BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF SECURITIES

In the matter of, JUSTIN B. KONECK, and GAME PLAN FINANCIAL, LLC, Respondents.	ORDER TO CEASE AND DESIST AND FOR PERMANENT BAR OF INVESTMENT ADVISER AND INVESTMENT ADVISER REPRESENTATIVE REGISTRATIONS DFI Case No. S-235766 (LX)

I.

The Administrator of the State of Wisconsin, Department of Financial Institutions, Division of Securities ("Division"), having legal authority and jurisdiction to administer and enforce the Wisconsin Uniform Securities Law, Wis. Stats. Ch. 551 ("Ch. 551") and rules and orders promulgated thereunder, and having determined that this action is necessary and appropriate in the public interest and for the protection of investors, hereby enters this Order as follows:

II.

Division staff have presented evidence sufficient for the Administrator to make the following findings of fact and conclusions of law:

A. Findings of Fact

Respondents

1. Game Plan Financial, LLC ("Game Plan Financial") (CRD#282644) was a Wisconsin limited liability company organized on or about December 10, 2015 with a last known business address of 14165 W. Beechwood Trail, New Berlin, Wisconsin 53151. As of October 1, 2018, Game Plan Financial had a delinquent status as a limited liability company with the Wisconsin Department of Financial Institutions, Division of Corporate and Consumer Services. Game Plan Financial was registered as an investment adviser with the Division from March 14, 2016 to December 31, 2017.

2. Justin B. Koneck ("Koneck") (CRD#4735433) is an adult male resident of New Berlin, Wisconsin with a last known business address of 14165 W. Beechwood Trail, New Berlin, Wisconsin 53151. Koneck was registered with the Division as an investment adviser representative of Game Plan Financial from March 14, 2016 to December 31,

2017, and acted as the managing member and president of Game Plan Financial at all times material.

Conduct

3. Koneck was employed as an office manager for a state-registered investment adviser ("IA Employer") from December 2013 until October 7, 2016.

4. On February 1, 2016, Koneck filed a Form ADV application with the Division through Investment Adviser Registration Depository ("IARD") to register Game Plan Financial as an investment adviser.

5. On March 2, 2016, Koneck filed a Form U4 Application for Securities Industry Registration with the Division through the Central Registration Depository ("CRD") to register as an investment adviser representative of Game Plan Financial. Koneck represented on the Form U4 that he has ceased working as an office manager for the IA Employer in December 2015 and began his association with Game Plan Financial in January 2016. However, at the time of the U4 application, Koneck was still employed as an office manager for the IA Employer.

6. On March 14, 2016, the Division approved Game Plan Financial's registration as an investment adviser and Koneck's registration as an investment adviser representative of Game Plan Financial. Koneck did not inform his IA Employer that he owned and was registered as an investment adviser representative of Game Plan Financial.

7. Koneck's last day of employment with the IA Employer was on or about October 7, 2016, contrary to Koneck's representations to the Division on the Form U4 filed on March 2, 2016.

8. On November 22, 2016, the Division's examiners conducted an examination of the advisory business of Game Plan Financial and on December 15, 2016, issued a letter identifying deficiencies found in the firm's business and operations, requesting specific information regarding Koneck's activities on behalf of the IA Employer and Game Plan Financial, and requesting a written response. Respondents failed to respond to the Division's exam findings.

9. On January 9, 2017, Respondents represented to the Division that they no longer had any clients, were not conducting investment advisory business, and would not solicit or transact any advisory business in the future.

10. On December 31, 2017, Game Plan Financial's registration as an investment adviser was terminated for failure to renew.

11. On December 31, 2017, Koneck's registration as an investment adviser representative was terminated for a failure to renew.

12. On May 29, 2018, Koneck pleaded no contest and was found guilty of the following misdemeanors, which arose out of his conduct as an employee at his previous IA employer:

    a. Two counts of Theft of Movable Property less than or equal to $2,500, a class A misdemeanor pursuant to Wis. Stat. § 943.20(1)(a); and
    b. One count of fraudulent data alteration, a class A misdemeanor pursuant to Wis. Stat. § 943.392.

B. Conclusions of Law

Legal Authority and Jurisdiction

13. The Administrator has legal authority and jurisdiction over the conduct described above, pursuant to Wis. Stats. Ch. 551 and the rules and orders promulgated thereunder.

14. Game Plan Financial was an investment adviser, as defined pursuant to Wis. Stat. § 551.102(15).

15. Koneck was an investment adviser representative, as defined pursuant to Wis. Stat. § 551.102(16).

16. Pursuant to Wis. Stat. §§ 551.412(3) and (4)(a), the administrator may impose a bar on a registrant if the registrant has filed an application for registration which was incomplete in any material respect or contained a statement that, in light of the circumstances under which it was made was false or misleading with respect to a material fact.

17. Pursuant to Wis. Stat. 551.412(3) and (4)(c), the administrator may impose a bar on a registrant if the registrant has been convicted of a felony or within the previous 10 years has been convicted of a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance.

Violations

18. As described in the paragraphs above, Respondents violated Wis. Stat. § 551.412(4)(a) when they submitted an application for investment adviser representative registration that failed to describe Koneck's correct employment status and history by misrepresenting that his employment with the IA Employer had terminated in December 2015.

19. As described in the paragraphs above, Respondents violated Wis. Stat. § 551.412(4)(c) when Koneck was convicted of three misdemeanors involving an aspect of business involving securities and investments.

III.

In view of the above findings of fact and conclusions of law, the Administrator deems it necessary and appropriate in the public interest and for the protection of investors, and pursuant to its legal authority and jurisdiction under Ch. 551, to wit Wis. Stat. §§ 551.604 and 551.412, to issue the following orders and notices:

A. Summary Orders issued pursuant to Wis. Stat. §§ 551.412 and 551.604

(a) IT IS ORDERED that the RESPONDENTS, their agents, servants, officers, employees, successors, affiliates, and every entity and person directly or indirectly controlled or organized by or on behalf of any RESPONDENT, shall cease and desist from making or causing to be made to any person or entity in Wisconsin any further offers or sales of securities unless and until such securities qualify as covered securities or are registered under Ch. 551 or successor statute.

(b) IT IS FURTHER ORDERED that all exemptions from registration set forth in Ch. 551 or successor statute that might otherwise apply to the offer or sale of any security of or by the RESPONDENTS, their agents, servants, successors, affiliates, and every entity and person directly or indirectly controlled or organized by or on behalf of the RESPONDENT, are hereby revoked.

(c) IT IS FURTHER ORDERED that the RESPONDENTS, their successors, affiliates, controlling persons, officers, agents, servants, employees, and every entity and person directly or indirectly controlled or hereafter organized by or on behalf of the RESPONDENTS, are prohibited from violating Ch. 551 or successor statute that may otherwise apply to any offer or sale of a security of or by RESPONDENTS.

(d) IT IS FURTHER ORDERED that KONECK is permanently barred from future registration under Ch. 551 in any capacity, pursuant to Wis. Stat. § 551.412(3).

(e) IT IS FURTHER ORDERED that GAME PLAN FINANCIAL, LLC, or any other legal entity associated with Koneck, is permanently barred from future registration under Ch. 551 in any capacity, pursuant to Wis. Stat. § 551.412(3).

(f) PLEASE TAKE NOTICE that the summary orders of the Administrator are effective as of the issuance of this order, pursuant to Wis. Stat. §§ 551.412(6) and 551.604(2).

B. Service of Order

(g) IT IS FURTHER ORDERED that this order shall be sent promptly by certified mail to each party named in the order at his or her last known address or to the party's attorney of record, or shall be personally served upon the party or the party's attorney of record, pursuant to Wis. Admin. Code § DFI-Sec. 8.06. This order shall also be served upon the office of the administrator pursuant to Wis. Stat. § 551.611.

(h) PLEASE TAKE NOTICE that the date of service of this order is the date it is placed in the mail if the order is sent by certified mail. If the order is personally served, the date of service is the date the order is personally served on the party or the party's attorney of record. You are advised that any willful violation of an Order issued by the Division under Ch. 551 is a criminal offense punishable under the provisions of Wis. Stat. § 551.508.

C. Notice of Hearing Rights

(i) PLEASE TAKE NOTICE that you have the right to request a hearing. Every request for a hearing shall be in the form of a petition with the Division, pursuant to Wis. Admin. Code § DFI-Sec. 8.01. A petition for a hearing to review the order shall:

(1) Plainly admit or deny each specific allegation, finding or conclusion in the order and incorporated papers. However, if the petitioner lacks sufficient knowledge or information to permit an admission or denial, the petition shall so state, and that statement shall have the effect of a denial; and

(2) State all affirmative defenses. Affirmative defenses not raised in the request for hearing may be deemed waived.

(j) PLEASE TAKE FURTHER NOTICE that, within 15 days after receipt of a request in a record from you, the matter will be scheduled for hearing or other public administrative proceedings, pursuant to Wis. Stat. §§ 551.412(6), 551.604(2) and (3).

(k) PLEASE TAKE FURTHER NOTICE that if you do not request a hearing and none is ordered by the Administrator within 30 days after the date of service of this order, the findings of fact, conclusions of law, and summary orders become final as by operation of law, pursuant to Wis. Stat. §§ 551.412(6) and 551.604(2).

EXECUTED at Madison, Wisconsin, this 23rd day of January, 2019.

Leslie M. Van Buskirk

Leslie Van Buskirk
Administrator

ecurities
Wisconsin
Department of Financial Institutions
4822 Madison Yards Way, North Tower
Madison, Wisconsin 53705

State of Wisconsin

Department of Financial Institutions

Tony Evers, **Governor** Kathy Blumenfeld, **Secretary**

AFFIDAVIT OF SERVICE
AND COMPLIANCE WITH WIS. STAT. § 551.611

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, KATHERINE CLEMENTI, first being duly sworn, depose and state:

1. I am employed with the State of Wisconsin, Department of Financial Institutions, Division of Securities.

2. On the date of this Affidavit and in the course of regularly conducted activity, I have caused to be served by certified mail upon Respondent Justin B. Koneck at his last known address of
3. 14165 W. Beechwood Trail, New Berlin, WI 53151:

   i. A copy of the Order to Cease and Desist and for Permanent Bar of Investment Adviser and Investment Adviser Representative Registrations, DFI Case No. S-235766 (EX); and

   ii. A copy of this Affidavit of Service.

4. In compliance with Wis. Stat. §§ 227.48, 551.611, and 891.46; and Wis. Admin. Code. §§ DFI-Sec 8.06 and 8.07, I have also caused to be served copies of those same documents upon the Administrator for the Division of Securities.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Katherine Clementi
KATHERINE CLEMENTI

State of Wisconsin
Department of Financial Institutions
Division of Securities

Subscribed and sworn to before me

This 23rd day of January, 2019.

Notary Public, State of Wisconsin

My commission is permanent.

(Notary Seal)

CHRISTOPHER N. GREEN
NOTARY
PUBLIC
STATE OF WISCONSIN

State of Wisconsin

Department of Financial Institutions

Tony Evers, **Governor** | Kathy Blumenfeld, **Secretary**

AFFIDAVIT OF SERVICE
AND COMPLIANCE WITH WIS. STAT. § 551.611

STATE OF WISCONSIN)
) ss.
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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Katherine Clementi
KATHERINE CLEMENTI

State of Wisconsin
Department of Financial Institutions
Division of Securities

Subscribed and sworn to before me

This 23rd day of January, 2019.

Lindsay Fedler
Notary Public, State of Wisconsin

(Notary Seal)

LINDSAY FEDLER
NOTARY
PUBLIC
STATE OF WISCONSIN

My commission is permanent.