

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Case No. 2:04-CV-105-FtM-29DNF

**KS ADVISORS, INC., KS CONDOR PARTNERS,
LTD., II, DAMIAN PARTNERS, LLC, SCOTT
FINE, AND KEVIN BOYLE,**

Defendants.

**SUPPLEMENTAL FINAL JUDGMENT SETTING DISGORGEMENT AND CIVIL
PENALTIES AGAINST DEFENDANTS SCOTT FINE AND KEVIN BOYLE**

THIS matter having come before the Court on Plaintiff Securities and Exchange Commission's ("SEC") Motion and Memorandum of Law for Final Judgment Setting Disgorgement and Civil Penalties against Defendants Scott Fine and Kevin Boyle, Final Judgment is entered for the SEC and against Defendants Scott Fine and Kevin Boyle as follows:

I. SCOTT FINE

IT IS ORDERED AND ADJUDGED that Defendant Scott Fine, a resident of Fort Myers, Florida, shall pay disgorgement in the amount of **\$1,180,262.00**, representing the ill-gotten gains he received as a result of his violations of the federal securities laws. In addition, Scott Fine shall pay prejudgment interest in the amount of **\$69,439.00**.

IT IS FURTHER ORDERED AND ADJUDGED that pursuant to Section 20(d) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77t(d)21(d)(3), Section 21(d)(3) of the Securities Exchange Act of 1934 ("Exchange Act"), and Section 209(e) of the Investment Advisers Act of 1940 ("Advisers Act"), 15 U.S.C. § 80b-9, Defendant Scott Fine, a resident of Fort Myers,

Florida, is hereby ordered to pay a civil money penalty in the amount of **\$1,180,262.00**.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant Scott Fine shall pay the disgorgement, prejudgment interest thereon, and civil money penalty ordered herein within **THIRTY (30) DAYS** after the entry of this Judgment by sending a U.S. postal money order, certified check, bank cashier's check or bank money order payable to the Clerk of this Court, under cover of a letter that identifies Scott Fine as a Defendant in this action, setting forth the title and civil action number of this action and the name of this Court, and specifying that payment is made pursuant to this Judgment. Copies of such check and accompanying cover letter shall be simultaneously transmitted to Christopher E. Martin, Senior Trial Counsel, U.S. Securities and Exchange Commission, Southeast Regional Office, 801 Brickell Avenue, Suite 1800, Miami, Florida 33131.

By making the payments due under this Judgment, Defendant Scott Fine relinquishes all legal and equitable right, title, and interest in such funds, and no part of the funds shall be returned to Defendant. The Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS"). These funds, together with any interest and income earned thereon (collectively, the "Fund I") shall be held by the CRIS until further order of the Court. In accordance with the guidelines set by the Director of the Administrative Office of the United States Courts ("DAOUSC"), the Clerk is directed, without further order of this Court, to deduct from the income earned on the money in Fund I a fee equal to ten percent of the income earned on the Fund I. Such fee shall not exceed that authorized by the Judicial Conference of the United States ("JCUS"). The Commission may by motion propose a plan to distribute Fund I subject to the Court's approval. Such a plan may provide that Fund I shall be distributed pursuant to the Fair Fund

provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002.

II. KEVIN BOYLE

IT IS ORDERED AND ADJUDGED that Defendant Kevin Boyle, a resident of Greensburg, Pennsylvania, shall pay disgorgement in the amount of **\$638,742.00**, representing the ill-gotten gains he received as a result of his violations of the federal securities laws. In addition, Kevin Boyle shall pay prejudgment interest in the amount of **\$37,579.00**.

IT IS FURTHER ORDERED AND ADJUDGED that pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d)21(d)(3), Section 21(d)(3) of the Exchange Act, and Section 209(e) of the Advisers Act, 15 U.S.C. § 80b-9, Defendant Kevin Boyle, a resident of Greensburg, Pennsylvania is hereby ordered to pay a civil money penalty in the amount of **\$638,742.00**.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant Kevin Boyle shall pay the disgorgement, prejudgment interest thereon, and civil money penalty ordered herein within **THIRTY (30) DAYS** after the entry of this Judgment by sending a U.S. postal money order, certified check, bank cashier's check or bank money order payable to the Clerk of this Court, under cover of a letter that identifies Kevin Boyle as a Defendant in this action, setting forth the title and civil action number of this action and the name of this Court, and specifying that payment is made pursuant to this Judgment. Copies of such check and accompanying cover letter shall be simultaneously transmitted to Christopher E. Martin, Senior Trial Counsel, U.S. Securities and Exchange Commission, Southeast Regional Office, 801 Brickell Avenue, Suite 1800, Miami, Florida 33131.

By making the payments due under this Judgment, Defendant Kevin Boyle relinquishes all legal and equitable right, title, and interest in such funds, and no part of the funds shall be returned

to Defendant. The Clerk shall deposit the funds into an interest bearing account with the CRIS. These funds, together with any interest and income earned thereon (collectively, the "Fund II") shall be held by the CRIS until further order of the Court. In accordance with the guidelines set by the DAOUSC, the Clerk is directed, without further order of this Court, to deduct from the income earned on the money in Fund II a fee equal to ten percent of the income earned on the Fund II. Such fee shall not exceed that authorized by the JCUS. The SEC may by motion propose a plan to distribute Fund II subject to the Court's approval. Such a plan may provide that Fund II shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002.

IT IS HEREBY FURTHER ORDERED AND ADJUDGED that all prior orders of this Court remain in full force and effect, and this Court shall retain jurisdiction over this matter and Defendants in order to implement and carry out the terms of this Supplemental Final Judgment, and all other Orders and Decrees that may be entered and/or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and will order other relief that this Court deems appropriate under the circumstances.

DONE AND ORDERED on this 6th day of February 2006, in Chambers at Fort Myers, Florida.

/s/ Sherry L. Upshaw

SHERYL L. LOESCH, CLERK
By: Sherry L. Upshaw, Deputy Clerk

Copies to all parties and counsel of record.