

# sec news digest

Issue 74-160  
(SEC Docket, Vol. 5, No. 1 - Aug. 27)

August 16, 1974

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## RULES AND RELATED MATTERS

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### NOTICE OF CORRECTION TO GUIDE 22 AND GUIDE 1

As noted in the SEC News Digest of August 12, 1974, the Commission has authorized the adoption of Guide 22, "Summary of Earnings," of the Guides for Preparation of Filing of Registration Statements (Rel. 33-4936 as amended) under the Securities Act of 1933 (Securities Act) and Guide 1, "Summary of Operations," of Guides for Preparation and Filing of Reports and Registration Statements under the Securities Exchange Act of 1934 (Exchange Act). Attention is drawn to the Securities Act, Exchange Act and Accounting Series Release Dates announcing adoption of the Guides and paragraph (f) of the Guides. A limited number of copies of the Guides, containing the release date of August 12, 1974, were circulated that contained certain errors in paragraph (f). Consequently, the release was re-released on August 14 with the correct paragraph (f) of the Guides, which is set forth below:

- (f) For purposes of this Guide discussion of a change in an item of revenue or expense generally is required when an item required to be set forth in the summary or disclosed pursuant to Rule 12-16 of Regulation S-X increased or decreased by more than 10% as compared to the prior period (but only if such prior period is presented), and increased or decreased by more than 2% of the average net income or loss for the most recent three years presented. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent years, the average loss shall be used for purposes of this test. Should the issuer be of the opinion that an explanation of a change is not necessary to an understanding of the summary even though the change meets the foregoing standards, the issuer shall furnish the Division, as supplemental information, a written statement of the reasons for the omission. (Rel. 33-5520)

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## DECISIONS IN ADMINISTRATIVE PROCEEDINGS

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### REGULATION A EXEMPTION OF COLORADO ENERGY CORPORATION PERMANENTLY SUSPENDED

The Commission's order temporarily suspending the Regulation A exemption from the Securities Act's registration requirements with respect to an offering of 5,000,000 shares of the common stock of Colorado Energy Corporation, of Boulder, Colorado, has become permanent. The temporary order alleged that Colorado Energy's offering circular was deceptive with regard to the nature of its business, the use to be made of proceeds from the offering, the sale of its securities in certain states without complying with the securities laws of such states, and the firm's repurchase of its own shares at prices higher than the offering price. In addition, the notification failed to list all of the jurisdictions in which the securities would be sold. Without admitting or denying the allegations, the company consented to a permanent suspension. (Rel. 33-5519)

### JOSEPH MILANA SANCTIONED

The SEC has barred Joseph Milana, of Parlin, New Jersey, who was a vice-president of a registered broker-dealer, from association with any broker, dealer, investment adviser or investment company. After 180 days he may apply for permission to become so associated except in a management, ownership or supervisory capacity with a broker, dealer or investment adviser. The sanction is effective as of August 12.

The Commission's action was based on findings that Milana violated the antifraud provisions of the securities laws.

The order was based on an offer of settlement in which Milana, without admitting or denying the charges, consented to the indicated findings and sanction. (Rel. 34-10953)

## ROBERT R. YURICH SANCTIONED

The Commission has suspended Robert R. Yurich, of Cleveland, Ohio, from association with any broker-dealer, investment adviser or investment company for two weeks beginning August 26, 1974. It also barred him from association with any of the foregoing in a supervisory capacity, with the provision that he may after the expiration of one year apply to the Commission to become so associated upon an appropriate showing.

The sanctions were based on findings that from May 1971 through September 1972, in the activities of IMA Fund, a registered investment company, Yurich violated provisions of the Investment Company Act by causing IMA to purchase securities during the existence of an underwriting syndicate when the principal underwriter was IMA's investment adviser, and by causing an affiliate of IMA to buy from and sell securities to IMA.

The Commission's action was based on an offer of settlement in which Yurich consented to the findings and sanctions without admitting or denying the charges. (Rel. 34-10954)

## CAMPO & CO. REVOKED, BEN CAMPO, JR. BARRED

The Commission instituted administrative proceedings under the Securities Exchange Act with respect to Ben Campo, Jr., doing business as Campo & Co., a registered broker-dealer of Scottsdale, Arizona. At the same time, the Commission accepted an offer of settlement from Campo under which it revoked his broker-dealer registration and barred him from association with any broker-dealer. After a year, Campo may apply to become so associated in a nonsupervisory capacity upon a showing of adequate supervision.

The sanctions were based on findings that Campo purchased securities from other broker-dealers at a time when he was unable to meet his obligations in connection with such purchases, made material misstatements concerning his financial condition, failed to disclose in his application for broker-dealer registration an individual in control of his business, and failed to comply with net capital requirements.

Campo, without admitting or denying the violations, consented to the above findings and the indicated sanctions. (Rel. 34-10947)

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## ORDERS FOR PUBLIC PROCEEDINGS

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### E. P. SEGGOS & CO., INC.

Public Administrative Proceedings under the Securities Exchange Act of 1934 have been ordered involving E. P. Seggos & Co., Inc. (Seggos & Co.), of New York, New York. Also named as respondents are Paul W. Sorci, president, and Frank J. Jannette, secretary-treasurer of Seggos & Co.

The proceedings are based upon allegations of the Commission's staff that Seggos & Co., Sorci and Jannette violated the antifraud provisions of the securities laws in the purchase and sale of securities of Data Display Systems, Inc. The Commission's staff further alleged violations of net capital, broker-dealer registration and books and records provisions of the Exchange Act.

A hearing will be scheduled by further order to take evidence on the charges against Seggos & Co., Sorci and Jannette. (Rel. 34-10973)

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## COURT ENFORCEMENT ACTIONS

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### IVAN ALLEN EZRINE ENJOINED

The SEC announced that on June 11, 1974 the U.S. District Court for the Southern District of New York entered a final judgment of permanent injunction and ancillary relief against Ivan Allen Ezrine, a New York attorney. Ezrine consented to the order upon a finding by the court that he intentionally appeared and practiced before the Commission in contravention of Rule 2(e) of the Commission's Rules of Practice by appearing as counsel at a Commission administrative proceeding after his privilege to appear and practice before the Commission had been permanently suspended. Under the terms of the decree, Ezrine is prohibited from representing any person before the Commission, from preparing or filing documents with the Commission, and from representing or advising, in connection with the federal securities laws, any entity regulated by the Commission. He is also enjoined from rendering advice with respect to the securities laws, except when such advice is a necessary incident to an attorney-client

consultation the principal aspects of which do not relate to the securities laws and certain other conditions are met. He was further prohibited from accepting any legal fees rendered in connection with matters he is enjoined from performing, and was directed to disgorge all such fees received during his suspension from practice. (SEC v. Ivan Allen Ezrine, S.D.N.Y., 72 Civil Action No. 3161). (LR-6481)

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## INVESTMENT COMPANY ACT RELEASES

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### AMERICAN EXPRESS INVESTMENT FUND

A notice has been issued giving interested persons until September 10 to request a hearing on an application of American Express Investment Fund, Inc., American Express Stock Fund, Inc., American Express Income Fund Inc., American Express Capital Fund, Inc., American Express Special Fund, Inc., American Express Government Securities Fund, Inc. (AEGS), mutual funds, and American Express Investment Management Company, principal underwriter for the funds, for an order to permit the shareholders of AEGS to exchange their shares for shares of the other funds at net asset value plus a sales charge equal to that of the fund being acquired, less the sales charge paid on the AEGS shares at the time they were originally purchased. (Rel. IC-8462)

### THE CAPITAL LIFE INSURANCE COMPANY

A notice has been issued giving interested persons until September 10 to request a hearing on an application of The Capital Life Insurance Company and Capitol Life Separate Account A, a unit investment trust, for an order to permit certain offers of exchange and for exemptions from certain other the provisions of the Act. (Rel. IC-8463)

### NATIONAL AVIATION CORPORATION

An order has been issued on an application of National Aviation Corporation (National), a registered, closed-end, non-diversified, management investment company. The order exempts from certain provisions of the Act the sale by Iomec, Inc. of 100,000 shares of its common stock to National and permits National to acquire such shares from Iomec, a company in which affiliated persons of National have interests, under certain provisions of the Act. (Rel. IC-8464)

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## HOLDING COMPANY ACT RELEASES

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### DELMARVA POWER AND LIGHT COMPANY

A supplemental order has been issued regarding the issue and sale by Delmarva Power and Light Company, a registered holding company, of up to \$60 million of short-term notes to banks. (Rel. 35-18532)

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## TRADING SUSPENSIONS

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### ADDITIONAL ACTION ON SIX TRADING SUSPENSIONS

The SEC has announced the suspension of (a) exchange and over-the-counter trading in the securities of Canadian Javelin, Ltd., and over-the-counter trading in the securities of Winner Industries, Inc. and Royal Properties, Inc. for the further ten-day period August 16 - 25, inclusive; (b) exchange and over-the-counter trading in the securities of BBI, Inc., and over-the-counter trading in the securities of Nicoa Corp. for the further ten-day period August 17 - 26, inclusive; and (c) over-the-counter trading in the securities of Westgate California Corp. for the further ten-day period August 18 - 27, inclusive.

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## SECURITIES ACT REGISTRATIONS

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### (S-7) CROCKER NATIONAL CORPORATION

1 Montgomery St., San Francisco, Cal. 94104 - \$75 million of floating rate notes, due 1994 (interest subject to a maximum rate of 10% per annum), to be offered for sale through underwriters headed by Lehman Brothers Incorporated, One William St., New

York, N.Y. 10004, Dean Witter & Co. Incorporated, 14 Wall St., New York, N.Y. 10005, E. F. Hutton & Company, Inc., One Battery Park Plaza, New York, N.Y. 10004, and Paine, Webber, Jackson & Curtis Incorporated, 140 Broadway, New York, N.Y. 10005. The company is a bank holding company whose principal asset is its stockholding in Crocker National Bank, a national banking association. (File 2-51593 - Aug. 12)

(S-1) ASHLAND FINANCE COMPANY /

507 Second National Bank Bldg., Ashland, Ky. 41101 - \$6 million of capital notes - subordinated, to be offered for sale in multiples of \$100 at 100% by the company. The company is in the consumer finance business. (File 2-51635 - July 26)

(S-14) THE FLEMING COMPANIES, INC.

North Broadway Plaza, Box 26647, Oklahoma City, Okla. 73126 - 800,000 shares of common stock. It is proposed to offer these shares in exchange for the outstanding shares of common stock of Dixieland Food Stores, Inc. and Benson Wholesale Company, Inc. at a rate of .7372 Fleming shares for each Dixieland share and 2.5267 Fleming shares for each Benson share. Fleming is engaged primarily in the wholesale distribution of food to retail food stores. (File 2-51682 - Aug. 1)

(S-5) AETNA VARIABLE FUND, INC.

151 Farmington Ave., Hartford, Conn. 06115 - 45,000,000 shares of common stock, to be offered for sale at net asset value. The company is an open-end management investment company whose primary investment objective is long-term capital appreciation. The investment adviser is Aetna Variable Annuity Life Insurance Company. (File 2-51739 Aug. 9)

REGISTRATIONS EFFECTIVE

Aug. 15: Bancorporation of Montana, 2-51445; Corporate Income Fund Second Short Term Series, 2-50928; Eastman Kodak Co., 2-51650; First Union, Inc., 2-50552; General Telephone Co., of the Southwest, 2-51411; Standard Oil Co., 2-51667.

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 15¢ per page plus postage (\$2 minimum) and 30¢ per page plus postage for expedited handling (\$5 minimum). Cost estimates are given on request. All other referenced material is available in the SEC Docket.

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