



STATE OF MISSOURI  
OFFICE OF SECRETARY OF STATE

IN THE MATTER OF: )  
)  
ULTIMATE BUSINESS SOLUTIONS, LLC )  
and NIKKI KRIENS, ) Case No. AP-12-23a  
)  
*Respondents.* )

**FINAL ORDER TO CEASE AND DESIST AND ORDER AWARDING RESTITUTION,  
CIVIL PENALTIES, AND COSTS AS TO RESPONDENTS ULTIMATE BUSINESS  
SOLUTIONS, LLC AND NIKKI KRIENS**

Now on the 25th day of March, 2015, the Commissioner, having reviewed this matter, issues the following findings and order:

**I. PROCEDURAL BACKGROUND**

1. On July 3, 2012, the Enforcement Section of the Securities Division of the Office of Secretary of State (the “Enforcement Section”), by and through Assistant Commissioner Mary S. Hosmer, submitted a Petition for Order to Cease and Desist and Order to Show Cause Why Civil Penalties and Costs Should Not Be Imposed against all Respondents (the “Petition”). On July 11, 2012, the Commissioner issued an Order to Cease and Desist and Order to Show Cause Why Civil Penalties and Costs Should not be Imposed (the “Order”) against the Respondents.
2. On September 4, 2014, a Joint Motion for Final Order to Cease and Desist and Order Awarding Restitution, Civil Penalties and Costs as to Respondents Ultimate Business Solutions, LLC and Nikki Kriens (“Joint Motion”) was filed. In the Joint Motion, Ultimate Business Solutions, LLC and Nikki Kriens waived their right to a hearing in this matter,<sup>1</sup> stipulated to the entry of a final order by the Commissioner, and also stipulated

<sup>1</sup> See *Coleman v. Missouri Sec’y of State*, 313 S.W.3d 148, 156 (Mo. App. W.D. 2010) (stating that the respondent’s “withdrawal of his request for a hearing was qualitatively identical to never having requested a hearing in the first place. Thus, pursuant to section 409.6-604(b), the Commissioner [of Securities] was free to take action to enter the Final Order without conducting a hearing or otherwise complying with the requirements of section 409.6-604(c)”).

to the amount of restitution, costs, and civil penalties.

3. On February 10, 2015, the Commissioner granted Petitioner's Motion to Sever Respondents. As a result, the case involving Respondents Ultimate Business Solutions, LLC, Nikki Kriens, and Bruce Kriens, Jr. (the "Kriens Respondents") was assigned case number AP-12-23a, while the case involving all other Respondents was assigned case number AP-12-23b.<sup>2</sup>
4. In an order dated March 24, Respondent Bruce Kriens, Jr. was dismissed from this action.

## **II. FINDINGS OF FACT**

### **A. Respondents and Related Parties**

5. The Davidan Corporation ("Davidan") is a Delaware corporation organized on December 30, 2005. Davidan has an address of 2701 East Osborn Road, Phoenix, Arizona 85016. Davidan's registered agent is the Corporation Service Company located at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.
6. Lajobejo LLC ("Lajobejo") is an Arizona limited liability company organized on January 5, 2006. Lajobejo has an address of 2338 West Royal Palm Road Suite J, Phoenix, Arizona 85021. Lajobejo's registered agent is the Corporation Service Company located at 2338 West Royal Palm Road Suite J, Phoenix, Arizona 85021.
7. David Adam Mersky ("D. Mersky") is the president, chief executive officer and director of Davidan. D. Mersky is a managing member of Lajobejo. D. Mersky has an address of 8657 North Caballo Circle, Paradise Valley, Arizona 85253.
8. Leslie Spencer Mersky ("L. Mersky") is a managing member of Lajobejo and is the father of D. Mersky. L. Mersky has an address of 14304 East Thoroughbred Trail, Scottsdale, Arizona 85259-5509. L. Mersky is registered with the Central Registration Depository ("CRD") with CRD number 1374944. A check of the records maintained by the Commissioner indicates that at all times relevant to this matter, L. Mersky was not registered as a securities agent in the State of Missouri.
9. On September 12, 2007, Davidan and Lajobejo registered the Bankcard Empire as a Trade Name in the State of Arizona. Both Davidan and Lajobejo did business as the Bankcard Empire (collectively these entities will be referred to as the "Bankcard Empire").

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<sup>2</sup> Respondents David Adam Mersky, Leslie Spencer Mersky, Davidan Corporation dba Bankcard Empire, and Lajobejo LLC, requested a hearing on July 30, 2012, and that request remains pending as of the date of this Final Order in case AP-12-23b.

10. Ultimate Business Solutions, LLC (“Ultimate”) was a Nevada limited liability company formed on April 4, 2006. Ultimate’s registered agent was Spiegel & Utrera, P.A., 1785 East Sahara Avenue Suite 490, Las Vegas, Nevada 89104. Ultimate’s status as a limited liability company was dissolved by Nevada on August 27, 2010. Ultimate registered as a foreign limited liability company in the state of Arizona on August 23, 2007. Ultimate’s registered agent in Arizona is Nikki Kriens, 3741 East Leah Lane, Gilbert, Arizona 85234.
11. Bruce Kriens, Jr. (“B. Kriens”) is a managing member of Ultimate and has an address of 3741 East Leah Lane, Higley,<sup>3</sup> Arizona 85236.
12. Nikki Kriens (“N. Kriens”) is a managing member of Ultimate and has an address of 3741 East Leah Lane, Higley, Arizona 85236.
13. At all times relevant, none of the above-mentioned entities were registered with the Missouri Corporations Division.
14. At all times relevant, records maintained by the Commissioner contained no registration, granted exemption, or notice filing indicating status as a “federal covered security” for any securities issued by the Bankcard Empire and/or Ultimate.
15. At all times relevant, records maintained by the Commissioner contained no registration or granted exemption for any agents of Davidan, Lajobejo, the Bankcard Empire and/or Ultimate.
16. As used throughout the rest of this Order, the term “Respondents” refers to Ultimate and N. Kriens.

**B. Enforcement Section Investigation**

17. In May of 2012, the Enforcement Section received a written complaint from a 71-year-old<sup>4</sup> resident of Bertrand, Missouri (“MR”), regarding MR’s investments in the Bankcard Empire and Ultimate.
18. In May, June, and July 2012, representatives of the Enforcement Section spoke with MR several times via telephone and received documents from MR and MR’s attorney. This information revealed, among other things, that:

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<sup>3</sup> In 2010, the city of Gilbert, Arizona annexed the unincorporated subdivision of Higley, Arizona and the address at 3741 East Leah Lane is now in Gilbert, Arizona.

<sup>4</sup> MR was sixty-eight (68) years old at the time of the investment.

- a. on or before January 5, 2009, MR was contacted via telephone at MR's residence by a representative of the Bankcard Empire ("Bankcard Representative"). The Bankcard Representative told MR, among other things, that:
  - i. MR could make money by selling the Bankcard Empire's credit card machines; and
  - ii. MR could purchase the Bankcard Empire's affiliate training manual for \$250 to learn how to sell these credit card machines for the Bankcard Empire.
- b. on January 5, 2009, MR purchased the Bankcard Empire's affiliate training manual;
- c. MR understood that the Bankcard Empire made a percentage of each credit card transaction processed through one of the Bankcard Empire's credit card machines;
- d. after reading the Bankcard Empire's affiliate training manual, MR expressed concern to the Bankcard Representative about MR's ability to sell the credit card machines. The Bankcard Representative stated that MR could earn money by paying Ultimate, the Bankcard Empire's affiliate, "to market" the Bankcard Empire's credit card machines for MR;
- e. on or before January 21, 2009, a representative of Ultimate ("Ultimate Representative") contacted MR and stated, among other things, that:
  - i. Ultimate was in the business of marketing the Bankcard Empire's credit card machines;
  - ii. Ultimate did this type of marketing regularly and the sales were virtually guaranteed;
  - iii. in addition to marketing the Bankcard Empire's credit card machines, Ultimate specialized in helping people get rid of credit card debt;
  - iv. MR could generate "substantial income" by using Ultimate's services;
  - v. MR could make money in Ultimate without ever "leaving her house";
  - vi. MR's funds would be used to employ individuals to market the Bankcard Empire's credit card equipment in a national sales campaign;

- vii. MR would receive five hundred dollars (\$500) every time Ultimate signed a company up or when a company was cleared to use the Bankcard Empire's credit card machines;
  - viii. through Ultimate's marketing efforts, MR would receive a significant financial return within as little as two to three months;
  - ix. MR could pay for Ultimate's services by giving Ultimate permission to debit funds from and/or charge funds to MR's credit cards; and
  - x. MR's returns would be enough to pay off MR's current credit card debt and the additional amounts MR incurred to pay for Ultimate's services;
- f. MR told the Ultimate Representative that the returns sounded too good to be true, and the Ultimate Representative stated, "I understand, but it is true";
- g. before speaking with the Ultimate Representative, MR had in excess of fifteen thousand dollars (\$15,000) in credit card debt;
- h. MR stated that the Ultimate Representative knew the amount of MR's credit card debt before MR told the Ultimate Representative about this debt. Because the Ultimate Representative knew of MR's debt, MR felt that the Ultimate Representative was truly concerned about MR's financial situation;
- i. MR stated that MR believed the Ultimate Representative:
- i. was "a young, caring, honest man who spoke as a Christian";
  - ii. was someone who could be trusted; and
  - iii. was sincere and had MR's best interests in mind;
- j. MR agreed to authorize Ultimate to debit MR's credit card accounts to pay for Ultimate's marketing activities on MR's behalf;
- k. on January 20, 2009, MR authorized Ultimate to debit MR's credit card accounts for the amounts listed as follows:
- i. a Platinum Plus MasterCard account for eleven thousand dollars (\$11,000);
  - ii. a second MasterCard account for three hundred dollars (\$300);

- iii. a Discover account for ten thousand dollars (\$10,000);
  - iv. a second Discover account for eight thousand six hundred dollars (\$8,600);
  - v. a Visa account for eight thousand four hundred dollars (\$8,400); and
  - vi. a second Visa account for ten thousand eight hundred dollars (\$10,800);
- l. MR was assured by the Ultimate Representative that a commitment of this amount would quickly result in a significant financial return to MR within as little as two to three months;
  - m. after MR's funds were transferred to Ultimate, MR called Ultimate several times and was told by representatives of Ultimate, among other things, that:
    - i. "all is well, it will just take a little more time"; and
    - ii. "we are working on your account now";
  - n. in April of 2009, MR received a printout of marketing "blasts" from Ultimate. This report did not have Ultimate's name but reflected the file name of "BankCard" and "CallBlast reports." MR believed that these "blasts" were recorded telephone messages sent to various business telephone numbers to market the credit card machines on MR's behalf;
  - o. MR has not received any funds from Ultimate or the Bankcard Empire since MR's investment;
  - p. since at least May 2009, MR has submitted multiple written requests to Ultimate to refund MR's funds and MR has not received any refund of the amounts that were debited from MR's accounts;
  - q. MR is on a fixed income and can no longer pay all of MR's monthly combined medical and living expenses;
  - r. MR has spent all of MR's life savings to pay settlements reached with most of the credit card companies MR used to pay for Ultimate's marketing service;<sup>5</sup> and

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<sup>5</sup> As of May 2012, one credit card company was still pursuing a civil action against MR in the Circuit Court of Mississippi County, Missouri to collect funds MR owed the credit card company. These credit card debts were incurred by MR to pay for MR's investment in Ultimate and the Bankcard Empire. In June 2012, a representative from the Enforcement Section contacted counsel for the credit card company regarding the Enforcement Section's investigation. Soon after this contact by the Enforcement Section, the suit against MR to collect on this credit card debt was dismissed by the credit card company.

- s. MR is currently selling homemade breads at a local farmer's market "to get by."
19. On June 26, 2012, and July 2, 2012, representatives of the Enforcement Section contacted N. Kriens regarding Ultimate and the Bankcard Empire. N. Kriens stated, among other things, that:
- a. N. Kriens and B. Kriens formed Ultimate as a limited liability company;<sup>6</sup>
  - b. L. Mersky and D. Mersky contacted N. Kriens about using Ultimate's merchant account ("Ultimate's Merchant Account") as a third party processor for Bankcard Empire's credit card sales;
  - c. N. Kriens agreed to allow Bankcard Empire to use Ultimate's Merchant Account to conduct Bankcard Empire sales;
  - d. Bankcard Empire, L. Mersky and D. Mersky had control over the funds in Ultimate's Merchant Account;
  - e. N. Kriens and Ultimate were paid approximately one percent on all sales by Bankcard Empire that were processed through Ultimate's Merchant Account. All other funds in Ultimate's Merchant Account went to Bankcard Empire, L. Mersky and/or D. Mersky;
  - f. N. Kriens understood that Bankcard Empire used other merchant accounts to process Bankcard Empire's credit card sales;
  - g. N. Kriens understood that when Bankcard Empire used Ultimate's Merchant Account the customers' credit card statements would reflect purchases from Ultimate;
  - h. N. Kriens and Ultimate did not have sales agents and N. Kriens was not aware of what Bankcard Empire sold through Ultimate's Merchant Account;
  - i. N. Kriens and Ultimate did not give Bankcard Empire, L. Mersky, and/or D. Mersky permission to use Ultimate's name in any other way;
  - j. N. Kriens could not recall how much money N. Kriens and Ultimate made through the Bankcard Empire;<sup>7</sup> and

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<sup>6</sup> A review of the Arizona corporate records revealed that N. Kriens was the manager/member of at least three other limited liability companies.

<sup>7</sup> Upon information and belief, N. Kriens made hundreds of thousands of dollars by allowing the Bankcard Empire to use Ultimate's Merchant Account to process Bankcard Empire's credit card sales.

- k. N. Kriens did not want to answer any more questions regarding N. Kriens' involvement with the Bankcard Empire.
20. Before MR's investment, Respondents Ultimate Business Solutions, LLC and Nikki Kriens and their representatives, among other things, did not tell MR the following:
- a. that the securities offered and/or sold to MR were not registered in the State of Missouri;
  - b. that those Respondents' representatives were not registered to offer or sell securities in the State of Missouri;
  - c. information about the contractual relationship between Ultimate and the Bankcard Empire;
  - d. information about those Respondents' backgrounds and experiences in marketing and selling credit card machines;
  - e. that on October 9, 2008, the Secretary of State for the State of Illinois issued a Cease and Desist order against the Bankcard Empire and Ultimate for offering and/or selling business opportunities in Illinois, *In the matter of Epic Commerce, LLC, Bankcard Empire, Ultimate Business Solutions, their Officers, Directors, Employees, Agents, Affiliates, Successors and Assigns, Respondents*, Case Number 0800438 (Illinois Securities Department 2008) ("Illinois Cease and Desist");
  - f. financial and sales information from the Bankcard Empire and/or Ultimate to support the claim that MR would receive "substantial income" from the investment;
  - g. the risks of the investment;
  - h. information about the background, experience, regulatory and/or criminal history of L. Mersky, including but not limited to, that:
    - i. in 1998, L. Mersky entered a plea of guilty to conspiracy to launder monetary instruments and was sentenced in January 2001, to forty-two 42 months incarceration, and three years supervised release in "Operation Risky Business," the largest non-drug money laundering investigation ever conducted by U. S. Customs Service, *United States of America vs. Leslie Spencer Mersky*, Case Number 1:98CR52-001 (United States District Court, Northern District of Florida, Gainesville Division 1998) (the "L. Mersky Conviction"); and/or



- ii. on July 31, 2006, L. Mersky was barred from participating in the offering of any penny stock and barred from association with any broker or dealer by the United States Securities and Exchange Commission (“SEC”), *In the matter of SEC v. Leslie Mersky, et al.*, Civil Action No. 93-CV-5200 (E.D. Pa. 2006) (the “L. Mersky SEC Bar”).
21. In addition to obtaining records relating to the Illinois Cease and Desist, the L. Mersky Conviction, and L. Mersky SEC Bar mentioned above, the investigator with the Enforcement Section reviewed records that revealed the following states have taken actions against Ultimate and/or the Bankcard Empire:
  - a. on April 21, 2010, the Securities Administrator of the State of Washington issued a Consent Order against Bankcard Empire, *In the matter of AIG Promotions, LLC; Davidan Corporation, d/b/a Bankcard Empire, Respondent*, Case Number S-09-450-10-CO01 (Washington Department of Financial Institutions, Securities Division 2010);
  - b. on August 9, 2010, the Director of the Division of Securities for the State of South Dakota issued a Cease and Desist against Ultimate Business Solutions, *In the matter of Ultimate Business Solutions, LLC and all Officers, Directors, Brokers, Agents and Employees thereof, Respondent*, Case Number 1634 (South Dakota Department of Revenue & Regulation, Division of Securities 2010); and
  - c. on May 12, 2011, the Commissioner of Securities for the State of Kansas issued a Cease and Desist against Leslie Spencer Mersky and Bankcard Empire, *In the matter of Leslie Spencer Mersky, and Bankcard Empire, Respondents*, KSC Mo. 2011-5789 (Kansas Office of Securities Commissioner 2011).

### **III. CONCLUSIONS OF LAW**

#### **Multiple Violations of Offering and Selling Unregistered, Non-Exempt Securities**

22. Respondents Ultimate Business Solutions, LLC and Nikki Kriens offered and sold a security as those terms are defined in Sections 409.1-102(26) and (28), RSMo. (Cum. Supp. 2013).
23. An “investment contract” is enumerated in the list of items that are securities in Section 409.1-102(28), RSMo. (Cum. Supp. 2013). The investments Respondents Ultimate Business Solutions, LLC and Nikki Kriens offered and sold to MR are investment contracts, in that:
  - a. MR invested funds with Ultimate and the Bankcard Empire;

- b. MR's funds were to be used by Ultimate and the Bankcard Empire to market the Bankcard Empire's credit card machines;
  - c. MR expected a profit from the marketing of Bankcard Empire's credit card machines; and
  - d. MR's expected profits were interwoven with and dependent upon the efforts of Ultimate and the Bankcard Empire.
24. At all times relevant, records maintained by the Commissioner contained no registration, granted exemption, or notice filing indicating status as a "federal covered security" for the securities offered and sold by Respondents Ultimate Business Solutions, LLC and Nikki Kriens.
25. Respondents Ultimate Business Solutions, LLC and Nikki Kriens violated Section 409.3-301, RSMo. (Cum. Supp. 2013), when they offered and sold securities in Missouri without these securities being (1) a federal covered security, (2) exempt from registration under Sections 409.2-201 or 409.2-203, RSMo. (Cum. Supp. 2013), or (3) registered under the Missouri Securities Act of 2003.
26. The offer and sale of unregistered securities by Respondents Ultimate Business Solutions, LLC and Nikki Kriens constitutes an illegal act, practice, or course of business and such action is therefore subject to the Commissioner's authority under Section 409.6-604, RSMo. (Cum. Supp. 2013).

**Multiple Violations of Omitting to State Material Facts in Connection  
with the Offer or Sale of a Security**

27. In connection with the offer, sale or purchase of a security, Respondents Ultimate Business Solutions, LLC and Nikki Kriens omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, including, but not limited to, the following:
- a. that the securities offered and/or sold to MR were not registered in the State of Missouri;
  - b. that those Respondents' representatives were not registered to offer and sell securities in the State of Missouri;
  - c. information about the contractual relationship between Ultimate and the Bankcard Empire;
  - d. information about those Respondents' backgrounds and experiences in marketing and selling credit card machines;

- e. that on October 9, 2008, the Secretary of State for the State of Illinois issued a Cease and Desist order against the Bankcard Empire and Ultimate for offering and/or selling business opportunities in Illinois, *In the matter of Epic Commerce, LLC, Bankcard Empire, Ultimate Business Solutions, their Officers, Directors, Employees, Agents, Affiliates, Successors and Assigns, Respondents*, Case Number 0800438 (Illinois Securities Department 2008);
  - f. financial and sales information from the Bankcard Empire and/or Ultimate to support the claim that MR would receive “substantial income” from the investment;
  - g. the risks of the investment;
  - h. information about the background, experience, regulatory and/or criminal history of L. Mersky, including but not limited to, that:
    - i. in 1998, L. Mersky entered a plea of guilty to conspiracy to launder monetary instruments and was sentenced in January 2001, to 42 months incarceration, and three years supervised release in ‘Operation Risky Business’, the largest non-drug money laundering investigation ever conducted by U. S. Customs Service, *United States of America vs. Leslie Spencer Mersky*, Case Number 1:98CR52-001, (United States District Court, Northern District of Florida, Gainesville Division 1998); and/or
    - ii. on July 31, 2006, L. Mersky was barred from participating in the offering of any penny stock and barred from association with any broker or dealer by the United States Securities and Exchange Commission (“SEC”), *In the matter of SEC v. Leslie Mersky, et al.*, Civil Action No. 93-CV-5200 (E.D. Pa. 2006).
28. MR was over the age of 60 years old and was an elderly person as that term is defined under Section 409.6-604(d)(3)(B), RSMo. (Cum. Supp. 2013), at the time of Respondents’ Ultimate Business Solutions, LLC’s and Nikki Kriens’ actions in omitting to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.
29. The actions of Respondents Ultimate Business Solutions, LLC and Nikki Kriens in omitting to state material facts necessary in order to make the statements, in light of the circumstances under which they were made, not misleading, constitute violations of Section 409.5-501, RSMo. (Cum. Supp. 2013) and constitute illegal acts, practices, or courses of business and such actions are therefore subject to the Commissioner’s authority under Section 409.6-604, RSMo. (Cum. Supp. 2013).

30. An order is in the public interest and is consistent with the purposes of the Missouri Securities Act of 2003. See Section 409.6-605(b), RSMo. (Cum. Supp. 2013).

#### **V. ORDER**

**NOW, THEREFORE**, it is hereby ordered that Respondents Ultimate Business Solutions, LLC and Nikki Kriens, their agents, employees and servants, and all other persons participating in or about to participate in the above-described violations with knowledge of this order be prohibited from:

- A. violating or materially aiding in any violation of Section 409.3-301, RSMo. (Cum. Supp. 2013), by offering or selling any securities as defined by Section 409.1-102(28), RSMo. (Cum. Supp. 2013), in the State of Missouri unless those securities are registered with the Securities Division of the Office of the Secretary of State in accordance with the provisions of Section 409.3-301; and
- B. violating or materially aiding in any violation of Section 409.5-501, RSMo. (Cum. Supp. 2013), by, in connection with the offer or sale of securities, making an untrue statement of a material fact or omitting to state a material fact necessary in order to make the statement made, in light of the circumstances under which it is made, not misleading or engaging in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person;

**IT IS FURTHER ORDERED** that, pursuant to Section 409.6-604(d), RSMo. (Cum. Supp. 2013), Respondents Ultimate Business Solutions, LLC and Nikki Kriens shall pay jointly and severally restitution in the amount of \$3,500 for multiple violations of Sections 409.3-301 and 409.5-501, RSMo. (Cum. Supp. 2013). This amount shall be payable to the Missouri Secretary of State's Investor Restitution Fund ("Restitution Fund") and sent to that Restitution Fund at 600 West Main Street, Jefferson City, Missouri 65101, and the Commissioner will take reasonable and necessary actions to distribute all such funds to the investors detailed in Exhibit 1 of the Joint Motion for Final Order to Cease and Desist. Respondents Ultimate Business Solutions, LLC and Nikki Kriens shall pay this amount within 30 days from the date of the execution of this order;

**IT IS FURTHER ORDERED** that Respondents Ultimate Business Solutions, LLC and Nikki Kriens shall pay jointly and severally the costs of investigation in this matter in the amount of \$5,000. Those Respondents' obligation to pay this amount is hereby suspended provided they comply with the terms of this Final Order and are not found, after notice and an opportunity for a hearing, to have violated the Missouri Securities Act for a period of 18 months from the date of this Final Order; and

**IT IS FURTHER ORDERED** that Respondents Ultimate Business Solutions, LLC and Nikki Kriens shall pay jointly and severally a civil penalty in the amount of \$10,000, for multiple violations of Sections 409.3-301 and 409.5-501, RSMo. (Cum. Supp. 2013). Those Respondents' obligation to pay this amount is hereby suspended provided they comply with the terms of this

Final Order and are not found, after notice and an opportunity for a hearing, to have violated the Missouri Securities Act for a period of 18 months from the date of this Final Order; and

**IT IS FURTHER ORDERED** that the suspended payments in the two paragraphs immediately above shall become immediately payable by Respondents Ultimate Business Solutions, LLC and Nikki Kriens, under operation of law, upon the failure to comply with the terms of the Final Order, and such immediately due payments shall be in addition to all other penalties then available under the law. The Commissioner will refer this matter for enforcement as provided in Sections 409.6-603 and 409.6-604, RSMo. (Cum. Supp. 2013). Upon those Respondents' satisfaction of the restitution order above and their compliance with the terms of this Order for a period of 18 months from the date of this Final Order, the suspended payments stated above shall be fully waived.

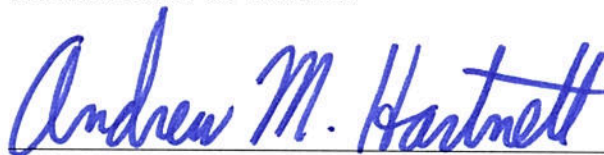
**IT IS FURTHER ORDERED** that Respondent Nikki Kriens shall be barred from applying for registration as a broker-dealer, broker-dealer agent, investment adviser, or investment adviser representative in the State of Missouri.

**IT IS FURTHER ORDERED** that this Final Order pertains only to Respondents Nikki Kriens and Ultimate Business Solutions, LLC, and that the Commissioner's actions, if any, as to the other Respondents in this case will be issued separately.

**SO ORDERED:**

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY,  
MISSOURI THIS TWENTY-FIFTH DAY OF MARCH, 2015.

JASON KANDER  
SECRETARY OF STATE



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Andrew M. Hartnett  
Commissioner of Securities

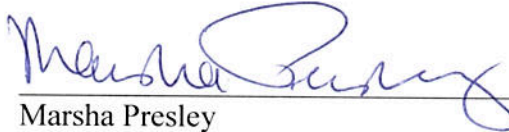
CERTIFICATE OF SERVICE

I hereby certify that on this 25<sup>th</sup> day of March, 2015, a copy of the foregoing Final Order to Cease and Desist and Order Awarding Restitution, Civil Penalties, and Costs as to Respondents Ultimate Business Solutions, LLC and Nikki Kriens in the above styled case was **mailed by U.S. mail to:**

Cary Lackey  
The Law Office of Cary L. Lackey, P.C.  
649 North 4<sup>th</sup> Avenue  
Phoenix, AZ 85003-1526  
Counsel for Respondents

**and a copy by hand-delivery to:**

Mary S. Hosmer  
Assistant Commissioner  
Missouri Securities Division



Marsha Presley  
Securities Office Manager