

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 5871 / September 23, 2021

Admin. Proc. File No. 3-20531

In the Matter of

HORTER INVESTMENT MANAGEMENT, LLC
AND DREW K. HORTER

ORDER

On September 8, 2021, the Securities and Exchange Commission issued an order instituting an administrative proceeding (“OIP”) against Horter Investment Management, LLC and Drew K. Horter (individually “Horter Investment” and “Horter,” collectively “Respondents”), pursuant to Sections 203(e), 203(f), and 203(k) of the Investment Advisers Act of 1940.¹ In compliance with the statutory provision governing cease-and-desist proceedings, the OIP specified that a “public hearing before the Commission for the purpose of taking evidence . . . shall be convened not earlier than 30 days and not later than 60 days” from service of the OIP.² The statute also provides that “an earlier or later date” for the hearing may be “set by the Commission with the consent of any respondent so served.”³

Respondents were served with the OIP on September 16, 2021. As a consequence, in the absence of Respondents’ consent regarding a later hearing date, a public hearing will be set for a date on or before November 15, 2021. To facilitate the orderly and expeditious resolution of this matter, it is ORDERED that the parties shall file a statement advising the Commission of any agreement to a later hearing date (or a statement that no agreement could be reached) by September 30, 2021. In the event the parties do not reach an agreement by that date, this order

¹ *Horter Inv. Mgmt., LLC*, Advisers Act Release No. 5853, 2021 WL 4100538 (Sept. 8, 2021).

² *Id.* at *11.

³ 15 U.S.C. § 78u-3(b).

does not preclude the parties from reaching such an agreement subsequently. The Commission will specify further proceedings by subsequent order.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary