

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 FIFTH
STATEMENT CONCERNING
PREHEARING CONFERENCE**

The Division of Enforcement (the "Division"), by and through its undersigned counsel, respectfully submits this Fifth Statement Concerning Prehearing Conference as promised in the Division's Fourth Statement Concerning Prehearing Conference, dated October 10, 2024.

1. In its Fourth Statement Concerning Prehearing Conference, the Division advised the Commission that it had spoken with staff at the Residential Reentry Management field office in Chicago, Illinois (RRM-Chicago), the halfway house where Mr. Gearhart is currently finishing his prison sentence. On October 9, 2024, staff at RRM Chicago advised the Division that RRM-Chicago would instruct Mr. Gearhart to call the undersigned counsel's office on October 22, 2024 at 3:00 P.M. CST to conduct the Prehearing Conference.

2. Mr. Gearhart failed to contact the Division at the time scheduled for the Prehearing Conference.

3. Accordingly, because it has not been able to conduct a Prehearing Conference despite numerous attempts, and in accordance with its Fourth Statement Concerning Prehearing Conference, the Division will file its motion for summary disposition pursuant to Rule 250 not later than November 30, 2024.

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 October 30, 2024, the Division of Enforcement electronically filed a Fifth and Final Statement Concerning Prehearing Conference in the above-captioned matter. The Division then served that document upon Richard Gearhart on October 30, 2024 by mailing a copy of the same to:

Richard Gearhart
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respectfully submitted,

/s/ Andrew P. O'Brien

Andrew P. O'Brien

Counsel for Division of Enforcement