

herein, except as to the Commission's jurisdiction over him and the subject matter of these proceedings, and the findings contained in Section III. 3. below, which are admitted, Respondent consents to the entry of this Order Instituting 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. Gingrich, age 41, possesses a certificate of certified public accountant ("CPA") in the Commonwealth of Pennsylvania. His license to practice has voluntarily been on inactive status since April 2002. He has been employed by Home Solutions of America, Inc. ("HSOA") since July 2006, and served as controller of its subsidiary Fireline Restoration, Inc. ("Fireline") from July 2006 through July 2008.
2. On November 30, 2009, the Commission filed a Complaint in the U.S. District Court for the Northern District of Texas in a civil action captioned Securities and Exchange Commission v. Home Solutions of America, Inc., et al., Civil Action Number 3:09-CV-02269-N. The Complaint named Gingrich as a defendant. As to Gingrich, the Complaint alleged that in connection with the preparation and audit of HSOA's financial statements for its year ended December 31, 2006, and preparation and review of HSOA's financial statements for its quarters ending March 31, 2007 and June 30, 2007, Gingrich (a) instructed Fireline employees to sign documents that materially misrepresented the progress of certain construction projects, and provided the documents to HSOA's auditor; and (b) at the direction of HSOA's chief financial officer, made accounting entries on Fireline's books and records that materially misrepresented HSOA's revenues.
3. On December 10, 2009, the District Court entered an agreed final judgment against Gingrich, permanently enjoining him from direct or indirect future violations of Sections 17(a)(2) and (3) of the Securities Act of 1933 and from aiding and abetting violations of Sections 13(a) and 13(b)(2)(A) of the Securities Exchange Act of 1934 and Rules 12b-20, 13a-1, and 13a-13 thereunder. Gingrich was also ordered to pay a civil penalty of \$25,000. Gingrich consented to the entry of the final judgment without admitting or denying the allegations made in the Commission's Complaint.

IV.

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

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

- A. Respondent is suspended from appearing or practicing before the Commission as an accountant.
- B. After three years from the date of this order, Respondent may request that the Commission consider his reinstatement by submitting an application (attention: Office of the Chief Accountant) to resume appearing or practicing before the Commission as:
 - 1. a preparer or reviewer, or a person responsible for the preparation or review, of any public company's financial statements that are filed with the Commission. Such an application must satisfy the Commission that Respondent's work in his practice before the Commission will be reviewed either by the independent audit committee of the public company for which he works or in some other acceptable manner, as long as he practices before the Commission in this capacity; and/or
 - 2. an independent accountant. Such an application must satisfy the Commission that:
 - (a) Respondent, or the public accounting firm with which he is associated, is registered with the Public Company Accounting Oversight Board ("Board") in accordance with the Sarbanes-Oxley Act of 2002, and such registration continues to be effective;
 - (b) Respondent, or the registered public accounting firm with which he is associated, has been inspected by the Board and that inspection did not identify any criticisms of or potential defects in the Respondent's or the firm's quality control system that would indicate that the Respondent will not receive appropriate supervision;
 - (c) Respondent has resolved all disciplinary issues with the Board, and has complied with all terms and conditions of any sanctions imposed by the Board (other than reinstatement by the Commission); and
 - (d) Respondent acknowledges his responsibility, as long as Respondent appears or practices before the Commission as an independent accountant, to comply with all requirements of the Commission and the Board, including, but not limited to, all requirements relating to registration, inspections, concurring partner reviews and quality control standards.
- C. The Commission will consider an application by Respondent to resume appearing or practicing before the Commission provided that his state CPA license is current

and he has resolved all other disciplinary issues with the applicable state boards of accountancy. However, if state licensure is dependant on reinstatement by the Commission, the Commission will consider an application on its other merits. The Commission's review may include consideration of, in addition to the matters referenced above, any other matters relating to Respondent's character, integrity, professional conduct, or qualifications to appear or practice before the Commission.

By the Commission.

Elizabeth M. Murphy
Secretary