

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 88798 / May 1, 2020

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 4137 / May 1, 2020

ADMINISTRATIVE PROCEEDING
File No. 3-17240

In the Matter of	: ORDER GRANTING APPLICATION FOR
JAY PHILLIP NORRIS,	: REINSTATEMENT TO APPEAR AND PRACTICE
CPA	: BEFORE THE COMMISSION AS AN ACCOUNTANT
	: RESPONSIBLE FOR THE PREPARATION OR
	: REVIEW OF FINANCIAL STATEMENTS REQUIRED
	: TO BE FILED WITH THE COMMISSION

On May 2, 2016, Jay Phillip Norris, CPA (“Norris”) was denied the privilege of appearing or practicing before the Commission as an accountant as a result of settled public administrative proceedings instituted by the Commission against him pursuant to Rules 102(e)(1)(ii) and 102(e)(1)(iii) of the Commission’s Rules of Practice.¹ This order is issued in response to Norris’s application for reinstatement to appear and practice before the Commission as an accountant responsible for the preparation or review of financial statements required to be filed with the Commission.

The Commission found that Norris had engaged in improper professional conduct while serving as the engagement partner for MaloneBailey LLP’s audit of the fiscal year 2011 financial statements of Left Behind Games, Inc. (“LBG”). While Norris identified revenue recognition as an area requiring heightened scrutiny and further identified what appeared to be circular sham transactions between LBG and Lighthouse, a company owned by a former LBG consultant, he failed to respond appropriately to certain red flags and otherwise comply with Public Company Accounting Oversight Board standards in the performance of the audit. In addition, Norris was found to have willfully aided and abetted and caused MaloneBailey LLP’s related violation of Rule 2-02(b)(1) of Regulation S-X.

¹ See Accounting and Auditing Enforcement Release No. 3773 dated May 2, 2016. Norris was permitted, pursuant to the order, to apply for reinstatement after three years upon making certain showings.

In his capacity as a preparer or reviewer, or as a person responsible for the preparation or review, of financial statements of a public company to be filed with the Commission, Norris attests that he will undertake to have his work reviewed by the independent audit committee of any company for which he works, or in some other manner acceptable to the Commission, while practicing before the Commission in this capacity. Norris is not, at this time, seeking to appear or practice before the Commission as an independent accountant. If he should wish to resume appearing and practicing before the Commission as an independent accountant, he will be required to submit an application to the Commission showing that he has complied and will comply with the terms of the original suspension order in this regard. Therefore, Norris's suspension from practice before the Commission as an independent accountant continues in effect until the Commission determines that a sufficient showing has been made in this regard in accordance with the terms of the original suspension order.

Rule 102(e)(5) of the Commission's Rules of Practice governs applications for reinstatement, and provides that the Commission may reinstate the privilege to appear and practice before the Commission "for good cause shown."² This "good cause" determination is necessarily highly fact specific.

On the basis of information supplied, representations made, and undertakings agreed to by Norris, it appears that he has complied with the terms of the May 2, 2016 order denying him the privilege of appearing or practicing before the Commission as an accountant, that no information has come to the attention of the Commission relating to his character, integrity, professional conduct or qualifications to practice before the Commission that would be a basis for adverse action against him pursuant to Rule 102(e) of the Commission's Rules of Practice, and that Norris, by undertaking to have his work reviewed by the independent audit committee of any company for which he works, or in some other manner acceptable to the Commission, in his practice before the Commission as a preparer or reviewer of financial statements required to be filed with the Commission, has shown good cause for reinstatement. Therefore, it is accordingly,

ORDERED pursuant to Rule 102(e)(5)(i) of the Commission's Rules of Practice that Jay Phillip Norris, CPA is hereby reinstated to appear and practice before the Commission as an accountant responsible for the preparation or review of financial statements required to be filed with the Commission.

By the Commission.

Vanessa A. Countryman
Secretary

² Rule 102(e)(5)(i) provides:

"An application for reinstatement of a person permanently suspended or disqualified under paragraph (e)(1) or (e)(3) of this rule may be made at any time, and the applicant may, in the Commission's discretion, be afforded a hearing; however, the suspension or disqualification shall continue unless and until the applicant has been reinstated by the Commission for good cause shown." 17 C.F.R. § 201.102(e)(5)(i).