

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF SECURITIES

In the Matter of
JOHN R. WUSTNER,

PETITION FOR ORDER

Respondent.

File No. S-06064(EX)

The staff of the State of Wisconsin, Department of Financial Institutions, Division of Securities ("the Division") has conducted an investigation in this matter pursuant to § 551.56, Wis. Stats., and as a result thereof alleges as follows:

1. John R. Wustner ("Wustner") is an individual with a date of birth of March 31, 1948, a CRD # of 473562, and with a last known home address of 1535 E. Driftwood Drive, Tempe, Arizona 85283-2112;
2. Mutual Benefits Corporation ("Mutual Benefits") is a Florida corporation with its corporate headquarters at 2881 East Oakland Park Boulevard, Suite 200, Fort Lauderdale, Florida 33306;
3. Upon information and belief, at all times material hereto the business of Mutual Benefits was the sale of viatical settlement contracts;
4. At all times material hereto, Wustner was an insurance agent licensed by the Office of the Wisconsin Commissioner of Insurance and a securities agent licensed by the Department;
5. According to information provided by a person in Wisconsin to staff of the Division of Securities, during the period of at least 1998, Wustner, on behalf of Mutual Benefits, offered and sold to at least one person in Wisconsin a viatical settlement contract of Mutual Benefits;
6. The viatical settlement contract of Mutual Benefits is an investment contract security as defined by DFI-Sec 1.02(6)(a), Wis. Adm. Code and sec. 551.02(13), Wis. Stats.;
7. The viatical settlement contract has never been registered for offer and sale in Wisconsin pursuant to Ch. 551, Wis. Stats.;
8. Wustner has violated sec. 551.21(1), Wis. Stats., by offering and selling an unregistered security to a person in Wisconsin;
9. Upon information and belief, Wustner's employing broker-dealer did not approve of the offer and/or sale of the viatical settlement contracts by Wustner;

