

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 67899 / September 20, 2012

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 3406 / September 20, 2012

ADMINISTRATIVE PROCEEDING
File No. 3-15037

In the Matter of	:	
	:	ORDER INSTITUTING ADMINISTRATIVE
	:	PROCEEDINGS PURSUANT TO RULE
STEVEN Y. MOSKOWITZ,	:	102(e) OF THE COMMISSION'S RULES OF
	:	PRACTICE, MAKING FINDINGS, AND
Respondent.	:	IMPOSING REMEDIAL SANCTIONS
	:	
	:	

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted against Steven Moskowitz (“Moskowitz” or “Respondent”) pursuant to Rule 102(e)(3)(i) of the Commission’s Rules of Practice.¹

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings 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)

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

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. Moskowitz, age 47, resides in Flushing, New York. From 2002 until 2010, Moskowitz served as the Chief Financial Officer ("CFO"), Chief Operating Officer, Chief Accounting Officer, and Secretary of Spongetech Delivery Systems, Inc. ("Spongetech"). Moskowitz has never been a certified public accountant. As Spongetech's CFO, he oversaw Spongetech's day-to-day financial operations, the preparation of its financial statements, and its filing of annual and quarterly reports with the Commission, which Moskowitz signed and certified to be accurate.

2. Spongetech was, at all relevant times, a Delaware corporation with its principal place of business in New York, New York, that sold soap-filled sponges. In April 2006, Spongetech registered the resale of shares of its common stock with the Commission by filing a Form SB-2 with the Commission. Spongetech later filed periodic reports with the Commission under Section 15(d) of the Securities Exchange Act of 1934 ("Exchange Act"). On September 28, 2009, Spongetech filed a registration statement for its common stock with the Commission under Section 12(g) of the Exchange Act, which became effective on the same date. From 2006 until October 5, 2009, Spongetech's common stock was quoted on the Over-the-Counter Bulletin Board as "SPNG" and then as "SPNGE." On October 5, 2009, the Commission issued an order temporarily suspending the trading of Spongetech common stock. Since the expiration of the trading suspension, Spongetech's common stock has continued to trade on an unsolicited basis in the grey market.

3. On June 12, 2012, a judgment was entered against Moskowitz, by consent, in the civil action entitled *SEC v. Spongetech Delivery Systems, Inc., et al.*, Civil Action No. 10-2031, in the United States District Court for the Eastern District of New York. The judgment permanently enjoined Moskowitz from violations of Sections 5 and 17(a) of the Securities Act of 1933 ("Securities Act"), Sections 10(b) and 13(b)(5) of the Exchange Act, and Exchange Act Rules 10b-5, 13b2-1, 13b2-2, and 15d-14, and from aiding and abetting violations of Sections 13(a), 13(b)(2)(A), 13(b)(2)(B), and 15(d) of the Exchange Act and Exchange Act Rules 12b-20, 13a-13, 15d-1, and 15d-13. The judgment also, among other things, barred Moskowitz from serving as an officer or director of a public company, and engaging in any offering of penny stock pursuant to Securities Act Section 20(g) and Exchange Act Section 21(d)(6).

4. The Commission's complaint alleged that from at least April 2007, Moskowitz and others engaged in a scheme to increase demand illegally for, and profit from, the unregistered sale of publicly-traded stock in Spongetech by, among other things, "pumping" up demand for Spongetech stock through false public statements about non-existent Spongetech customers, fictitious sales orders, and phony revenue. They also repeatedly and fraudulently understated the number of Spongetech's outstanding shares in press releases and public filings. The purpose of flooding the market with false public information was to fraudulently inflate the

price for Spongetech shares so Moskowitz and others could then “dump” the shares by illegally selling them to the public through affiliated entities in unregistered transactions. Among other things, the complaint further alleged that Spongetech, at the direction of Moskowitz and a co-defendant, filed periodic reports with the Commission that contained materially false and misleading statements and materially overstated revenues, created materially false purchase orders, invoices, and other documents, and failed to ensure that Spongetech maintained accurate books and records or implemented effective internal controls.

IV.

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

Accordingly, it is hereby ORDERED, effective immediately, that Steven Y. Moskowitz is suspended from appearing or practicing before the Commission as an accountant.

By the Commission.

Elizabeth M. Murphy
Secretary