

ORDER

III.

On the basis of Respondent's Offer, the Board finds^{1/} that:

A. Respondent

1. Baumgarten & Company LLP is a limited liability partnership located in Cleveland, Ohio. It is licensed under the laws of Ohio to engage in the practice of public accounting (License No. EMPL.4115008-PR). The firm registered with the Board on August 15, 2007, pursuant to Section 102 of the Act and Board rules. The firm last issued an audit report on February 21, 2003, prior to the Board's registration requirements.

B. Violations

2. Pursuant to Section 102(d) of the Act, PCAOB Rule 2200, *Annual Report*, provides that "[e]ach registered public accounting firm must file with the Board an annual report on Form 2" PCAOB Rule 2201, *Time for Filing Annual Report*, sets forth that the deadline for filing the annual report is June 30 of each year. In violation of Section 102(d) of the Act and Rule 2200, Baumgarten failed to timely file an annual report for 2010, 2011, and 2012.

3. In addition, pursuant to Section 102(f) of the Act, PCAOB Rule 2202, *Annual Fee*, provides that "[e]ach registered public accounting firm must pay an annual fee to the Board on or before July 31" In violation of Rule 2202, Baumgarten failed to timely pay its annual fee in 2010, 2011, and 2012.

C. Subsequent Events

4. The Board instituted these proceedings on December 11, 2012. Baumgarten failed to file an answer pursuant to PCAOB Rule 5421(b).

5. On December 18, 2012, Baumgarten paid its annual fees for 2010, 2011, and 2012.

6. On January 9, 2013, Baumgarten filed its annual reports for 2010, 2011 and 2012.

^{1/} The findings herein are made pursuant to Respondent's Offer and are not binding on any other person or entity in this or any other proceeding.

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7. On January 9, 2013, Baumgarten filed a Form 1-WD to request leave to withdraw its registration from the Board.

IV.

In view of the foregoing, and to protect the interests of investors and further the public interest in the preparation of informative, accurate, and independent audit reports, the Board determines it appropriate to impose the sanctions agreed to in Respondent's Offer. Accordingly, it is hereby ORDERED that:

- A. Pursuant to Section 105(c)(4)(E) of the Act and PCAOB Rule 5300(a)(5), Baumgarten is censured; and
- B. Pursuant to Section 105(c)(4)(D) of the Act, and PCAOB Rule 5300(a)(4), a civil money penalty in the amount of \$2000 is imposed upon Baumgarten. All funds collected by the Board as a result of the assessment of this civil money penalty will be used in accordance with Section 109(c)(2) of the Act. Baumgarten shall pay this civil money penalty within 10 days of the issuance of this Order by (a) wire transfer pursuant to instructions provided by Board staff; or (b) United States postal money order, certified check, bank cashier's check or bank money order; (c) made payable to the Public Company Accounting Oversight Board; (d) delivered to the Controller, Public Company Accounting Oversight Board, 1666 K Street, N.W., Washington D.C. 20006; and (e) submitted under a cover letter, which identifies Baumgarten as a respondent in these proceedings, sets forth the title and PCAOB Release number of these proceedings, and states that payment is made pursuant to this Order, a copy of which cover letter and money order or check shall be sent to Office of the Secretary, Attention: Phoebe W. Brown, Secretary, Public Company Accounting Oversight Board, 1666 K Street, N.W., Washington D.C. 20006.

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V.

Upon performance by Baumgarten of Part IV above, pursuant to PCAOB Rule 2107, the Board shall consider Baumgarten's Form 1-WD and whether to grant it leave to withdraw. In doing so, the Board shall not take into consideration its findings contained in Part III herein.

ISSUED BY THE BOARD.

/s/ Phoebe W. Brown

Phoebe W. Brown
Secretary

February 21, 2013