

STATE OF MISSOURI  
DEPARTMENT OF INSURANCE

IN THE MATTER OF: )

**Mark J. Trusty** )

Case No. 060608243C

Producer )

Serve at: )

1211 Myra Street )  
Moberly, MO 65270 )

**PETITION FOR CEASE AND DESIST ORDER**

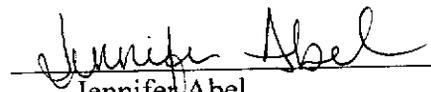
**FACTUAL BACKGROUND**

1. Mark J. Trusty is a Missouri resident with a legal address of 12987 N. Old Number 7, Columbia, Missouri 65270 and a mailing address of 1211 Myra Street, Moberly, Missouri 65270.
2. On June 13, 2005, Mark J. Trusty placed an advertisement in the Marshall Democrat Newspaper which invited persons over the age of 55 to attend a workshop where he would discuss tax avoidance or minimization, probate, and ways to “protect your principal from market risks and downturns.” Additionally, the flyer stated that lawyers, C.P.A.s, and agents were excluded from attending.
3. On or about July 20, 2005, in Marshall, Missouri, Mark J. Trusty conducted a seminar at the county jail entitled “Senior Financial Protection Workshop” during which:
  - A. Mark Trusty provided advice to senior citizens that he was not qualified to provide, specifically relating to personal financial matters.
  - B. The advice given by Mr. Trusty to senior citizens would have been more appropriately provided for by an attorney, Certified Public Accountant, or another qualified investment professional.
  - C. Mr. Trusty would attempt to schedule an appointment with potential clients for a “personal consultation” at which time Mr. Trusty would discuss specific investment products.

4. A subsequent investigation of Mr. Trusty conducted by The Missouri Department of Insurance revealed:
  - A. Mr. Trusty has been licensed as an insurance producer in Missouri since August 31, 1987.
  - B. Mr. Trusty has not been licensed with the Securities Division of the Secretary of State since October 11, 2002.
  - C. Mr. Trusty is distributing business cards to potential clients which state that Mr. Trusty is a "Certified Senior Advisor" affiliated with "Mark Trusty and Associates."
  - D. Mr. Trusty is using the name "Mark Trusty and Associates" on business envelopes and letterhead.
  - E. Mr. Trusty has never obtained a business entity license to do business under the name "Mark Trusty and Associates."
5. During the course of the investigation conducted by the Missouri Department of Insurance Mr. Trusty stated:
  - A. He discusses tax reduction strategies utilizing fixed annuities and life insurance in his advertising and that he advises seniors why he feels fixed index annuities may be more appropriate for them than variable annuities or mutual funds.
  - B. Approximately two years ago he began using the name "Mark Trusty and Associates" while conducting insurance-related business.
6. On March 13, 2006, the Missouri Department of Insurance sent Mr. Trusty a voluntary forfeiture agreement of \$300 for failing to obtain a business entity license for Mark Trusty and Associates and for acting as a business entity without a valid business entity license. Mr. Trusty failed to respond to the forfeiture letter.
7. On May 26, 2006, Mr. Trusty spoke with Missouri Department of Insurance Investigator Jennifer Abel and advised her that he did not want to pay the forfeiture but instead requested a hearing on the matter. Mr. Trusty also sent Investigator Abel an email restating his desire for a hearing on the matter.

#### VERIFICATION

Investigator Abel states that the factual allegations contained in this petition are true to the best of the Investigator's knowledge.

  
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Jennifer Abel  
Special Investigator

RELIEF

WHEREFORE, DAVID WALLIS requests that the Director issue a cease and desist order prohibiting Mark J. Trusty from violating § 375.936(4) by making or causing to be made, indirectly or directly, publication in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or in any other way, an advertisement, announcement, or statement with respect to the business of insurance which is untrue, deceptive, or misleading; from violating § 375.936(12)(a) by engaging in unfair financial planning practices by holding himself out, directly or indirectly, as a specialist engaged in the business of giving financial planning or advice relating to insurance, tax, or trust and estate matters, when Mark J. Trusty is in fact engaging only in the sale of insurance policies; and from violating § 375.141.1(12) by knowingly acting as an insurance producer under the business entity name of "Mark Trusty and Associates" when such a business entity is in fact not licensed to conduct the business of insurance in the state of Missouri.

Respectfully submitted this 30<sup>th</sup> day of JUNE, 2006

  
David R. Wallis  
Law Clerk, Legal Section