

**UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION**

**INVESTMENT ADVISERS ACT OF 1940**

**Release No. 5109 / February 11, 2019**

**ADMINISTRATIVE PROCEEDING**

**File No. 3-18996**

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<b>In the Matter of</b>	<b>:</b>	
	<b>:</b>	
<b>Timothy S. Batchelor,</b>	<b>:</b>	<b>ORDER INSTITUTING PUBLIC ADMINISTRATIVE PROCEEDINGS</b>
	<b>:</b>	<b>PURSUANT TO SECTION 203(f) OF THE</b>
	<b>:</b>	<b>INVESTMENT ADVISERS ACT OF 1940,</b>
	<b>:</b>	<b>MAKING FINDINGS AND IMPOSING</b>
<b>Respondent.</b>	<b>:</b>	<b>REMEDIAL SANCTIONS</b>
	<b>:</b>	

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**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 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Timothy S. Batchelor (“Respondent”).

**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 below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 203(f) of the Investment Advisers Act of 1940, 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:

1. During 2015, Batchelor was a managing member of an investment adviser that reported to the Commission as an “exempt reporting adviser” under Section 204(a) of the Advisers Act and Rule 204-4 thereunder. Batchelor was a resident of Georgia.

2. On February 5, 2019, a final judgment was entered by consent against Batchelor that, among other things, permanently enjoined him from future violations of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, and Sections 206(1) and (2) of the Advisers Act, and from participating in the issuance, purchase, offer, or sale of any security in an unregistered offering by an issuer, in the civil action styled *SEC v. Timothy S. Batchelor et al.*, Case No. 1:18-cv-00650 MLB, in the United States District Court for the Northern District of Georgia.

3. The Commission’s complaint alleged that, during 2015, Batchelor engaged in a fraudulent scheme by, in connection with an unregistered offering of interests in a fund to be managed by the investment adviser with which Batchelor was associated, misrepresenting the amount invested and the intended use of proceeds, and utilizing investor proceeds for undisclosed personal expenses. In the consent judgment or otherwise, Batchelor neither admitted nor denied these allegations.

#### IV.

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

Accordingly, it is hereby ORDERED pursuant to Section 203(f) of the Advisers Act, that Respondent Batchelor be, and hereby is, barred from association with any investment adviser, broker, dealer, 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