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RULES AND RELATED MATTERS

DETERMINATION DENYING FOIA APPEAL BY STEVEN SHIRLEY

The General Counsel sent a letter to Steven Shirley affirming the FOIA Officer's determination to deny his request for access to an investigative opening report, SEC Form 1569. The General Counsel agreed with the FOIA Officer that the opening report was exempt pursuant to FOIA Exemptions 5, 2 and 7(C), 5 U.S.C. 552(b)5, (b)2 and (b)(7)(C). Exemption 5 was asserted to protect the report as an intra-agency record that forms an integral part of the Commission's predecisional deliberative process and, having been prepared by an attorney in contemplation of litigation, as attorney work-product. The report was withheld in its entirety under Exemption 5 because to release the nonexempt material would leave only meaningless words and phrases. Exemption 2 was asserted to protect the report as a substantial internal matter which, if disclosed, would significantly risk the circumvention of the Commission's regulations or statutes or impede the effectiveness of its law enforcement activities. Moreover, Exemption 7(C) was asserted to prevent an unwarranted invasion of the personal privacy of Commission staff and third parties whose names and other personal information appear in the report. (FOIA Rel. 187)

DETERMINATION TO DENY CONFIDENTIAL TREATMENT REQUEST BY JEFFREY HOFFMAN

The General Counsel sent a letter to Jeffrey C. Hoffman, Esq., affirming the FOIA Officer's determination to deny his request for confidential treatment for the Supplemental Wells Submission made on behalf of his client, Steven Hoffenberg, in connection with Commission investigation NY-5915. Hoffman asserted the attorney-client privilege embodied within FOIA Exemption 5 as the sole basis for protection of this information. The General Counsel denied Hoffman's request upon finding that Hoffenberg, in a Consent to Final Judgment of Permanent Injunction and Other Relief, consented to waive any claim of attorney-client privilege with any attorney he retained in connection with investigation NY-5915. (FOIA Rel. No. 188)

DETERMINATION TO DENY FOIA APPEAL BY MR. AND MRS. HAROLD CORMAN

The General Counsel sent a letter to Mr. and Mrs. Harold Corman affirming the FOIA Officer's determination to deny access to the names, home addresses and telephone numbers of consumers who had contacted the Commission to either obtain information on, or to lodge a complaint against the company, Nona Morellis, Inc. The General Counsel concluded that this was the type of personal information which, if released to the public, would constitute a clearly unwarranted invasion of these consumers' personal privacy. Accordingly, he affirmed the FOIA Officer's decision to withhold the information pursuant to FOIA Exemption 6, 5 U.S.C. 552(b)(6). (FOIA Rel. No. 189)

ENFORCEMENT PROCEEDINGS

ADMINISTRATIVE PROCEEDINGS AGAINST FREDERICK ENTMAN, ET AL.

The Commission today announced that administrative proceedings instituted on December 28, 1994 pursuant to Section 8A of the Securities Act of 1933 against Frederick Entman and Norman B. Rothstein have been settled. The order instituting the proceedings alleged that Entman and Rothstein were in violation of Sections 5(a) and 5(c) of the Securities Act in connection with their sale in 1988 of 80,000 previously registered shares of the common stock of Gil-Med Industries, Inc. which they had acquired through their partnership, The Frenor Company. Without admitting or denying the Commission's findings, Entman and Rothstein consented to the Commission's final order which finds that because a new registration statement was required, but no such statement had been filed or was in effect as to their sale of the 80,000 Gil-Med shares, Entman and Rothstein were in violation of Sections 5(a) and 5(c) of the Securities Act. The final order requires them to cease and desist from violating or causing violations and future violations of Sections 5(a) and 5(c) of the Securities Act. (Rel. 33-7182)

ROBERT SICHTA INDICTED

The Commission announced that on June 14, 1995 Robert L. Sichta was indicted on four counts of securities fraud, five counts of money laundering and three counts of wire fraud in connection with the promotion, marketing, buying and selling of the securities of U.S. Mint, Inc. The Grand Jury charged that Sichta, acting as counsel for U.S. Mint prepared and assisted in preparing U.S. Mint press releases, SEC filings and other public information which were false or misleading. The Grand Jury also charged that Sichta acted as a promoter, and supplied U.S. Mint stock to the brokerage community for sale to public

investors. In a related matter, on April 5, 1995 Dana Anderson, Randal Stevens and Rodney Helm were indicted in United States of America v. Dana L. Anderson, Randal Y. Stevens and Rodney W. Helm, Case No. 95-CR-126 (D. Colo.). The Grand Jury charged Anderson, a public relations consultant to U.S. Mint, Stevens, a registered representative, and Helm, a registered representative, with securities fraud, mail fraud, money laundering and violations of the travel act. All counts are in connection with the promotion, marketing, buying and selling of U.S. Mint securities.

Additionally, Robin Heiney plead guilty to one count of securities fraud in United States of America v. Robin A. Heiney, Case No. 94-CR-339-S (D. Colo.). Among other things, Heiney admitted accepting bribes to promote and sell U.S. Mint stock to his customers while he was a registered representative at Brennan Ross Securities, Inc. Richard Hooten also plead guilty to one count of securities fraud in United States of America v. Richard R. Hooten, Case No. 94-CR-320-5 (D. Colo.). Hooten was the president, Chief Financial Officer and a director of U.S. Mint. [U.S. v. Dana L. Anderson, Randal Y. Stevens and Rodney W. Helm, Case No. 95-CR-126, D. Colo.]; [U.S. v. Robin A. Heiney, Case No. 94-CR-339-S, D. Colo.]; [U.S. v. Richard R. Hooten, Case No. 94-CR-320-5, D. Colo.] (LR-14450)

STEVEN LEUNG CONSENTS TO PERMANENT INJUNCTION AND PAYMENT OF DISGORGEMENT, PREJUDGMENT INTEREST, POST-JUDGMENT INTEREST, AND A CIVIL PENALTY

The Commission announced that on June 29 it filed a complaint in the United States District Court for the District of Columbia against Steven C. Leung (Leung) alleging violations of Section 17(a) of the Securities Act of 1933 (Securities Act), Section 10(b) of the Securities Exchange Act of 1934 (Exchange Act) and Rule 10b-5 thereunder. Simultaneously, and without admitting or denying the allegations, Leung consented to the entry of a Final Judgment enjoining him from future violations of the foregoing provisions of the federal securities laws, ordering him to disgorge losses avoided of \$40,475.00, with prejudgment and post-judgment interest, and to pay a \$40,475.00 civil penalty.

The complaint alleges that Leung, who was the Manager of Quality Control at Celtrix Pharmaceuticals, Inc. (Celtrix), violated the antifraud provisions of the Securities Act and the Exchange Act by selling Celtrix securities on October 31, 1994, while in possession of material, nonpublic information concerning Celtrix's lead product, BetaKine. The complaint also alleges that Leung advised certain of his relatives to sell their Celtrix stock and that promptly thereafter, on October 31, 1994, Leung's relatives sold their Celtrix stock. Later that same day, Celtrix issued a press release regarding negative test results on BetaKine, causing a decline in the stock price. As a result, Leung and his relatives avoided losses totalling \$40,475.00. [SEC v. Steven C. Leung, Civil Action No. 95 CV 1219, D.D.C.] (LR-14551)

INVESTMENT COMPANY ACT RELEASES

THE GUARDIAN INSURANCE & ANNUITY COMPANY, INC., ET AL.

An order has been issued under Section 6(c) of the Investment Company Act exempting The Guardian Insurance & Annuity Company, Inc. (Guardian), The Guardian Separate Account K (Separate Account) and Guardian Investor Services Corporation (collectively, Applicants) from Sections 2(a) (32), 2(a) (35), 22(c), 26(a) (1), 26(a) (2), 27(a) (1), 27(c) (1), 27(c) (2), 27(d), and 27(e) of the Act and paragraphs (b) (1), (b) (12), (b) (13) (i), (b) (13) (iii), (b) (13) (iv), (b) (13) (v), (b) (13) (vii), (c) (1) and (c) (4) of Rule 6e-2, and Rules 6e-3(T) (c) (4) (v), 22c-1 and 27e-1 under the Act. The order provides exemptions to the extent necessary to permit Applicants to offer certain variable whole life insurance contracts with modified scheduled premiums (Contracts) that will provide a death benefit that may or may not vary based on investment experience; both a sales charge deducted from premium payments and as a contingent deferred sales charge; a contingent deferred administrative charge; deduction from Account Value of charges for cost of insurance, guaranteed insurance amount, substandard mortality risks and incidental insurance benefits; values and charges based on the 1980 Commissioners' standard Ordinary Mortality Tables; the holding of underlying fund shares by the Separate Account without the use of a trustee under an open account arrangement and without trust indenture; and a waiver of notice of refund and withdrawal rights. The order also grants exemptive relief to the extent necessary to permit Applicants to deduct a charge from premium payments received under the Contracts, and under certain other single premium, scheduled premium, and flexible premium variable life insurance contracts to be issued through the Separate Account or any other separate account established by Guardian, to compensate Guardian for its increased federal tax burden resulting from the receipt of such premiums. (Rel. IC-21170 - June 28)

JOHN HANCOCK VARIABLE SERIES TRUST I, ET AL.

An order has been issued pursuant to Section 6(c) of the Investment Company Act exempting John Hancock Variable Series Trust I (Trust), any series of the Trust which may be established in the future, John Hancock Mutual Life Insurance Company (John Hancock), and all registered investment companies for which John Hancock may serve as the investment advisor in the future (Funds) from the provisions of Section 17(d) of the Act and Rule 17d-1 thereunder. The order permits the existing series of the Trust to pool daily uninvested cash balances, together with the balances of any futures series of the Trust and any of the Funds, into a joint account for the purpose of investing the cash balances in short-term repurchase agreements, commercial paper and other short-term investments. (Rel. IC-21171 - June 28)

HOLDING COMPANY ACT RELEASES

BLACKSTONE VALLEY ELECTRIC COMPANY

An order has been issued authorizing Blackstone Valley Electric Company (BVEC), an electric public-utility subsidiary company of Eastern Utilities Associates, a registered holding company, to increase for a period of 5 years a 10% limitation on its ability to issue or assume unsecured debt with maturities of less than 10 years. By order dated May 26, 1995 (HCAR No. 26297), BVEC was authorized to solicit proxies from its preferred shareholders to allow them to consider this question. (Rel. 35-26320)

SELF-REGULATORY ORGANIZATIONS

WITHDRAWALS GRANTED

An order has been issued granting the application of International Murex Technologies Corporation to withdraw from listing and registration its Common stock, No Par Value, on the American Stock Exchange. (Rel. 34-35914)

An order has been issued granting the application of Triarc Companies, Inc. to withdraw its Class A Common Stock, \$.10 Par Value, from listing and registration on the Pacific Stock Exchange. (Rel. 34-35915)

PROPOSED RULE CHANGES

The New York Stock Exchange has filed a proposed rule change (SR-NYSE-95-14) seeking permanent approval of its stopping stock pilot program. Publication of the proposal is expected in the Federal Register during the week of July 3. (Rel. 34-35908)

The American Stock Exchange has filed a proposed rule change (SR-Amex-95-14) relating to permanent approval of its pilot program for stopping stock in minimum fractional change market. Publication of the proposal is expected in the Federal Register during the week of July 3. (Rel. 34-35909)

The Chicago Stock Exchange has filed a proposed rule change (SR-CHX-95-10) relating to the permanent approval of the pilot program for stopped orders in minimum variation markets. Publication of the proposal is expected in the Federal Register during the week of July 3. (Rel. 34-35910)

ACCELERATED APPROVAL OF PROPOSED RULE CHANGE

The Municipal Securities Rulemaking Board filed and the Commission has granted accelerated approval to a proposed rule change (SR-MSRB-95-6) relating to its Continuing Disclosure Information (CDI) System. The changes to the CDI System permit it to process material event notices in compliance with certain amendments to SEC Rule 15c2-12 relating to municipal securities disclosure. Publication of the order is expected in the Federal Register during the week of July 3. (Rel. 34-35911)

IMMEDIATE EFFECTIVENESS OF PROPOSED RULE CHANGE

A proposed rule change filed by the American Stock Exchange (SR-Amex-95-25) to add a number of additional minor rule violations to Rule 590 has become effective under Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication of the proposal is expected in the Federal Register during the week of July 3. (Rel. 34-35912)

ACCELERATED APPROVAL OF PROPOSED RULE CHANGE

The Commission granted accelerated approval to a proposed rule change submitted by the American Stock Exchange (SR-Amex-95-22) relating to the entry of market-at-the-close orders through AMOS. (Rel. 34-35913)

SECURITIES ACT REGISTRATIONS

The following registration statements have been filed with the SEC under the Securities Act of 1933. The reported information appears as follows: Form, Name, Address and Phone Number (if available) of the issuer of the security; Title and the number and/or face amount of the securities being offered; Name of the managing underwriter or depositor (if applicable); File number and date filed; Assigned Branch; and a designation if the statement is a New Issue.

S-4 DAY INTERNATIONAL GROUP INC, PO BOX 338, 333 WEST FIRST ST, DAYTON, OH 45401 (513) 224-4000 - 100,000,000 (\$100,000,000) STRAIGHT BONDS. (FILE 33-93644 - JUN. 20) (BR. 5 - NEW ISSUE)

S-1 SUMMIT MEDICAL SYSTEMS INC /MN/, ONE CARLSON PARKWAY, MINNEAPOLIS, MN 55447 (612) 473-3250 - 2,875,000 (\$25,875,000) COMMON STOCK. UNDERWRITER: VOLPE WELTY & CO, WESSELS ARNOLD & HENDERSON. (FILE 33-93700 - JUN. 21) (BR. 9 - NEW ISSUE)

S-3 TRANSWORLD HOME HEALTHCARE INC, 11 SKYLINE DRIVE, HAWTHORNE, NY 10532 (914) 345-8880 - 553,000 (\$7,485,425) COMMON STOCK. (FILE 33-93774 - JUN. 21) (BR. 5)

S-8 MICROTEST INC, 4747 N 22ND STREET, PHOENIX, AZ 85016 (602) 382-6000 - 600,000 (\$12,750,000) COMMON STOCK. (FILE 33-93796 - JUN. 22) (BR. 8)