

State of Missouri
Office of Secretary of State

Case No. AP-07-39

IN THE MATTER OF:

BRANDON LEROY STUERKE,
CRD #4582244
GUARDIAN FINANCIAL GROUP

Respondents.

Serve at:

809 Stratford Drive
Columbia, Missouri 65203

CONSENT ORDER

The Enforcement Section of the Securities Division of the Office of Secretary of State alleges that the above named Respondents engaged in unregistered investment adviser activity in violation of Sections 409.4-403(a) and 409.4-404(a), RSMo. (Cum. Supp. 2006).

Respondents and the Securities Division desire to settle the allegations and the matters raised by the Securities Division relating to Respondents' alleged activities.

CONSENT TO JURISDICTION

1. Respondents and the Securities Division stipulate and agree that the Commissioner has jurisdiction over these Respondents and these matters pursuant to the Missouri Securities Act, Chapter 409, *et seq.*
2. Respondents and the Securities Division stipulate and agree that the Commissioner has authority to enter this Consent Order pursuant to §409.6-604(h), RSMo Supp. 2005, which provides:

The commissioner is authorized to issue administrative consent orders in the settlement of any proceeding in the public interest under this act.

WAIVER AND EXCEPTION

3. Respondents waive their right to a hearing with respect to this matter.
4. Respondents waive any rights that they may have to seek judicial review or otherwise challenge or contest the terms and conditions of this Order. Respondent specifically forever releases and holds harmless the Missouri Office of Secretary of State, Secretary of State, Commissioner of Securities and their respective representatives and agents from any and all liability and claims arising out of, pertaining to or relating to this matter.
5. Respondents and the Securities Division stipulate and agree that, should the facts contained herein prove to be false or incomplete, the Missouri Securities Division reserves the right to pursue any and all legal or administrative remedies at its disposal.

CONSENT TO COMMISSIONER'S ORDER

6. Respondents and the Securities Division stipulate and agree to the issuance of this Consent Order without further proceedings in this matter, agreeing to be fully bound by the terms and conditions specified herein.
7. Respondents neither admit nor deny the allegations made by the Division but consents to the Commissioner's Findings of Fact and Conclusions of Law as set forth below solely for the purposes of this proceeding and any other proceeding that may be brought to enforce the terms of this Consent Order.
8. Respondents agree not to take any action or to make or permit to be made any public statement creating the impression that this Order is without a factual basis.
9. Respondents agree that they are not the prevailing party in this action as the parties have reached a good faith settlement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Respondent and Other Related Parties

10. Leroy Brandon Stuerke (“Stuerke”) was a Missouri registered securities agent with ING Financial Partners, CRD # 4582244 until February 7, 2007. Stuerke has an address of 809 Stratford Dr. Columbia, Missouri 65203.
11. Guardian Financial Group LLC (“Guardian”) is a Missouri limited liability company owned by Stuerke and has an address of 1667 Bagnell Dam Blvd, Lake Ozark, Missouri 65049.
12. Jared Mikel Cameron (“Cameron”) was an associate of Stuerke’s and held himself out as being associated with Guardian. Cameron received a Missouri insurance license February 28, 2007. Cameron has a last known address of 809 Stratford Dr. Columbia, Missouri 65203.
13. As used herein, the term “Respondents” refer to Stuerke and Guardian.

Missouri Resident 1

14. In December 2006, a Missouri resident (“MR1”) contacted the Missouri Division of Securities regarding a seminar and dinner that MR1 attended in November 2006 in Moberly, Missouri. MR1 sent the Division the following information:

- a. A business card identifying Cameron with Guardian Financial Group and listing him as a “Financial Advisor.” Cameron’s email address on the card was “jared@yourfinancialguardian.com” and also had “Senior Retirement Specialist” printed on the card;
- b. A flyer that MR1 received prior to the presentation that stated, among other things:

“Seeing is Believing. . .Earn a guaranteed 13.9% one year return. Everyone in attendance will be shown where to get this powerful return!”

“**Four Critical Financial Strategies** (emphasis in the original) Presented by Jared Cameron with Guardian Financial Group. . .Four Critical Financial Strategies will be presented by Jared Cameron. Jared has comprehensive knowledge of personal retirement issues. You can rest assured that you have never heard anything like this eye opening & informative financial opportunity covering vehicles for growth, valuable insights, and so much more. \$100 billion [sic] has already benefited from this powerful concept nationwide.

Mr. Cameron will teach the following topics:

- How to **grow** in a volatile stock market **without giving back** your gains
- How to **increase** your after-tax **income** (Emphasis in the original)
- How to avoid costly and drawn out probate, quickly transferring dollars to your children upon death
- How to take advantage of an automatic strategy indicating when to buy and when to sell”

Furthermore, this flyer included the insignia and words “Member of CSA” (Certified Senior Advisor) and a second insignia with the words “Guardian Financial Group.”

15. MR1 did not make an appointment to visit with Stuerke or Cameron.

Missouri Resident 2

16. In late March or early April 2007, a Missouri resident (“MR2”) received an invitation in the mail inviting MR2 to attend a dinner seminar sponsored by Guardian. The invitation read, in part:

- a. “Learn About the TEN BIGGEST FINANCIAL MISTAKES That Seniors Make”
- b. “These **mistakes** can **rob** you of **your life savings**, **bankrupt** your children, be the cause of **family divorce** and **leave a real mess** for other to contend with!...**And it’s all avoidable!**”
- c. During this event, we will address the following concerns:

- **IRA/401k’s**: If you believe that your beneficiaries will inherit 100% of your IRA or 401k---*You’re Mistaken.*
- **Learn how** to protect your investments from the next terrorist attack, national disaster or financial scandal.
- **Wall Street**: Stocks, Bonds, Mutual Funds—*Tired of losing money?* Learn how to invest in the stock market without risk to your principle. *Retirees are doing this in record numbers!* (Emphasis in original.)

The invitation included the emblem of “Certified Senior Advisor (CSA)”

17. In April 2007, a Missouri resident “MR3” attended the dinner seminar at the Lake of the Ozarks. MR3 received a booklet

titled "Retirement Protection Workshop" which included the statement, "Protecting your 'Camelot' from the Financial Dragons." The booklet included a photo of Stuerke on the first page under the title, "GUARDIAN Financial Group—Serving Missouri's Seniors." (Emphasis in original.) The words, "Approved Financial Advisor" appeared under Stuerke's photo and name.

18. Stuerke provided the seminar attendees with literature and a CD that contained information on such topics as wills, living trusts, managing your estate, Medicaid planning and one pamphlet titled, "CSA... You Deserve Professional Senior Advice".
19. Stuerke also provided dinner guests with a 4-page Guardian flyer. The flyer included a "BIO" (emphasis in original) that described Stuerke's education and included the emblem of the National Ethics Bureau and the words "Approved Financial Advisor" under Stuerke's photo.
20. The CD distributed by Stuerke to the seminar attendees included, among other statements, the following:
 - a. the CD was developed as part of Rick Star's program about Senior Concerns;
 - b. that Brandon Stuerke, a Certified Senior Advisor, was an expert on senior financial issues and works exclusively in the senior market;
 - c. Stuerke has worked in the area of senior financial planning for many years and has conducted hundreds of senior seminars; and
 - d. "financial planning for retirees is all I do."
21. During the last part of April and early May of 2007, MR3 scheduled an appointment to meet with Stuerke. During the April meeting MR3 gave Stuerke a copy of MR3's list of investments in MR3's portfolio.
22. Stuerke met with MR3 on May 9, 2007 at Stuerke's office in Lake Ozarks. Stuerke presented MR3 with a binder with the words "Personal Financial Evaluation for [MR3]."
23. This Personal Financial Evaluation had MR3's name, the date and the words "prepared by Brandon Stuerke, CSA" on the cover.
24. Among other things, contained in this Personal Financial Evaluation was an "Asset Tracking Sheet" which listed the assets that MR3 provided Stuerke at their first meeting. The Asset Tracking Sheet listed each of MR3's assets and contained "recommendations." Those recommendations were either to "keep" or "reposition" MR3's current assets. Stuerke's recommended that MR3 "reposition" all of the stock holdings.

B. Additional Findings of Fact

25. Prior to his termination on February 7, 2007, Stuerke did not submit and obtain ING Financial Partners' approval for the advertising used for the seminars where securities related matters were discussed.
26. Stuerke did not disclose that Cameron was an unregistered individual in the advertisement of the seminars or during the seminar presentations when securities were discussed.
27. An investigator with the Missouri Department of Insurance, Financial Institutions and Professional Registration and their Senior Counsel met with Stuerke and Cameron at their offices on March 27, 2007. Their conversation was recorded and transcribed. When questioned about the business card Cameron was using and distributing prior to the seminar that MR1 attended, Stuerke admitted he knew Cameron's business card identified Cameron as a financial adviser with Guardian even though Cameron was not registered.
28. On February 13, 2007, the Division sent a letter of inquiry to ING Financial Partners that requested information and documentation pertaining to Stuerke. ING confirmed that Stuerke had been terminated from the firm.
29. A check of the records maintained by the Missouri Commissioner of Securities indicates that Guardian has never been registered as an investment adviser in the State of Missouri.
30. A check of the records maintained by the Missouri Commissioner of Securities indicates that Stuerke is not registered in the State of Missouri as an investment adviser representative and has not been a registered agent of a broker-dealer in the State of Missouri since he was discharged by ING on February 7, 2007.
31. A check of the records maintained by the Missouri Commissioner of Securities indicates that Cameron has never been registered as an investment adviser representative or as a registered agent of a broker-dealer in Missouri.
32. A check of the records with the Missouri Department of Insurance, Financial Institutions and Professional Registration indicates Cameron did not have an insurance license until February 8, 2007, after the seminar that MR1 attended where Cameron was a presenter and held himself out as being associated with Guardian.

33. In connection with the offering of investment advice to MR3, Stuerke omitted to state the following material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading:
- a. He was not registered to transact business in Missouri as an investment adviser representative when he presented MR3 with her Personal Financial Evaluation.
 - b. Guardian was not registered in Missouri as an investment adviser when he presented MR3 with her Personal Financial Evaluation;
 - c. He was allowing Cameron to hold himself out as a financial adviser when he knew Cameron was not registered to offer or sell securities, or to give investment advice, in the State of Missouri.

ORDER

NOW, THEREFORE, it is hereby Ordered that:

1. Respondents are prohibited from
 - a. transacting business as an investment adviser representative while unregistered;
 - b. transacting business as an investment adviser while unregistered; and
2. Should Respondent Stuerke register with a broker-dealer subsequent to the effective date of this Order such broker-dealer shall place Respondent Stuerke on heightened supervision for a period of not less than two years from the date of employment.
3. Respondents will retain, at its expense, an outside consultant ("Consultant") not unacceptable to the Commissioner, no later than one month after the execution of this Consent Order. Within three (3) months of the execution of this Order, the Consultant will furnish an initial report to Respondents concerning Respondent's policies, procedures and practices. Respondents shall review and enhance its procedures to comply with the recommendations of the consultant. Respondents shall enhance its policies and procedures relating to, among other things, the following:
 - a. investment strategies to be used or recommended;
 - b. registration requirements of investment advisers, agents and investment adviser representatives;
 - c. copies of materials used or outlines to be followed in seminars and/or classes; and
 - d. procedures to review seminar materials and monitor the presentations at these seminars.
4. If the Consultant becomes unable to perform his or her duties, Respondents shall have thirty (30) days to select a replacement Consultant not unacceptable to the Commissioner;
5. The Consultant will prepare follow-up reports, six (6), twelve (12) and twenty-four (24) months following the execution of this Order. These follow-up reports will make further recommendations if necessary or appropriate and discuss the extent to which Respondents have implemented the Consultant's earlier recommendations;
6. Respondents will provide to the Division copies of all reports prepared by the Consultant no later than fourteen days from receipt of the Consultant's report. The Respondents shall identify all deficiencies noted in the consultant's report and provide remedies not unacceptable to the Commissioner to correct the identified deficiency;
7. Respondents shall pay one thousand five hundred dollars (\$1,500) as the cost of this investigation. Respondents will make this amount payable to the Missouri Secretary of State's Investor Education and Protection Fund and will deliver these funds to the Division and the Division shall forward these funds to the Investor Education and Protection Fund. This amount shall be due and payable within ten days of the effective date of this order; and
8. Respondents shall pay their own costs and attorneys fees with respect to this matter.

SO ORDERED:

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY, MISSOURI THIS 8TH DAY OF NOVEMBER, 2007.

ROBIN CARNAHAN
SECRETARY OF STATE

(Signed/Sealed)

Consented to by:

Van Matre, Harrison and Vokert, P.C.
Attorney for Respondents

MATTHEW D. KITZI
COMMISSIONER OF SECURITIES

By:

Matthew S. Volkert

Lori J. Neidel
Chief Enforcement Council
Missouri Securities Division