140.10b-5,” in its Complaint) *citing Reliance Commc'ns LLC v. Retail Store Ventures, Inc.*, 2013 WL 4039378, at *1 n.2 (E.D.N.Y. 2013). *See also Manchester v. Cumberland County Sheriff's Department*, 2016 WL 7115972 at *2 (D. Maine 2016) (plaintiff used wrong date/year in complaint, and Court cited FRCP 60(a) which allows the court, *sua sponte*, to “correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record.”) *See also* 11 Charles Alan Wright & Arthur R. Miller, *Federal Practice & Procedure* § 2854 (4th ed. 2013) (noting that Rule 60(a) may be used to correct clerical mistakes by the parties); 12 James William Moore et al., *Moore's Federal Practice* § 60.10 (3d ed. 1997) (same); cf. *Day v. McDonough*, 547 U.S. 198, 210, (2006) (“[I]f a judge does detect a clear computation

¹ Haynes was also charged and found guilty by the jury of one count of conducting a criminal enterprise in violation of MCL 750.159i(1). (Ex. 1 at 1; Ex. 2 at 1.)

error, no Rule, statute, or constitutional provision commands the judge to suppress that knowledge.”).

Respondent Haynes would not suffer undue prejudice if the Commission acted *sua sponte* to ignore the typographical error in the OIP and proceed as if the OIP cited MCL § 750.174a. By defaulting, and then ignoring the Commission’s earlier order to show cause, Haynes has waived any objections he might have on this issue. Moreover, Haynes was present at the reading of the verdict and at his sentencing and therefore knows that he was charged with, and found guilty of, violating MCL § 750.174a. (See Motion of the Division of Enforcement for an Opinion of the Commission Finding Respondent in Default, Making Findings, and Imposing Sanctions, filed June 9, 2021, Ex. 6 at 3 and Ex. 7 at 3.) Furthermore, the OIP correctly describes the statute that Haynes was charged with, and found guilty of: “Embezzlement From A Vulnerable Adult.”

Second, the Commission asks whether Haynes’s convictions under MCL § 750.174a satisfy the statutory predicate for an administrative remedy under Advisers Act Section 203(f)? The Division submits that Haynes’s convictions do satisfy Section 203(f) of the Advisers Act.

One of the predicate violations which may support the imposition of an administrative remedy under Section 203(f) is conviction of a crime involving, among other things, “embezzlement, fraudulent conversion, or misappropriation of funds . . .” (Advisers Act Section 203(e)(2)(C) as incorporated by reference in Section 203(f).) The Michigan State criminal provisions under which Haynes was convicted fall well within the scope of Section 203(e)(2)(C) and thus within the scope of Section 203(f). The charging document and the judgment entered against Haynes both list his crimes as “embezzlement.” (Ex. 1 at 1; Ex. 2 at 1.) Moreover, the statute provides:

Sec. 750.174a.

(1) A person shall not through fraud, deceit, misrepresentation, coercion, or unjust enrichment obtain or use or attempt to obtain or use a vulnerable adult's money or property to directly or indirectly benefit that person knowing or having reason to know the vulnerable adult is a vulnerable adult.

* * * * *

(4) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine:

(a) The money or property used or obtained, or attempted to be used or obtained, has a value of \$1,000.00 or more but less than \$20,000.00.

* * * * *

(7) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$50,000.00 or 3 times the value of the money or property used or obtained or attempted to be used or obtained, whichever is greater, or both imprisonment and a fine:

(a) The money or property used or obtained, or attempted to be used or obtained, has a value of \$100,000.00 or more.

Michigan Legislature - Section 750.174a

Haynes's convictions under eight counts of MCL § 750.174a(4)(a) and one count MCL § 750.174a(7)(a) constituted embezzlement, fraudulent conversion, and fraudulent misappropriation of funds, and therefore those convictions satisfy the statutory predicate for an administrative remedy under Section 203(f) of the Advisers Act.

June 9, 2022

Respectfully submitted,

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UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-20086

In the Matter of

Gary Edward Haynes,

Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copies of the foregoing Brief of the Division of Enforcement to be served on the following on this 8th day of June 2022, in the manner indicated below:

CERTIFIED MAIL
Mr. Gary Edward Haynes



BY EMAIL
apfiling@sec.gov

June 9, 2022

John E. Birkenheier

FILED 8/17/2018
14th CIRCUIT COURT
MUSKEGON COUNTY



2018-004131-FH
CCR-INF
NOT PROPOSED

STATE OF MICHIGAN
60th JUDICIAL DISTRICT
14th JUDICIAL CIRCUIT

**INFORMATION
FELONY**

DISTRICT:
CIRCUIT:
CTN: 96-18900569-01
COMPLAINT # 2017-0184902-B
AG ORI: MI330025A

District Court ORI: MI610025J

Circuit Court ORI: MI610015J

THE PEOPLE OF THE STATE OF MICHIGAN

GARY EDWARD HAYNES

Victim or complainant:
ARDIS LIDDLE

Complaining Witness
S/A KEVIN HILLER

Date On or about
March 2011 - September 2015

Defendant DOB
12/27/1960

Maximum Penalty
See Below

Co-defendants:

City/Twp/Village	County in Michigan	Defendant SID
Fruitport Twp.	MUSKEGON	

Charge(s)
See Below

[A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.]

STATE OF MICHIGAN, COUNTY OF MUSKEGON
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, the defendant:

Gary Edward Haynes operated two businesses called Senior Planning Resource and Future By Design LLC. In approximately 2006, Haynes conducted a financial seminar for retirees on behalf of Senior Planning Resource. Haynes met Ardis Liddle, a senior citizen, at that seminar. Liddle gave Haynes full access to her banking information, her passcodes, and her computer, so that Haynes could help her pay her computer-based bills. Haynes used his relationship with Liddle and his access to her financial accounts to take over \$300,000 from Liddle's accounts between 2011 and 2015. Haynes transferred Liddle's money to accounts in the name of his companies, Senior Planning Resource and Future By Design.

COUNT 1: CRIMINAL ENTERPRISES - CONDUCTING

being a person employed by or associated with an enterprise, to wit: Senior Planning Resource and Future By Design, LLC, 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 March 2011, in Fruitport, defendant did commit the following offense for financial gain, to wit:
Embezzlement by an Agent of \$100,000 or more contrary to MCL 750.174; (Aviva Life)
and on or about October 2011, in Fruitport, defendant did commit the following offense for financial gain, to wit:
Embezzlement by an Agent of \$20,000 or more but less than \$50,000 contrary to MCL 750.174; (Chase Bank)
and on or about December 2011, in Fruitport, defendant did commit the following offense for financial gain, to wit:
Embezzlement by an Agent of \$1,000 or more but less than \$20,000 contrary to MCL 750.174; (Fifth Third Bank)
and on or about December 2011, in Fruitport, defendant did commit the following offense for financial gain, to wit:
Embezzlement by an Agent of \$1,000 or more but less than \$20,000 contrary to MCL 750.174; (Bank of America)
which had the same or a substantially similar result, or participant, or victim, or method of commission, and which amount to or pose a threat of continued criminal activity, contrary to MCL 750.159(1). [750.159(1)]
FELONY: 20 Years and/or \$100,000.00; criminal forfeiture of proceeds, substituted proceeds, and instrumentalities of racketeering listed on attached notification (see MCL 750.159(4)); court may order court costs, costs of investigation, and/or costs of prosecution

COUNT 2: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$100,000.00 OR MORE
did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle (National Western Life, May 2012), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$100,000.00 or more; contrary to MCL 750.174a(7)(a). [750.174A7A]
FELONY: 20 Years and/or \$50,000.00 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). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

COUNT 3: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00
did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Bank of America, October 2013), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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 4: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00
did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, December 2013), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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 5: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00
did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, July 7, 2014), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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 6: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00
did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, July 23, 2014), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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 7: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Fifth Third Bank, February 2015), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

COUNT 8: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, May 2015), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

COUNT 9: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, June 2015), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

COUNT 10: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, July 2015), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

COUNT 11: TAXES - FAILURE TO FILE/FALSE RETURN/PAYMENT

did, with the intent to defraud or evade the payment of a tax, or part of a tax, make a false or fraudulent income return or payment as required by MCL 205.311 (2012); contrary to MCL 205.27(1)(a). [205.271A]
FELONY: 5 Years and/or \$5,000.00

COUNT 12: TAXES - FAILURE TO FILE/FALSE RETURN/PAYMENT

did, with the intent to defraud or evade the payment of a tax, or part of a tax, make a false or fraudulent income return or payment as required by MCL 205.311 (2013); contrary to MCL 205.27(1)(a). [205.271A]
FELONY: 5 Years and/or \$5,000.00

COUNT 13: TAXES - FAILURE TO FILE/FALSE RETURN/PAYMENT

did, with the intent to defraud or evade the payment of a tax, or part of a tax, make a false or fraudulent income return or payment as required by MCL 205.311 (2014); contrary to MCL 205.27(1)(a). [205.271A]

FELONY: 5 Years and/or \$5,000.00

COUNT 14: TAXES - FAILURE TO FILE/FALSE RETURN/PAYMENT

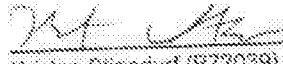
did, with the intent to defraud or evade the payment of a tax, or part of a tax, make a false or fraudulent income return or payment as required by MCL 205.311 (2015); contrary to MCL 205.27(1)(a). [205.271A]

FELONY: 5 Years and/or \$5,000.00

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

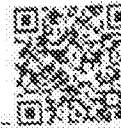
and against the peace and dignity of the State of Michigan.

8/14/11
Date



Kristen Stinedorf (P72039)
Assistant Attorney General
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(517) 373-1160

FILED 6/17/2018
14th CIRCUIT COURT
MUSKEGON COUNTY



2018-004131-FH
CCR-INF
NOT PROPOSED

STATE OF MICHIGAN
60th JUDICIAL DISTRICT
14th JUDICIAL CIRCUIT

**INFORMATION
FELONY**

DISTRICT:
CIRCUIT:
CTN: 96-18900569-01
COMPLAINT # 2017-0184902-B
AG ORI: MI330025A

District Court ORI: MI610025J

Circuit Court ORI: MI610015J

THE PEOPLE OF THE STATE OF MICHIGAN

GARY EDWARD HAYNES

Victim or complainant:
ARDIS LIDDLE

Complaining Witness
S/A KEVIN HILLER

Date On or about
March 2011 - September 2015

Defendant DOB
12/27/1960

Maximum Penalty
See Below

Co-defendants:

City/Twp/Village	County in Michigan	Defendant SID
Fruitport Twp.	MUSKEGON	

Charge(s)
See Below

[A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.]

STATE OF MICHIGAN, COUNTY OF MUSKEGON
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, the defendant:

Gary Edward Haynes operated two businesses called Senior Planning Resource and Future By Design LLC. In approximately 2006, Haynes conducted a financial seminar for retirees on behalf of Senior Planning Resource. Haynes met Ardis Liddle, a senior citizen, at that seminar. Liddle gave Haynes full access to her banking information, her passcodes, and her computer, so that Haynes could help her pay her computer-based bills. Haynes used his relationship with Liddle and his access to her financial accounts to take over \$300,000 from Liddle's accounts between 2011 and 2015. Haynes transferred Liddle's money to accounts in the name of his companies, Senior Planning Resource and Future By Design.

COUNT 1: CRIMINAL ENTERPRISES - CONDUCTING

being a person employed by or associated with an enterprise, to wit: Senior Planning Resource and Future By Design, LLC, 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 March 2011, in Fruitport, defendant did commit the following offense for financial gain, to wit:
Embezzlement by an Agent of \$100,000 or more contrary to MCL 750.174; (Aviva Life)
and on or about October 2011, in Fruitport, defendant did commit the following offense for financial gain, to wit:
Embezzlement by an Agent of \$20,000 or more but less than \$50,000 contrary to MCL 750.174; (Chase Bank)
and on or about December 2011, in Fruitport, defendant did commit the following offense for financial gain, to wit:
Embezzlement by an Agent of \$1,000 or more but less than \$20,000 contrary to MCL 750.174; (Fifth Third Bank)
and on or about December 2011, in Fruitport, defendant did commit the following offense for financial gain, to wit:
Embezzlement by an Agent of \$1,000 or more but less than \$20,000 contrary to MCL 750.174; (Bank of America)
which had the same or a substantially similar result, or participant, or victim, or method of commission, and which amount to or pose a threat of continued criminal activity, contrary to MCL 750.159(1). [750.159(1)]
FELONY: 20 Years and/or \$100,000.00; criminal forfeiture of proceeds, substituted proceeds, and instrumentalities of racketeering listed on attached notification (see MCL 750.159(4)); court may order court costs, costs of investigation, and/or costs of prosecution

COUNT 2: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$100,000.00 OR MORE
did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle (National Western Life, May 2012), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$100,000.00 or more; contrary to MCL 750.174a(7)(a). [750.174A7A]
FELONY: 20 Years and/or \$50,000.00 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). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

COUNT 3: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00
did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Bank of America, October 2013), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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 4: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00
did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, December 2013), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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 5: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00
did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, July 7, 2014), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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 6: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00
did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, July 23, 2014), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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 7: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Fifth Third Bank, February 2015), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

COUNT 8: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, May 2015), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

COUNT 9: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, June 2015), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

COUNT 10: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00

did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Ardis Liddle, (Chase Bank, July 2015), directly or indirectly benefiting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.174a(4)(a). [750.174A4A]
FELONY: 5 Years and/or \$10,000.00 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). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

COUNT 11: TAXES - FAILURE TO FILE/FALSE RETURN/PAYMENT

did, with the intent to defraud or evade the payment of a tax, or part of a tax, make a false or fraudulent income return or payment as required by MCL 205.311 (2012); contrary to MCL 205.27(1)(a). [205.271A]
FELONY: 5 Years and/or \$5,000.00

COUNT 12: TAXES - FAILURE TO FILE/FALSE RETURN/PAYMENT

did, with the intent to defraud or evade the payment of a tax, or part of a tax, make a false or fraudulent income return or payment as required by MCL 205.311 (2013); contrary to MCL 205.27(1)(a). [205.271A]
FELONY: 5 Years and/or \$5,000.00

COUNT 13: TAXES - FAILURE TO FILE/FALSE RETURN/PAYMENT

did, with the intent to defraud or evade the payment of a tax, or part of a tax, make a false or fraudulent income return or payment as required by MCL 205.311 (2014); contrary to MCL 205.27(1)(a). [205.271A]

FELONY: 5 Years and/or \$5,000.00

COUNT 14: TAXES - FAILURE TO FILE/FALSE RETURN/PAYMENT


did, with the intent to defraud or evade the payment of a tax, or part of a tax, make a false or fraudulent income return or payment as required by MCL 205.311 (2015); contrary to MCL 205.27(1)(a). [205.271A]

FELONY: 5 Years and/or \$5,000.00

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.

8/14/11
Date



Kristen Stinedorf (P72039)
Assistant Attorney General
Corporate Oversight Division
P.o. Box 30755
Lansing, MI 48909
(517) 373-1160

Original - Court 14th CIRCUIT COURT 3rd copy - Mic
1st copy - Corrections MUSKEGON COUNTY 4th copy - Def
2nd copy - Corrections (for return) 5th copy - Proc



2018-004131-FH

CCR-JOS

NOT PROPOSED

18-004131-FH-D

Approved, SCAD

STATE OF MICHIGAN
14TH JUDICIAL CIRCUIT
MUSKEGON COUNTY

JUDGMENT OF SENTENCE
COMMITMENT TO
DEPARTMENT OF CORRECTIONS

Court Address 990 TERRACE STREET
MUSKEGON, MI 49442

Court Telephone no.
231-724-6251

ORI
MI-610015J

Police Report No. 2017-184902

THE PEOPLE OF THE STATE OF MICHIGAN

V

Defendant's name, address, and telephone no.

GARY EDWARD HAYNES

CTN/TCN

961890056901

SID

4029256H

DOB

12/27/60

Defendant attorney's name

JOHNSON, FREDERICK D., JR.

Bar no.

36283

Prosecuting attorney's name Bar no.
STINEDURF, KRISTEN ELIZABETH, 73039

THE COURT FINDS:

1. The defendant was found guilty on 12/20/18 of the crime(s) stated below.

Count	CONVICTED BY		DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC code
	Plea*	Court/Jury			
1		X		CRIMINAL ENTRPR	750.159I1
2		X		EMBEZ-FROM VUL ADULT\$100,	750.174A7A
3		X		VULNERABLE ADULT-EMBEZMNT	750.174A4A
4		X		VULNERABLE ADULT-EMBEZMNT	750.174A4A
5		X		VULNERABLE ADULT-EMBEZMNT	750.174A4A
6		X		VULNERABLE ADULT-EMBEZMNT	750.174A4A
7		X		VULNERABLE ADULT-EMBEZMNT	750.174A4A
8		X		VULNERABLE ADULT-EMBEZMNT	750.174A4A
9		X		VULNERABLE ADULT-EMBEZMNT	750.174A4A
10		X		VULNERABLE ADULT-EMBEZMNT	750.174A4A
11		X		VIOL-MICH INCOME TAX ACT	205.271A
12		X		VIOL-MICH INCOME TAX ACT	205.271A
13		X		VIOL-MICH INCOME TAX ACT	205.271A
14		X		VIOL-MICH INCOME TAX ACT	205.271A

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

2. The conviction is reportable to the Secretary of State under MCL 257.625(21)(b).

Defendant's driver's license number

3. HIV testing and sex offender registration are completed.

4. The defendant has been fingerprinted according to MCL 28.243.

5. A DNA sample is already on file with the Michigan State Police from a previous case. No assessment is required.

IT IS ORDERED:

6. Probation is revoked.

7. Participating in a special alternative incarceration unit is prohibited, permitted.

8. The defendant is sentenced to custody of the Michigan Department of Corrections. This sentence shall be executed immediately.

ENTERED

SEE NEXT PAGE

Approved, SCAO

STATE OF MICHIGAN
 14TH JUDICIAL CIRCUIT
 MUSKEGON COUNTY

JUDGMENT OF SENTENCE
 COMMITMENT TO
 DEPARTMENT OF CORRECTIONS

CASE NO.
 18-004131-FK-D

Count	SENTENCE DATE	MINIMUM			MAXIMUM			DATE SENTENCE BEGINS	JAIL CREDIT		OTHER INFORMATION
		Years	Mos.	Days	Years	Mos.	Days		Mos.	Days	
1	2/08/19		90		20		2/08/19		2		
2	2/08/19		90		20		2/08/19		2		
3	2/08/19		30		5		2/08/19		2		
4	2/08/19		30		5		2/08/19		2		
5	2/08/19		30		5		2/08/19		2		
6	2/08/19		30		5		2/08/19		2		
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9	2/08/19		30		5		2/08/19		2		
10	2/08/19		30		5		2/08/19		2		
11	2/08/19		30		5		2/08/19		2		
12	2/08/19		30		5		2/08/19		2		
13	2/08/19		30		5		2/08/19		2		
14	2/08/19		30		5		2/08/19		2		

9. Sentence(s) to be served consecutively to (If this item is not checked, the sentence is concurrent.)
 each other. case numbers _____

10. The defendant shall pay: \$952.00 STATE MINIMUM COSTS \$130.00 CRIME VICTIM RIGHTS
 \$450.00 PUBLIC DEFENDER \$1532.00 TOTAL \$1532.00 BALANCE

The due date for payment is 2/08/19. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.

11. The defendant is subject to lifetime monitoring under MCL 750.520n.

12. Court recommendation:
 ALL COUNTS ARE CONCURRENT WITH EACH OTHER.

2-12-19

Date

Judge ANNETTE ROSE SMEDLEY

53987

Bar no.

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)

Deputy Court Clerk

LAST PAGE

CC 219b (3/16) JUDGMENT OF SENTENCE, COMMITMENT TO DEPARTMENT OF CORRECTIONS

MCL 765.15(2), MCL 769.1k, MCL 769.16a, MCL 775.22, MCL 785.766, MCL 8.427

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 14TH JUDICIAL CIRCUIT
 MUSKEGON COUNTY

JUDGMENT OF SENTENCE
 COMMITMENT TO
 DEPARTMENT OF CORRECTIONS

CASE NO.
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(SEAL)

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