

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 61300 / January 6, 2010

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 3095 / January 6, 2010

ADMINISTRATIVE PROCEEDING
File No. 3-13736

In the Matter of

Oswaldo Pitters,

Respondent.

ORDER INSTITUTING PUBLIC
ADMINISTRATIVE PROCEEDINGS AND
IMPOSING TEMPORARY SUSPENSION
PURSUANT TO RULE 102(e)(3) OF THE
COMMISSION'S RULES OF PRACTICE

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Rule 102(e)(3)(i) of the Commission’s Rules of Practice¹ against Oswaldo Pitters (“Respondent” or “Pitters”).

¹ Rule 102(e)(3)(i) provides, in pertinent 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.

II.

The Commission finds that:

A. RESPONDENT

1. Pitters, 51, resides in Plantation, Florida. From May 2004 to October 2005, Pitters served as the Chief Financial Officer (“CFO”) of VoIP, Inc., a Texas corporation that provided voice-over-Internet telecommunication services to retail and wholesale customers. During the time period Pitters was VoIP’s CFO, VoIP’s common stock was registered with the Commission pursuant to Section 12(g) of the Securities Exchange Act of 1934 (“Exchange Act”), and its securities were quoted on the Over-The-Counter Bulletin Board under the symbol VOII. In February 2008, VoIP closed its offices in Altamonte Springs, Florida, and ceased the majority of its operations. On July 14, 2009, an Administrative Law Judge revoked the registration of VoIP’s securities pursuant to Section 12(j) of the Exchange Act. Pitters has never been a certified public accountant. As VoIP’s CFO, he oversaw VoIP’s day-to-day financial operations, prepared VoIP’s financial statements, filed VoIP’s annual and quarterly reports with the Commission, and certified the accuracy of those reports.

B. ENTRY OF THE INJUNCTION

2. On November 9, 2009, a final judgment was entered by default against Pitters, permanently enjoining him from future violations of Section 17(a) of the Securities Act of 1933, and Sections 10(b) and 13(b)(5) of the Exchange Act and Exchange Act Rules 10b-5, 13a-14, 13b2-1, and 13b2-2, and from aiding and abetting future violations of Sections 13(a), 13(b)(2)(A), and 13(b)(2)(B) of the Exchange Act and Exchange Act Rules 12b-20, 13a-1, and 13a-13, in the civil action entitled *Securities and Exchange Commission v. Osvaldo Pitters, et al*, Case No. 09-20957-CIV, in the United States District Court for the Southern District of Florida. The final judgment also barred Pitters from serving as an officer or director of a public company.

3. The Commission’s complaint alleged that from November 2004 through May 2005, Pitters and others recorded almost \$1.4 million in fictitious revenues from purported computer hardware sales and management services on VoIP’s financial statements because VoIP’s revenues were falling short of company projections. By recording the false revenues, Pitters inflated the revenue VoIP publicly reported by more than 40 percent for the third quarter and year end 2004 and the first quarter of 2005. As a result, VoIP’s financial statements were not prepared and presented in accord with generally accepted accounting principles (“GAAP”).

III.

Based upon the foregoing, the Commission finds that a court of competent jurisdiction has permanently enjoined Pitters from violating the Federal securities laws within the meaning of Rule 102(e)(3)(i)(A) of the Commission’s Rules of Practice. In view of these findings, the Commission deems it appropriate and in the public interest that Pitters be temporarily suspended from appearing or practicing before the Commission.

IT IS HEREBY ORDERED that Pitters be, and hereby is, temporarily suspended from appearing or practicing before the Commission. This Order shall be effective upon service on the Respondent.

IT IS FURTHER ORDERED that Pitters may within thirty days after service of this Order file a petition with the Commission to lift the temporary suspension. If the Commission within thirty days after service of the Order receives no petition, the suspension shall become permanent pursuant to Rule 102(e)(3)(ii).

If a petition is received within thirty days after service of this Order, the Commission shall, within thirty days after the filing of the petition, either lift the temporary suspension, or set the matter down for hearing at a time and place to be designated by the Commission, or both. If a hearing is ordered, following the hearing, the Commission may lift the suspension, censure the petitioner, or disqualify the petitioner from appearing or practicing before the Commission for a period of time, or permanently, pursuant to Rule 102(e)(3)(iii).

This Order shall be served upon Pitters personally or by certified mail at his last known address.

By the Commission.

Elizabeth M. Murphy
Secretary