

Kevin C. Timken

Partner
Co-Leader, Securities & Capital Markets

Overview

Clients from a variety of industries turn to Kevin for guidance and counsel on a broad range of matters pertaining to securities. He has extensive experience in public and private securities offerings, broker-dealer compliance (particularly regarding resales of restricted securities), and regulatory enforcement defense with the U.S. Securities Exchange Commission (SEC), Commodity Futures Trading Commission (CFTC), and state securities regulators.

His practice includes preparing offering documents for public and private financings, preparing ongoing disclosures to stockholders and the investment community, advising broker-dealers and investment advisors, and other related securities matters.

Kevin also advises companies on corporate and transactional matters including corporate governance, structuring complex mergers and acquisitions, and coordinating international business ventures with local legal counsel, accountants, and governmental authorities.

Additionally, Kevin provides guidance to clients on other matters important to their businesses, ranging from business planning, structuring, entity selection and formation, and contract preparation and review, to employment issues such as preparation of employment policies, manuals, and agreements. He is seasoned in integrating securities, corporate law, and financial reporting requirements.

Experience

- Represented InvestView, Inc., a public company providing financial market education and technology, in a financing transaction that included a \$650,000 stock sale, \$5 million equity line, and an S-1 registration statement for resale of all the securities declared effective by the SEC.
- Represented a home construction industry client in a \$10 million private securities offering
- Represented a publicly traded communications industry client in a \$196 million share exchange



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Legal Assistant

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Practices

Corporate
Securities & Capital Markets

- Successfully represented clients in a variety of industries in SEC and state securities regulatory investigations
- Represented a motion picture company as Utah counsel in connection with financing of the film *Wind River* (2016)

Honors & Recognitions

- Utah Legal Elite, Securities Law, *Utah Business* magazine, 2006-2009, 2011-2016, 2018-present
- Martindale-Hubbell® AV Preeminent Rated

Professional Activities

- Member, Utah State Bar
 - Member, Securities and Business Law Sections, 2000-Present
 - Officer, Securities Section, 2009-2013

Education

- University of Utah College of Law, Juris Doctor (J.D.), Order of the Coif, ; Managing Editor, *Utah Law Review*
- University of Northern Colorado, Bachelor of Arts (B.A.), *cum laude*,

Admissions

- Utah

Community Involvement

- Member, Utah Career Service Review Board, 2000-2012
 - Chair, 2009-2012

Related News

PUBLICATION

September 11, 2020

SEC Charges Broker-Dealer and Issuer with ATM Shelf Offering Violations; Provides Sought-After Guidance on Delivery of Final Prospectuses

PUBLICATION

August 31, 2020

SEC Approves NYSE New Primary Direct Floor Listing Proposal

PUBLICATION

August 28, 2020

SEC Modernizes Regulation S-K Disclosure Requirements for Business, Legal Proceedings, and Risk Factors

PUBLICATION

August 27, 2020

SEC Broadens the Definition of Accredited Investors, Expanding Access to Private Markets

PUBLICATION

August 13, 2020

Interactive Brokers fined \$38 million by the SEC, FINRA, and CFTC

PUBLICATION

June 25, 2020

SEC Supplements COVID-19 Disclosure Guidance

PUBLICATION

June 9, 2020

SEC Adopts Amendments to Improve Financial Disclosures about Acquisitions and Dispositions of Businesses

PUBLICATION

May 6, 2020

SEC Relief to Small Businesses Pursuing Crowdfunding Offerings

PUBLICATION

April 13, 2020

SEC Update: The First COVID-19 Trading Suspensions and Other SEC Actions During the Week of April 6-10

PUBLICATION

April 6, 2020

SEC Update: A Summary of Recent SEC Actions and Statements Related to COVID-19

PUBLICATION

March 30, 2020

SEC Division of Corporate Finance Issues COVID-19 Disclosure Guidance

PUBLICATION

March 26, 2020

SEC Continues COVID-19 Relief with Extended Deadlines for Investment Advisors and Exempt Reporting Advisors

PUBLICATION

March 25, 2020

SEC Extends Conditional Regulatory Relief and Assistance for Companies Affected by COVID-19

NEWS

Twelve Michael Best Attorneys Honored as 2020 Utah Legal Elite

PUBLICATION

March 5, 2020

SEC Provides Conditional Regulatory Relief and Assistance for Companies Affected by the Coronavirus

PUBLICATION

February 14, 2020

Get Ready: Regulation Best Interest Compliance Date Approaching Soon

PUBLICATION

February 5, 2020

Disclosure Update: SEC Guidance and Proposed Rule Changes for Management's Discussion and Analysis

PUBLICATION

January 22, 2020

Getting Ahead of the Curve: Form CRS Relationship Summary

PUBLICATION

January 14, 2020

OCIE Announces Examination Priorities for 2020, Emphasizing Emerging Trends, Technologies, and Compliance with New Regulation Best Interest

PUBLICATION

January 13, 2010

SEC Actions Impacting 2020: A 2019 Year in Review

PUBLICATION

December 20, 2019

SEC Proposes Expanded Definitions for Accredited Investors and Institutional Buyers

PUBLICATION

November 15, 2019

SEC Proposes Amendments to Proxy Rules Applicable to Proxy Advisory Firms

PUBLICATION

October 2, 2019

SEC Adopts "Test-the-Waters" Accommodation for All Issuers

PUBLICATION

August 29, 2019

SEC Issues Guidance to both Investment Advisers and Proxy Advisory Firms

PUBLICATION

August 22, 2019

In Continuing Push Toward “Principles-Based” Disclosure, SEC Proposes Additional Amendments to Regulation S-K

PUBLICATION

August 1, 2019

Opportunity Zone Investments: Federal and State Securities Regulators Team Up to Offer Important Reminders Regarding Securities Law Implications

PUBLICATION

June 13, 2019

SEC Issues New Regulations for Broker-Dealers and Investment Advisers

PUBLICATION

April 24, 2019

Supreme Court Issues Decision in *Lorenzo v. Securities and Exchange Commission*

PUBLICATION

April 10, 2019

SEC Releases Final Rules Required by the FAST Act Modifying Disclosure Rules Under Regulation S-K

PUBLICATION

March 20, 2019

Expanding “Test-the-Waters” to All Issuers

NEWS

March 1, 2019

Twelve Michael Best Attorneys Honored as 2019 Utah Legal Elite

PUBLICATION

February 12, 2019

Regulation A Now Available to Public Companies

PUBLICATION

January 14, 2019

Navigating Federal Securities Laws as the Federal Government Shutdown Continues

PUBLICATION

October 11, 2018

Practice What You Preach: Having Cybersecurity Policies and Procedures That Don’t Do What They Are Supposed To Do Can Result in Fines

PUBLICATION

September 19, 2018



Developments in SEC's Equity Compensation Rules