

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 78411 / July 25, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17360

In the Matter of

Timothy A. Nemeckay,

Respondent.

**ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934,
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”) against Timothy A. Nemeckay (“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 Sections III.2. below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934, 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. Timothy A Nemeckay is the President and a Director of Nemeckay Group Incorporated (“NGI”), a Utah corporation headquartered in Park City, Utah. Nemeckay and NGI offered and sold securities in the form of limited liability company membership interests in

Innovative Health Solutions, LLC (“IHS”) through the use of private placement memoranda and other offering documents. Nemeckay, through NGI, acted as an unregistered broker-dealer when he engaged in the business of effecting transactions in securities for the account of others and received commissions for his sales of membership interests in IHS. Nemeckay and NGI are not registered with the Commission in any capacity. Nemeckay, age 56, is a resident of Park City, Utah.

2. On July 1, 2014, the Utah Division of Securities entered a Stipulation and Consent Order (“Utah Order”) in *In the Matter of Timothy A. Nemeckay and Nemeckay Group Incorporated*, SD-14-0009, SD-14-0010. The Utah Order ordered Nemeckay and NGI to cease and desist from violating the Utah Uniform Securities Act and barred Nemeckay and NGI from associating with any broker-dealer or investment adviser licensed in Utah, acting as agents for any issuer soliciting investor funds in Utah, and from being licensed in any capacity in the securities industry of Utah. The Utah Order also required Nemeckay and NGI to pay a fine of \$350,000, which includes full restitution to investors and a penalty of approximately \$36,000.

3. The Utah Order found that Nemeckay offered and/or sold to investors limited liability company interests in IHS that are securities pursuant to Section 61-1-13(1)(ee)(i)(Q) of the Utah Uniform Securities Act, and that Nemeckay violated Section 61-1-13 of the Utah Uniform Securities Act by making untrue statements of material facts or omitting to state material facts in connection with the offer of securities, disclosure of which were necessary in order to make representations made not misleading, and Section 61-1-3(1) of the Utah Act by transacting business in the state of Utah as an unlicensed agent. In addition, the Utah Order found that Nemeckay received \$313,709.38 in direct compensation from IHS for his efforts in effecting the purchase and/or sale of securities. Nemeckay neither admitted nor denied the Utah Division of Securities’ findings of fact and conclusions of law, but consented to the sanctions imposed by the Utah Division of Securities. Nemeckay is currently making payments on the fine, which is scheduled to be paid in full by September 2017.

IV.

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

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act, that Respondent Nemeckay 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

Pursuant to Section 15(b)(6) of the Exchange Act Respondent Nemeckay be, and hereby is 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, 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