

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 56574 / September 28, 2007

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 2734 / September 28, 2007

ADMINISTRATIVE PROCEEDING
File No. 3-10516

In the Matter of :
Walter Cercavschi, CPA : ORDER GRANTING APPLICATION FOR
: REINSTATEMENT TO APPEAR AND PRACTICE
: BEFORE THE COMMISSION AS AN INDEPENDENT
: ACCOUNTANT
:

On June 19, 2001, Walter Cercavschi ("Cercavschi") was suspended from appearing or practicing as an accountant before the Commission as a result of settled public administrative proceedings instituted by the Commission against Cercavschi pursuant to Rule 102(e)(3) of the Commission's Rules of Practice.¹ On May 12, 2005, Cercavschi was reinstated to appear and practice before the Commission as an accountant responsible for the preparation or review of financial statements required to be filed with the Commission.² This order is issued in response to Cercavschi's application for reinstatement to practice before the Commission as an independent accountant.

For each of the years 1994 through 1996, Cercavschi was a partner at Arthur Andersen and a member of the Waste Management, Inc. engagement team. The Commission's complaint alleged that Cercavschi knew of Waste Management's quantified misstatements and of accounting practices that gave rise to further possible misstatements. Still, he approved the issuance of an unqualified audit report. Furthermore, the complaint alleged that Cercavschi knew, or was reckless in not knowing, that the unqualified audit reports for the years 1994 through 1996 were materially false and misleading. Finally, it was alleged that Cercavschi knew that these unqualified audit reports would be incorporated into one or more registration

¹ See Accounting and Auditing Enforcement Release No. 1408 dated June 19, 2001. Cercavschi was permitted, pursuant to the order, to apply for reinstatement after three years upon making certain showings.

² See Accounting and Auditing Enforcement Release No. 2244 dated May 12, 2005.

statements filed with the Commission. He consented to the entry of an order of permanent injunction and a Rule 102(e) suspension order.

Cercavschi has met all of the conditions set forth in his suspension order and, in his capacity as an independent accountant, has stated that he will comply with all requirements of the Commission and the Public Company Accounting Oversight Board, including, but not limited to all requirements relating to registration, inspections, concurring partner reviews and quality control standards.

Rule 102(e)(5) of the Commission's Rules of Practice governs applications for reinstatement, and provides that the Commission may reinstate the privilege to appear and practice before the Commission "for good cause shown."³ This "good cause" determination is necessarily highly fact specific.

On the basis of information supplied, representations made, and undertakings agreed to by Cercavschi, it appears that he has complied with the terms of the June 19, 2001 order suspending him from practice before the Commission as an accountant, that no information has come to the attention of the Commission relating to his character, integrity, professional conduct or qualifications to practice before the Commission that would be a basis for adverse action against him pursuant to Rule 102(e) of the Commission's Rules of Practice, and that Cercavschi, by undertaking to comply with all requirements of the Commission and the Public Company Accounting Oversight Board, including, but not limited to all requirements relating to registration, inspections, concurring partner reviews and quality control standards in his practice before the Commission as an independent accountant, has shown good cause for reinstatement. Therefore, it is accordingly,

ORDERED pursuant to Rule 102(e)(5)(i) of the Commission's Rules of Practice that Walter Cercavschi, CPA is hereby reinstated to appear and practice before the Commission as an independent accountant.

By the Commission.

Nancy M. Morris
Secretary

³ Rule 102(e)(5)(i) provides:

"An application for reinstatement of a person permanently suspended or disqualified under paragraph (e)(1) or (e)(3) of this section may be made at any time, and the applicant may, in the Commission's discretion, be afforded a hearing; however, the suspension or disqualification shall continue unless and until the applicant has been reinstated by the Commission for good cause shown." 17 C.F.R. § 201.102(e)(5)(i).