

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

SHANE M. TURNER
(CRD No. 4639366),

Respondent.

Disciplinary Proceeding
No. 2006005347401

Hearing Officer – AWH

DEFAULT DECISION

July 1, 2008

Respondent is barred from associating with any FINRA member in any capacity for improper use of customer funds, in violation of NASD Conduct Rule 2110, and failing to respond to requests for information, in violation of NASD Rules 8210 and 2110. In light of the bars, no further sanctions imposed for four other violations.

Appearances:

David Utevsky, Esq., for the Department of Enforcement.

No appearance by or for Shane M. Turner.

DECISION

I. Background

On February 19, 2008, the Department of Enforcement filed the Complaint in this proceeding, alleging that Respondent Shane M. Turner (1) engaged in private securities transactions, (2) made improper use of a customer's funds, (3) misrepresented to customers, who were husband and wife, that he had purchased an annuity on their behalf, (4) opened and maintained an undisclosed account with a member firm other than the firm with which he was associated, and (5) failed to respond to requests for information sent by FINRA staff pursuant to Rule 8210. Turner did not file an Answer to the

Complaint. On May 13, 2008, Enforcement filed a Motion for Entry of Default Decision. Turner did not respond to that motion.

II. Respondent's Default

On February 19, 2008, Enforcement sent the Complaint and Notice of Complaint to Respondent by first class and certified mail to his residential address listed in the Central Registration Depository (the "CRD address") and to the Ada County Jail in Boise, Idaho, where, Enforcement learned, he was incarcerated (the "Jail address"). The first class mailing to the CRD address was not returned; the certified mailing to that address was returned, marked "unclaimed."¹ The first class mailing to the Jail address was not returned; the return receipt for the certified mailing to that address was returned, signed by "D. Miller." Turner did not file an Answer to the Complaint.

On March 24, 2008, Enforcement sent the Complaint and Second Notice of Complaint to Respondent by first class and certified mail to Turner's CRD address and the Jail address. The first class mailing to the CRD address was not returned; the certified mailing receipt was returned, signed by Lisa Shaw. According to the Idaho Department of Finance, Lisa Shaw is Turner's spouse. The first class mailing to the Jail address was not returned; the return receipt for the certified mailing to that address was returned, signed by "R. Burnett."² Turner did not file an Answer to the Complaint.

Enforcement served the Complaint and Notices of Complaint on Turner in accordance with Rule 9134, giving him constructive notice of this proceeding. The

¹ The certified mailing envelope was not returned to Enforcement until March 25, 2008, the day after Enforcement served the Complaint and Second Notice of Complaint. The envelope contained a forwarding address for Turner in Meridian, Idaho (the "Meridian address").

² In May 2008, Enforcement learned that Turner had been transferred, as of April 17, 2008, from the Ada County Jail to the Idaho State Correctional Institution in Boise. Enforcement sent the Motion for Entry of Default Decision to Turner at the State Correctional Institution, the Meridian address, the Jail address, and the CRD address.

return receipts signed by Lisa Shaw and two persons at the Jail address show that Turner more probably than not received actual notice of the Complaint. By failing to respond, he defaulted. Pursuant to NASD Procedural Rules 9215(f) and 9269, Enforcement's motion for a default decision will be granted, and the allegations in the Complaint, which is attached to this decision, will be deemed admitted.³

III. Jurisdiction

Turner was first registered with FINRA through Foresters Equity Services, Inc. ("Foresters") from March 5, 2003 until October 28, 2004. From October 13, 2004 until January 5, 2006, he was registered through PrimeVest Financial Services, Inc. ("PrimeVest"), initially as an Investment Company/Variable Contracts Representative, and, beginning on May 2, 2005, as a General Securities Representative. He was registered in those same two capacities through United Heritage Financial Services ("UHFS") from January 25, 2006 until May 19, 2006, when UHFS filed a Form U5, terminating his registration for failing to follow company procedures. He is not currently associated with a FINRA member firm. On February 15, 2007, in the Fourth Judicial District of the State of Idaho for the County of Ada, Turner entered a guilty plea to one count of securities fraud in violation of Idaho Statutes § 30-14-501, a felony. Accordingly, he is statutorily disqualified with respect to association with a FINRA member firm.⁴

Because the Complaint charges him with misconduct while he was associated with a member firm and with failing to respond to FINRA staff requests for information

³ The factual determinations in this decision are based on the admitted allegations in the Complaint, the Declaration Supporting a Motion for Entry of Default Decision, and the exhibits attached thereto.

⁴ See Art. III, Sec. 4 of the FINRA By-Laws.

http://finra.complinet.com/finra/display/display.html?rbid=1189&element_id=1159000026

during the two-year period following termination of his registration, and the Complaint was filed within two-years of the termination of his registration, he remains subject to FINRA jurisdiction for purposes of this proceeding, pursuant to Article V, Section 4 of the FINRA By-Laws.

IV. Violations

Private Securities Transactions

The first cause of the Complaint alleges that Turner, while registered with PrimeVest, participated in the sale to seven persons of \$666,447.44 in investment contracts with Network Investments, an assumed business name for Turner. Turner described Network Investments as a “Real Estate Construction Investment” in which investors’ funds would be used to make real estate construction loans, and interest paid by the borrowers would be used to pay a fixed amount of interest to the investors.

The Network Investments investment contracts are “securities” for purposes of Section 2(a)(1) of the Securities Act of 1933 because the investment scheme involves individual investments of money in a common enterprise with profits to come solely from the efforts of others.⁵ The investors expected a fixed return on their investments and profits solely from the efforts of Turner and/or Network Investments.⁶ The admitted facts demonstrate that Turner participated in those investment transactions, without prior notice to, and written approval or acknowledgment from, his member firm. Accordingly, he violated NASD Conduct Rules 3040 and 2110.

The second cause of the Complaint alleges that Turner, while registered with UHFS, participated in the sale to DES, one of the seven customers identified in the first

⁵ *SEC v. W.J. Howey Co.*, 328 U.S. 293 (1946).

⁶ *See, e.g., SEC v. Edwards*, 2004 U.S. LEXIS 659 (Jan. 13, 2004) (sale of payphones under sales and leaseback agreements were investment contracts subject to the securities laws).

cause of the Complaint, of an additional \$15,000 in investment contracts with Network Investments. Again, Turner participated in the investment transaction, without prior notice to, and written approval or acknowledgment from, his member firm. Accordingly, he again violated NASD Conduct Rules 3040 and 2110.⁷

Improper Use of Funds

The third cause of the Complaint alleges that on May 5, 2005, DES gave Turner a check in the amount of \$20,000 for his original investment in Network Investments. Although Turner told DES that his money would be placed in a real estate investment trust managed by Network Investments and used to fund construction loans, Turner placed the funds in his own personal Ameritrade account and used them to trade in various securities. In pleading guilty to Count II of an Indictment against him, Turner admitted that he made misrepresentations and omissions of material fact to DES, and that he placed DES's funds in his own account.⁸

Conversion is the wrongful exercise of dominion over the personal property of another. By depositing DES's check in his own personal securities account, Turner's improper use of those funds amounted to conversion, in violation of NASD Conduct Rule 2110.⁹

⁷ The Idaho Department of Finance commenced a civil action against Turner, alleging violations of state law regarding the investments in Network Investments by investors named in the two causes of the Complaint in this proceeding. On April 6, 2007, Turner was enjoined from committing certain violations of Idaho law and ordered to pay \$114,200 to the Idaho Department of Finance in restitution for distribution to the injured investors.

⁸ *State of Idaho v. Shane Michael Turner*, Case No. H0601321, Idaho District Court, Ada County (Feb. 15, 2007).

⁹ See, e.g. *Dep't of Enforcement v. Paul Douglas Paratore*, No. 2005002570601, 2008 FINRA Discip. LEXIS 1, *10 (NAC Mar. 7, 2008) (misapplication of customers' premium checks to pay premiums of other customers constitutes conversion).

Misrepresentation

The fourth cause of the Complaint alleges that on March 18, 2005, Turner obtained \$60,000 from HS and AKS, husband and wife, which was applied to the purchase of an investment contract with Network Investments. Although HS and AKS received a "welcome letter" from Network Investments, indicating that their funds had been placed with that entity, on May 31, 2006, Turner provided them with a purported statement from Allianz Life Insurance Company of North America, which represented that Turner, as Writing Agent, had purchased a \$60,000 Allianz annuity on their behalf. Because Turner had not actually purchased an Allianz annuity for them, he falsely represented to them that he had done so, in violation of NASD Conduct Rule 2110.¹⁰

The Undisclosed Account

The fifth cause of the Complaint alleges that, in July 2004, while he was registered through Foresters, Turner opened an account with member firm TD Ameritrade. Before opening that account or placing an initial order for the purchase or sale of securities in that account, he did not notify Foresters in writing of the account, nor did he notify TD Ameritrade in writing of his association with Foresters. He continued to maintain that account during his association with PrimeVest and with UHFS. He did not notify PrimeVest or UHFS of the account, nor did he notify TD Ameritrade of his association with PrimeVest or UHFS. By failing to notify, in writing, both the employing members of the account and the executing member of his association with a FINRA

¹⁰ Because the representation concerned a fixed annuity, which is not a security, Enforcement did not charge Turner with a violation of NASD Conduct Rule 2120. Since Turner did not respond to the staff's inquiries, as noted *infra*, Enforcement does not know whether or how he might explain the Allianz account statement he provided to HS and AKS.

member, Turner violated NASD Conduct Rule 3050(c), which requires such notification, and Conduct Rule 2110.

Failure to Respond to Requests for Information

The sixth cause of the Complaint alleges that, in connection with its investigation of Turner's alleged private securities transactions, FINRA staff sent Turner two requests for information relating to the subject matter of the investigation, pursuant to NASD Procedural Rule 8210. The first request, dated October 4, 2006, was sent by first class and certified mail to Turner at his residential address as reflected in the Central Registration Depository. By letter dated October 13, 2006, Turner's attorney wrote the staff, acknowledging receipt of the request for information and stating that because Turner had recently been indicted by a grand jury in Ada County, Idaho, he advised Turner to remain silent "regarding these matters" until the criminal process "had resolved itself."

The second request for information, dated October 18, 2006, was also sent by first class and certified mail to Turner at his CRD address. By letter dated October 23, 2006, Turner's attorney acknowledged receipt of the second request letter, and stated that Turner would "stand by his original assertion that providing information at this point in time jeopardizes his ability to defend the criminal case that has been brought against him."

As noted above, on February 15, 2007, Turner entered a guilty plea in the District Court of the Fourth Judicial District of the State of Idaho for the County of Ada, to one count of securities fraud in violation of Idaho Statutes § 30-14-501, a felony. To date, Turner has not provided the staff with any information requested in its letters of October

4 and 18, 2006. By failing to provide that requested information, Turner violated NASD Rules 8210 and 2110.

V. Sanctions

For conversion of funds, the FINRA Sanction Guidelines call for a bar, regardless of the amount converted.¹¹ Turner has admitted that he placed the funds of DES in his own brokerage account when he knew that DES intended those funds to be invested in construction loans. There are no mitigating factors that would warrant a sanction less than a bar.

For failure to respond in any manner to requests for information, the Sanction Guidelines provide that a bar should be standard.¹² Here, Turner provided none of the requested information requested, even after the criminal case against him had been resolved by his guilty plea. Again, there are no mitigating factors that would warrant a sanction less than a bar.

For selling away, misrepresentation, and having an undisclosed account, Enforcement recommends sanctions less than a bar. However, in light of the bars for conversion and failure to respond to requests for information, no further sanctions will be imposed for those violations.

VI. Conclusion

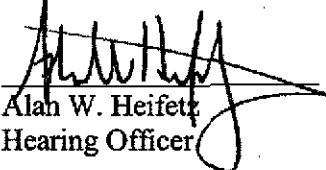
Shane M. Turner is barred from associating with any FINRA member in any capacity for improper use of customer funds, in violation of NASD Conduct Rule 2110, and failing to respond to requests for information, in violation of NASD Rules 8210 and 2110. In light of the bars, no further sanctions are imposed for selling away,

¹¹ FINRA SANCTION GUIDELINES, 38.

¹² *Id.*, 35.

misrepresentation, and opening and executing transactions in an undisclosed securities account. The bars shall become effective immediately if this Decision becomes the final disciplinary action of FINRA.

SO ORDERED.


Alan W. Heifetz
Hearing Officer

Copies to:

Shane M. Turner (*via first class mail & overnight courier*)
David Utevesky, Esq. (*via first class mail & electronic mail*)
Mark P. Dauer, Esq. (*via first class mail & electronic mail*)
David R. Sonnenberg, Esq. (*via first class mail & electronic mail*)

FINANCIAL INDUSTRY REGULATORY AUTHORITY

OFFICE OF HEARING OFFICERS

Department of Enforcement,

Complainant,

V.

Shane M. Turner
CRD No. 4639366,

Respondent.

DISCIPLINARY PROCEEDING
No. 2006005347401

COMPLAINT

The Department of Enforcement alleges:

SUMMARY

1. From on or about March 18, 2005, until on or about October 18, 2005, Respondent Shane M. Turner ("Turner") engaged in private securities transactions without prior notice to and approval by his employer firm, PrimeVest Financial Services, Inc. ("PrimeVest"), in that he participated in the sale to seven investors of investment contracts with Network Investments, for a total of approximately \$666,447.44.
2. On or about February 2, 2006, Respondent Turner engaged in a private securities transaction without prior notice to and approval by his employer firm, United Heritage Financial Services, Inc. ("UHFS"), in that he participated in an additional investment contract purchase by DES with Network Investments for approximately \$15,000.

3. On or about May 5, 2005, Respondent Turner made improper use of funds received from DES by placing them in a securities account in Respondent Turner's name, when DES intended that his funds be invested in Respondent Turner's construction lending business.

4. On or about May 31, 2006, Respondent Turner misrepresented to investors HS and AKS, husband and wife, that he had purchased a fixed annuity on their behalf by providing them with a purported account statement.

5. From on or about July 14, 2004, until on or about May 19, 2006, Respondent Turner opened and maintained an account with a member firm other than his employer firms. He failed to notify his employer firms in writing regarding the account and failed to inform the member firm where the account was maintained in writing that he was associated with FINRA member firms.

6. On October 4, 2006; and October 18, 2006, the FINRA staff sent written requests for information to Respondent Turner pursuant to NASD Procedural Rule 8210. Respondent Turner has not responded to the staff's requests or provided any of the requested information.

7. On or about October 27, 2006, the State of Idaho, Department of Finance, Securities Bureau ("Idaho Department of Finance") commenced a civil action. Case No. CV OC 0620232, against Respondent Turner in the District Court of the Fourth Judicial District of the State of Idaho, in and for Ida County ("the Idaho Court"), alleging that he had violated certain provisions of Idaho law. On or about April 6, 2007, a Stipulated Judgment and Permanent Injunction was entered in that action, permanently enjoining Respondent Turner from committing certain violations of Idaho law. The Stipulated

Judgment and Permanent also ordered Respondent Turner to pay \$114,200 to the Idaho Department of Finance in restitution for distribution to injured investors.

8. On or about October 3, 2006, the State of Idaho filed an Indictment in the Idaho Court, charging Respondent Turner with certain crimes in violation of Idaho law. On or about February 15, 2007, Respondent Turner pled guilty in that criminal action, Case No. H0601321, to one count of the Indictment, which charged that he, in connection with the offer and/or sale of a security, had made one or more untrue statements of material fact and/or omissions of material fact, a felony, in violation of Idaho Code § 30-14-501.

JURISDICTION

9. Respondent Turner was initially associated with a member of FINRA in February 2003. From on or about March 5, 2003, until on or about October 28, 2004, he was registered through Foresters Equity Services, Inc. ("Foresters") as an Investment Company / Variable Contracts Representative. From on or about October 13, 2004, until on or about January 5, 2006, he was registered through PrimeVest, initially as an Investment Company / Variable Contracts Representative and, beginning on or about May 2, 2005, as a General Securities Representative. From on or about January 25, 2006, until on or about May 19, 2006, he was registered through UHFS as a General Securities Representative and Investment Company / Variable Contracts Representative.

10. On or about May 19, 2006, a Uniform Termination Notice for Securities Industry Registration ("Form U5") was filed by UHFS on behalf of Respondent Turner. The Form U5 disclosed that Respondent Turner's registration was terminated on May 19, 2006, due to his failure to respond to a request for information in an internal review.

11. Respondent Turner is not currently registered or associated with any member firm; however, pursuant to Article V, Section 4 of the FINRA By-Laws, FINRA retains jurisdiction over him for purposes of this Complaint.

FIRST CAUSE OF ACTION
(Selling Away (Rule 3040))

12. The Department realleges and incorporates by reference paragraphs 1-11 above.

13. During the period from on or about March 18, 2005, until on or about October 18, 2005, Respondent Turner engaged in private securities transactions without prior written notice to and approval by his employer firm, PrimeVest, in that he participated in the sale to seven investors of investment contracts with Network Investments, for a total of approximately \$666,447.44. Network Investments was an assumed business name for Respondent Turner. Those sales are listed in Schedule A, attached hereto and incorporated herein by this reference. The investment contracts were securities.

14. Respondent Turner described the Network Investments investment contracts as a "Real Estate Construction Investment." Network Investments would use investors' funds to make real estate construction loans and would pay interest to the investors. The purchasers of the investment contracts thereby invested their money in a common enterprise and were led to expect profits solely from the efforts of Respondent Turner and/or Network Investments.

15. Such acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rule 3040. Such conduct is inconsistent with high standards of commercial

honor and just and equitable principles of trade and a violation of Conduct Rule 2110 by Respondent Turner.

SECOND CAUSE OF ACTION

(Selling Away (Rule 3040))

16. The Department realleges and incorporates by reference paragraphs 1-11 and 13-15 above.

17. On or about February 2, 2006, Respondent Turner engaged in a private securities transaction without prior written notice to and approval by his employer firm, UHFS, in that he participated in the sale to DES of an additional investment in his investment contract with Network Investments for approximately \$15,000. The additional investment was a security.

18. Such acts, practices and conduct constitute a violation of NASD Conduct Rule 3040. Such conduct is inconsistent with high standards of commercial honor and just and equitable principles of trade and a violation of Conduct Rule 2110 by Respondent Turner.

THIRD CAUSE OF ACTION

(Improper Use of Funds (Rule 2110))

19. The Department realleges and incorporates by reference paragraphs 1-11 13-15, 17 and 18 above.

20. On or about May 5, 2005, investor DES gave Respondent Turner a check in the amount of \$20,000, payable to Network Investments. Respondent Turner told DES his money would be placed in a real estate investment trust managed by Network

Investments and used to fund construction loans. DES intended that his funds be invested in Respondent Turner's construction lending business.

21. Respondent Turner placed the funds he received from DES in a securities brokerage account in Respondent Turner's name. Respondent Turner thereby made improper use of DES's funds.

22. Such acts, practices and conduct constitute a violation of NASD Conduct Rule 2110 by Respondent Turner.

FOURTH CAUSE OF ACTION
(Misrepresentation (Rule 2110))

23. The Department realleges and incorporates by reference paragraphs 1-11 13-15, 17, 18 and 20-22 above.

24. On or about March 18, 2005, Respondent Turner obtained \$60,000 from investors HS and AKS, husband and wife, which was applied to the purchase of an investment contract with Network Investments. On or about May 31, 2006, Respondent Turner provided HS and AKS with a purported account statement from Allianz Life Insurance Company of North America ("Allianz"), which represented that Respondent Turner, as Writing Agent, had purchased an Allianz annuity on their behalf in the amount of \$60,000. Respondent Turner did not actually purchase an Allianz annuity for HS and AKS. Respondent Turner thereby falsely represented to HS and AKS that he had purchased the annuity on their behalf.

25. Such acts, practices and conduct constitute a violation of NASD Conduct Rule 2110 by Respondent Turner.

FIFTH CAUSE OF ACTION

(Undisclosed Account With Another Member Firm (Rule 3050))

26. The Department realleges and incorporates by reference paragraphs 1-11, 13-15, 17, 18, 20-22, 24 and 25 above.

27. On or about July 15, 2004, while registered through Foresters, Respondent Turner opened an account with a member firm other than Foresters, PrimeVest or UHFS. Before opening the account or placing an initial order for the purchase or sale of securities with the other member firm, Respondent Turner did not notify Foresters in writing of the account at the other member firm and he did not notify the other member firm in writing of his association with Foresters. Respondent Turner continued to maintain the account at the other member firm until at least on or about May 19, 2006.

28. During the period when he was registered through PrimeVest, from on or about October 13, 2004, until on or about January 5, 2006, Respondent Turner did not notify PrimeVest in writing of the account at the other member firm and he did not notify the other member firm in writing of his association with PrimeVest.

29. During the period when he was registered through UHFS, from on or about January 25, 2006, until on or about May 19, 2006, Respondent Turner did not notify UHFS in writing of the account at the other member firm and he did not notify the other member firm in writing of his association with UHFS.

30. Such acts, practices and conduct constitute separate and distinct violations of NASD Conduct Rule 3050(c). Such conduct is inconsistent with high standards of commercial

honor and just and equitable principles of trade and a violation of Conduct Rule 2110 by Respondent Turner.

SIXTH CAUSE OF ACTION
(Failure to Respond (Rule 8210))

31. The Department realleges and incorporates by reference paragraphs 1-11, 13-15, 17, 18, 20-22, 24, 25 and 27-30 above.

32. In or about April 2006, FINRA initiated an investigation concerning alleged private securities transactions by Respondent Turner. The investigation focused, among other things, on whether Respondent Turner had engaged in private securities transactions without first providing to his employer firms written notices describing in detail the proposed transactions and his proposed role therein and stating whether he had received or might receive selling compensation in connection with those transactions. In connection with that investigation, FINRA staff requested information from Respondent Turner.

33. Respondent Turner's residential address as reflected in FINRA's Central Registration Depository ("CRD") is [REDACTED] ("the CRD Address").

First Request for Information

34. On October 4, 2006, FINRA staff sent a request for information pursuant to NASD Procedural Rule 8210 relating to the subject matter of the FINRA investigation, via U.S. Postal Service first class mail and certified mail, return receipt requested, to the CRD Address. The first request letter required a response no later than October 18, 2006.

35. The envelope sent to the CRD Address via first class mail on October 4, 2006, was not returned by the U.S. Postal Service. FINRA staff received a Domestic Return Receipt for the envelope sent to the CRD Address via certified mail, bearing an illegible signature.

36. In response to its first request for information, FINRA staff did not receive a response from Respondent Turner that provided any of the information requested. NASD staff received a letter from Respondent Turner's attorney, Dennis M. Charney, dated October 13, 2006, stating that Respondent Turner had forwarded the staff's letter to him. In his letter, Mr. Charney stated that Respondent Turner had recently been indicted by a grand jury in Ada County, Idaho, and that he had advised Respondent Turner to remain silent "regarding these matters" until the criminal process had "resolved itself."

Second Request for Information

37. On October 18, 2006, FINRA staff sent a second request for information pursuant to NASD Procedural Rule 8210 relating to the subject matter of the FINRA investigation, via U.S. Postal Service first class mail and certified mail, return receipt requested, to the CRD Address. The second request letter required a response no later than November 1, 2006.

38. The envelope sent to the CRD Address via first class mail on October 18, 2006, was not returned by the U.S. Postal Service. FINRA staff received a domestic return receipt for the envelope sent to the CRD Address via certified mail, bearing an illegible signature and the printed name "Turner."

39. In response to its second request for information, FINRA staff did not receive a response from Respondent Turner that provided any of the information requested.

FINRA staff received a second letter from Mr. Charney, dated October 23, 2006, stating that he had received the staff's second request letter. In his letter, Mr. Charney stated that Respondent Turner would "stand by his original assertion that providing information at this point in time jeopardizes his ability to defend the criminal case that has been brought against him."

40. On or about February 15, 2007, Respondent Turner entered a guilty plea in the District Court of the Fourth Judicial District of the State of Idaho for the County of Ada, to one count of securities fraud in violation of Idaho Statutes § 30-14-501, a felony.

41. To date, FINRA has not received any response from Respondent Turner to the foregoing requests for information, other than the letters from Mr. Charney dated October 13, 2006, and October 23, 2006.

42. Such acts, practices and conduct constitute separate and distinct violations of NASD Procedural Rule 8210. Such conduct is inconsistent with high standards of commercial honor and just and equitable principles of trade and a violation of Conduct Rule 2110 by Respondent Turner.

RELIEF REQUESTED

WHEREFORE, the Department respectfully requests that the Panel:

- A. order that one or more of the sanctions provided under NASD Rule 8310(a), including monetary sanctions, be imposed, including that the Respondent be

required to disgorge fully any and all ill-gotten gains and/or make full and complete restitution, together with interest.

- B. order that the Respondent bear such costs of proceeding as are deemed fair and appropriate under the circumstances in accordance with NASD Rule 8330.

FINRA DEPARTMENT OF ENFORCEMENT

Date: February 19, 2008

David Utevsky

David Utevsky, Senior Regional Counsel
Lewis Taylor Egan, AVP & Regional Chief Counsel
FINRA Department of Enforcement
601 Union Street, Suite 1616
Seattle, WA 98101
Phone: (206) 624-0790; Fax: (206) 623-2518
David.Utevsky@finra.org

Of Counsel

Rory C. Flynn
Vice President & Chief Litigation Counsel
FINRA Department of Enforcement
1801 K Street, N.W., Suite 800
Washington, D.C. 20006
Phone: (202) 974-2974; Fax: (202) 721-8318

Mark P. Dauer
Deputy Chief Litigation Counsel – Regions
FINRA Department of Enforcement
1100 Poydras Street
Energy Centre, Suite 850
New Orleans, LA 70163
Phone: (504) 522-6527; Fax: (504) 522-4077

SCHEDULE A

Department of Enforcement v. Shane M. Turner

Complaint No. 2006005347401

Date	Investor	Amount
3-18-05	HS & AKS	\$ 60,000.00
5-5-05	DES	\$ 20,000.00
6-6-05	ERR	\$ 25,000.00
7-26-05	RCB	\$ 32,400.00
8-23-05	KN	\$ 56,000.00
9-29-05	JMS	\$ 350,000.00
10-18-05	VS	\$ 123,047.44
	Total	\$ 666,447.44