

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No. 11-CV-0641-CVE-TLW

THOMAS L. KIVISTO,

Defendant.

FINAL JUDGMENT AS TO DEFENDANT THOMAS L. KIVISTO

This matter comes on for consideration of the Agreed Motion to Enter Final Judgment as to Defendant Thomas L. Kivisto (Dkt. # 6). The Securities and Exchange Commission having filed a complaint and defendant Thomas L. Kivisto having entered a general appearance; consented to the Court's jurisdiction over defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Agreed Motion to Enter Final Judgment as to Defendant Thomas L. Kivisto (Dkt. # 6) is **granted**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that defendant Thomas L. Kivisto and his agents, servants, and employees, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise, are permanently restrained and enjoined from violating Sections 17(a)(2) and (3) of the Securities Act of 1933 (the Securities Act) [15 U.S.C. § 77q(a)(2) and (3)] in the offer or

sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or,
- (b) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that defendant Thomas L. Kivisto is liable for disgorgement, which he shall satisfy by forfeiting all claims to 85,000 units of SemGroup Energy Partners, L.P. (SGLP) [now known as Blueknight Energy Partners, L.P.) (Blueknight)] awarded on or about July 23, 2007, and 65,000 units of SGLP awarded on or about June 20, 2008. Defendant shall satisfy this obligation by delivering written notice to Blueknight, at its business address, attn: Alex G. Stallings, Chief Financial Officer and Secretary, Two Warren Place, 6120 South Yale Avenue, Suite 500, Tulsa, Oklahoma 74136, within 21 days after entry of this Final Judgment, in a form acceptable to Blueknight, with a copy to the Clerk of this Court, together with a cover letter identifying Kivisto 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 the forfeiture was made pursuant to this Final Judgment. Defendant shall simultaneously transmit photocopies of such letter to the plaintiff's counsel in this action. By making this forfeiture, defendant relinquishes all legal and equitable right, title, and interest in such units in Blueknight and no part of the units shall be returned to defendant.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that defendant Thomas L. Kivisto shall pay a civil penalty in the amount of \$225,000 pursuant to Section 20(d)(2) of the Securities Act of 1933 [15 U.S.C. § 77t(d)]. Defendant shall make this payment within 21 days after entry of this Final Judgment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, 100 F Street, NE, Stop 6042, Washington DC 20549, and shall be accompanied by a letter identifying Kivisto 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 Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts at the rate of .11 percent per annum. Plaintiff shall remit the funds paid pursuant to this paragraph to the United States Treasury.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that defendant's consent (Dkt. # 3) is incorporated herein with the same force and effect as if fully set forth herein, and that defendant shall comply with all of the undertakings and agreements set forth therein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter and defendant in order to implement and carry out the terms of all 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.

DATED this 19th day of October, 2011.


CLAIRE V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT

Agreed as to Form:

/s/ Jeffrey A. Cohen

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