

sec news digest

Issue 78-249

December 27, 1978

COMMISSION ANNOUNCEMENTS

GARY N. SUNDICK NAMED ASSISTANT DIRECTOR OF DIVISION OF ENFORCEMENT

Stanley Sporkin, Director of the Division of Enforcement, announced the appointment of Gary N. Sundick as an Assistant Director of the Division of Enforcement. Mr. Sundick will have supervisory responsibility for the activities of the Branches of Investment Management Enforcement and Corporation Finance Enforcement.

Mr. Sundick, 35, received a degree in electrical engineering from the Polytechnic Institute of Brooklyn in June 1964 and a law degree from the University of Michigan Law School in December 1966. Mr. Sundick's initial employment was as a patent attorney for the U.S. Atomic Energy Commission. He joined the staff of the Commission's Division of Corporate Regulation in December 1969 and became a member of the staff of the Division of Enforcement in 1972. Most recently he served as Branch Chief of the Branch of Investment Management Enforcement.

CIVIL PROCEEDINGS

REQUEST FOR INJUNCTIVE AND ANCILLARY RELIEF AGAINST S. HAYWARD WILLS AND PAUL R. STUKEN DENIED

The SEC announced on December 22 that Judge Gerhard A. Gesell denied the Commission's request for injunctive and ancillary relief against S. Hayward Wills and Paul R. Stuken. Although the Court found that the defendants negligently violated Sections 13(a) and 14(a) and (e) of the Securities Exchange Act of 1934 and Sections 5(b)(1) and 17(a) of the Securities Act of 1933, it held that scienter was an essential element of an SEC injunctive action and Section 10(b), and denied the requested injunctive relief. (SEC v. S. Hayward Wills, et al., D.D.C., Civil Action No. 77-0097). (LR-8626)

CRIMINAL PROCEEDINGS

DONALD B. WOHL PLEADS GUILTY

The Chicago Regional Office and the Cleveland Branch Office announced that on December 18 Donald B. Wohl, formerly of Shaker Heights, Ohio, pleaded guilty in the U.S. District Court in Cleveland, Ohio, to two counts of an eleven count indictment originally returned on October 17. The subject counts charged him with violations of the antifraud provisions of the securities laws in the offer and sale of securities to one of his customers. The Court deferred sentencing pending a pre-sentence report. (U.S. v. Donald B. Wohl, U.S.D.C., N.D. Ohio, E.D., CR No. 78-182). (LR-8627)

INVESTMENT COMPANY ACT RELEASES

L.F. ROTHSCHILD, UNTERBERG, TOWBIN

A notice has been issued giving interested persons until January 12, 1979 to request a hearing on an application of L.F. Rothschild, Unterberg, Towbin; Warburg Paribas Becker Incorporated; J.C. Bradford & Co.; and Piper, Jaffray & Hopwood Incorporated, as representatives of a group of underwriters proposing to underwrite a public offering of the shares of Nautilus Fund, Inc., a closed-end, diversified management investment company registered under the Act, for an exemption from the provisions of Section 30(f) which incorporate, among other things, the insider trading provisions of the Securities Exchange Act of 1934, insofar as such provisions might apply to any transactions by the underwriters incident to the public distribution of shares of that company. (Rel. IC-10534 - Dec. 22)

HOLDING COMPANY ACT RELEASES

JERSEY CENTRAL POWER AND LIGHT COMPANY

A notice has been issued giving interested persons until January 16, 1979 to request a hearing on a proposal of Jersey Central Power and Light Company, subsidiary of General Public Utilities Corporation, that Jersey Central issue mortgage bonds to an Industrial Development Authority to finance pollution control facilities. (Rel. 35-20842 - Dec. 26)

KENTUCKY POWER COMPANY

An order has been issued authorizing a proposal of Kentucky Power Company, subsidiary of American Electric Power Company, Inc., that it be granted a short-term borrowing authorization of \$35 million through January 1, 1980. (Rel. 35-20843 - Dec. 26)

LISTING, DELISTING AND UNLISTED TRADING ACTIONS

DELISTING GRANTED

An order has been issued granting the application of The Prudential Group, Inc. to strike from listing and registration the common stock (par value 33-1/3¢) on the American Stock Exchange, Inc. (Rel. 34-15434)

SELF-REGULATORY ORGANIZATIONS

NOTICE OF EFFECTIVENESS OF PROPOSED RULE CHANGE

The Chicago Board Options Exchange, Inc. has filed a proposed rule change which has become effective under Section 19(b)(3)(A) of the Securities Exchange Act of 1934 (SR-CBOE-78-31) to establish a fixed rate of floor charges for executions by CBOE order book officials. Publication of the proposal is expected to be made in the Federal Register during the week of December 25. (Rel. 34-15429)

NOTICE OF PROPOSED RULE CHANGE

The Chicago Board Options Exchange, Inc. has filed a proposed rule change under Rule 19b-4 (SR-CBOE-78-33) to expand the scope of claims by members that can be satisfied out of the proceeds of the sale of a membership by the CBOE, and to reduce the time during which members suspended due to financial difficulty may seek reinstatement. Publication of the proposal is expected to be made in the Federal Register during the week of December 25. (Rel. 34-15432)

APPROVAL OF PROPOSED RULE CHANGE

The Commission has approved proposed rule changes filed by the Municipal Securities Rulemaking Board (SR-MSRB-78-13) amending the MSRB's interdealer uniform practice rule, MSRB rule G-12, (1) to expand the availability of the seller's close-out by permitting the seller to give notice of close-out at any time not later than the close of business day following receipt by the seller of the notice of rejection and (2) to provide that, in the event of a transaction for which the seller has issued a close-out notice is completed rather than being closed out, the seller may recover from the purchaser the actual and necessary expenses incurred by reason of the purchaser's rejection. (Rel. 34-15427) and (SR-MSRB-78-14) which will modify existing MSRB rule G-12 on uniform practice to permit syndicate members to accelerate the settlement date for "when, as and if issued" transactions with non-member dealers, in the event of early delivery by the issuer, only when the non-member dealer agrees to such accelerated delivery. (Rel. 34-15428)

SECURITIES ACT REGISTRATIONS

The following registration statements have been filed with the SEC pursuant to the Securities Act of 1933. The information noted below has been taken from the cover page and the facing sheet of the prospectus and registration statement and will appear as follows: Form; Name, address and phone number (if available) of the issuer of the security; Title and the number or face amount of the securities being offered; Name of the managing underwriter (if applicable); Whether the offering is a rights offering; and File number and date filed.

- (S-1) BROOKS RESOURCES CORPORATION, 416 N.E. Greenwood, Bend, Ore. 97701 - 2,400,000 shares of common stock. The company is engaged in the land development business. (File 2-63290 - Dec. 22)
- (S-6) MICHIGAN TAX EXEMPT BOND FUND, TWELFTH SERIES, 100 Renaissance Center, Detroit, Mich. 48243 - 5,000 units. Depositor: First of Michigan Corporation. (File 2-63292 - Dec. 22)
- (S-6) NATIONAL MUNICIPAL TRUST, THIRTIETH SERIES, One New York Plaza, New York, N.Y. 10004 - 13,000 units. Depositors: Thomson McKinnon Securities Inc., One New York Plaza, New York, N.Y. 10004 and Piper, Jaffray & Hopwood Inc. (File 2-63293 - Dec. 22)
- (S-14) BECTON, DICKINSON AND COMPANY, Mack Centre Dr., Paramus, N.J. 07652 (201) 967-3700 - 959,153 shares of common stock. (File 2-63294 - Dec. 22)
- (S-6) MASSACHUSETTS TAX EXEMPT UNIT TRUST, SERIES 7, 60 State St., Boston, Mass. 02109 - 7,000 units. Depositor: Moseley, Hallgarten & Estabrook Inc. (File 2-63295 - Dec. 22)
- (S-8) THE COCA-COLA BOTTLING COMPANY OF NEW YORK, INC., 411 Hackensack Ave., Hackensack, N.J. 07601 (201) 487-8650 - 300,000 shares of common stock. (File 2-63301 - Dec. 22)
- (S-6) THE DREYFUS INCOME TRUST, SECOND SHORT TERM SERIES, 600 Madison Ave., New York, N.Y. 10022 - 1100 units of beneficial interest. Depositor: Dreyfus Service Corporation. (File 2-63302 - Dec. 22)
- (S-16) WEIS MARKETS, INC., 1000 South Second St., Sunbury, Pa. 17801 (717) 286-4571 - 60,000 shares of common stock. (File 2-63305 - Dec. 26)
- (S-16) ALLEGHANY CORPORATION, 350 Park Ave., New York, N.Y. 10022 (212) 752-1356 - 137,976 shares of common stock. The company is engaged in financial services, fabricated steel products and motor freight. (File 2-63306 - Dec. 26)



U. S. SECURITIES AND EXCHANGE COMMISSION
POSTAGE AND FEES PAID

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D. C. 20549
FIRST CLASS MAIL

NOTICE

Many requests for copies of documents referred to in the SEC News Digest have erroneously been directed to the Government Printing Office. Copies of such documents and of registration statements may be ordered from the Public Reference Section, Securities and Exchange Commission, Washington, D.C. 20549. The reproduction cost is 10c per page plus postage (7 days) (\$3.50 minimum); 20c per page plus postage for expedited service (4 days) (\$5.00 minimum) and 30c per page plus postage for priority service overnight (\$5.00 minimum). Cost estimates are given on request. All other reference material is available in the SEC Docket.

SEC NEWS DIGEST is published daily. Subscription rates: \$64.45/yr in

U.S. first class mail; \$80.60 elsewhere.

SEC DOCKET is published weekly. Subscription rates: \$43.70/yr in

U.S. first class mail; \$54.65 elsewhere.

SEC STATISTICAL BULLETIN is published monthly. Subscription rates: \$15.00/yr in

U.S. first class mail; \$18.75 elsewhere.

The News Digest, the Docket, and the Statistical Bulletin are for sale by the superintendent of Documents, Government Printing Office, Washington, D.C. 20402.