

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6476 / November 3, 2023

Admin. Proc. File No. 3-20928

In the Matter of
RICHARD GEARHART

ORDER DIRECTING FILING OF STATUS REPORT REGARDING PREHEARING
CONFERENCE

On July 7, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings pursuant to Section 203(f) of the Investment Advisers Act of 1940 against Richard Gearhart.¹ On April 25, 2023, the Commission issued an order requiring the parties to conduct a prehearing conference and file a statement with the Office of the Secretary advising the Commission of any agreements reached at the conference.²

On August 10, 2023, the Division of Enforcement filed a statement informing the Commission that, due to Gearhart's incarceration, the parties had not yet been able to hold a prehearing conference. The Division also stated that it was attempting to schedule a telephonic conference with Gearhart and would update the Commission about the status of these efforts on or before September 8, 2023. The Division did not file such an update.

¹ *Richard Gearhart*, Advisers Act Release No. 6064, 2022 WL 2531752 (July 7, 2022).

² *Richard Gearhart*, Advisers Act Release No. 6292, 2023 WL 3090039 (Apr. 25, 2023).

Accordingly, IT IS ORDERED that the Division of Enforcement file a report concerning the status of its efforts to schedule and hold the prehearing conference by December 4, 2023, and every 28 days thereafter until the conference is held.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary