

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 73532 / November 5, 2014

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 3595 / November 5, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-13226

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

On September 19, 2008, David Blain, CPA (“Blain”) 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 Blain pursuant to Rule 102(e)(1)(iii) of the Commission's Rules of Practice.¹ This order is issued in response to Blain’s application for reinstatement to practice before the Commission as an accountant.

In May 2007, The BISYS Group, Inc. (“BISYS”) was the subject of a settled Commission enforcement action charging BISYS with violations of the financial reporting, books-and-records, and internal control provisions of the Securities Exchange Act of 1934 (“Exchange Act”). In the September 19, 2008 order the Commission found that from at least July 2000 until at least March 2002, while serving as a director of finance of the Insurance Services division of BISYS, Blain participated in a variety of improper accounting practices that had the purpose and effect of materially overstating BISYS’s income and revenue in the company’s reported financial results and rendering its books and records inaccurate. By virtue of this conduct, Blain willfully aided and abetted, and was a cause of, BISYS’s violations of Sections 13(a), 13(b)(2)(A) and 13(b)(2)(B) of the Exchange Act, and Rules 12b-20, 13a-1 and 13a-13 thereunder.

Blain has met all of the conditions set forth in the original order and, in his capacity as an independent accountant, has stated that he will comply with all requirements of the Commission

¹ See Accounting and Auditing Enforcement Release No. 2882 dated September 19, 2008. Blain was permitted, pursuant to the order, to apply for reinstatement after one year upon making certain showings.

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 capacity as a preparer or reviewer, or as a person responsible for the preparation or review, of financial statements of a public company to be filed with the Commission, Blain attests that he will undertake to have his work reviewed by the independent audit committee of any company for which he works, or in some other manner acceptable to the Commission, while practicing before the Commission in this capacity.

Blain is currently subject to probation under the Pennsylvania State Board of Accountancy. Failure to abide by the terms of his probation could result in the suspension of Blain's CPA license. Blain has attested that he will notify the Commission if he is found to have violated the terms of the probation. He also has attested that he understands that the suspension of his CPA license could result in the revocation of the reinstatement of his privilege to appear or practice before the Commission as an accountant.

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."² This "good cause" determination is necessarily highly fact specific.

On the basis of the information supplied, representations made, and undertakings agreed to by Blain, it appears that he has complied with the terms of the September 19, 2008 order denying him the privilege of 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 Blain, by undertaking to have his work reviewed by the independent audit committee of any company for which he works, or in some other manner acceptable to the Commission, in his practice before the Commission as a preparer or reviewer of financial statements required to be filed with the Commission, and that Blain, 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,

² 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).

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

By the Commission.

Brent J. Fields
Secretary