

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-21831

In the Matter of

Edward F. Hackert, CPA,

Respondent.

JOINT STATEMENT REGARDING HEARING DATE

Pursuant to the Order Regarding Hearing Date issued on March 22, 2024, the Division of Enforcement (“Division”) and Respondent Edward F. Hackert (“Hackert”) respectfully submit this Joint Statement regarding a hearing date in this proceeding.

On January 18, 2024, the Commission issued an order instituting proceedings (“OIP”) against Hackert. On February 5, 2024, the Division filed a motion to amend the OIP to correct certain factual errors.

On February 27, 2024, Hackert filed an action in the U.S. District Court for the Southern District of New York, seeking, *inter alia*, a declaration that this administrative proceeding is unconstitutional and injunctive relief to enjoin the Commission from continuing this proceeding. *See Hackert v. SEC*, No. 1:24-cv-01477-NRB (S.D.N.Y.).

On March 12, 2024, the Commission granted the Division’s motion to amend and issued an Amended OIP. The Amended OIP was served on Hackert that same day.

On March 22, 2024, the Commission issued an Order Regarding Hearing Date, stating that “in the absence of Hackert’s consent to a later hearing date, a public hearing will be set for a date on or before May 13, 2024.” Order, Mar. 22, 2024, at 2. The March

22 Order also directed the parties to “file a statement advising the Commission of any agreement to a later hearing date (or a statement that no such agreement could be reached) by April 3, 2024.” *Id.*

Pursuant to the March 22 Order, Hackert and the Division hereby advise the Commission that they agree the hearing in this proceeding should take place after May 13, 2024. Further, in accordance with the Amended OIP, the parties anticipate conducting a prehearing conference within 14 days after Hackert’s Answer is served, and thereafter filing a statement advising the Commission of any agreements reached regarding a proposed date for the hearing and the other matters set forth in SEC Rule of Practice 221(c). *See* Am. OIP at 16.

Dated: March 27, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2024, the foregoing document was filed via eFAP and served on the following by the following means:

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