

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 86102 / June 13, 2019

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 DIRECTING DISBURSEMENT
OF FAIR FUND**

On September 27, 2018, the Commission published a Notice of Proposed Plan of Distribution and Opportunity for Comment (“Notice”),¹ pursuant to Rule 1103 of the Commission’s Rules on Fair Fund and Disgorgement Plans (“Rules”).² The Notice advised persons they could obtain a copy of the proposed plan of distribution (“Plan”) by submitting a written request to the Commission. The Notice also advised that all persons desiring to comment on the Plan could submit their comments, in writing, within 30 days of the Notice. The Commission received no negative comments on the Plan during the comment period. On November 5, 2018, the Commission issued an Order Approving Plan of Distribution,³ and simultaneously posted the approved Plan.

¹ Exchange Act Rel. No. 84296 (Sept. 27, 2018).

² 17 C.F.R. § 201.1103.

³ Exchange Act Rel. No. 84531 (Nov. 5, 2018).

The Plan provides for the distribution of the Fair Fund, less taxes, fees, and expenses (the “Net Fair Fund”), to Eligible Claimants.⁴ The Plan provides for the distribution of the Net Fair Fund after the Fund Administrator submits to the Commission staff a Payee List in a Commission-approved format, accompanied by a Reasonable Assurance Letter as to the completeness and accuracy of the Payee List.

The Fund Administrator has submitted to the Commission staff the Payee List in a Commission-approved format for the distribution of \$2,896,421.42 as well as a Reasonable Assurance Letter. The Commission staff has reviewed the Payee List and the Reasonable Assurance Letter and requests that, consistent with Rule 1101(b)(6) of the Rules and the Plan,⁵ the Commission direct the payment of \$2,896,421.42 from the Fair Fund to the Fair Fund’s Escrow Account at The Huntington National Bank for distribution by the Fund Administrator according to the Plan.

Accordingly, it is hereby ORDERED that the Commission staff shall direct the payment of \$2,896,421.42 from the Fair Fund to the Fair Fund’s Escrow Account at The Huntington National Bank, and that the Fund Administrator shall distribute such monies to harmed investors as provided for in the Plan.

By the Commission.

Vanessa A. Countryman
Acting Secretary

⁴ All capitalized terms used herein but not defined shall have the same meanings ascribed to them in the approved Plan.

⁵ 17 C.F.R. § 201.1101(b)(6).