

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-20928

In the Matter of

Richard Gearhart,

Respondent.

DIVISION OF ENFORCEMENT'S
SECOND STATEMENT
CONCERNING PREHEARING
CONFERENCE

The Division of Enforcement (the "Division"), by and through its undersigned counsel, respectfully submits this Second Statement Concerning Prehearing Conference as directed by the Securities and Exchange Commission's (the "Commission") Order Directing Prehearing Conference (the "Order").

1. The Commission issued an order instituting administrative proceedings ("OIP") on July 7, 2022, pursuant to Section 203(f) of the Investment Advisers Act of 1940, against Richard Gearhart ("Gearhart").

2. Due to Gearhart's incarceration, the parties have not yet been able to hold a Prehearing Conference. In an attempt to schedule a Prehearing Conference, the Division contacted the institution at which Gearhart is incarcerated on July 14, 2023. The institution advised the Division that Gearhart's assigned counselor would contact the Division to schedule a conference, but the Division did not hear from that individual, John Domitrovich, until August 8, 2023.

3. The Division is currently working with Mr. Domitrovich to schedule a telephonic Prehearing Conference with Gearhart. The Division will advise the Commission about the status of these efforts on or before September 8, 2023.

Respectfully submitted,

/s/ Andrew P. O'Brien

Andrew P. O'Brien

Counsel for Division of Enforcement

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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2023, the Division of Enforcement electronically filed a Second Statement Concerning Prehearing Conference in the above-captioned matter. The Division then served that document upon Richard Gearhart on August 11, 2023 by mailing a copy of the same to:

Richard Gearhart



Respectfully submitted,

/s/ Andrew P. O'Brien

Andrew P. O'Brien

Counsel for Division of Enforcement