

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 98595 / September 28, 2023

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 4463 / September 28, 2023

ADMINISTRATIVE PROCEEDING
File No. 3-21746

<p>In the Matter of</p> <p style="text-align:center">ROBERT DEL PRETE,</p> <p>Respondent.</p>
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**ORDER INSTITUTING PUBLIC
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO RULE 102(e) OF THE
COMMISSION'S RULES OF PRACTICE,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS**

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted against Robert Del Prete (“Respondent” or “Del Prete”) pursuant to Rule 102(e)(3)(i) of the Commission’s Rules of Practice.¹

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, Respondent admits the Commission’s jurisdiction over him and the subject matter of these proceedings, and the findings contained in

¹ Rule 102(e)(3)(i) provides, in relevant part, that:

The Commission, with due regard to the public interest and without preliminary hearing, may, by order, . . . suspend from appearing or practicing before it any . . . accountant . . . who has been by name . . . permanently enjoined by any court of competent jurisdiction, by reason of his or her misconduct in an action brought by the Commission, from violating or aiding and abetting the violation of any provision of the Federal securities laws or of the rules and regulations thereunder.

Section III, paragraph 3 below, and consents to the entry of this Order Instituting Public Administrative Proceedings Pursuant to Rule 102(e) of the Commission’s Rules of Practice, Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent’s Offer, the Commission finds that:

1. Del Prete, age 38, is a resident of Brick, New Jersey. From September 2020 until May 2022, Del Prete was a consultant who provided accounting services to HighCape Capital Acquisition Corp. (“HighCape”). Del Prete is not licensed as a certified public accountant.

2. HighCape was, at all relevant times, a Delaware corporation with its principal place of business in New York, New York. HighCape was a Special Purpose Acquisition Company or a blank check company. At all relevant times, HighCape’s common stock was registered with the Commission pursuant to Section 12(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and traded on the NASDAQ National Market.

3. On September 25, 2023, a judgment was entered against Del Prete, permanently enjoining him from future violations of Section 10(b) of the Exchange Act and Rule 10b-5 thereunder, in the civil action entitled Securities and Exchange Commission v. Robert Del Prete, Civil Action Number 23-20452, in the United States District Court for the District of New Jersey. Pursuant to the judgment, Del Prete was also prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

4. The Commission’s complaint alleged that Del Prete, an accounting consultant at HighCape subject to a confidentiality provision, had advance knowledge of a business combination between HighCape and a target company due to his inside position and involvement in events relating to the deal. Among other things, Del Prete was present at board meetings on January 27 and February 17, 2021 during which the planned business combination was discussed. The complaint alleged that Del Prete bought 5,789.65 shares of HighCape, less than an hour after attending the February 17 board meeting. In addition, the complaint alleged that Del Prete sold all 5,789.65 shares on February 18, 2021, after the press release announcing the deal was issued, realizing a profit of \$60,170.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanction agreed to in Respondent Del Prete's Offer.

Accordingly, it is hereby ORDERED, effective immediately, that:

Del Prete is suspended from appearing or practicing before the Commission as an accountant.

By the Commission.

Vanessa A. Countryman
Secretary