

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 59363 / February 5, 2009

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 2931 / February 5, 2009

ADMINISTRATIVE PROCEEDING
File No. 3-10354

In the Matter of _____ :
Jeffrey M. Yonkers, CPA : ORDER GRANTING APPLICATION FOR
: REINSTATEMENT TO APPEAR AND PRACTICE
: BEFORE THE COMMISSION AS AN INDEPENDENT
: ACCOUNTANT
: _____

On July 27, 2001, Jeffrey M. Yonkers, CPA (“Yonkers”) was denied the privilege of appearing or practicing as an accountant before the Commission as a result of settled public administrative proceedings instituted by the Commission against him pursuant to Rule 102(e) of the Commission's Rules of Practice.¹ On February 15, 2008, Yonkers 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 Yonkers’ application for reinstatement to appear and practice before the Commission as an independent accountant.

The Commission alleged that the financial statements of Detour Magazine, Inc. (“Detour”) contained in their filings with the Commission during 1997 and 1998, as audited by Yonkers and others, materially misrepresented the company’s financial condition and results of operation. Based upon his conduct during the audits of Detour’s financial statements, the Commission determined that Yonkers had willfully violated Section 10A of the Securities Exchange Act of 1934 (“Exchange Act”) and willfully aided and abetted Detour’s violations of Section 13(a) of the Exchange Act and Rules 13a-1 and 13a-13 thereunder. The Commission also determined that Yonkers engaged in improper professional conduct under Rule 102(e) of the Commission’s Rules of Practice.

¹ See Accounting and Auditing Enforcement Release No. 1428 dated July 27, 2001. Yonkers was permitted, pursuant to the order, to apply for reinstatement after one year upon making certain showings.

² See Accounting and Auditing Enforcement Release No. 2787 dated February 15, 2008.

Yonkers 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 Yonkers, it appears that he has complied with the terms of the July 27, 2001 order suspending him from appearing or practicing 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 Yonkers, 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 Jeffrey M. Yonkers, CPA is hereby reinstated to appear and practice before the Commission as an independent accountant.

By the Commission.

Elizabeth M. Murphy
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).