

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
TOPEKA DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

DAVID TANNER, Individually, and d/b/a
CAPITAL ENHANCEMENT CLUB,
ROCKY D. SPENCER,
MARROC CORP., and
RICHARD P. KRINGEN,

Defendants,

and

MARGARET F. SPENCER,
OMNIBUS LLC,
VECTRA RESOURCES, LLC, and
DYNAMIC ENVIRONMENTAL SOLUTIONS, INC.,

Relief Defendants.

Civil Action No.
05-4057-RDR

**FINAL JUDGMENT AS TO DEFENDANT RICHARD P. KRINGEN AND RELIEF
DEFENDANT OMNIBUS LLC**

This matter came before the Court on the 4th day of October, 2006 to consider Plaintiff's application in support of entry of a final judgment against Defendant Richard P. Kringen and Relief Defendant Omnibus LLC ("Omnibus"). Having considered the Commission's application and supporting declaration and documentation, as well as the record in this matter, this Court hereby grants the Commission's application and directs the Clerk of this Court to enter this final judgment:

I.

It is **ORDERED** that Defendant Richard P. Kringen shall disgorge the amount of \$226,113.30 representing his net unjust enrichment from the conduct alleged in the Complaint, plus prejudgment interest thereon in the amount of \$17,410.66. All payments made pursuant to this paragraph shall be made to the court-appointed receiver, Larry E. Cook, by cashier's check, certified check or postal money order, under cover of a letter that identifies Kringen, the name and case number of this litigation and the name of this Court, with a copy of the cover letter simultaneously transmitted to counsel for the Commission in this action. The Commission or the Receiver may pursue such means as are appropriate and necessary at law or equity to collect these funds from Kringen or his agents or assigns, including, without limitation, obtaining writs of execution or levy for real and personal property or funds, or pursuing collateral actions in this Court against persons holding funds or assets for or on behalf of Kringen.

II.

It is further **ORDERED** that Relief Defendant Omnibus LLC shall disgorge the amount of \$609,590.77 representing its net unjust enrichment from the conduct alleged in the Complaint. All payments made pursuant to this paragraph shall be made to the court-appointed receiver, Larry E. Cook, by cashier's check, certified check or postal money order, under cover of a letter that identifies Omnibus, the name and case number of this litigation and the name of this Court, with a copy of the cover letter simultaneously transmitted to counsel for the Commission in this action. The

Commission or the Receiver may pursue such means as are appropriate and necessary at law or equity to collect these funds from Omnibus or its agents or assigns, including, but not by way of limitation, obtaining writs of execution or levy for real and personal property or funds, or pursuing collateral actions in this Court against persons holding funds or assets for or on behalf of Omnibus.

III.

It is further **ORDERED** that any monies, real property, personal property, or other assets held by or in the name Defendant Kringen or Relief Defendant Omnibus or any entity legally or beneficially owned by Kringen or Omnibus and recovered by the Receiver shall be applied toward the judgment indebtedness of Kringen and Omnibus, less the reasonable and necessary expenses incurred by the Receiver in making such recovery.

IV.

It is further **ORDERED** that pursuant to Section 20(d) of the Securities Act of 1933 [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Securities Exchange Act of 1934 [15 U.S.C. § 78u(d)(3)], Defendant Richard P. Kringen is ordered to pay a civil penalty of \$910,000. After satisfaction of this Court's disgorgement order, Kringen shall pay the civil money penalty to the United States Treasury. The payment shall be in the form of a cashiers check, certified check or postal money order made payable to the "Securities and Exchange Commission." The check or money order shall be hand-delivered or mailed to the Comptroller, Securities and Exchange Commission, 6432 General Green Way, Stop 0-3, Alexandria, VA 22312; and submitted under cover of a letter that identifies Kringen, the caption and case number of this action, and the name of the Court. A copy of the cover letter and check shall be sent to Timothy P. Davis, Trial

Counsel, Securities and Exchange Commission, Fort Worth District Office, 801 Cherry Street, 19th Floor, Unit 18, Fort Worth, TX 76102. At such time as said monies are paid to the Commission, Kringen relinquishes all legal and equitable right, title, and interest in those funds and no part of such monies shall be returned to Kringen or his trustees, agents or assigns.

V.

It is further **ORDERED** that this Court shall retain jurisdiction over this action for all purposes, including for purposes of entertaining any suitable application or motion by the Commission for additional relief within the jurisdiction of this Court, including but not limited to the relief requested by the Commission in its Complaint.

VI.

It is further **ORDERED** that this Final Judgment may be served upon Defendant Richard P. Kringen and Relief Defendant Omnibus LLC in person or by mail either by the United States Marshal, the Clerk of the Court, or any member of the staff of the Securities and Exchange Commission.

VII.

There being no just reason for delay, the Clerk of this Court is hereby directed to enter this Final Judgment pursuant to Fed. R. Civ. P. 54 and 58.

DATED and SIGNED this 4th day of October, 2006.

s/Richard D. Rogers
United States District Judge