

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

In the matter of:

Agency No. 336358

ANTHONY KEVIN SWART  
CRD No. 2376424

Applicant.

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Issued and entered  
This 25th day of September, 2018

STIPULATION AND ORDER FOR WITHDRAWAL

A. Relevant information and statutory provisions, under the Michigan Uniform Securities Act (2002) (the "Act"), 2008 PA 551, MCL 451.2101 *et seq.*:

1. Anthony Kevin Swart ("Applicant") was previously registered as a securities agent through multiple broker-dealers under the Act in Michigan, most recently through Suntrust Investment Services, Inc. (CRD No. 17499), until his registration was terminated on March 13, 2018, for affixing client signatures on updated forms, contrary to firm policies.
2. On May 3, 2018, Applicant filed an application for registration as a securities agent in Michigan with the State of Michigan, Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau (the "Bureau"). The Director of the Bureau serves as the Administrator of the Act (the "Administrator").
3. Applicant is assigned CRD No. 2376424.
4. Applicant is currently employed by and/or associated with Benjamin F. Edwards & Company, Inc. (CRD No. 146936), a Michigan-registered broker-dealer.
5. Applicant was represented by, and had the advice of, legal counsel throughout the process of resolving his application status in Michigan.
6. Applicant neither admits nor denies that his disclosure history, as set forth above and in more detail in the Notice of Intent to Deny, Condition, or Limit Securities Agent Registration Application (the "NOI," ) issued and entered June 14, 2018, is grounds to deny Applicant's application for registration, under Section 412 of the Act, MCL 451.2412.

7. The Administrator and Applicant determined that Applicant will withdraw his application by submitting a Form U-5 to the Central Registration Depository under the terms in the following Stipulation.

## B. STIPULATION

Applicant and the Administrator (the "Parties") agree that Applicant will withdraw his application to become registered as a securities agent in Michigan within fifteen (15) days after the mailing date this Stipulation and Order with the following conditions:

1. If Applicant applies to become an investment adviser representative or securities agent in Michigan in the future, he agrees to waive any assertion or claim that MCL 451.2412(9)'s one-year time limit on the Administrator's action after knowledge of material facts bars the Administrator from using the facts set out in the June 14, 2018 NOI when considering future applications.
2. Applicant acknowledges and agrees that: (a) the Administrator has jurisdiction and authority to enter this Administrative Consent Order; (b) the Administrator may enter this Administrative Consent Order without any further notice to Respondent; and (c) upon entry of this Administrative Consent Order, it is final and binding, and Applicant waives any right to a hearing or appeal of this Administrative Consent Order and the NOI under the Securities Act, the rules promulgated under the Securities Act or the predecessor Act, the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 *et seq.*, or other applicable law.
3. The Parties agree that this Stipulation and Order is not intended to be a final order based on violations of the Act that prohibit fraudulent, manipulative, or deceptive conduct. The Parties further agree that this Stipulation and Order does not and shall not be interpreted to subject the Applicant to disqualification, or to form the basis for such a disqualification, under the federal securities laws, or rules or regulations thereunder, or the rules and regulations of any self-regulatory organization, or the securities laws, rules, and regulations of the various states, commonwealths, and territories of the United States of America, including without limitation, any disqualification from relying upon the exemptions from securities registration or related safe harbor provisions described in SEC Regulation D, Rules 505(b)(iii) or 506(d), or SEC Regulation A, Rule 262; or as defined in Section 3(39) of the

Securities Exchange Act of 1934, as amended, and as used therein; or Section 203(e)(9) of the Investment Advisers Act of 1940, as amended.

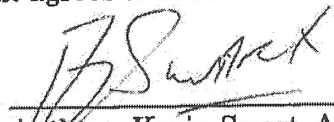
4. The Parties agree that this Stipulation and Consent Order resolves only Applicant's application status in Michigan as raised in the NOI and does not address any other conduct engaged in by Applicant, including, but not limited to, or any activities by Applicant occurring after the date this Consent Order is issued.
5. Applicant agrees to comply with the Securities Act in connection with all future conduct and activities, including but not limited to, ensuring that he is registered or exempt before effecting any further securities transactions in Michigan and ensuring that any securities he offers or sells in Michigan are registered or exempt.
6. Applicant agrees to comply with any reasonable investigative demands made by the Bureau in the future for purposes of ensuring compliance with this Administrative Consent Order or the Securities Act.
7. The Parties acknowledge and agree that the Administrator retains the right to pursue any action or proceeding permitted by law to enforce the provisions of this Consent Order, and that failure to comply with this Consent Order may result in the reinstitution of the NOI, pending any other action the Administrator chooses to take as a result of Respondent's failure to comply.
8. The Parties further agree that this matter is a public record required to be published and made available to the public, consistent with section 11 of the Michigan Freedom of Information Act, 1976 PA 442, as amended, MCL 15.241. The Administrator currently publishes copies of orders issued under the Act to the Bureau's website and posts summaries of those orders on monthly disciplinary action reports. The Administrator will also update its Form U6 filed with the CRD.
9. The Parties agree that facsimile or electronically-transmitted signatures may be submitted in connection with this Consent Order and are binding on that party to the same extent as an original signature.

Through his signature, Applicant agrees to the above terms and conditions.

Dated:

9/4/18

Signed:


  
\_\_\_\_\_  
Anthony Kevin Swart, Applicant

Anthony Kevin Swart  
Stipulation and Order  
Agency No. 336358  
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Acknowledged and Reviewed by:

Dated: 9/18/18

Signed:

  
\_\_\_\_\_  
Gary Saretsky  
Respondent's Attorney

Approved by:

Dated: \_\_\_\_\_

Signed:

\_\_\_\_\_  
Timothy L. Teague  
Bureau Securities & Audit Division Director




Anthony Kevin Swart  
Stipulation and Order  
Agency No. 336358  
Page 4 of 5

Acknowledged and Reviewed by:

Dated: 9/18/18

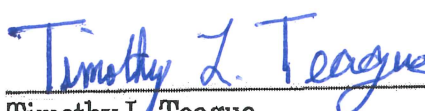
Signed:

  
\_\_\_\_\_  
Gary Saretsky  
Respondent's Attorney

Approved by:

Dated: 9.19.18

Signed:


  
\_\_\_\_\_  
Timothy L. Teague  
Bureau Securities & Audit Division Director

Anthony Kevin Swart  
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Agency No. 336358  
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**C. ORDER**

The Administrator NOW, THEREFORE, ORDERS:

APPLICANT'S REQUEST TO WITHDRAW HIS REGISTRATION AS A  
SECURITIES AGENT IS GRANTED, EFFECTIVE ON THIS ORDER'S MAILING  
DATE, IN ACCORD WITH THE FULLY EXECUTED STIPULATION  
CONTAINED HEREIN.

  
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Julia Dale, Bureau Director  
(Administrator)

**STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU**

In the matter of:

Agency No. 336358

ANTHONY KEVIN SWART  
CRD# 2376424

Applicant.

\_\_\_\_\_ /

Issued and entered  
This 14<sup>th</sup> day of June, 2018

**NOTICE OF INTENT TO DENY, CONDITION, OR LIMIT  
SECURITIES AGENT REGISTRATION APPLICATION**

**I. RELEVANT FACTS AND APPLICABLE LAW.**

Relevant information and statutory provisions, under the Michigan Uniform Securities Act (2002) ("the Securities Act"), 2008 PA 551, as amended, MCL 451.2101 *et seq.*

1. Anthony Kevin Swart ("Applicant") has previously been registered as a securities agent through multiple broker-dealers under the Securities Act in Michigan. Applicant was most recently registered as a securities agent through Suntrust Investment Services, Inc. (CRD#17499), until his registration was terminated on or around March 13, 2018 for affixing client signatures on updated forms, contrary to firm policies.
2. Applicant applied for registration as a securities agent through Benjamin F. Edwards & Company, Inc. (CRD#146936), a Michigan-registered broker-dealer on or around May 3, 2018; the application became complete on or around May 23, 2018.
3. A review of information related to Applicant's securities agent registration application by staff at the Corporations, Securities, and Commercial Licensing Bureau ("the Bureau") within the State of Michigan Department of Licensing and Regulatory Affairs revealed that Respondent, while employed by Suntrust Investment Services, Inc., altered customer documents by affixing signature pages from one document upon another version of the same document. Suntrust Investment Services, Inc. terminated Applicant for this behavior in the securities industry.
4. The Director of the Bureau ("Administrator") has reviewed materials relating to the May 23, 2018 application referred to in paragraph 2, above. The Administrator finds that Applicant's conduct in the securities industry within the previous ten years, discussed in paragraph 3, was dishonest or unethical. Based on Applicant's past conduct discussed above and hereafter, the Administrator has determined that the denial, conditioning, or

limitation of Applicant's securities agent registration application is authorized, appropriate, and in the public interest.

5. Section 412(1) of the Securities Act, MCL 451.2412(1), provides that if the Administrator finds that the Order is in the public interest and MCL 451.2412(4) authorizes the action, the Administrator may issue an Order denying, conditioning, or limiting an application for registration as a securities agent.
6. Section 412(4) of the Securities Act, MCL 451.2412(4) states in relevant part:  
  
(4) A person may be disciplined under subsections (1) to (3) if any of the following apply to the person:

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(m) The person has engaged in dishonest or unethical practices in the securities, commodities, investment, franchise, banking, finance, or insurance business within the previous 10 years...

7. Section 412(6) of the Securities Act, MCL 451.2412(6), authorizes the Administrator to deny a registration application pending final determination of an administrative proceeding.
8. The Administrator may deny, condition, or limit Applicant's securities agent registration application under sections 412(1) and 412(4)(m) of the Securities Act, MCL 451.2412(1) and MCL 451.2412(4)(m), because Applicant engaged in dishonest or unethical business practices in the securities industry within the previous ten years when he altered customer documents by affixing signatures from one document upon another version of the same document.

## **II. ORDER.**

The Administrator finds that this ORDER is authorized, appropriate, and in the public interest based on the above-cited facts and law.

IT IS ORDERED as follows:

1. The Administrator intends to deny, condition, or limit the securities agent registration application of Anthony Kevin Swart, under section 412(1) of the Securities Act, MCL 451.2412(1), because Applicant engaged in dishonest or unethical behavior in the securities industry within the previous ten years, which supports the denial, conditioning, or limitation of his registration application under the above-cited provisions of the Michigan Uniform Securities Act (2002), 2008 PA 551, MCL 451.2101 *et seq.*
2. In accordance with sections 412(1) and (6) of the Securities Act, MCL 451.2412(1) and (6): This is NOTICE that the Administrator intends to deny, condition, or limit Applicant's



securities agent registration application, and that Applicant has thirty (30) calendar days after the date that this Order is served on Applicant to submit a written request to the Administrator that this matter be scheduled for a hearing. If the Administrator timely receives a written request, the Administrator shall schedule a hearing within 15 days after receipt of the written request. If a hearing is not requested by Applicant or is not ordered by the Administrator within 30 days after the date of service of this Order, Applicant's application for securities agent registration will be DENIED. If a hearing is requested or ordered, the Administrator, after notice of and an opportunity for hearing to Applicant, may modify or vacate this Order or extend the Order until final determination.

3. Applicant is responsible for notifying his relevant supervisor and/or the Chief Compliance Officer of his employing firm of the issuance of this Order according to firm policies or procedures. A copy of this Order will not be mailed to Applicant's supervisor or the firm's Chief Compliance Officer. Agency representatives will only discuss this Order with a representative of Applicant's employing firm when Applicant or an attorney on Applicant's behalf is also present, because the firm is not a party to this administrative proceeding.

**If Applicant requests a hearing, the request must be in writing and filed with the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Regulatory Compliance Division, P.O. Box 30018, Lansing, MI 48909.**

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
CORPORATIONS, SECURITIES, AND COMMERCIAL LICENSING BUREAU

By:



Julia Dale, Administrator and Director  
Corporations, Securities & Commercial Licensing Bureau