

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6570 / March 8, 2024

Admin. Proc. File No. 3-20928

In the Matter of

RICHARD GEARHART

SECOND ORDER DIRECTING FILING OF STATUS REPORT REGARDING
PREHEARING CONFERENCE

On July 7, 2022, the Securities and Exchange Commission issued an order instituting 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 directing 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 held a prehearing conference.

On November 3, 2023, the Commission issued an additional order directing the Division to file a report concerning the status of its efforts to hold a prehearing conference. The order directed that such status report was to be filed by December 4, 2023, and every 28 days thereafter until a conference is held.³ On December 4, 2023, the Division filed a statement informing the Commission that it was attempting to schedule a prehearing conference with Gearhart's assigned counselor but had been unable to do so. Although the Division stated at that time that it would file updates regarding its efforts to schedule such conference every 28 days thereafter, it has yet to do so.

Accordingly, IT IS ORDERED that the Division of Enforcement file a report concerning the status of its efforts to hold a prehearing conference in this matter by April 5, 2024, and every 28 days thereafter until such conference is held.

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).

³ *Richard Gearhart*, Advisers Act Release No. 6476, 2023 WL 7279482 (Nov. 3, 2023).

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

Vanessa A. Countryman
Secretary