

INITIAL DECISION RELEASE NO. 1409
ADMINISTRATIVE PROCEEDING
FILE NO. 3-18347

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

In the Matter of :
:
BRIAN SWEET, CPA : INITIAL DECISION
: August 2, 2021

APPEARANCES: Melissa Armstrong for the Division of Enforcement,
Securities and Exchange Commission

Richard Morvillo of Stroock & Stroock & Lavan LLP

BEFORE: Carol Fox Foelak, Administrative Law Judge

SUMMARY

This Initial Decision (ID) dismisses the “additional proceedings” ordered by the Order Instituting Proceedings (OIP) in this administrative proceeding against Respondent Brian Sweet, CPA.

I. INTRODUCTION

The Securities and Exchange Commission instituted this proceeding with an OIP on January 22, 2018, pursuant to Sections 4C and 21C of the Securities Exchange Act of 1934 and Rule 102(e) of the Commission’s Rules of Practice. *Brian Sweet, CPA*, Exchange Act Release No. 82557, 2018 SEC LEXIS 149. The OIP alleges that Respondent engaged in improper professional conduct related to unauthorized disclosures of confidential information from the Public Company Accounting Oversight Board. *Id., passim*. The OIP, pursuant to Respondent’s offer of settlement, imposed various sanctions and ordered “additional proceedings . . . to determine what, if any, disgorgement or civil penalties . . . against [him] are in the public interest.” *Id.* at *26. The OIP ordered the hearing on these issues to be convened following the conclusion of *Cynthia Holder, CPA*, Admin. Proc. No. 3-18346. *Id.* at *27-28. On July 30, 2021, following the conclusion of proceedings as to two respondents in *Holder*,¹ the Division of Enforcement advised that it would not pursue additional relief of disgorgement or civil penalties from Respondent Sweet. Accordingly, “additional proceedings” are unnecessary and will be dismissed.

¹ *Thomas Whittle, CPA*, Exchange Act Release No. 92513, 2021 SEC LEXIS 2116 (July 28, 2021); *David Britt, CPA*, Exchange Act Release No. 92514, 2021 SEC LEXIS 2109 (July 28, 2021).

II. ORDER

IT IS ORDERED that the “additional proceedings” ordered by the OIP in this administrative proceeding ARE DISMISSED.

This ID shall become effective in accordance with and subject to the provisions of 17 C.F.R. § 201.360, pursuant to which a party may file a petition for review of this ID within twenty-one days after service of the ID. A party may also file a motion to correct a manifest error of fact within ten days of the ID, pursuant to 17 C.F.R. § 201.111(h). If a motion to correct a manifest error of fact is filed by a party, then a party shall have twenty-one days to file a petition for review from the date of the undersigned’s order resolving such motion to correct a manifest error of fact. The ID will not become final until the Commission enters an order of finality. The Commission will enter an order of finality unless a party files a petition for review or a motion to correct a manifest error of fact or the Commission determines on its own initiative to review the ID as to a party. If any of these events occur, the ID shall not become final as to that party.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge