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A. RI	EGISTRANT IDENTIFIC	ATION		
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AME OF BROKER-DEALER:				
. WECKSTEIN & CO., INC. DDRESS OF PRINCIPAL PLACE OF B	USINESS: (Do not use P.O. Bo	ox No.)	FI	RM I.D. NO.
	0011(202) (=			
230 Park Avenue	(No. and Street)			
	New Yo	ork	10169	
New York	(State)		(Zip Code)	
(City)	<b>,</b> ,	REGARD TO THIS R	EPORT	
AME AND TELEPHONE NUMBER OF	PERSON TO CONTACT IN F			
oonald Weckstein			(Area Code	- Telephone Number)
B. A(	CCOUNTANT IDENTIFI	CATION		
NDEPENDENT PUBLIC ACCOUNTAN	T whose opinion is contained i	n this Report*		
Farkouh, Furman & Faccio, Ll	_P			
	(Name – if individual, state last,	first, middle name)		40000
460 Park Avenue	New York	Nev	w York	10022
	(City)	(State)	)	(Zip Code)
(Address)				
CHECK ONE:				
Certified Public Accountar	nt			
Public Accountant				
<b>n</b> , , , , , , , <b></b>	United States or any of its poss	sessions.		
Accountant not resident in				

\*Claims for exemption from the requirement that the annual report be covered by the opinion of an independent public accountant must be supported by a statement of facts and circumstances relied on as the basis for the exemption. See Section 240.17a-5(e)(2)

Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

najn

# OATH OR AFFIRMATION

I, Donald Weckstein	, swear (or affirm) that, to the best of	f
my knowledge and belief the accom	ying financial statement and supporting schedules pertaining to the firm of	
D. Weckstein & Co., Inc.	· · · · · · · · · · · · · · · · · · ·	as
of December 31	, 20 <u>12</u> , are true and correct. I further swear (or affirm) that	at

neither the company nor any partner, proprietor, principal officer or director has any proprietary interest in any account classified solely as that of a customer, except as follows:

Signatur Officer Title

Notary Public

d C. Rosenber a of New 01RO6113108 York Cos in New

This report **\*\*** contains (check all applicable boxes):

- (a) Facing Page.
- (b) Statement of Financial Condition. X
- (c) Statement of Income (Loss). X
- (d) Statement of Changes in Financial Condition. X
- 🖾 (e) Statement of Changes in Stockholders' Equity or Partners' or Sole Proprietors' Capital.
- (f) Statement of Changes in Liabilities Subordinated to Claims of Creditors.
- (g) Computation of Net Capital. X
- (h) Computation for Determination of Reserve Requirements Pursuant to Rule 15c3-3. X
- (i) Information Relating to the Possession or Control Requirements Under Rule 15c3-3.
- (j) A Reconciliation, including appropriate explanation of the Computation of Net Capital Under Rule 15c3-1 and the Computation for Determination of the Reserve Requirements Under Exhibit A of Rule 15c3-3.
- (k) A Reconciliation between the audited and unaudited Statements of Financial Condition with respect to methods of consolidation.
- (1) An Oath or Affirmation.
- (m) A copy of the SIPC Supplemental Report.
- (n) A report describing any material inadequacies found to exist or found to have existed since the date of the previous audit.
- (o) A reconciliation of net capital per original focus report to net capital.
- \*\*For conditions of confidential treatment of certain portions of this filing, see section 240.17a-5(e)(3).

SEC Mail Processing Section MAR 1 - 2013 Washington DC 400

# D. WECKSTEIN & CO., INC.

REPORT ON FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2012

(with supplementary information)

# Farkouh Furman Faccio LLP Certified Public Accountants and Advisors

#### INDEPENDENT AUDITOR'S REPORT

To The Board of Directors D. Weckstein & Co., Inc.:

#### **Report on the Financial Statements**

We have audited the accompanying statement of financial condition of D. Weckstein & Co., Inc. (the "Company") as of December 31, 2012 and the related statements of income, changes in stockholder's equity and cash flows for the year then ended that you are filing pursuant to Rule 17a-5 under the Securities Exchange Act of 1934.

#### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

#### Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Company's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of D. Weckstein & Co., Inc. as at December 31, 2012 and the results of its operations and changes in stockholder's equity and its cash flow for the year then ended in accordance with accounting principles generally accepted in the United States of America.



#### Other Matter

Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The information contained in Schedule I, II and III are presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information in Schedule I, II and III has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information in Schedule I, II and III is fairly stated in all material respects in relation to the financial statements as a whole

CERTIFIED PUBLIC ACCOUNTANTS

New York, New York February 26, 2013

## STATEMENT OF FINANCIAL CONDITION

# AS AT DECEMBER 31, 2012

# <u>ASSETS</u>

Cash and cash equivalents	\$ 97,332
Marketable securities, at fair value	280,432
Commissions receivable	1,991
Prepaid expenses	7,113
Furniture, fixtures and equipment (less \$84,376 of depreciation)	3,521
Security deposit	 30,491

Total assets	\$ 420,880

# **LIABILITIES**

Accounts payable and accrued expenses	\$ 24,415
Due to broker	970
Shareholder loan	88,500
Total liabilities	113,885

# STOCKHOLDER'S EQUITY

Common stock - no par value;	
200 shares authorized; 40 shares issued and outstanding	40,000
Additional paid-in capital	543,600
Accumulated (deficit)	 (276,605)
Total stockholder's equity (statement attached)	 306,995
Total liabilities and stockholder's equity	\$ 420,880

The notes to financial statements are made a part hereof.

# STATEMENT OF INCOME

## FOR THE YEAR ENDED DECEMBER 31, 2012

Revenues:	
Commissions	\$ 498,083
Net dealer trading gains	88,593
Investment banking	17.750
Interest and dividends	768
Other income	
	1,075

606,269

Expenses:			
Compensation and benefits	\$	224.346	
Payroll taxes	•	15.459	
Clearance		54,050	
Equipment rental		79.945	
Rent		133.048	
Travel and entertainment		23.923	
Telephone		13.974	
Professional fees		29.785	
Office expenses		23,125	
Registration expense		9.947	
Insurance		5,186	
Miscellaneous		1.773	
Depreciation		2,284	616,845

# NET (LOSS) (TO STATEMENT OF CHANGES IN STOCKHOLDER'S EQUITY)

\$ (10,576)

# STATEMENT OF CHANGES IN STOCKHOLDER'S EQUITY

# FOR THE YEAR ENDED DECEMBER 31, 2012

			ADDITIONAL PAID-IN CAPITAL		N ACCUMULATED		TOTAL
BALANCE AT JANUARY 1, 2012	\$	40,000	\$	534,600	\$	(266,029)	\$ 308,571
Capital contribution				9,000			9,000
Net (loss) (statement attached)	<b></b>					(10,576)	 (10,576)
BALANCE AT DECEMBER 31, 2012 (TO STATEMENT OF FINANCIAL CONDITION)	\$	40,000	\$	543,600	\$	(276,605)	\$ 306,995

The notes to financial statements are made a part hereof.

# STATEMENT OF CASH FLOWS

# FOR THE YEAR ENDED DECEMBER 31, 2012

Cash flows from operating activities: Net (loss)		\$	(10,576)
Adjustments to reconcile net (loss)			
to net cash (used) for operating activities:			
Depreciation	\$ 2,284		
(Increase) in marketable securities, at fair value	(55,240)		
Decrease in commissions receivable	10,453		
(Increase) in prepaid expenses	(73)		
(Increase) in security deposit	(3)		
	(1,000)		
(Decrease) in accounts payable and accrued expenses	• • •		
Increase in due to broker	970		(400 404)
(Decrease) in payroll taxes payable	(66,582)		(109,191)
Net cash (used) for operating activities		<del></del>	(119,767)
Cash flows from financing activities:			
Shareholder loan			88,500
Capital contribution to additional paid-in capital			9,000
Net cash provided by financing activities			97,500
(DECREASE) IN CASH AND CASH EQUIVALENTS			(22,267)
Cash and cash equivalents - January 1, 2012			119,599
CASH AND CASH EQUIVALENTS - DECEMBER 31, 2011		\$	97,332

The notes to financial statements are made a part hereof.

## NOTES TO FINANCIAL STATEMENTS

#### AS AT DECEMBER 31, 2012

#### **ORGANIZATION AND NATURE OF BUSINESS:**

D. Weckstein & Co., Inc. (the "Company") is incorporated under the laws of the State of New York to engage in business as a broker/dealer. The Company is registered as a broker/dealer of securities with the Securities and Exchange Commission and is a member of the Financial Industry Regulatory Authority. The Company conducts operations exclusively in New York, however, customers are located in various states.

The Company operates as an introducing broker and does not hold funds or securities for customers, owe money or securities to customers, and does not carry accounts of or for customers. Revenue is derived principally from trading profits executed for the Company's principal account, investment banking fees, commissions received on security trades executed for customers and from fees generated as an introducing broker.

#### SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

BASIS OF ACCOUNTING - The accompanying financial statements are prepared on the accrual basis of accounting, in accordance with accounting principles generally accepted in the United States of America.

REVENUE RECOGNITION - Securities transactions and the related commission revenue are recorded on a trade date basis, which is the day the transaction is executed.

USE OF ESTIMATES - The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

CASH AND CASH EQUIVALENTS - Cash and cash equivalents consist of cash and highly liquid investments with original maturities of three months or less.

MARKETABLE SECURITIES - Marketable securities are recorded at fair value in accordance with FASB ASC 820 as described below. Realized and unrealized gains and losses from marketable securities traded in the normal course of business are reflected in net dealer trading gains or losses on the statement of income.

FURNITURE, FIXTURES AND EQUIPMENT - Furniture, fixtures and equipment are stated at cost less accumulated depreciation. Depreciation is provided using straight-line methods over expected useful lives of five to seven years.

(Continued)

## NOTES TO FINANCIAL STATEMENTS

#### AS AT DECEMBER 31, 2012 - Sheet 2 -

#### MARKETABLE SECURITIES MEASURED AT FAIR VALUE ON A RECURRING BASIS:

The Company has categorized its financial instruments, based on priority of inputs to the valuation technique, into a three-level fair value hierarchy. The fair value gives the highest priority to quoted prices in active markets for identical assets or liabilities (level 1), then to quoted prices for similar assets or liabilities and other observable inputs (level 2) and the lowest priority to unobservable inputs (level 3). If the inputs used to measure the fair value of financial instruments fall within different levels of the hierarchy, the categorization is based on the lowest level input that is significant to the fair value measurement of the instruments.

The market approach valuation technique was used in determining the fair values of level 2 investments and the inputs used were readily available quoted prices for similar investments in active markets.

The following are the Company's major categories of assets measured at fair value on a recurring basis at December 31, 2012, categorized by the above FASB ASC 820 fair value hierarchy:

	Qu	oted Prices				
		in Active		Other	E	Balance
	N	larkets for	(	Observable		as of
	Identical Assets		Inputs		December 31,	
		(Level 1)	(Level 2)			2012
Marketable securities	\$	253,407	\$	27,025	\$	280,432

## **INCOME TAXES:**

The Company has elected to be taxed under Subchapter S of the Internal Revenue Code whereby its income is taxed directly to the stockholder whether or not distributed. Accordingly, no Federal or New York State income tax provision has been reflected. However, the Company conducts activities in New York City which does not recognize S Corporation status, and is thus liable for New York City corporate income taxes including an alternative tax based upon net income and officer's salary.

#### LOAN FROM SHAREHOLDER:

The sole shareholder loaned the Company \$88,500 that is due on demand without interest.

(Continued)

### NOTES TO FINANCIAL STATEMENTS

#### AS AT DECEMBER 31, 2012 - Sheet 3 -

#### COMMITMENT AND RISKS:

The Company has agreed to indemnify its clearing broker for credit losses that the clearing broker may sustain from the customer accounts introduced by the Company. Should a customer not fulfill his obligation on a trade transaction the Company may be required to buy or sell securities at prevailing market prices in the future on behalf of their customers.

The Company leases office space on a month-to-month basis.

#### **NET CAPITAL REQUIREMENTS:**

The Company is subject to the Securities and Exchange Commission Uniform Net Capital Rule (SEC Rule 15c3-1), which requires the maintenance of minimum net capital and requires that the ratio of aggregate indebtedness to net capital, both as defined, shall not exceed 15 to 1 (and the rule of the "applicable" exchange also provides that equity capital may not be withdrawn or cash dividends paid if the resulting net capital ratio would exceed 10 to 1). At December 31, 2012, the Company had net capital of \$222,761 which was \$122,761 in excess of its required net capital of \$100,000. The Company's ratio of aggregate indebtedness to net capital was .5112 to 1.

#### **CONCENTRATION OF CREDIT RISK:**

At December 31, 2012, all the marketable securities reflected in the statement of financial condition are positions held with one domestic broker. The clearing and depository operations for the Company's security transactions are provided by such broker.

#### SUBSEQUENT EVENTS:

The date to which events occurring after December 31, 2012, the date of the most recent statement of financial condition, have been evaluated for possible adjustment to the financial statements or disclosure is February 26, 2013, which is the date on which the financial statements were available to be issued.

# SCHEDULE I COMPUTATION OF NET CAPITAL PURSUANT TO UNIFORM NET CAPITAL RULE 15c3-1

## AS AT DECEMBER 31, 2012

Total stockholder's equity		\$ 306,995
Deductions for non-allowable assets		(16,210)
Net capital before haircuts		290,785
Haircuts: Marketable securities Undue concentration	\$ (42,984) (25,040)	(68,024)
NET CAPITAL		222,761
Minimum net capital requirement of 6 2/3% of aggregate indebtedness of \$113,885 or \$100,000, whichever is greater		100,000
EXCESS NET CAPITAL		\$ 122,761
Ratio of aggregate indebtedness to net capital		0.5112

# SCHEDULE II RECONCILIATION OF NET CAPITAL PER ORIGINAL FOCUS REPORT TO NET CAPITAL PER AUDITED REPORT

## AS AT DECEMBER 31, 2012

Net capital per original focus report	\$ 211,278
Increase in net (loss)	(25,531)
Decrease in non-allowable assets	7,552
Change in haircuts on securities: Marketable securities Undue concentration	30,001 (539)
Net Capital Per Audited Report	\$ 222,761

## SCHEDULE III COMPUTATION FOR DETERMINATION OF RESERVE REQUIREMENTS AND INFORMATION RELATING TO THE POSSESSION OR CONTROL REQUIREMENTS FOR BROKERS AND DEALERS PURSUANT TO RULE 15c3-3 UNDER THE SECURITIES EXCHANGE ACT OF 1934 AS AT DECEMBER 31, 2012

The Company claims a (k) (2) (i) exemption of Rule 15(c)3-3 and is not permitted to hold customer securities nor is it required to compute reserve requirements. The Company is in compliance with the conditions of its exemption.

See the accompanying Independent Auditor's Report



# INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL STRUCTURE REQUIRED BY SEC RULE 17a-5

To The Board of Directors D. Weckstein & Co., Inc.:

In planning and performing our audit of the financial statements and supplementary information of D. Weckstein & Co., Inc. (the "Company") for the year ended December 31, 2012, in accordance with auditing standards generally accepted in the United States of America, we considered the Company's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control. Accordingly, we do not express an opinion on the effectiveness of the Company's internal control.

Also, as required by Rule 17a-5(g)(1) of the Securities and Exchange Commission (SEC), we have made a study of the practices and procedures followed by the Company including tests of such practices and procedures that we considered relevant to the objectives stated in Rule 17a-5(g) in making the periodic computations of aggregate indebtedness (or aggregate debits) and net capital under Rule 17a-3(a)(11) and for determining compliance with the exemptive provisions of Rule 15c3-3. Because the Company does not carry securities accounts for customers or perform custodial functions relating to customer securities, we did not review the practices and procedures followed by the Company in any of the following:

- 1. Making quarterly securities examinations, counts, verifications, and comparisons and recordation of differences required by rule 17a-13
- 2. Complying with the requirements for prompt payment for securities under Section 8 of Federal Reserve Regulation T of the Board of Governors of the Federal Reserve System

The management of the Company is responsible for establishing and maintaining internal control and the practices and procedures referred to in the preceding paragraph. In fulfilling this responsibility, estimates and judgments by management are required to assess the expected benefits and related costs of controls and of the practices and procedures referred to in the preceding paragraph and to assess whether those practices and procedures can be expected to achieve the SEC's above-mentioned objectives. Two of the objectives of internal control and the practices and procedures are to provide management with reasonable but not absolute assurance that assets for which the Company has responsibility are safeguarded against loss from unauthorized use or disposition and that transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of financial statements in conformity with accounting principles generally accepted in the United States of America. Rule 17a-5(g) lists additional objectives of the practices and procedures listed in the preceding paragraph.

Because of inherent limitations in any internal control or the practices and procedures referred to above, error or fraud may occur and not be detected. Also, projection of any evaluation of them to future periods is subject to the risk that they may become inadequate because of changes in conditions or that the effectiveness of their design and operation may deteriorate.



A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the entity's internal control.

Our consideration of internal control was for the limited purpose described in the first and second paragraphs and would not necessarily identify all deficiencies in internal control that might be material weaknesses. We did not identify any deficiencies in internal control and control activities for safeguarding securities that we consider to be material weaknesses, as defined above.

We understand that practices and procedures that accomplish the objectives referred to in the second paragraph of this report are considered by the SEC to be adequate for its purposes in accordance with the Securities Exchange Act of 1934 and related regulations, and that practices and procedures that do not accomplish such objectives in all material respects indicate a material inadequacy for such purposes. Based on this understanding and on our study, we believe that the Company's practices and procedures were adequate at December 31, 2012 to meet the SEC's objectives.

This report is intended solely for the information and use of management, the SEC, and other regulatory agencies that rely on Rule 17a-5(g) under the Securities Exchange Act of 1934 in their regulation of registered brokers and dealers, and is not intended to be and should not be used by anyone other than these specified parties.

CERTIFIED PUBLIC ACCOUNTANTS

New York, New York February 26, 2013

# Farkouh Furman Faccio LLP Certified Public Accountants and Advisors

# Farkouh Furman Faccio LLP Certified Public Accountants and Advisors

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D. WECKSTEIN & CO., INC.

REPORT PURSUANT TO SECURITIES AND EXCHANGE COMMISSION RULE 17a-5 (e) (4)

> FOR THE YEAR ENDED DECEMBER 31, 2012

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# Independent Accountant's Report on Applying Agreed-Upon Procedures Related to an Entity's SIPC Assessment Reconciliation

To the Stockholder of D. Weckstein & Co., Inc.:

In accordance with Rule 17a-5(e)(4) under the Securities Exchange Act of 1934, we have performed the procedures enumerated below with respect to the accompanying Schedule of Assessments and Payments [General Assessment Reconciliation (Form SIPC-7)] to the Securities Investor Protection Corporation (SIPC) for the year ending December 31, 2012, which were agreed to by D. Weckstein & Co., Inc. and the Securities and Exchange Commission, Financial Industry Regulatory Authority, Inc., and SIPC, solely to assist you and the other specified parties in evaluating D. Weckstein & Co., Inc.'s compliance with the applicable instructions of the General Assessment Reconciliation (Form SIPC-7). D. Weckstein & Co., Inc.'s management is responsible for the D. Weckstein & Co., Inc.'s compliance with those requirements. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose. The procedures we performed and our findings are as follows:

- 1. Compared the listed assessment payments in Form SIPC-7 with respective cash disbursements record entries noting no differences;
- 2. Compared the amounts reported on the audited Form X-17A-5 for the year ended December 31, 2012, as applicable, with the amounts reported in Form SIPC-7 for the year ending December 31, 2012, noting no differences;
- 3. Compared any adjustments reported in Form SIPC-7 with supporting schedules and working papers noting immaterial differences;
- 4. Proved the arithmetical accuracy of the calculations reflected in Form SIPC-7 and in the related schedules and working papers supporting the adjustments noting no differences; and
- 5. Compared the amount of any overpayment applied to the current assessment with the Form SIPC-7 on which it was originally computed noting no differences.



We were not engaged to, and did not conduct an examination, the objective of which would be the expression of an opinion on compliance. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the specified parties listed above and is not intended to be and should not be used by anyone other than these specified parties.

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New York, New York February 28, 2013

# SCHEDULE OF SECURITIES INVESTOR PROTECTION CORPORATION ASSESSMENTS AND PAYMENTS

# FOR THE YEAR ENDED DECEMBER 31, 2012

	DATE PAID OR FILED	PAYMENTS MADE		S ANNUAL ASSESSMENT	
SIPC-6 general assessment for the first half of year ended December 31, 2012	October 10, 2012	\$ 809			
SIPC-7 general assessment for the year ended December 31, 2012	February 28, 2013	572	\$	1,381	
		\$ 1,381	\$	1,381	

See the accompanying Independent Accountant's Report.