

**STATE OF ILLINOIS
SECRETARY OF STATE
SECURITIES DEPARTMENT**

**IN THE MATTER OF: TIMOTHY SHAWN DUNN,
and MONEYFACTS, INC., and its managers, officers,
affiliates, subsidiaries, representatives, successors,
and assigns.**

File No. 0700512

TEMPORARY ORDER OF PROHIBITION AND SUSPENSION

TO RESPONDENTS:

Timothy Shawn Dunn
Inmate 21529-424
U.S. Bureau of Prisons
Metropolitan Correctional Center
71 W. Van Buren
Chicago, IL 60605

Timothy Shawn Dunn
CRD#: 1611234
1651 Hogan Ave.
Chesterton, Indiana 46304

Timothy Shawn Dunn
Moneyfacts, Inc.
2834 45th St. – Suite A
Highland, Indiana 46322

Timothy Shawn Dunn
Moneyfacts, Inc.
980 N. Michigan Ave. - Suite 1400
Chicago, IL 60611

Timothy Shawn Dunn
c/o Stephen Komie
Komie and Associates
1 N. LaSalle St. – Suite 4200
Chicago, IL 60602

Moneyfacts, Inc.
CRD#: 122264
2834 45th St. – Suite A
Highland, Indiana 46322

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Moneyfacts, Inc.
980 N. Michigan Ave. - Suite 1400
Chicago, IL 60611

Stephen Komie
Registered Agent for Moneyfacts, Inc.
Komie and Associates
1 N. LaSalle St. – Suite 4200
Chicago, IL 60602

On information and belief, I, Jesse White, Secretary of State for the State of Illinois, through my designated representative, who has been fully advised in the premises by the staff of the Securities Department, Office of the Secretary of State, find as follows:

1. Felony Convictions
Respondent Dunn

1. Respondent Timothy Shawn Dunn (“Dunn” or, collectively with Moneyfacts, Inc., “Respondents”) is a natural person whose residential address is 1651 Hogan Avenue, Chesterton, Indiana 46304.
2. From at least as early as April 5, 2004, through at least as late as July 19, 2007, Respondent Moneyfacts, Inc. (“Moneyfacts,” or “company,” or, collectively with Timothy Shawn Dunn, “Respondents”), was a business entity incorporated in the State of Indiana. Respondent Moneyfacts’ principal place of business is 2834 45th Street – Suite A, Highland, Indiana 46322; and its branch office address is 980 N. Michigan Ave. - Suite 1400, Chicago, IL 60611.
3. Respondent Moneyfacts became registered with the State of Illinois as an investment adviser on April 5, 2004, and maintained this registration from April 5, 2004, through May 23, 2008.
4. Respondent Dunn applied for registration as an investment adviser representative with the State of Illinois on March 19, 2004, became registered in this capacity on April 5, 2004, and maintained this registration from April 5, 2004, through May 23, 2008.
5. From April 5, 2004, through May 23, 2008, Respondent Dunn served as the president, sole principal, compliance officer, and sole Illinois-registered investment adviser representative of Respondent Moneyfacts.
6. On May 19, 2008, Respondent Dunn was convicted in the United States District Court for the Northern District of Illinois, Eastern Division Criminal Case No. 04 CR 00372, of one felony count of conspiracy to defraud the United States by impeding the U.S. Internal

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Revenue Service ("IRS") from collecting tax revenue; one felony count of conspiracy to aid and assist the preparation and filing of false tax returns; and a number of other criminal convictions in which fraud was an essential element.

7. Section 8.E(1)(a) of the Illinois Securities Law of 1953, as amended (815 ILCS 5/8.E(1)(a)) ("Act"), provides that the Illinois registration of investment adviser representatives may be suspended or revoked if the Illinois Secretary of State finds they have been convicted of any felony at any time after the date they filed their registration application, or any misdemeanor in which fraud is an essential element.

2. Failure to Meet Investment Adviser Registration Requirements Respondent Moneyfacts

- 1-5. Paragraphs 1 through 5 of Section 1 are incorporated by reference.
6. Section 8.D(9) of the Act provides that no investment adviser applicant shall be registered or re-registered as an investment adviser in Illinois under Section 8.D of the Act unless and until each principal of the applicant who is actively engaged in the conduct and management of the applicant's advisory business in Illinois has passed an examination or completed an educational program designated by the Secretary of State for purposes of determining whether the applicant has sufficient knowledge of the securities business and securities laws to conduct the business of a registered investment adviser.
7. Section 2.12a of the Act defines a principal of an investment adviser as any officer, director, partner, member, trustee, or manager of the investment adviser who is responsible for the supervision of the registered investment adviser representatives in Illinois, and the management of the daily business operations of the investment adviser in Illinois.
8. From April 5, 2004, through May 23, 2008, Respondent Dunn served as the sole principal of Respondent Moneyfacts.
9. Section 8.D(10) of the Act provides that no investment adviser applicant shall be registered or re-registered as an adviser under Section 8.D of the Act unless the application for registration or re-registration is accompanied by an application for registration or re-registration for each person acting as an investment adviser representative on behalf of the adviser.
10. Section 2.12b of the Act defines an investment adviser representative of an Illinois-registered investment adviser as any partner, officer, or director of the investment adviser, or other person occupying similar status or performing similar functions, or other natural person employed by or associated with the investment adviser except clerical or ministerial personnel who performs any of the following acts:

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- (a) Makes any recommendations or otherwise renders advice regarding securities.
 - (b) Manages accounts or portfolios of clients
 - (c) Determines what recommendation or advice regarding securities should be given.
 - (d) Supervises any employee who performs any of the foregoing.
 - (e) Solicits, refers, offers, or negotiates for the sale of, or sells, investment advisory services.
11. From April 5, 2004, through May 23, 2008, Respondent Dunn served as the sole investment adviser representative of Respondent Moneyfacts.
12. Because an investment adviser is not permitted to be registered in Illinois without a principal or registered investment adviser, the suspension under this order of Respondent Dunn's registration as Respondent Moneyfacts' sole principal and investment adviser representative, Respondent Moneyfacts is not permitted to be registered as an investment adviser in Illinois.

2. False Statement Regarding Respondent Dunn's Business Activities

3. Failure to Report Change in Respondent Dunn's Application

Violations by Respondents Dunn and Moneyfacts

- 1-5. Paragraphs 1 through 5 of Section 1 are incorporated by reference.
6. From November 16, 2006, through as late as July 19, 2007 ("this period"), Respondents Dunn, in his capacity as an Illinois-registered investment adviser representative, and Moneyfacts, his Illinois-registered investment adviser employer, made a false statement to the Illinois Secretary of State in Respondent Dunn's investment adviser representative registration application, a statement that failed to disclose Dunn was engaged in business activity with a company he sometimes referred to as Beverly Hills Trust Company Ltd., and sometimes referred to as Beverly Hills Trust Ltd., LLC ("Beverly Hills Trust").
7. During this period, Respondents Dunn and Moneyfacts failed to report to the Illinois Secretary of State a change in the business activities in which Respondent Dunn was engaged, within ten business days of the change. The change—Respondent Dunn's engagement in business with Beverly Hills Trust—rendered inaccurate the business activity information in his application for registration in Illinois as an investment adviser representative.
8. Section 8.D-5 of the Illinois Securities Law of 1953, as amended (815 ILCS 5/8.D-5) ("Act") provides that an investment adviser registered in the State of Illinois that wishes to register an investment adviser representative in the State shall file an application with the Secretary of State. Under this provision, the investment adviser representative is required to provide the application to the investment adviser, executed, verified, or

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authenticated by the investment adviser representative, and setting forth the information required by Section 8.D-5.

9. Section 130.839(a) of the Rules and Regulations under the Illinois Securities Law (14 Ill. Adm. Code 130.839(a)) ("Rules") provides that the investment adviser representative application includes filing a "Uniform Application for Securities Industry Registration or Transfer" ("Form U4"), utilizing the Central Registration Depository administered by the Financial Industry Regulatory Authority.
10. Section 8.D-5 of the Act provides that a change that renders inaccurate any information contained in any application for registration as an investment adviser representative is required to be reported to the Secretary of State within ten business days after the occurrence of the change.
11. Section 130.839(d) of the Rules and Regulations under the Illinois Securities Law requires changes that render inaccurate any information contained in the application be filed in amended registration applications.
12. Question 13 of the Form U4 asked investment adviser representative applicants:

Are you currently engaged in any other business either as a proprietor, partner, officer, director, employee, trustee, agent or otherwise? If YES, please provide the following details: the name of the other business, whether the business is *investment-related*, the address of the other business, the nature of the other business, your position, title, or relationship with the other business, the start date of your relationship, the approximate number of hours/month you devote to the other business, the number of hours you devote to the other business during securities trading hours, and briefly describe your duties relating to the other business. (Emphasis in original.)

13. From at least as early as November 16, 2006, and continuing at least through February 5, 2007 ("this period"), Respondent Dunn was:
 - (a) The sole owner of Respondent Moneyfacts.
 - (b) President of Respondent Moneyfacts.
 - (c) Chief investment officer of Moneyfacts.
 - (d) Registered in the State of Illinois as the sole principal of investment adviser Moneyfacts; and in this position, was responsible for the supervision of the investment adviser representatives of Respondent Moneyfacts in Illinois, and for management of the daily business operations of Respondent Moneyfacts in Illinois, in accordance with Section 2.12a of the Act.
 - (e) Registered in the State of Illinois as the sole investment adviser representative employee of Respondent Moneyfacts.
 - (f) Executive director of Beverly Hills Trust.

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- (g) Managing director of Beverly Hills Trust.
 - (h) Engaged as a proprietor, partner, officer, director, employee, trustee, agent, or otherwise in the business of Beverly Hills Trust.
14. During this period, Respondent Dunn operated Beverly Hills Trust out of the same office address as the principal place of business of Respondent Moneyfacts, using business telephone numbers dedicated solely to Beverly Hills Trust.
15. During this period, Beverly Hills Trust operated as a business entity providing business management, tax planning, domestic and offshore asset protection trust services, and wealth preservation services.
16. Because of Respondent Dunn's relationship with Respondent Moneyfacts during this period as the company's owner, its president, its Illinois-registered principal, its chief investment officer, and its sole investment adviser representative employee, and because Beverly Hills Trust operated out the same office address as the principal place of business of Respondent Moneyfacts, employing a separate telephone number dedicated solely to Beverly Hills Trust, Respondent Moneyfacts knew or should have known during this period that:
- (a) Respondent Dunn was executive director of Beverly Hills Trust.
 - (b) Respondent Dunn was managing director of Beverly Hills Trust.
 - (c) Respondent Dunn was engaged as a proprietor, partner, officer, director, employee, trustee, agent, or otherwise in the business of Beverly Hills Trust.
18. Respondent Dunn has never caused Respondent Moneyfacts to file with the Secretary of State an amended Form U4 registration application reporting his engagement in business activity with Beverly Hills Trust.
19. Respondent Moneyfacts has never filed with the Secretary of State an amended Form U4 registration application reporting Respondent Dunn's engagement in business activity with Beverly Hills Trust.
20. For some time between July 1994 and December 2003, Respondent Dunn promoted and sold domestic and offshore asset protection trust services for a company named The Aegis Company, and was managing director of a company named the Aegis Management Company, which provided management services to purchasers of Aegis trusts.
21. Like Respondent Dunn's business activity with Beverly Hills Trust, Respondents Dunn and Moneyfacts were required to disclose to the Secretary of State Respondent Dunn's engagement in business activity with The Aegis Company or Aegis Management Company, in accordance with Sections 8.D-5 of the Act, Sections 130.839(a) and (d) of the Rules, and Question 13 of the Form U4 investment adviser representative registration application.

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22. Like Respondent Dunn's business activity with Beverly Hills Trust, Respondents Dunn and Moneyfacts failed to disclose to the Secretary of State Respondent Dunn's engagement in business activity with The Aegis Company or Aegis Management Company, in accordance with Sections 8.D-5 of the Act, Sections 130.839(a) and (d) of the Rules, and Question 13 of the Form U4 investment adviser representative registration application.
23. Respondent Dunn's felony convictions identified in paragraph has been under indictment on federal tax fraud charges, charged with participating in a conspiracy to market and sell sham domestic and foreign trusts through The Aegis Company and Aegis Management Company.
24. Section 12.E of the Act provides it shall be a violation of the Act for any person to make, or cause to be made, in any application, report, or document filed under the Act or any rule or regulation made by the Secretary of State in accordance with the Act, any statement which was false or misleading with respect to any material fact.
25. By failing to disclose to the Secretary of State Respondent Dunn's business activity with Beverly Hills Trust, Respondent Dunn made, and Respondent Moneyfacts caused a false or misleading statement to be made in his Illinois investment adviser representative registration application, in violation of Section 12.E of the Act.
26. Section 12.D of the Act provides it shall be a violation of the Act for any person to fail to file with the Secretary of State any application, report or document required to be filed under the provisions of the Act or any rule or regulation made by the Secretary of State in accordance with the Act.
27. By failing to cause the filing of an amended registration application reporting the change in his business activities caused by his engagement in business activity with Beverly Hills Trust within ten business days of the change as required by Section 8.D-5 of the Act, Respondents Dunn and Moneyfacts violated Section 12.D of the Act.

NOW, THEREFORE, IT IS HEREBY ORDERED, in accordance with the authority granted by Section 11.F(2) of the Illinois Securities Law of 1953, as amended, EFFECTIVE IMMEDIATELY and until further order of the Secretary of State, that:

1. The registration of Respondent Timothy Shawn Dunn as an investment adviser representative in the State of Illinois is **SUSPENDED**.
2. Respondent Timothy Shawn Dunn is **PROHIBITED** from acting as an investment adviser representative in the State of Illinois.
3. The registration of Respondent Moneyfacts, Inc., as an investment adviser in the State of Illinois is **SUSPENDED**.

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4. Respondent Moneyfacts, Inc., is PROHIBITED from acting as an investment adviser in the State of Illinois.
5. Respondents Timothy Shawn Dunn and Moneyfacts, Inc., and the managers, officers and directors, agents, employees, affiliates, subsidiaries, representatives, successors, and assigns of Respondent Moneyfacts are PROHIBITED from engaging in the business of rendering investment advice in or from the State of Illinois.
6. Respondents Timothy Shawn Dunn, and Moneyfacts, Inc., and the managers, officers and directors, agents, employees, affiliates, subsidiaries, representatives, successors, and assigns of Respondent Moneyfacts are PROHIBITED from offering or selling securities in or from the State of Illinois.

NOTICE IS HEREBY GIVEN THAT each Respondent may request a hearing on this matter by transmitting the request in writing to:

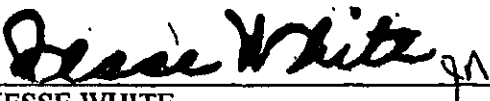
Bernadette Cole
Enforcement Attorney
Illinois Securities Department
Office of Secretary of State
69 W. Washington St. – Suite 1220
Chicago, Illinois 60602

The request must be made within thirty calendar days of the date of the entry of this order. Upon receipt of a request for hearing, a hearing will be scheduled as soon as reasonably practicable.

A request for hearing will not affect the prohibitions in this order. This order shall remain in full force and effect during the pendency of a hearing.

FAILURE BY ANY RESPONDENT TO REQUEST A HEARING WITHIN THIRTY CALENDAR DAYS AFTER ENTRY OF THIS TEMPORARY ORDER OF PROHIBITION SHALL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THIS ORDER, AND SHALL CONSTITUTE SUFFICIENT BASIS TO MAKE THIS ORDER OF PROHIBITION FINAL.

Entered: This 23rd day of May, 2008.



JESSE WHITE
Secretary of State
State of Illinois

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