

**UNITED STATES OF AMERICA**  
**before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**SECURITIES EXCHANGE ACT OF 1934**

**Release No. 52185 / August 1, 2005**

**ACCOUNTING AND AUDITING ENFORCEMENT**

**Release No. 2286 / August 1, 2005**

**ADMINISTRATIVE PROCEEDING**

**File No. 3-12000**

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<b>In the Matter of</b>	:	
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<b>ROBERT KORKUC, CPA</b>	:	<b>ORDER INSTITUTING ADMINISTRATIVE</b>
	:	<b>PROCEEDINGS PURSUANT TO RULE</b>
	:	<b>102(e) OF THE COMMISSION'S RULES OF</b>
	:	<b>PRACTICE, MAKING FINDINGS, AND</b>
<b>Respondent.</b>	:	<b>IMPOSING REMEDIAL SANCTIONS</b>
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**I.**

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted against Robert Korkuc (“Korkuc” or “Respondent”) pursuant to Rule 102(e)(3)(i) of the Commission’s Rules of Practice.<sup>1</sup>

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<sup>1</sup> Rule 102(e)(3)(i) provides in pertinent part as follows:

The Commission, with due regard to the public interest and without preliminary hearing, may, by order, . . . suspend from appearing or practicing before it any . . . accountant . . . who has been by name . . . permanently enjoined by any court of competent jurisdiction, by reason of his or her misconduct in an action brought by the Commission, from violating or aiding and abetting the violation of any provision of the Federal securities laws or of the rules and regulations thereunder.

## 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 Section III. paragraph 3 below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Rule 102(e) of the Commission’s Rules of Practice, 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. Korkuc, age 42, is a certified public accountant and has been licensed by the State of New York since 1988. He was a Vice President and Chief Accounting Officer of Symbol Technologies, Inc. (“Symbol”) from July 2000 until his resignation in March 2003. Before becoming Chief Accounting Officer, Korkuc was Symbol’s Director of Corporate Accounting, a position he obtained in 1997.

2. Symbol, a Delaware corporation with headquarters in Holtsville, New York, is engaged in the design, manufacture, marketing and servicing of integrated mobile and wireless information management systems utilizing bar code scanners and similar devices. Symbol’s common stock is, and was at all times relevant to this proceeding, registered with the Commission pursuant to Section 12(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and traded on the New York Stock Exchange.

3. On June 19, 2003, the Commission filed a complaint against Korkuc in *SEC v. Robert Korkuc*, 03 Civ. 3017 (LDW) (E.D.N.Y.). On May 11, 2005, the court entered a partial final judgment enjoining Korkuc, by consent, from violating Section 17(a) of the Securities Act of 1933 (“Securities Act”), Sections 10(b) and 13(b)(5) of the Exchange Act and Rules 10b-5, 13b2-1 and 13b2-2 thereunder, and from aiding and abetting violations of Sections 13(a) and 13(b)(2) of the Exchange Act and Rules 12b-20, 13a-1 and 13a-13 thereunder. The court also barred Korkuc from acting as an officer or director of a public company.

4. The Commission’s complaint alleges, among other things, that Korkuc and others engaged in a fraudulent scheme to manipulate Symbol’s reported financial results to create the false appearance that Symbol had met or exceeded its financial projections. As part of the fraudulent scheme, Korkuc and others employed a number of improper accounting practices that violated generally accepted accounting principles and resulted in, among other things, material overstatements of the revenue and net income that Symbol reported for annual and quarterly periods from 1998 through 2002. Among other fraudulent practices, Korkuc and others manipulated various “cookie jar” reserves and made other fraudulent “top side” adjustments to Symbol’s

consolidated financials to conform the reported results to forecasts and market expectations. As a result of this scheme, Symbol filed materially false and misleading periodic reports, including its annual reports on Form 10-K for the fiscal years ended December 31, 2000 and 2001. Korkuc signed those two annual reports even though he knew that they were false and misleading, and he made material misstatements to accountants in connection with audits of the financial statements included in those reports.

#### **IV.**

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

Accordingly, it is hereby ORDERED, effective immediately, that Korkuc is suspended from appearing or practicing before the Commission as an accountant.

By the Commission.

Jonathan G. Katz  
Secretary