

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 86924 / September 11, 2019

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 4073 / September 11, 2019

ADMINISTRATIVE PROCEEDING
File No. 3-17214

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

On April 19, 2016, Robert D. Hesselgesser, CPA (“Hesselgesser”) 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 Hesselgesser pursuant to Rule 102(e)(1) of the Commission’s Rules of Practice.¹ This order is issued in response to Hesselgesser’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 and as an independent accountant.

The Commission’s order found that Hesselgesser engaged in improper professional conduct while serving as the engagement partner on PricewaterhouseCoopers LLP’s audit of Ener1, Inc.’s (“Ener1”) 2010 financial statements. Hesselgesser violated Public Company Accounting Oversight Board Standards relating to Due Professional Care and Skepticism, Competent Evidential Matter, Management Representations, Documentation, and Planning and Supervision by not performing sufficient procedures to support his audit conclusions that Ener1 management had appropriately accounted for certain assets and revenue.

Hesselgesser has met all of the conditions set forth in the original order and, in his capacity as an independent accountant, has stated that he will comply with all requirements of the Commission and the Public Company Accounting Oversight Board, including, but not

¹ See Accounting and Auditing Enforcement Release No. 3767 dated April 19, 2016. Hesselgesser was permitted, pursuant to the order, to apply for reinstatement after two years upon making certain showings.

limited to all requirements relating to registration, inspections, concurring partner reviews and quality control standards. 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, other than as a member of an audit committee, Hesselgesser 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.

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." This "good cause" determination is necessarily highly fact specific.

On the basis of the information supplied, representations made, and undertakings agreed to by Hesselgesser, it appears that he has complied with the terms of the April 19, 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 Hesselgesser, 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, and that Hesselgesser, by undertaking to comply with all requirements of the Commission and the Public Company Accounting Oversight Board, including, but not limited to, all requirements relating to registration, inspections, concurring partner reviews and quality control standards, in his practice before the Commission as an independent accountant 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 Robert D. Hesselgesser, 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 and as an independent accountant.

By the Commission.

Vanessa A. Countryman
Secretary