# sec news digest <br> a daily summary from the securities and exchange commission 

Issue 73-191
,SEC Docket, Vol. 2, No. 16 - Oct. 16)
October 2, 1973

## COMMISSIONER EVANS DISCUSSES CONCERNS OVER CERTAIN BANK ACTIVITIES


#### Abstract

"The split jurisdiction between the bank regulatory agencies and the Commission over persons offering similar or competing services may result in unequal regulation and thus unfair competition", said Commissioner John R. Evans in prepared remarks before a Fractising Law Institute program yesterday in San Francisco, California. Partly because a hefinition of banking has not becn specifically prescribed and the desire of commercial banks to offer one-step, full, financial services, Mr. Evans noted that "commercial banks are presently engaged in a variety of securities and investment activitics in direct competition with members of the investment banking and securities industries." Ht Indicated that there have been serious questions whether the line drawn by Congress between commercial and investment banking permits these activities or whether the line has become so eroded that it is completely illegible.

Among other things, Mr. Evans pointed out that the Commission is concerned with 'ank activities in the undcrwriting of municipal bonds; the investment management services of bank trust departments; and the custodial services for securities such as those provided by transfer agents and depositories. In addition, the Commissioner commented on more revent bank activities on which the Commission is presently focusing its attention. Ore activity was the dividend reinvestment service offered by banks to corporations permitting shareholders to have the option of reinvesting their cash dividend checks automatically in the corporation's stock. Mr. Evans indicated that "the offerine of ihese investment programs may raise questions as to the need for the protections afforded by registration under the Securities Act, and the operation of these plans may also ralse questions as to the applicability of the Investment Company Act."

Commissioner Evans also commented on the automatic stock purchase plans heing offered by banks to checking account customers and to the general public. The typical plan allows an individual to select stocks from a list of 25 securities and arrange for payments of $\$ 20$ to $\$ 500$ to be deducted automatically each month from his checking account. These programs are similar in many respects to the monthly investment programs offered by many brokerage firms, and there is a good argument that persons offering a similar service ought to bc subject to the same regulations in order that they fairly compete with each cther.

After commenting on "mini-account" services offered by banks, Commissioner Evans observed that the Commission has no interest in expanding the Commission's mandate to administer the securities laws into banking or any other areas of activity not involving securities. However, Mr. Evans pointed out that the Commission has an obligation to fulfill completely its statutory responsibility and "that persons competing in the securatics markets should be subject to equal rules, regulations, and enforcement standards."


## dECISIONS IN ADMINISTRATIVE PROCEEDING

I.F.S., MAC-VEE, JIM, MCCREARY AND JENSEN SANCTIONED. The SEC has censured I.F.S. Investors Services, Inc., a broker-dealer, Chevy Chase, Maryland. It has also suspended Mac-Vee Investment Company, Inc., Manassas, Virginia, JIM Mortgage Brokers, Inc., Fairfax City, Virginia, Thomas W. McCreary, who was president of Mac-Vee, and James A. Jensen, president of JIM, from association with any broker or dealer or member of a registered securities association for three months beginning September 26, 1973. Thereafter, Jensen and McCreary are suspended, until further order of the Commission, from any such association in any supervisory or unsupervised capacity.

During the period December 1971-March 1973 Mac-Vee, JIM, McCreary and Jensen sold unregistered securities of Del Rio Springs, Inc., and made false and misleading statements concerning the assurances of certain yields on an investment in those securities, the risks involved in such investment, and the fees, commissions and interest rates involved. In addition, Mac-Vee and JIM, aided and abetted by McCreary and Jensen, effected transactions as brokers and dealers without being registered with the Commission, and I.F.S. failed to supervise McCreary and Jensen, who had been associated with it.

The Commission's order was based on offers of settlement in which the respondents, without admitting or denying the charges, consented to the indicated findings and sanctions. (Rel. 34-10407)
L. F. ROTHSCHILD \& CO., AND HOWE CENSURED. An order has been issued censuring L. F. Rothschild \& Co., New York, New York and Patricia M. Howe, one of its general partners.

The decision was based on findings that during 1965-69 the firm and Howe failed to disclose fully to the Washington State Finance Committee that during the period they were transacting substantial business with the Washington State Finance Committee through its former Executive Secretary, Howe made personal loans and the firm and Howe extended other favors and benefits to the Fxecutive Secretary.

The Commission's findings were based on an offer of settlement in which respondents, without admitting or denying the charges, consented to the findings and the censures. (Rel. 34-10406)

## COMMISSION ANNOUNCEMENTS

COMMENT PERIOD ON OPTION TRADING REVIEW EXTENDED. The comment period on the Commission's review of option trading by specialists, market makers, floor traders and block positioners announced August 1, 1973 (Rel. 34-10312) has been extended to October 31, 1973. (Rel. 34-10415)

## COURT ENFORCEMENT ACTIONS

ORDER ENJOINS SALES OF UNREGISTERED CONDOMINIUM UNITS. The SEC announced that the Federal District Court for the District of Columbia has permanently enjoined Marasol Properties, Iberia Inmobiliaria Internacional, Inc., Inter-Fed Travel Services Association, and De Ritchie from violations of the registration and anti-fraud provisions of the securities laws. The Court found, among other things, that the offer and sale of condominiums for the primary purpose of investment rather than occupancy by the purchasers, coupled with an undertaking to arrange continuing rental of the units for the benefit of the purchasers constituted the offer and sale of securities in violation of the registration provisions of the Federal securities laws. (LR-6081)

## INVESTMENT COMPANY ACT RELEASES

HARTFORD EQUITY SALES COMPANY. Hartford Equity Sales Company, Inc., a subsidiary of International Telephone \& Telegraph's (ITT) Hartford Fire Insurance Company, has filed an application for an exemption from certain provisions of the Act to permit 1t. to serve as principal underwriter for variable annuity contracts issued with respect to the Hartford Variable Life Insurance Company Separate Account, or alternatively, for an order of temporary exemption to permit it to serve until after a final decision on a June 1972 application of $I T \mathrm{~T}$ and two subsidiaries and pending final disposition of the present application. Interested persons have until october 26 , 1973 to request a hearing on the application. (Rel. IC-8018)

## hOLDING COMPANY ACT RELEASES

THE COLUMBIA GAS SYSTEM. A notice has been issued giving interested persons until October 23 to request a hearing upon a proposal of The Columbia Gas System, a registered holding company, to issue and sell $\$ 50 \mathrm{million}$ of 10 -year promissory notes to a group of commercial banks. The proceeds will be used to complete the 1973 capital expenditure program of Columbia's subsidiary companies. (Rel. 35-18104)

EASTERN UTILTTIES ASSOCIATES. An order has been issued authorizing Brockton Edison Company, subsidiary of Eastern Utilities Associates (EUA), to (1) increase its capital stock, (2) sell 320,000 new common shares to EUA, (3) pledge the new common stock under EUA's Indenture, (4) sell 30,000 preferred shares at competitive bidding, and (5) to sell $\$ 10$ million of first mortgage bonds at competitive bidding. (Rel. 34-18105)

OHIO POWER COMPANY. A notice has been issued giving interested persons until October 25 to request a hearing on a proposal of Ohio Power Company, subsidiary of American Electric Power Company, Inc. (AEP), to sell $\$ 34,500,000$ of common stock to AEP. (Rel. 35-18106)

MONONGAHELA POWER COMPANY．A notice has been issued giving interested persons until October 26 to request a hearing on a proposal of Monongahela Power Company，sub－ sidiary of Allegheny Power System，Inc．，to sell 100，000 shares of cumulative preferred stock at competitive bidding．（Rel．35－18107）

## SECURITIES ACT REGISTRATIONS FILED

ADRS FOR VENTERSPOST GOLD MINING COMPANY LTMITED FILED。 Morgan Guaranty Trust Co． of New York， 23 Wall St．，New York 10015，filed a registration statement seeking regis－ tration of 100，000 American Depositary Receipts for Rand One Shares of Venterspost Gold Mining Company Limited（a South African corporation）．（File 2－48921－Aug．24）

WESTVACO CORPORATION， 299 Park Ave．，New York，N．Y． $10017-305,144$ shares of common stock．It is proposed to offer these shares in exchange for the outstanding shares of United States Envelope Company，at the rate of .85 share for each U．S．Envelope common share and .50 share for each U．S．Envelope preferred share．Merrill Lynch，Pierce， Fenner \＆Smith，Inc．，One Liberty Plaza，New York，has agreed to head a group of under－ writers who will solicit exchanges．Westvaco produces paper and paperboard，manufactures specialty chemical products and owns extensive timberlands．U．S．Envelope converts paper and plastic materials into envelopes，cups and other items．（File 2－48957－ Aug．30）

MGIC INVESTMENT CORPORATION，MGIC Plaza，Milwaukee，Wis． 53201 －$\$ 100 \mathrm{million}$ of sinking fund debentures，due 1988 ，and $\$ 100$ million of convertible subordinated debentures， due 1993，to be offered for sale through underwriters headed by Goldman，Sachs \＆Co．， 55 Broad St．，New York，NoY。10005．The company，through subsidiaries，insures lenders from losses on residential and commercial mortgage loans，commercial leases，mobile home lcans and municipal obligations．（File 2－48959－Aug．31）

HARRIS，UPHAM TAX－EXEMPT FUND，FIRST SERIES， 120 Broadway，New York，N．Y． 10005 － $\$ 9,25 \overline{0,000}$ of units．The Fund is the first of a proposed series of similar but separate trusts created under a trust indenture and agreement among Harris，Upham \＆Co．Inc．，as sponsor，United States Trust Company of New York，as trustee，and Standard \＆Poor＇s Corporation，as evaluator．The F＇and＇s objectives are tax－exempt income and conservation of capıtal through investment in a diversified portfolio of municipal bonds．（File 2－ 48961 －Aug．31）

DUTCHMAN HEREFORD COMPANY II，（the general partner），Lauxmont Farms，R．D．\＃l， Wrightsville，Pa。 17368 －$\$ 1,680,000$ of partnership interests in Dutchman Cattle Breeding Systems／l973，to be offered for sale in minimum amounts of $\$ 15,000$ ．The Partnership was formed to engage in producing purcbred Hereford and Chianina cattle．（File 2－48964－ Aug．31）

NBS FINANCIAL CORPORATION， 26500 Nor thwestern Highway，Southfield，Mich． 48076 － 143,187 shares of common stock．It is proposed of offer these shares in exchange for all the 95,458 outstanding shares of common stock of National Bank of Royal Oak，at the rate of 1.5 shares for each outstanding Bank share．NBS is a bank holding company，which owns substantially all of the outstanding capital stock of National Bank of Southfield． （File 2－48978－Sept．4）

OKLAHOMA MORRIS PLAN COMPANY， 322 South Boulder，Tulsa，Okla． 74103 －\＄6，000，000 of investment certificates，Series $A$ ，to be offered for sale at $10 \%$ of principal amount． The company engages in consumer finance business，consisting of making direct loans to individuals and purchasing retail installment sales contracts．（File 2－48982－Sept．4）

UNION PLANTERS CORPORATION， 67 Madison Ave．，Memphis，Tenn．38103－313，257 shares of common stock．It is proposed to offer these shares in exchange for the outstanding shares of Tennessee National Barcshares，Inc．，at the rate of one share for each 3.25 Tennessee shares．Union Planters is a bank holding company，which through subsidiaries， is engaged in the commercial and mortgage banking businesses．（File 2－48983－Sept．4）

EQUITABLE VARIABLE LIFE INSURANCE COMPANY， 1285 Avenue of the Americas，New York，it．Y． 10019 －$\$ 50$ million of variable life insurance policies．（File 2－48988－Sept．5）

AMERICAN STERILIZER COMPANY, 2222 West Grandview Blvd., Erie, Pa. 16509-638,400 share 3 of common stock. It is propos ed to offer these shares in exchange for the outstanding common stock, warrants and options of Rehab Corp., at the rate of .84 shares for each Rehab share. American Sterilizer manufactures and distributes a broad range of equipment, instruments and related supplies for use in hospitals. Rehab operates and licenses cardiac centers and owns and operates a rehabilitation hospital. (File 2-48989Sag. 5)
FEW YCiKK IIFE INSURANCE COMPANY, 51 Madison Ave., New York, N. Y. 10010 - \$5,000,000 of variable life insurance policies. (File 2-48990-sept. 5)

AIPFAC CATTLE COMPANY, P. O. Box 16086 - 5590 High St., Denver, Colo. 80216 - $\$ 15$ miliicr of investment contracts for engaging in cattle feeding programs, to be offered for sale in rinimum amounts of $\$ 20,000$. (File 2-48991 - Sept. 5)

IEXAS COMMERCE BANCSHARES, INC., 712 Main St., Houston, Tex. 77002 - 370,588 shares of common stock. It is proposed to offer these shares in exchange for the outstanding shares of Irving Bank \& Trust Company, Irving, Texas, at the rate of .82353 shares for each Bank share. Bançhares is a bank holding company. (File 2-48992 - Sept. 5)

STOCK PLANS FILED. The following have filed Form S-8 registration statements with the SEC seeking registration of securities to be offered pursuant to employee stock and related plans:

Pott Industries, Inc., Saint Louis, Mo. (File 2-48979) - 100,000 shares
La-2-Boy Chair Company, Monroe, Mich. (File 2-48981) - 70,000 shares
IU International Corporation, Wilmington, Del. (File 2-48984) - 1,000,000 shares Texas Industries, Inc., Dallas, Tex. (File 2-48985) - 447,269 shares and (File 2-48986) 108,000 shares
Recognition Equipment Incorporated, Irving, Tex. (File 2-48993) - 150,000 shares
SECURITIES ACT REGISTRATIONS. Effective October 1: Brockton Edison Co., 2-48966; Coleco Industries, Inc., 2-48994 and 2-48995; First Liberty Corp., 2-48888 (Dec. 30); General Electric Co., 2-49091; LCA Corp., 2-48694; Monmouth Capital Corp., 2-46747; Premier Industrial Corp., 2-48973; Texas Commerce Bancshares, Inc., 2-48992.

NOTE TO DEALERS: The period of time dealers are required to use the prospectus in trading transactions is shown in parentheses after the name of the issuer.

## miscellaneous

## RECENT FORM 8-K FILINGS


#### Abstract

Form 8 K is a report which must be filed with the SEC by the 10 th of the month after any of the following important events or changes changes in control of the registrant, acquisition or disposition of assets, legal proceedings; changes in secunities /i.e., collateral for re $g$ wherd wertutter, defaults upon senior securties, increase or decrease in the amount of securities outstanding, options to purchase secunties. revaluation of assets submission of matters to a vote of security holders; and any newly enacted requirements effecting registrant's business.


#### Abstract

The companies listed below have filed Form 8-K reports for the month indicated, responding to the item of the form specified. Photocopies may be purchased from the Commission's Public Reference Section (in ordening, please give month and war at report). An index of the captions of the items of the form was included in Monday's News Digest.


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