

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-20928

<p>In the Matter of</p> <p style="text-align:center">Richard Gearhart,</p> <p>Respondent.</p>
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**DIVISION OF ENFORCEMENT'S THIRD
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. On August 10, 2023, the Division filed its Second Statement Concerning Prehearing Conference.
2. In its Second Statement Concerning Prehearing Conference, the Division advised the Commission that, due to Gearhart's incarceration, the parties had not yet been able to hold a Prehearing Conference and that the Division was communicating with Gearhart's assigned counselor, John Domitrovich about scheduling a Prehearing Conference.
3. After an initial exchange of messages, a number of weeks passed without any word from Mr. Domitrovich. The Division understands that Mr. Domitrovich only works Tuesdays,

Wednesdays, and Thursdays. Accordingly, the Division recently reached out to Mr. Domitrovich again and advised that it could be available for a Prehearing Conference at any time convenient for Mr. Domitrovich on any of his workdays during the week of December 11, 2023. The Division is hopeful that Mr. Domitrovich will be able to find time for the conference that week. If he cannot, the Division will continue its efforts to schedule a Prehearing Conference as soon as Mr. Domitrovich's schedule permits.

4. Pursuant to the Commission's Order dated November 3, 2023, the Division will update the Commission on its efforts to schedule a Prehearing Conference every 28 days until such time as we have been able to hold the Prehearing Conference.

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 December 4, 2023, the Division of Enforcement electronically filed a Third Statement Concerning Prehearing Conference in the above-captioned matter. The Division then served that document upon Richard Gearhart on December 4, 2023 by mailing a copy of the same to:

Richard Gearhart
Register No. [REDACTED]
USP Tucson
U.S. Penitentiary
PO Box 24550
Tucson, Arizona 85734

Respectfully submitted,

/s/ Andrew P. O'Brien
Andrew P. O'Brien
Counsel for Division of Enforcement