

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 83727 / July 27, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18408

In the Matter of

**MAXWELL TECHNOLOGIES, INC.,
VAN M. ANDREWS, DAVID J.
SCHRAMM, AND JAMES W.
DeWITT, Jr., CPA,**

Respondents.

**ORDER APPOINTING FUND
ADMINISTRATOR AND SETTING
ADMINISTRATOR BOND AMOUNT**

On March 27, 2018, the Securities and Exchange Commission (the “Commission”) issued an Order Instituting Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933 and Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (the “Order”)¹ against Maxwell Technologies, Inc. (“Maxwell”), Van M. Andrews (“Andrews”), David J. Schramm (“Schramm”), and James W. DeWitt, Jr., CPA (“DeWitt”) (collectively, the “Respondents”). The Commission found that, from December 2011 through January 2013, Maxwell, a California-based company that develops, manufactures, and markets energy storage and power delivery products, through its former officers Andrews, Schramm, and DeWitt, engaged in an accounting fraud scheme that improperly recognized over \$19 million in revenue from future quarters in violation of U.S. Generally Accepted Accounting Principles. The Commission ordered Maxwell, Andrews, and DeWitt to pay civil money penalties of \$2.8 million, \$50,000, and \$20,000, respectively; and ordered Schramm to disgorge \$33,878 and pay prejudgment interest of \$6,113 and a civil money penalty of \$40,000. Pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, as amended, the Commission established a Fair Fund so that the civil penalties could be distributed with disgorgement and prejudgment interest.

The Respondents have since paid in \$2,924,991 to an interest bearing account at the U.S. Treasury’s Bureau of Fiscal Services, with the remaining \$25,000 to be paid by Andrews in two equal increments due September 23, 2018 and March 19, 2019, respectively.

¹ Securities Act Rel. No. 10472 (Mar. 27, 2018).

The Division of Enforcement now seeks the appointment of Epiq Systems, Inc. (“Epiq”) as the fund administrator in the above-captioned proceeding and requests that the administrator’s bond be set at \$2,949,991, as required by Rules 1105(a) and 1105(c) of the Commission’s Rules on Fair Fund and Disgorgement Plans (“Rules”).² Epiq is included in the Commission’s approved pool of administrators.

Accordingly, it is hereby ORDERED, that Epiq is appointed as the fund administrator, pursuant to Rule 1105(a) of the Rules, 17 C.F.R. § 201.1105(a), and the administrator shall obtain a bond in the amount of \$2,949,991, in accordance with Rule 1105(c) of the Rules, 17 C.F.R. § 201.1105(c).

For the Commission, by the Division of Enforcement, pursuant to delegated authority.³

Brent J. Fields
Secretary

² 17 C.F.R. §§ 201.1105(a) and 201.1105(c).

³ 17 C.F.R. § 200.30-4(a)(17).