

**STATE OF ALABAMA
ALABAMA SECURITIES COMMISSION**

IN THE MATTER OF:	)	
	)	
SWIFT MARKETING, INCORPORATED	)	ADMINISTRATIVE ORDER
RUSSELL EDWARD HOPKINS	)	NO. OB 2012- 0014
	)	
<u> RESPONDENTS </u>	)	

ORDER OF PERMANENT BAR

The Alabama Securities Commission ("Commission"), having the authority to administer and provide for the enforcement of all provisions of Title 8, Chapter 6, Code of Alabama 1975, the Alabama Securities Act ("Act"), upon due consideration of the subject matter hereof, and having confirmed information of the offers for sale and/or sale of securities, into, within or from the state of Alabama, has determined as follows:

RESPONDENT

1. SWIFT MARKETING, INCORPORATED ("SWIFT") is an Alabama Domestic Corporation with a filing date of November 25, 2003, representing itself as multi-level marketing company with a business address of 1514 Skyland Boulevard, East, Tuscaloosa, Alabama, 35405.

2. RUSSELL EDWARD HOPKINS ("HOPKINS ") represents himself as the owner and registered agent of **SWIFT**, with a business address of 1514 Skyland Boulevard, East, Tuscaloosa, Alabama, 35405.

STATEMENT OF FACTS

3. The Commission is in receipt of information indicating that in July 2008 a West Virginia resident was introduced to **HOPKINS** by a friend. According to the West Virginia resident, and other provided documents, on April 21, 2009, **HOPKINS**, acting

as an agent of **SWIFT**, offered to the West Virginia resident an investment in **SWIFT** whereby **HOPKINS** would build a marketing organization in a program identified as "ReGenesis". Wire transfers from the West Virginia investor's bank account to **SWIFT** substantiate the investment of funds. Documents also indicate **HOPKINS** agreed the West Virginia investor's earnings, as a result of the investment, would be paid to the investor as dividend payments through **SWIFT**.

4. In a separate matter, information made available to the Commission indicates that on July 13, 2011, **HOPKINS** entered into a Plea Agreement with the United States Department of Justice in the United States District Court for the Western District of Missouri to charges of conspiracy to commit securities fraud and wire fraud. By entering into the plea agreement, **HOPKINS** admitted that he knowingly committed the offenses plead to, and that he was, in fact, guilty of the offenses.

5. The aforementioned plea agreement entered into involving the U.S. District Court and **HOPKINS** reflects **HOPKINS'** admission that in October 2009, he offered and sold \$78,000.00 worth of Petro America Corporation shares to an Alabama resident. According to the plea, after taking the Alabama investor's funds **HOPKINS** failed to provide the investor with stock certificates validating his stock purchase but assured the investor that upon request a refund could be obtained. However, upon requesting a refund from **HOPKINS**, only \$3,000.00 was returned.

6. **HOPKINS** association with Petro America Corporation and the transactions involving the Alabama investor were conducted with **HOPKINS'** full knowledge that Petro America Corporation was conducting securities transactions in spite of a Cease and Desist Order issued in November 2008 by the State of Missouri.

7. On May 1, 2012, a review of the Commission's registration files disclosed no record of registration or exemption from registration in the state of Alabama for the securities, to wit: the investment contract issued by **SWIFT** or the stock purportedly issued by Petro America Corporation.

8. On May 1, 2012, a review of the Commission's registration files disclosed no record of registration for **HOPKINS** as a securities Agent, Dealer, Investment Advisor, or Investment Advisor Representative in Alabama.

CONCLUSIONS OF LAW

9. Section 8-6-2(10), Code of Alabama 1975, enumerates any "investment contract" as a security. The investment contract issued to the West Virginia resident is a security as defined in the Act.

10. Pursuant to Section 8-6-2(2), Code of Alabama 1975, the definition of "agent" includes any individual who represents a dealer or an issuer while effecting or attempting to effect sales of securities. **HOPKINS** acted as an agent of **SWIFT** by effecting the offer and sale of a security, to wit: an investment contract, to a West Virginia resident.

11. Section 8-6-3(a), Code of Alabama 1975, states it is unlawful for any person to transact business in this state as a Dealer or Agent for securities unless he/she is registered under the Act. **HOPKINS** acted as an Agent of **SWIFT** and effected the offer and sale of securities, to wit: an investment contract, to a West Virginia resident while not being registered with the Commission in violation of the Act.

12. Section 8-6-4, Code of Alabama 1975 states: It is unlawful for any person to offer or sell any security in this state unless it is registered under the Act; the security is exempt from registration under Section 8-6-10; or the transaction is exempt under Section 8-6-11. The investment contract offered through **SWIFT** by **HOPKINS** was neither registered, nor exempt from registration by the Commission in violation of the Act.

13. The Commission may by Order revoke any registration and bar any registrant in this State from employment with a dealer or investment advisor if the Commission finds that the Order is in the public interest and that the registrant has

willfully failed to comply with the provisions of the Act, Code of Alabama 1975, §8-6-3(j)(2) . **HOPKINS'** pleading in the United States District Court for the Western District of Missouri to charges of conspiracy to commit securities fraud and wire fraud and by acting as an unregistered securities agent by selling unregistered securities, to wit: the investment contract, through his company **SWIFT**, to a West Virginia resident, is clearly in the public interest of the state of Alabama to bar **HOPKINS**.

14. Section 8-6-3(j)(7), Code of Alabama 1975, the Commission may by Order revoke any registration and bar any registrant in this State from employment with a dealer or investment advisor if the Commission finds the order is in the public interest and that the registrant has engaged in dishonest and unethical business practices in the securities business. **HOPKINS** engaged in dishonest and unethical business practices by the offering of unregistered security within the State of Alabama. **HOPKINS'** actions were in violation of the provisions of the Act and are grounds to permanently bar him from transacting business as a securities agent, dealer, investment advisor or investment advisor representative into, within, or from the state of Alabama.

This Order does not prevent the Alabama Securities Commission from seeking such other civil or criminal remedies that are available to it under the Act.

This Order is appropriate in the public interest for the protection of investors and is consistent with the purposes of the Act.

ACCORDINGLY, IT IS HEREBY ORDERED that **HOPKINS** is **PERMANENTLY BARRED** from engaging in any securities activities into, within or from the state of Alabama.

Entered at Montgomery, Alabama, this 1st day of May 2012.



ALABAMA SECURITIES COMMISSION

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A handwritten signature in blue ink, appearing to read "J. P. Borg", is written over a horizontal line.

JOSEPH P. BORG
Director