

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6542 / February 5, 2024

Admin. Proc. File No. 3-19733

In the Matter of
NICHOLAS J. GENOVESE

ORDER REGARDING PREHEARING CONFERENCE

On March 24, 2020, the Securities and Exchange Commission issued an order instituting proceedings (“OIP”) against Nicholas J. Genovese (“Respondent”) pursuant to Section 203(f) of the Investment Advisers Act of 1940.¹ The OIP directed the parties to conduct a prehearing conference within 14 days of service of Respondent’s answer to the OIP and, following the conference, to file a statement with the Office of the Secretary advising the Commission of any agreements reached at said conference.² If a prehearing conference was not held, the parties were ordered to file a statement advising the Commission of that fact and of the efforts made to meet and confer.³ Respondent filed an answer with the Commission on or about November 25, 2023.⁴ In his answer, Respondent stated that he expected the Division of Enforcement to contact him at the federal prison facility at which he is currently located to conduct the prehearing conference and identified a “camp counselor” who could arrange for the conference. The parties have not filed any statement regarding a prehearing conference.

Accordingly, IT IS ORDERED that by March 6, 2024, the parties shall file a statement with the Office of the Secretary advising the Commission of any agreements reached at the prehearing conference specified by the OIP. If a prehearing conference was not held, both parties shall file by that date a statement, jointly or separately, advising the Commission of that fact and of the efforts made to meet and confer. Pursuant to Rule of Practice 180(c), a party’s failure to comply with this order may result in the Commission’s determination of the matter at

¹ *Nicholas J. Genovese*, Advisers Act Release No. 5468, 2020 WL 1433033 (Mar. 24, 2020).

² *Id.* at *2.

³ *Id.*

⁴ The Office of the Secretary received the submission on December 13, 2023. *See* <https://www.sec.gov/litigation/apdocuments/3-19733> (online docket for this proceeding).

issue against that party, entry of a default, dismissal of the proceeding, or the prohibition of the introduction of evidence or the exclusion of testimony regarding the matter at issue.⁵

We remind the parties that any document filed with the Commission must also be served upon all participants in the proceeding and be accompanied by a certificate of service.⁶

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

Vanessa A. Countryman
Secretary

⁵ 17 C.F.R. § 201.180(c).

⁶ See Rule of Practice 150, 17 C.F.R. § 201.150 (generally requiring parties to serve each other with their filings); Rule of Practice 151(d), 17 C.F.R. § 201.151(d) (“Papers filed with the Commission . . . shall be accompanied by a certificate stating the name of the person or persons served, the date of service, the method of service, and the mailing address or email address to which service was made, if not made in person.”).