

PreHearing Conference
Held



Re: Admin File No. 3-19733

March 3, 2024

STATEMENT PERTAINING TO PRE HEARING CONFERENCE HELD

Pursuant to OIP Order dated Feb. 5, 2024, Release No. 6542, I am filing my statement regarding the abbreviated PreHearing Conference between myself and staff attorney Alexander Mircea Vasilescu 2/29/2024.

On 2/29/2024 Alexander Mircea Vasilescu, SEC staff attorney contacted me thru my case manager Springer and I agreed to take the call.

The Commission ordered this PreHearing Conference per 201.221. I outlined the following to staff attorney Vasilescu;

1. That little to NO Discovery has been provided to me, other than court copies and a transcript and sentencing papers, as evidenced by Vasilescu's letter (included) dated 7/21/2020.
2. Despite REPEATED requests for Discovery, NONE has been produced by Vasilescu or the SEC.
3. I have never received: per 201.230- Availability of Documents;
 - a. Investigation papers or reports that commenced with or prior with the Dec. 2017 visit by SEC Investigators to my office.
 - b. Affidavits
 - c. Emails
 - d. Depositions
 - e. Complaints
 - f. No identification of whom filed complaints against me.

201.230 States "Unless otherwise provided by this section, or by order of the commission or hearing officer, the Director of Enforcement shall make available for inspection or copying by any party documents obtained by the Division PRIOR to the instituting of proceedings. Such documents shall include;

1. Each Subpoena
2. Every other written request to persons not employed by the commission to provide documents or to be interviewed;
3. The documents turned over in response to any such subpoena or other written requests;
4. All transcripts and transcript exhibits;
5. Any other documents obtained from persons not employed by the commission; and

(b)(3) Nothing in this paragraph (b) authorizes the Div. of Enforcement in connection with an enforcement or disciplinary proceeding to withhold, contrary to the doctrine of BRADY v. MARYLAND, 373 U.S. 83,87 (1963), documents that contain material exculpatory evidence.

After a few minutes of discussion on the telephone, staff attorney Alexander Mircea Vasilescu, started yelling at me and calling me names, making me feel threatened, intimidated and uncomfortable.

Due to Vasilescu's intentional intimidation I had to end the telephone conference completely.

I have included a copy of my Formal Complaint of Vasilescu's verbal attack and intimidation attempt to the SEC's relevant authority of Staff Complaints, to the Office of the General Counsel, Associate for General Counsel for Litigation & Administrative Practice. I copied 4 other SEC staff as well as Chairman Gensler directly.

In essence the Pre Conference was not productive at all, if not harmful to me and once again I asked for Discovery and was denied.



Nicholas J. Genovese

3/3/2024
Date

CERTIFICATE OF SERVICE

to

SECURITIES AND EXCHANGE COMMISSION

Admin. Proc. File No. 3-19733

Pursuant to S.E.C. Rules of Practice Rule 150, 17 C.F.R. 201.150 and Rule of Practice 151(d), 17 C.F.R. 201.151(d) I have mailed the attached document(s)

Prehearing Statement

" via First Class U.S. Mail

as indicated in the Letter/Motion from a Federal Prison Camp in Terre Haute, IN.

I placed said documents in the mail box on the premises of the Federal Prison Camp on March 3 2024 to the below;

Alexander Vasilescu
New York Regional Office
S.E.C.
100 Pearl St. Suite 20-100
New York, NY 10004-2616

Vanessa A. Countryman/Secretary
S.E.C.
100 F Street, NE
Washington, D.C. 20549

Nicholas J. Genovese

Date

3-3-2024