

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 91613 / April 19, 2021

INVESTMENT ADVISERS ACT OF 1940
Release No. 5725 / April 19, 2021

ADMINISTRATIVE PROCEEDING
File No. 3-20265

In the Matter of

JAIME M. WESTENBARGER,

Respondent.

ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934
AND SECTION 203(f) OF THE
INVESTMENT ADVISERS ACT OF 1940,
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 15(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and Section 203(f) of the Investment Advisers Act of 1940 (“Advisers Act”) against Jaime M. Westenbarger (“Respondent” or “Westenbarger”).

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, Respondent admits to the Commission’s jurisdiction over him and the subject matter of these proceedings, and the findings contained in paragraph III.2. below, and consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934 and 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 that:

1. Westenbarger was a registered representative and investment adviser representative associated with several SEC-registered broker-dealers and investment advisers, respectively, from March 2003 until August 14, 2019. Westenbarger, 43 years old, is currently a resident of Brentwood, Tennessee.

2. On June 24, 2020, the Administrator of the Corporations, Securities & Commercial Licensing Bureau of the Michigan Department of Licensing and Regulatory Affairs, issued and entered a final Consent Order Resolving Notice and Order To Cease and Desist in the Matter of Jaime Westenbarger, CRD# 4625703, Respondent, Complaint 341500 (the "Michigan Order"). The Michigan Order, pursuant to Westenbarger's consent, required, among other things, that Westenbarger cease and desist from violating the Michigan Securities Act, and prohibited him from conducting any business in Michigan regulated by the Michigan Securities Act or acting as a principal or consultant on behalf of an entity so engaged in that business.

3. The Michigan Order found that when Westenbarger was a registered representative and an investment adviser representative of a registered broker-dealer and a registered investment adviser, respectively, he offered two investors from Michigan an investment in a "corporate note" for \$200,000 and that he accepted a check from these two investors in that amount to be invested in the corporate note. The Michigan Order also found that Westenbarger offered a "short term CD" investment to another Michigan investor for \$60,000 and that he accepted a check from that investor in that same amount to invest in the short term CD. The Michigan Order further found that, in each case, rather than investing the funds as represented, Westenbarger used the funds to pay for personal expenses. The Michigan Order concluded that Westenbarger's conduct violated Section 501 of the Michigan Securities Act, MCL 451.2501, which prohibits untrue statements of material fact in connection with the offer or sale of securities.

IV.

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

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act, and Section 203(f) of the Advisers Act, that Respondent Westenbarger 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; and

barred from participating in any offering of a penny stock, including: acting as a promoter, finder, consultant, agent or other person who engages in activities with a broker, dealer or

issuer for purposes of the issuance or trading in any penny stock, or inducing or attempting to induce the purchase or sale of any penny stock.

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, compliance with the Commission's order and payment of any or all of the following: (a) any disgorgement or civil penalties ordered by a Court against the Respondent in any action brought by the Commission; (b) any disgorgement amounts ordered against the Respondent for which the Commission waived payment; (c) any arbitration award related to the conduct that served as the basis for the Commission order; (d) 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 (e) 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.

Vanessa A. Countryman
Secretary