

BrokerCheck Report

HAROLD JAMES SWART JR

CRD# 2912854

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When communicating online or investing with any professional, make sure you know who you're dealing with. [Imposters](#) might link to sites like BrokerCheck from [phishing](#) or similar scam websites, or through [social media](#), trying to steal your personal information or your money.

Please contact FINRA with any concerns.

About BrokerCheck®



BrokerCheck offers information on all current, and many former, registered securities brokers, and all current and former registered securities firms. FINRA strongly encourages investors to use BrokerCheck to check the background of securities brokers and brokerage firms before deciding to conduct, or continue to conduct, business with them.

- **What is included in a BrokerCheck report?**

- BrokerCheck reports for individual brokers include information such as employment history, professional qualifications, disciplinary actions, criminal convictions, civil judgments and arbitration awards. BrokerCheck reports for brokerage firms include information on a firm's profile, history, and operations, as well as many of the same disclosure events mentioned above.
- Please note that the information contained in a BrokerCheck report may include pending actions or allegations that may be contested, unresolved or unproven. In the end, these actions or allegations may be resolved in favor of the broker or brokerage firm, or concluded through a negotiated settlement with no admission or finding of wrongdoing.

- **Where did this information come from?**

- The information contained in BrokerCheck comes from FINRA's Central Registration Depository, or CRD® and is a combination of:
 - information FINRA and/or the Securities and Exchange Commission (SEC) require brokers and brokerage firms to submit as part of the registration and licensing process, and
 - information that regulators report regarding disciplinary actions or allegations against firms or brokers.

- **How current is this information?**

- Generally, active brokerage firms and brokers are required to update their professional and disciplinary information in CRD within 30 days. Under most circumstances, information reported by brokerage firms, brokers and regulators is available in BrokerCheck the next business day.

- **What if I want to check the background of an investment adviser firm or investment adviser representative?**

- To check the background of an investment adviser firm or representative, you can search for the firm or individual in BrokerCheck. If your search is successful, click on the link provided to view the available licensing and registration information in the SEC's Investment Adviser Public Disclosure (IAPD) website at <https://www.adviserinfo.sec.gov>. In the alternative, you may search the IAPD website directly or contact your state securities regulator at <http://www.finra.org/Investors/ToolsCalculators/BrokerCheck/P455414>.

- **Are there other resources I can use to check the background of investment professionals?**

- FINRA recommends that you learn as much as possible about an investment professional before deciding to work with them. Your state securities regulator can help you research brokers and investment adviser representatives doing business in your state.

Thank you for using FINRA BrokerCheck.



Using this site/information means that you accept the FINRA BrokerCheck Terms and Conditions. A complete list of Terms and Conditions can be found at brokercheck.finra.org



For additional information about the contents of this report, please refer to the User Guidance or www.finra.org/brokercheck. It provides a glossary of terms and a list of frequently asked questions, as well as additional resources. For more information about FINRA, visit www.finra.org.

**HAROLD J. SWART JR**

CRD# 2912854

This broker is not currently registered.

Report Summary for this Broker

This report summary provides an overview of the broker's professional background and conduct. Additional information can be found in the detailed report.

Broker Qualifications

This broker is not currently registered.

This broker has passed:

- 0 Principal/Supervisory Exams
- 1 General Industry/Product Exam
- 2 State Securities Law Exams

Registration History

This broker was previously registered with the following securities firm(s):

- B NEW ENGLAND SECURITIES**
CRD# 615
KISSIMMEE, FL
03/2001 - 10/2009
- B AXA ADVISORS, LLC**
CRD# 6627
NEW YORK, NY
07/1997 - 03/2001
- B THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES**
CRD# 4039
NEW YORK, NY
07/1997 - 01/2000

Disclosure Events

This broker has been involved in one or more disclosure events involving certain final criminal matters, regulatory actions, civil judicial proceedings, or arbitrations or civil litigations.

Are there events disclosed about this broker? **Yes**

The following types of disclosures have been reported:

Type	Count
Regulatory Event	3
Civil Event	1

Investment Adviser Representative Information

The information below represents the individual's record as a broker. For details on this individual's record as an investment adviser representative, visit the SEC's Investment Adviser Public Disclosure website at

<https://www.adviserinfo.sec.gov>

Broker Qualifications



Registrations

This section provides the self-regulatory organizations (SROs), states and U.S. territories the broker is currently registered and licensed with, the category of each registration, and the date on which the registration became effective. This section also provides, for each firm with which the broker is currently employed, the address of each branch where the broker works.

This broker is not currently registered.



Broker Qualifications

Industry Exams this Broker has Passed

This section includes all securities industry exams that the broker has passed. Under limited circumstances, a broker may attain a registration after receiving an exam waiver based on exams the broker has passed and/or qualifying work experience. Any exam waivers that the broker has received are not included below. A passed exam or exam waiver does not permit a broker to do business without an active SRO or state registration.

This individual has passed 0 principal/supervisory exams, 1 general industry/product exam, and 2 state securities law exams.

Principal/Supervisory Exams

Exam	Category	Date
No information reported.		

General Industry/Product Exams

Exam	Category	Date
B Investment Company Products/Variable Contracts Representative Examination	Series 6	07/22/1997

State Securities Law Exams

Exam	Category	Date
B Uniform Securities Agent State Law Examination	Series 63	06/18/2001
IA Uniform Investment Adviser Law Examination	Series 65	12/28/1999

Additional information about the above exams or other exams FINRA administers to brokers and other securities professionals can be found at www.finra.org/brokerqualifications/registeredrep/.

Broker Qualifications



Professional Designations

This section details that the representative has reported **0** professional designation(s).

No information reported.



Registration and Employment History

Registration History

The broker previously was registered with the following securities firms:

Registration Dates	Firm Name	CRD#	Branch Location
B 03/2001 - 10/2009	NEW ENGLAND SECURITIES	615	KISSIMMEE, FL
B 07/1997 - 03/2001	AXA ADVISORS, LLC	6627	NEW YORK, NY
B 07/1997 - 01/2000	THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES	4039	NEW YORK, NY

Employment History

This section provides up to 10 years of an individual broker's employment history as reported by the individual broker on the most recently filed Form U4.

Please note that the broker is required to provide this information only while registered with FINRA or a national securities exchange and the information is not updated via Form U4 after the broker ceases to be registered. Therefore, an employment end date of "Present" may not reflect the broker's current employment status.

Employment	Employer Name	Position	Investment Related	Employer Location
03/2001 - Present	NEW ENGLAND SECURITIES	REGISTERED REPRESENTATIVE	Y	ORLANDO, FL, United States
02/1986 - Present	H.J. SWART & CO PA	OTHER - OWNER	N	KISSIMMEE, FL, United States

Disclosure Events



What you should know about reported disclosure events:

- 1. **Disclosure events in BrokerCheck reports come from different sources:**
 - As mentioned at the beginning of this report, information contained in BrokerCheck comes from brokers, their employing firms, and regulators. When more than one source reports information for the same disclosure event, all versions of the event will appear in the BrokerCheck report. The different versions are separated by a solid line with the reporting source labeled.

For your convenience, below is a matrix of the number and status of regulatory disclosure events involving this broker. Further information regarding these events can be found in the subsequent pages of this report. You also may wish to contact the broker to obtain further information regarding these events.

	Final	On Appeal
Regulatory Event	3	0
Civil Event	1	0



Disclosure Event Details

This report provides the information exactly as it was reported to CRD and therefore some of the specific data fields contained in the report may be blank if the information was not provided to CRD.

Regulatory - Final

This type of disclosure event involves a final, formal proceeding initiated by a regulatory authority (e.g., a state securities agency, self-regulatory organization, federal regulator such as the Securities and Exchange Commission, foreign financial regulatory body) for a violation of investment-related rules or regulations.

Disclosure 1 of 3

Reporting Source:	Regulator
Regulatory Action Initiated By:	UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Sanction(s) Sought:	Other: N/A
Date Initiated:	10/26/2017
Docket/Case Number:	3-18264

Employing firm when activity occurred which led to the regulatory action:

Product Type: No Product

Allegations: SEC Admin Release 34-81954; Accounting and Auditing Release 3903, October 26, 2017: The SEC deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted against Harold J. Swart, Jr. CPA pursuant to Rule 102(e)(3)(i) of the Commission's Rules of Practice. In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission's jurisdiction over him and the subject matter of these proceedings, and the findings contained herein, which are admitted, Respondent consents to the entry of this Order Instituting Public Administrative Proceedings Pursuant to Rule 102(e) of the Commission's Rules of Practice, Making Findings, and Imposing Remedial Sanctions. On the basis of this Order and Respondent's Offer, the Commission finds that: On July 27, 2017, the Commission filed a complaint against Swart in Civil Action No. 17-01386 in the United States District Court for the Middle District of Florida. On October 17, 2017, the court entered an order permanently enjoining Swart, by consent, from future violations of Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder,



and directing Swart to comply with the Commission Order. Respondent was also ordered to pay \$41,945.56 in disgorgement of ill-gotten gains and \$5,491.07 in prejudgment interest jointly and severally with a company, and a \$41,945.56 civil money penalty.

Current Status:	Final
Resolution:	Order
Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct?	No
Resolution Date:	10/26/2017
Sanctions Ordered:	Suspension
If the regulator is the SEC, CFTC, or an SRO, did the action result in a finding of a willful violation or failure to supervise?	No
(1) willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board, or to have been unable to comply with any provision of such Act, rule or regulation?	



(2) willfully aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board? or

(3) failed reasonably to supervise another person subject to your supervision, with a view to preventing the violation by such person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any such Acts, or any of the rules of the Municipal Securities Rulemaking Board?

Sanction 1 of 1

Sanction Type:	Suspension
Capacities Affected:	appearing or practicing before the Commission as an accountant
Duration:	Indefinite
Start Date:	10/26/2017
End Date:	

**Regulator Statement**

In view of the foregoing, the Commission deems it appropriate to impose the sanctions agreed to in Respondent's Offer. Accordingly, it is hereby ordered, effective immediately, that Respondent is suspended from appearing or practicing before the Commission as an accountant.

Disclosure 2 of 3

Reporting Source: Regulator

Regulatory Action Initiated By: FINRA

Sanction(s) Sought: Other: N/A

Date Initiated: 06/06/2012

Docket/Case Number: [2009020083301](#)

Employing firm when activity occurred which led to the regulatory action: NEW ENGLAND SECURITIES

Product Type: No Product

Allegations: FINRA AND NASD BY-LAWS ARTICLE V, SECTION 2(C), FINRA RULES 1122, 2010, 8210, NASD RULES 2110, 3030, AND INTERPRETATIVE MATERIAL-1000-1: WHILE ASSOCIATED WITH HIS MEMBER FIRM, SWART WILLFULLY FILED INACCURATE FORM U4S, FAILED TO MAKE OTHER MATERIAL DISCLOSURES ON HIS FORM U4S, AND ALSO FAILED TO TIMELY AMEND HIS FORM U4. THE SECURITIES EXCHANGE COMMISSION FOUND SWART TO HAVE VIOLATED THE SECURITIES EXCHANGE ACT OF 1934, ORDERED HIM TO CEASE AND DESIST FROM FURTHER VIOLATIONS, AND SUSPENDED HIM FROM APPEARING OR PRACTICING BEFORE THE COMMISSION FOR AT LEAST THREE YEARS. THE FORM U4 REQUIRED SWART TO DISCLOSE WHETHER HE HAD BEEN NOTIFIED OF ANY REGULATORY COMPLAINT OR PROCEEDING, BUT HE FAILED TO UPDATE HIS FORM U4 WITHIN A 30 DAY PERIOD. SWART WAS AN OFFICER OR DIRECTOR IN SEVERAL BUSINESSES. THE FORM U4 REQUIRED SWART TO DISCLOSE HIS ROLE AS OFFICER OR DIRECTOR IN THESE BUSINESSES, BUT HE FAILED TO DO SO. THEREFORE, SWART'S FORM U4S FAILED TO REFLECT HIS SEC SUSPENSION AS WELL AS RELATED ADMINISTRATIVE COMPLAINTS FILED BY THE STATE OF FLORIDA'S BOARD OF ACCOUNTANCY. SWART ALSO FAILED TO REPORT HIS OUTSIDE BUSINESS ACTIVITIES ON HIS FORM U4S AND TO DISCLOSE HIS OUTSIDE BUSINESS ACTIVITIES TO HIS FIRM. AT VARIOUS POINTS, SWART, AS REFLECTED IN FLORIDA SECRETARY OF STATE RECORDS, WAS AN OFFICER, DIRECTOR OR MEMBER OF SEVERAL ENTITIES, BUT FAILED TO DISCLOSE THESE



OUTSIDE BUSINESS ACTIVITIES TO HIS FIRM. IN ADDITION, SWART FAILED TO DISCLOSE HIS ROLE AS COMPENSATED REGISTERED AGENT FOR NUMEROUS ADDITIONAL ENTITIES. SWART PROVIDED A MISLEADING RESPONSE TO FINRA IN CONNECTION WITH A REQUEST FOR INFORMATION CONCERNING WHETHER ANY OF HIS OUTSIDE BUSINESS ACTIVITIES HAD EVER BEEN ALLEGED OR ACCUSED TO HAVE BREACHED ANY CONTRACT, ENGAGED IN ANY TYPE OF FRAUD OR MISREPRESENTATION, ENGAGED IN ANY UNFAIR OR UNETHICAL BUSINESS PRACTICE, OR VIOLATED ANY RULE, REGULATION, STATUTE OR ORDINANCE OF LAW. SWART RESPONSE WAS MISLEADING BECAUSE ONE OF HIS OUTSIDE BUSINESS ACTIVITIES WAS THE SUBJECT OF SEVERAL FILED LAWSUITS INVOLVING SUCH ALLEGATIONS. SWART KNEW OR SHOULD HAVE KNOWN ABOUT EACH OF THESE LAWSUITS, BECAUSE, AMONG OTHER THINGS, HE WAS PROPERLY SERVED IN EACH OF THE CASES.

Current Status:	Final
Resolution:	Acceptance, Waiver & Consent(AWC)
Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct?	No
Resolution Date:	06/06/2012
Sanctions Ordered:	Bar (Permanent)
If the regulator is the SEC, CFTC, or an SRO, did the action result in a finding of a willful violation or failure to supervise?	Yes



(1) willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board, or to have been unable to comply with any provision of such Act, rule or regulation?

No

(2) willfully aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board? or

No



(3) failed reasonably to supervise another person subject to your supervision, with a view to preventing the violation by such person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any such Acts, or any of the rules of the Municipal Securities Rulemaking Board?

No

Sanction 1 of 1

Sanction Type:

Bar (Permanent)

Capacities Affected:

All Capacities

Duration:

Start Date:

06/06/2012

End Date:

Regulator Statement

WITHOUT ADMITTING OR DENYING THE FINDINGS, SWART CONSENTED TO THE DESCRIBED SANCTION AND TO THE ENTRY OF FINDINGS; THEREFORE, HE IS BARRED FROM ASSOCIATION WITH ANY FINRA MEMBER IN ANY CAPACITY.

SWART UNDERSTANDS THAT THIS SETTLEMENT INCLUDES A FINDING THAT HE WILLFULLY MISREPRESENTED A MATERIAL FACT ON A FORM U4, AND THAT UNDER SECTION 3(A)(39)(F) OF THE SECURITIES EXCHANGE ACT OF 1934 AND ARTICLE III, SECTION 4 OF FINRA'S BY-LAWS, THIS MISREPRESENTATION MAKES HIM SUBJECT TO A STATUTORY DISQUALIFICATION WITH RESPECT TO ASSOCIATION WITH A MEMBER.

Disclosure 3 of 3

Reporting Source:

Regulator



Regulatory Action Initiated By:	UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Sanction(s) Sought:	Cease and Desist
Date Initiated:	01/25/2001
Docket/Case Number:	3-10410
Employing firm when activity occurred which led to the regulatory action:	SWART, BAUMRUK & CO., LLP
Product Type:	No Product
Allegations:	<p>SEC ADMIN RELEASE 34-43883, ACCOUNTING AND AUDITING ENFORCEMENT RELEASE 1363, JANUARY 25, 2001: FAILED TO COMPLY WITH RULE 2-02 OF REGULATION S-X, CAUSED AND WILLFULLY AIDED AND ABETTED VIOLATIONS OF SECTION 13(A) OF THE EXCHANGE ACT AND RULES 13A-1 AND 13A-13 THEREUNDER, AND ENGAGED IN IMPROPER PROFESSIONAL CONDUCT WITHIN THE MEANING OF RULE 102(E)(1)(II) OF THE COMMISSION'S RULES OF PRACTICE.</p> <p>THE SECURITIES AND EXCHANGE COMMISSION ("COMMISSION") DEEMS IT APPROPRIATE THAT PUBLIC ADMINISTRATIVE PROCEEDINGS PURSUANT TO SECTION 21C OF THE SECURITIES EXCHANGE ACT OF 1934 ("EXCHANGE ACT"), AND RULES 102(E)(1)(II) AND (III)1 OF THE COMMISSION'S RULES OF PRACTICE, BE AND HEREBY ARE INSTITUTED AGAINST HARRY J. SWART, CPA ("SWART"). A CERTIFIED PUBLIC ACCOUNTING FIRM, AND ITS PARTNER, HARRY SWART, LACKED PROFESSIONAL INDEPENDENCE IN AUDITING A PUBLICLY HELD ISSUER'S FINANCIAL STATEMENTS FOR THE SIX MONTHS ENDED DECEMBER 31, 1996. SPECIFICALLY, AFTER PREPARING THE FINANCIAL STATEMENTS AND PERFORMING OTHER INTERNAL ACCOUNTING FUNCTIONS FOR IT DURING THE FINAL THREE MONTHS OF 1996, THE ACCOUNTING FIRM AUDITED THE FINANCIAL STATEMENTS IT HAD PREPARED. DURING 1997, THE ISSUER'S PRINCIPALS APPROACHED SWART, INQUIRING WHETHER THERE WAS A MEANS BY WHICH THE FINANCIAL BOOKS AND RECORDS COULD REFLECT THE ASSERTED APPRECIATION OF CERTAIN REAL PROPERTY IT HAD ACQUIRED. SWART ADVISED THEM THAT THEY COULD DO SO BY SELLING THE PROPERTY AT MARKET VALUE, AND LEASING IT BACK FROM THE PURCHASER TO CONTINUE THE BUSINESS OPERATIONS. THE PRINCIPALS THEN ENGAGED IN A SALE-LEASEBACK, IN WHICH THEY "SOLD" THE PROPERTY TO THEMSELVES AND IN TURN "LEASED" IT BACK TO THEMSELVES, A TRANSACTION WHOLLY LACKING IN ECONOMIC SUBSTANCE. WITHOUT MAKING ADEQUATE INQUIRY, SWART PREPARED THE FINANCIAL STATEMENTS REFLECTING THE TRANSACTION. THE</p>



ISSUER INCORPORATED THOSE FINANCIAL STATEMENTS IN ITS FORMS 10-QSB FOR THE SECOND AND THIRD QUARTERS OF 1997. SWART (THE AUDIT PARTNER ON THE ENGAGEMENT) ALSO LACKED PROFESSIONAL INDEPENDENCE IN AUDITING THE 1997 FINANCIAL STATEMENTS. ALTHOUGH BY THIS TIME IT HAD HIRED A BOOKKEEPER, THE ACCOUNTING FIRM MAINTAINED A MORE COMPLETE GENERAL LEDGER THAN THAT MAINTAINED BY THE COMPANY, PREPARED TRIAL BALANCES FOR SUBSIDIARIES, PERFORMED THE ISSUER'S CONSOLIDATION, AND PREPARED ITS FINANCIAL STATEMENTS. AS IN 1996, THE ACCOUNTING FIRM AUDITED THE VERY FINANCIAL STATEMENTS IT HAD PREPARED AND, ACCORDINGLY, LACKED INDEPENDENCE IN DOING SO.

Current Status:	Final
Resolution:	Order
Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct?	No
Resolution Date:	01/25/2001
Sanctions Ordered:	Cease and Desist Disgorgement Suspension
If the regulator is the SEC, CFTC, or an SRO, did the action result in a finding of a willful violation or failure to supervise?	Yes



(1) willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board, or to have been unable to comply with any provision of such Act, rule or regulation?

Yes

(2) willfully aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any of such Acts, or any of the rules of the Municipal Securities Rulemaking Board? or

Yes



(3) failed reasonably to supervise another person subject to your supervision, with a view to preventing the violation by such person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule or regulation under any such Acts, or any of the rules of the Municipal Securities Rulemaking Board?

No

Sanction 1 of 1

Sanction Type:

Suspension

Capacities Affected:

APPEARING OR PRACTICING BEFORE SEC AS AN ACCOUNTANT

Duration:

N/A

Start Date:

01/25/2001

End Date:

Monetary Sanction 1 of 2

Monetary Related Sanction:

Monetary Penalty other than Fines

Total Amount:

\$9,231.03

Portion Levied against individual:

\$9,231.03

Payment Plan:

PREJUDGMENT INTEREST ON DISGORGEMENT

Is Payment Plan Current:

No

Date Paid by individual:

Was any portion of penalty waived?

No

Amount Waived:

Monetary Sanction 2 of 2



Monetary Related Sanction: Disgorgement

Total Amount: \$32,750.00

Portion Levied against individual: \$32,750.00

Payment Plan:

Is Payment Plan Current: No

Date Paid by individual:

Was any portion of penalty waived? No

Amount Waived:

Regulator Statement

SOLELY FOR THE PURPOSE OF THESE PROCEEDINGS, AND ANY OTHER PROCEEDINGS BROUGHT BY OR ON BEHALF OF THE COMMISSION OR TO WHICH THE COMMISSION IS A PARTY, THE RESPONDENT, WITHOUT ADMITTING OR DENYING THE FINDINGS CONTAINED HEREIN, EXCEPT THAT HE ADMITS TO THE COMMISSION'S JURISDICTION OVER HIM AND OVER THE SUBJECT MATTER OF THESE PROCEEDINGS, CONSENTS TO THE ISSUANCE OF THIS ORDER INSTITUTING PUBLIC PROCEEDINGS PURSUANT TO SECTION 21C OF THE SECURITIES EXCHANGE ACT OF 1934, AND RULE 102(E) OF THE COMMISSION'S RULES OF PRACTICE, MAKING FINDINGS AND IMPOSING REMEDIAL SANCTIONS AND IMPOSING A CEASE-AND-DESIST ORDER ("ORDER"). CAUSED AND WILLFULLY AIDED AND ABETTED VIOLATIONS OF SECTION 13(A) OF THE EXCHANGE ACT AND RULES 13A-1 AND 13A-13 THEREUNDER. IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT THE RESPONDENT, PURSUANT TO SECTION 21C OF THE EXCHANGE ACT, CEASE AND DESIST FROM COMMITTING OR CAUSING ANY VIOLATION AND ANY FUTURE VIOLATION OF RULE 2-02 OF REGULATION S-X, SECTION 13(A) OF THE EXCHANGE ACT, AND RULES 13A-1 AND 13A-13 THEREUNDER. RESPONDENT IS HEREBY SUSPENDED FROM THE PRIVILEGE OF APPEARING OR PRACTICING BEFORE THE COMMISSION AS AN ACCOUNTANT. AFTER THREE (3) YEARS FROM THE DATE OF THIS ORDER, SWART MAY REQUEST THAT THE COMMISSION CONSIDER HIS REINSTATEMENT BY SUBMITTING AN APPLICATION TO RESUME APPEARING OR PRACTICING BEFORE THE COMMISSION AS A PREPARER OR REVIEWER, OR A PERSON RESPONSIBLE FOR THE PREPARATION OR REVIEW, OF ANY PUBLIC COMPANY'S FINANCIAL STATEMENTS THAT ARE FILED WITH THE COMMISSION. SUCH AN APPLICATION MUST SATISFY THE COMMISSION THAT THE SWART'S WORK IN HIS PRACTICE BEFORE THE COMMISSION WILL BE REVIEWED EITHER BY THE INDEPENDENT AUDIT COMMITTEE OF THE PUBLIC COMPANY FOR WHICH HE WORKS OR IN SOME OTHER



ACCEPTABLE MANNER, AS LONG AS HE PRACTICES BEFORE THE COMMISSION IN THIS CAPACITY; AND/OR AN INDEPENDENT ACCOUNTANT. SUCH AN APPLICATION MUST SATISFY THE COMMISSION THAT: SWART, OR ANY FIRM WITH WHICH HE IS ASSOCIATED, IS A MEMBER OF THE SEC PRACTICE SECTION OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS DIVISION FOR CPA FIRMS ("SEC PRACTICE SECTION"); SWART HAS RECEIVED AN UNQUALIFIED REPORT RELATING TO HIS OR THE FIRM'S MOST RECENT PEER REVIEW CONDUCTED IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE SEC PRACTICE SECTION; AND AS LONG AS SWART APPEARS OR PRACTICES BEFORE THE COMMISSION AS AN INDEPENDENT ACCOUNTANT HE WILL REMAIN EITHER A MEMBER OF THE SEC PRACTICE SECTION OR ASSOCIATED WITH A MEMBER FIRM OF THE SEC PRACTICE SECTION, AND WILL COMPLY WITH ALL APPLICABLE SEC PRACTICE SECTION REQUIREMENTS, INCLUDING ALL REQUIREMENTS FOR PERIODIC PEER REVIEWS, CONCURRING PARTNER REVIEWS, AND CONTINUING PROFESSIONAL EDUCATION. THE COMMISSION'S REVIEW OF ANY REQUEST OR APPLICATION BY RESPONDENT TO RESUME APPEARING OR PRACTICING BEFORE THE COMMISSION MAY INCLUDE CONSIDERATION OF, IN ADDITION TO THE MATTERS REFERENCED ABOVE, ANY OTHER MATTER RELATING TO HIS CHARACTER, INTEGRITY, PROFESSIONAL CONDUCT, OR QUALIFICATIONS TO APPEAR OR PRACTICE BEFORE THE COMMISSION. RESPONDENT SHALL BE LIABLE JOINTLY AND SEVERALLY FOR DISGORGING \$32,750 IN FEES OBTAINED FROM THE AUDITS PLUS \$9,231.03 IN PREJUDGMENT INTEREST.

Reporting Source:	Broker
Regulatory Action Initiated By:	UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Sanction(s) Sought:	Cease and Desist
Date Initiated:	01/25/2001
Docket/Case Number:	3-10410
Employing firm when activity occurred which led to the regulatory action:	SWART, BAMRUK & CO., LLP
Product Type:	No Product
Allegations:	SEC ADMIN RELEASE 34-43883, ACCOUNTING AND AUDITING ENFORCEMENT RELEASE 1363, JANUARY 25, 2001: FAILED TO COMPLY WITH RULE 2-02 OF REGULATION S-X, CAUSED AND WILLFULLY AIDED AND



ABETTED VIOLATIONS OF SECTION 13(A) OF THE EXCHANGE ACT AND RULES 13A-1 AND 13A-13 THEREUNDER, AND ENGAGED IN IMPROPER PROFESSIONAL CONDUCT WITHIN THE MEANING OF RULE 102(E)(1)(II) OF THE COMMISSION'S RULES OF PRACTICE. THE SECURITIES AND EXCHANGE COMMISSION ("COMMISSION") DEEMS IT APPROPRIATE THAT PUBLIC ADMINISTRATIVE PROCEEDINGS PURSUANT TO SECTION 21C OF THE SECURITIES EXCHANGE ACT OF 1934 ("EXCHANGE ACT"), AND RULES 102(E)(1)(II) AND (III)1 OF THE COMMISSION'S RULES OF PRACTICE, BE AND HEREBY ARE INSTITUTED AGAINST HARRY J. SWART, CPA ("SWART"). A CERTIFIED PUBLIC ACCOUNTING FIRM, AND ITS PARTNER, HARRY SWART, LACKED PROFESSIONAL INDEPENDENCE IN AUDITING A PUBLICLY HELD ISSUER'S FINANCIAL STATEMENTS FOR THE SIX MONTHS ENDED DECEMBER 31, 1996. SPECIFICALLY, AFTER PREPARING THE FINANCIAL STATEMENTS AND PERFORMING OTHER INTERNAL ACCOUNTING FUNCTIONS FOR IT DURING THE FINAL THREE MONTHS OF 1996, THE ACCOUNTING FIRM AUDITED THE FINANCIAL STATEMENTS IT HAD PREPARED. DURING 1997, THE ISSUER'S PRINCIPALS APPROACHED SWART, INQUIRING WHETHER THERE WAS A MEANS BY WHICH THE FINANCIAL BOOKS AND RECORDS COULD REFLECT THE ASSERTED APPRECIATION OF CERTAIN REAL PROPERTY IT HAD ACQUIRED. SWART ADVISED THEM THAT THEY COULD DO SO BY SELLING THE PROPERTY AT MARKET VALUE, AND LEASING IT BACK FROM THE PURCHASER TO CONTINUE THE BUSINESS OPERATIONS. THE PRINCIPALS THEN ENGAGED IN A SALE-LEASEBACK, IN WHICH THEY "SOLD" THE PROPERTY TO THEMSELVES AND IN TURN "LEASED" IT BACK TO THEMSELVES, A TRANSACTION WHOLLY LACKING IN ECONOMIC SUBSTANCE. WITHOUT MAKING ADEQUATE INQUIRY, SWART PREPARED THE FINANCIAL STATEMENTS REFLECTING THE TRANSACTION. THE ISSUER INCORPORATED THOSE FINANCIAL STATEMENTS IN ITS FORMS 10-QSB FOR THE SECOND AND THIRD QUARTERS OF 1997. SWART (THE AUDIT PARTNER ON THE ENGAGEMENT) ALSO LACKED PROFESSIONAL INDEPENDENCE IN AUDITING THE 1997 FINANCIAL STATEMENTS. ALTHOUGH BY THIS TIME IT HAD HIRED A BOOKKEEPER, THE ACCOUNTING FIRM MAINTAINED A MORE COMPLETE GENERAL LEDGER THAN THAT MAINTAINED BY THE COMPANY, PREPARED TRIAL BALANCES FOR SUBSIDIARIES, PERFORMED THE ISSUER'S CONSOLIDATION, AND PREPARED ITS FINANCIAL STATEMENTS. AS IN 1996, THE ACCOUNTING FIRM AUDITED THE VERY FINANCIAL STATEMENTS IT HAD PREPARED AND, ACCORDINGLY, LACKED INDEPENDENCE IN DOING SO.

Current Status: Final

Resolution: Order



Does the order constitute a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct?	No
Resolution Date:	01/25/2001
Sanctions Ordered:	Cease and Desist Disgorgement Suspension
Sanction 1 of 1	
Sanction Type:	Suspension
Capacities Affected:	APPEARING OR PRACTICING BEFORE THE SEC AS AN ACCOUNTANT
Duration:	N/A
Start Date:	01/25/2001
End Date:	
Monetary Sanction 1 of 2	
Monetary Related Sanction:	Monetary Penalty other than Fines
Total Amount:	\$9,231.02
Portion Levied against individual:	\$9,231.02
Payment Plan:	PREJUDGEMENT INTEREST ON DISGORGEMENT
Is Payment Plan Current:	No
Date Paid by individual:	
Was any portion of penalty waived?	No
Amount Waived:	
Monetary Sanction 2 of 2	
Monetary Related Sanction:	Disgorgement
Total Amount:	\$32,750.00
Portion Levied against individual:	\$32,750.00



Payment Plan:

Is Payment Plan Current: No

Date Paid by individual:

Was any portion of penalty waived? No

Amount Waived:



Civil - Final

This type of disclosure event involves an injunction issued by a court in connection with investment-related activity or a finding by a court of a violation of any investment-related statute or regulation.

Disclosure 1 of 1

Reporting Source:	Regulator
Initiated By:	UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Relief Sought:	Civil and Administrative Penalty(ies)/Fine(s) Disgorgement Injunction Monetary Penalty other than Fines Other: penny stock bar
Date Court Action Filed:	07/27/2017
Product Type:	Penny Stock
Type of Court:	Federal Court
Name of Court:	United States District Court for the Middle District of Florida
Location of Court:	Orlando, FL
Docket/Case #:	6:17-cv-01386
Employing firm when activity occurred which led to the action:	Swart Baumruk & Co., LLP; Mainstream Entertainment, Inc. n/k/a Volt Solar Systems, Inc.
Allegations:	<p>The Securities and Exchange Commission ("Plaintiff" or the "Commission") alleges the Commission brings this action to enjoin Defendant Harold J. Swart, Jr. ("Harry Swart") from violating the antifraud and registration provisions of the federal securities laws, and for a court order directing Harry Swart and Defendant Swart Baumruk & Co., LLP ("Swart Baumruk" and, together with Harry Swart, "Defendants") to comply with a Commission order suspending them from appearing or practicing as an accountant before the Commission.</p> <p>Between January 2009 and March 2013, the majority shareholder (the "Control Person") of Mainstream Entertainment, Inc. ("Mainstream") n/k/a Volt Solar Systems, Inc. ("Volt Inc.") and one of the Control Person's associates ("CP's associate") orchestrated a scheme to sell the restricted common stock of Mainstream in the open market as purportedly unrestricted securities.</p> <p>As part of that scheme, Harry Swart demanded purportedly unrestricted shares of Mainstream stock from the Control Person in satisfaction of a personal debt. Harry Swart obtained those shares pursuant to a knowingly false stock purchase agreement, deposited those shares with his broker-dealer based on knowingly false representations, and publicly sold those shares without registration or any</p>



applicable exemption from registration.

Harry Swart used Relief Defendant Mind Your Own Business, Inc. ("MYOB") as a conduit for the ownership and sale of Mainstream stock.

As a result of the conduct alleged in this Complaint, Defendant Harry Swart violated Sections 5(a), 5(c) and 17(a) of the Securities Act of 1933 ("Securities Act") and Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934 ("Exchange Act").

Unless restrained and enjoined, Defendant Harry Swart is reasonably likely to continue to violate the federal securities laws.

This case also involves multiple violations by Defendants of an Order issued against them by the Commission on January 25, 2001 ("the SEC Order"), which suspended them from appearing or practicing as an accountant before the Commission. Beginning no later than January 2009 through February 2013, Defendants violated the SEC Order by performing accounting services for Mainstream in connection with Mainstream's filings with the Commission.

Current Status:	Final
Resolution:	Judgment Rendered
Resolution Date:	10/17/2017
Sanctions Ordered or Relief Granted:	Civil and Administrative Penalty(ies)/Fine(s) Disgorgement Injunction Monetary Penalty other than Fines Other: penny stock bar

Capacities 1 of 1

Capacities Affected:	N/A
Duration:	Permanent
Start Date:	10/17/2017
End Date:	

Monetary Sanction 1 of 3

Monetary Sanction:	Monetary Fine
Total Amount:	\$41,945.56
Portion against individual:	41945.56
Date Paid:	
Portion Waived:	
Amount Waived:	

**Monetary Sanction 2 of 3****Monetary Sanction:** prejudgment interest; jointly and severally**Total Amount:** \$5,491.07**Portion against individual:** 5491.07**Date Paid:****Portion Waived:****Amount Waived:****Monetary Sanction 3 of 3****Monetary Sanction:** Disgorgement**Total Amount:** \$41,945.56**Portion against individual:** 41945.56**Date Paid:****Portion Waived:** No**Amount Waived:****Regulator Statement**

On October 17, 2017, the U.S. District Court for the Middle District of Florida Orlando Division issued this Final Judgment as to Defendant Harold J. Swart, Jr. On July 27, 2017, Plaintiff, the Securities and Exchange Commission ("SEC"), commenced this action against Defendant and others. In its Complaint, the SEC seeks, among other relief, a permanent injunction enjoining Mr. Swart from violating Sections 5(a) and (c) and 17(a) of the Securities Act of 1933 and Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934. Mr. Swart, by consent, has agreed to the entry of the SEC's proposed final judgment. After review of the Consent and the Proposed Judgment, the Court enters the following Final Judgment. The SEC having filed a Complaint and Mr. Swart having entered a general appearance; consented to the Court's jurisdiction over Mr. Swart and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment. It is hereby ordered, adjudged, and decreed that Mr. Swart is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Exchange Act and Exchange Act Rule 10b-5; permanently restrained and enjoined from violating Section 17(a) of the Securities Act, directly or indirectly; and permanently restrained and enjoined from violating Section 5 of the Securities Act, directly or indirectly. It is hereby further ordered, adjudged, and decreed that Mr. Swart is directed to comply with the SEC's Order dated January 25, 2001, In the Matter of Swart, Baumruk & Co., LLP and Harry I Swart, CPA (Admin. Proc. 3-104 10), by which Defendant was



suspended from appearing or practicing before the SEC as an accountant. It is hereby further ordered, adjudged, and decreed that Mr. Swart is permanently barred from participating in an offering of penny stock; is liable for disgorgement of \$41,945.56, together with prejudgment interest thereon in the amount of \$5,491.07, jointly and severally, and a civil penalty in the amount of \$41,945.56. It is further ordered, adjudged, and decreed that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

End of Report



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