

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

SCOTT F. KLION, also known as 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

**PERMANENT INJUNCTION AND ORDER OF DISGORGEMENT
AGAINST SCOTT F. KLION**

This matter came before the Court on the Joint Motion to Modify Permanent Injunction and Order of Disgorgement Against David Tanner aka James Tucker aka Scott Klion (collectively, "Klion") by Plaintiff Securities and Exchange Commission and the Receiver Larry Cook. This Court, having considered the motion and declarations on file herein, hereby directs the Clerk of Court to enter the following Order:

I.

IT IS ORDERED that Defendant Klion, his agents, servants, employees, attorneys, and all other persons in active concert or participation with him, are permanently enjoined from violating Section 17(a) of the Securities Act [15 U.S.C. Section 77q(a)], directly or indirectly, 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 the use of the mails, by --

(A) employing any device, scheme, or artifice to defraud, or

(B) obtaining money or property by means of any untrue statement of material fact or any omission to state a material fact necessary in order to make the statement(s) made, in the light of the circumstances under which they were made, not misleading, or

(C) engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

II.

IT IS FURTHER ORDERED that Defendant Klion, his agents, servants, employees, attorneys, and all other persons in active concert or participation with him, are permanently enjoined from violating Section 10(b) of the Exchange Act or Rule 10b-5 [15 U.S.C. Section 78j(b) and 17 C.F. R. '240.10b-5], directly or indirectly, in connection with the purchase or sale of any security, by making use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange:

(A) to use or employ any manipulative or deceptive device or contrivance in contravention of the rules and regulations promulgated by the Commission;

(B) to employ any device, scheme, or artifice to defraud;

(C) to make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

(D) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

III.

IT IS FURTHER ORDERED that Defendant Klion, his agents, servants, employees, attorneys, and all other persons in active concert or participation with him who receives actual notice of this Order by personal service or otherwise, are permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. Section 77e] by, directly or indirectly, in the absence of any applicable exemption:

- (a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;
- (b) Unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; or
- (c) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [15 U.S.C. Section 77h].

IV.

IT IS FURTHER ORDERED that Defendant Klion shall pay disgorgement of \$19,800.974, prejudgment interest in the amount of \$2,221,136 and a civil penalty of \$130,000, within ten days of the entry of this Order. Defendant shall make payment to the Receiver Larry Cook. The Commission may enforce the Court's judgment for disgorgement by moving for civil contempt and through other collection procedures authorized by law.

V.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Agreed Order.

Signed this 22nd day of May, 2007.

s/Richard D. Rogers
United States District Judge