

State of Missouri  
Office of Secretary of State

Case No. AP-08-20

IN THE MATTER OF:

BRANDON STUERKE, and  
GUARDIAN FINANCIAL GROUP, LLC

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 have not complied with the Consent Order dated November 8, 2007, Case No. AP-07-39 and continued to engage in unregistered investment adviser activity in violation of Sections 409.4-403(a) and 409.4-404(a), RSMo. (Cum. Supp. 2007)

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. 2007, 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. Respondent waives its rights to a hearing with respect to this matter.
4. Respondent waives any rights that it 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**

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. As used herein, the term “Respondents” refer to Stuerke and Guardian
13. On November 8, 2007, a consent order was entered between the Securities Division of the Office of Secretary of State and the Respondents whereby the Respondents were prohibited from transacting business as an investment adviser representative and as an investment adviser while unregistered.
14. According to the consent order, Respondents were to retain an outside consultant no later than one month after the execution of the order. The consultant was to furnish an initial report to Respondents concerning Respondents’ policies, procedures and practices within three (3) months of the execution of the order, and follow up reports at 6, 12 and 24 month intervals. Pursuant to the consent order, Respondents retained a securities compliance advising firm with a place of business in Santa Fe, New Mexico (“Consultant”).
15. Respondents were to review and enhance procedures to comply with the recommendations of the consultant. Respondents were to enhance policies and procedures relating to, among other things, investment strategies to be used or recommended; registration requirements of investment advisers, agents and investment adviser representatives; copies of materials used or outlines to be followed in seminars and/or classes; and procedures to review seminar materials and monitor the presentations at these seminars.
16. On February 5, 2008, Consultant provided the first report pursuant to the consent order. Consultant recommended that:
  - a) Respondents create and maintain a policies and procedures manual;
  - b) Stuerke receive training from a recognized firm which specializes in the products offered by Respondents;
  - c) Respondents create a marketing materials review form for materials created by insurance companies as well as internally created marketing materials;
  - d) Respondents create a suitability form to document the process to determine the appropriateness of a particular product sold to clients;
  - e) Respondents create procedures that ensure that they do not participate in securities related activities;
  - f) Respondents create procedures to review seminar materials and monitor the presentations at these seminars;
  - g) Stuerke and his employees discontinue using designations which will identify them as having expertise in senior investments.
17. On February 20, 2008, Stuerke sent a letter to the Division pursuant to the consent order. In the letter, Stuerke stated, among other things, that he was no longer using Certified Senior Advisor designation; he had created his own suitability form; he was in the process of creating a manual of company policies and procedures; and he had revised some of the seminar presentation to include disclaimers that Respondents did not sell or offer advice pertaining to securities.
18. On May 19, 2008, Consultant provided a follow up report required by the consent order. The report indicated Stuerke has not, among other things,
  - a) created a policies and procedures manual as recommended by Consultant;;
  - b) received training regarding compliance issues related to the products he sells;
  - c) created a marketing materials review form for internally created marketing materials as recommended by Consultant;
  - d) included in the suitability form he provides to potential clients a section “Sources of Income “as recommended by Consultant.
19. On May 1, 2008 the Division received advertising materials sent by Stuerke to a Missouri resident. The materials stated, among other things, that:

“with an extensive understanding of investment strategies, we will create an investment plan with an emphasis on protecting principal, and protecting you from unnecessary risk while taking advantage of opportunities to increase returns, outpace inflation, and provide a lifetime income.”

20. The advertising materials stated, among other things, that Strueke “holds the prestigious CRPC designation from American College for Financial Planning”. In a letter to the Division dated June 6, 2008, Stuerke stated that his Chartered Retirement Planning Counselor (CRPC) designation was earned through the College for Financial Planning. A check of the website maintained by College for Financial Planning indicates that the CRPC program is an online course and makes students eligible for the final exam as early as to twenty four hours after enrollment and the program is not affiliated with the American College.

21. A check of the website maintained by Guardian indicates that the following statement is present in the section named “Investment Planning”:

“At Guardian Financial Group, we help clients invest, with a focus on preservation of principal, as the foundation. In today's economy, of volatile stock markets, and low interest rates, it is becoming more and more important to consider options to protect your nest egg from down markets, and ensure you are earning enough return to outpace inflation and provide the income needed to maintain your standard of living.”

22. A check of the website maintained by Guardian indicates that the following statement is present in the section named "Client Testimonials":

“I wanted to change my account from my KC Broker, who had been VERY ineffective, to someone locally in Columbia. I needed someone who would pay attention to my investments and keep in touch with me on a regular basis. From the very beginning of our relationship, Guardian Financial Group has provided the service I desired. They are very available, helpful in adjusting my accounts to my needs, and are knowledgeable when I have questions. I appreciate their attention to my portfolio and do not hesitate to highly recommend their services to anyone.

Connie H.  
Columbia, Missouri”

23. The Securities Division alleges that Respondents' acts described in paragraphs 18-22 violate the terms of the consent order of November 5, 2007 and is grounds for civil contempt order under Section 409.6-604(g) RSMo.

## **ORDER**

**NOW, THEREFORE** , it is hereby Ordered that:

1. Respondents will comply with the Consent Order entered on November 8, 2007 between the Securities Division of the Office of Secretary of State and the Respondents;
2. Respondents will create a new suitability form for clients, which will fully comply with the suitability form recommended by Consultant. No later than the 10th day of each month for the next 12 months, Respondents will provide the Division with copies of all suitability forms completed by clients for the period preceding that month;
3. Stuerke will no longer use any senior specific designation in his business card and marketing materials unless it is earned through Certified Financial Planner Board of Standards (CFPBS), Financial Industry Regulatory Authority (FINRA), Chartered Financial Analysts Institute of USA (CFA Institute of USA), or another organization accredited by the American National Standards Institute or the National Commission for Certified Agencies, or organization that is on the United States Department of Education’s list entitled “Accrediting Agencies Recognized for Title IV Purposes;”
4. Respondents shall pay ten thousand dollars (\$10,000) to the Missouri Secretary of State’s Investor Education and Protection Fund. Respondents 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 payable in two installments of five thousand dollars (\$5,000) each. The first installment shall be due and payable within ten days of the effective date of this order; the second installment shall be due and payable ninety days thereafter.
5. 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 9TH DAY OF SEPTEMBER, 2008.

ROBIN CARNAHAN  
SECRETARY OF STATE

(Signed/Sealed)

MATTHEW D. KITZI  
COMMISSIONER OF SECURITIES

Consented to by:

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

By:  
Matthew S. Volkert

Roumen Manolov  
Deputy Chief Counsel