



STATE OF MISSOURI  
OFFICE OF THE SECRETARY OF STATE

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

**ORDER OF DISMISSAL**

Now on the 24th day of March, 2015, the Commissioner, having reviewed this matter, issues the following findings and order:

**FINDINGS AND ORDER**

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 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

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<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)").

number AP-12-23b.<sup>2</sup>

4. On February 20, 2015, the Enforcement Section, by and through Assistant Commissioner Mary S. Hosmer, filed a Motion to Dismiss Respondent Bruce Kriens, Jr.
5. Respondent Bruce Kriens, Jr. is hereby **DISMISSED** from this case.

**SO ORDERED:**

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



JASON KANDER  
SECRETARY OF STATE

*Andrew M. Hartnett*

Andrew M. Hartnett  
Commissioner of Securities

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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.

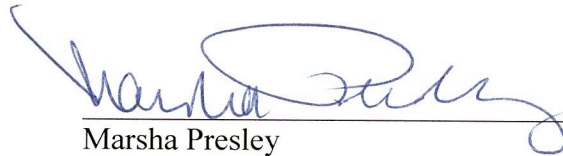
CERTIFICATE OF SERVICE

I hereby certify that on this 24<sup>th</sup> day of March, 2015, a courtesy copy of the foregoing Order of Dismissal, issued 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



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Marsha Presley  
Securities Office Manager