

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 83608 / July 9, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18579

In the Matter of

Porter B. Bingham,

Respondent.

ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15B(c)(4) OF
THE SECURITIES EXCHANGE ACT OF
1934 AND RULE 15Bc4-1
THEREUNDER, MAKING FINDINGS,
AND IMPOSING REMEDIAL
SANCTIONS

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15B(c)(4) of the Securities Exchange Act of 1934 (“Exchange Act”) and Rule 15Bc4-1 thereunder against Porter S. Bingham (“Bingham”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission’s jurisdiction over him and the subject matter of these proceedings and the findings contained in paragraph III.2 below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15B(c)(4) of the Securities Exchange Act of 1934 and Rule 15Bc4-1 thereunder, Making Findings and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent's Offer, the Commission finds that

1. From 2005 through at least 2017, Bingham was the president and sole shareholder of Malachi Financial Products, Inc. ("Malachi"). When the Commission's registration system was established in 2014, Malachi registered with the Commission and the Municipal Securities Rulemaking Board ("MSRB") as a municipal advisor. Bingham, 56 years old, is a resident of Roswell, Georgia.

2. On June 29, 2018, a final judgment was entered by consent against Bingham that, among other things, permanently enjoined him from future violations of Sections 15B(a)(5) and 15B(c)(1) of the Exchange Act and MSRB Rule G-17 in the civil action entitled Securities and Exchange Commission v. Porter B. Bingham, et al., Civil Action Number 3:18-CV-00001, in the United States District Court for the Southern District of Mississippi.

3. The Commission's complaint alleged that Malachi and Bingham fraudulently overcharged the City of Rolling Fork, Mississippi by \$33,000 in May 2015, in connection with providing municipal advisory services with respect to that city's bond offering. The complaint alleged that, to effectuate the fraud, Bingham and Malachi prepared and submitted to the City an invoice for \$33,000, purportedly for additional services that Malachi and Bingham never provided and to which the the City did not agree. The Complaint also alleged that Malachi and Bingham recommended a municipal securities dealer to the City to underwrite the bond offering, but failed to disclose to the City that a registered representative of the municipal securities dealer had paid Bingham \$2,500 only a few weeks earlier.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Bingham's Offer.

Accordingly, it is hereby ORDERED pursuant to Section 15B(c)(4) of the Exchange Act and Rule 15Bc4-1 thereunder, that Respondent Bingham be, and hereby is barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, the satisfaction of any or all of the following: (a) any disgorgement ordered against the Respondent, whether or not the Commission has fully or partially waived payment of such disgorgement; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) any self-regulatory organization arbitration award to a

customer, whether or not related to the conduct that served as the basis for the Commission order;
and (d) any restitution order by a self-regulatory organization, whether or not related to the conduct
that served as the basis for the Commission order.

By the Commission.

Brent J. Fields
Secretary