



Public Company Accounting Oversight Board

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ORDER GRANTING PETITION TO )  
TERMINATE BAR AND CONSENTING TO )  
ASSOCIATION WITH A REGISTERED ) PCAOB Release No. 105-2010-001  
PUBLIC ACCOUNTING FIRM )  
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February 12, 2010  
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*In the Matter of Stephen J. Nardi, CPA.* )  
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On December 14, 2007, the Public Company Accounting Oversight Board ("Board" or "PCAOB") issued an order instituting disciplinary proceedings, making findings and imposing sanctions that barred Stephen J. Nardi, CPA ("Nardi"), from being an associated person of a registered public accounting firm.<sup>1/</sup> Nardi was permitted, pursuant to the order, to petition for Board consent to associate with a registered public accounting firm after one year from the date of the order. Nardi has filed a petition to terminate the bar and for Board consent to associate with Asher & Company, Ltd. ("Asher"), a public accounting firm registered with the Board pursuant to Section 102 of the Sarbanes-Oxley Act of 2002 and PCAOB Rules. By this Order, the Board is granting Mr. Nardi's petition.

In the order imposing sanctions against Nardi, the Board found that Nardi was a partner with BDO Seidman, LLP ("BDO"), a registered public accounting firm, and the lead engagement partner for BDO's audit of the financial statements of Hemispherx Biopharma, Inc. ("Hemispherx") for the fiscal year ended December 31, 2004. The Board found that Nardi violated PCAOB Auditing Standard No. 3 by, among other things, directing an audit manager to alter work papers to indicate falsely that she had performed a timely detailed review, and by adding and backdating his own initials to certain audit work papers. Nardi consented to the entry of the Order without admitting or denying the findings in it, except as to Board's jurisdiction over him and the subject matter of the proceedings, which he admitted.

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<sup>1/</sup> *In the Matter of Stephen J. Nardi, CPA*, PCAOB Release No. 105-2007-008 (December 14, 2007).

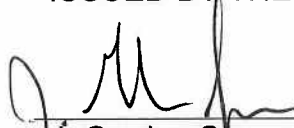
PCAOB Rule 5302(b) governs petitions to terminate a bar from being an associated person of a registered public accounting firm. Such petitions must be supported by an affidavit addressing certain factors and to include certain exhibits as specified in PCAOB Rule 5302(b)(2). PCAOB Rule 5302(b)(3) requires the petitioner to make a showing satisfactory for the Board to be able to determine that the proposed association would be consistent with the public interest. Such a determination depends on the petitioner's specific facts and circumstances.

On the basis of the information supplied and representations made relating to factors identified in PCAOB Rule 5302(b)(4), it appears that Nardi has met the requirements of PCAOB Rule 5302(b) and that he has complied with the December 14, 2007, order barring him from being an associated person of a registered public accounting firm. Moreover, nothing has come to the Board's attention that would be a basis for an adverse decision on Nardi's petition.

In view of the foregoing, the Board determines that the proposed association would be consistent with the public interest. Accordingly, it is hereby ORDERED that:

- A. The Board consents to Stephen J. Nardi's association with Asher & Company, Ltd., a registered public accounting firm; and
- B. The bar against Stephen J. Nardi from being an associated person of a registered public accounting firm is hereby terminated.

ISSUED BY THE BOARD.

  
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J. Gordon Seymour  
Secretary

February 12, 2010