

# sec news digest

Issue 89-219

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## COMMISSION ANNOUNCEMENTS

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### FOIA APPEAL OF KAARINA SALOVAARA

The General Counsel sent a letter to Kaarina Salovaara, who appealed on behalf of FMC Corporation, reversing the Freedom of Information Act Officer's decision to withhold, under FOIA Exemption 7(A), 5 USC 552(b)(7)(A), 17 CFR 200.80(b)(5), certain "white sheets" or records provided to the Commission by Ivan F. Boesky which reflect stock positions, trades, and transaction prices for stocks in which Boesky traded. The requested white sheets relate to companies identified in complaints filed by the Commission against persons with whom Boesky has been or may have been associated. The General Counsel remanded the case to the FOIA Officer to determine whether any other exemption applies and to permit the confidential treatment requester to substantiate his request. (Rel. FOIA-134)

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## ADMINISTRATIVE PROCEEDINGS

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### KENNETH H. KUBE BARRED

The Commission accepted an Offer of Settlement submitted by Kenneth H. Kube in response to the Commission's July 6, 1989 institution of public administrative proceedings against him under Sections 15(b) and 19(h) of the Securities Exchange Act of 1934. Kube consented to an Order finding that he was enjoined on June 3, 1988 in the U.S. District Court for the District of Minnesota from future violations of the anti-fraud provisions of the securities laws and that he was convicted of eight counts of mail fraud and sentenced on May 12, 1989 to four years in prison following a criminal trial in the U.S. District Court for the District of Minnesota. The criminal trial was based upon the same facts underlying the Commission's action for injunctive and ancillary relief. In the Order, Kube also consented to a bar from association with any broker, dealer, investment adviser, investment company, or municipal securities dealer.

The Order Instituting Proceedings and the Complaint underlying the above injunctive action alleged that from 1982 until September 1987, Kube raised approximately \$1,364,000 from the sale of privately-issued debt instruments to at least 55 individual investors wherein Kube made materially false and misleading statements and omitted to state material facts. (Rel. 34-27432)

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## INVESTMENT COMPANY ACT RELEASES

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### BOSTON FINANCIAL QUALIFIED HOUSING TAX CREDITS L.P. V

An order has been issued exempting Boston Financial Qualified Housing Tax Credits L.P. V, a limited partnership, and its managing general partner, Arch Street V, Inc., from all provisions of the Investment Company Act. The Partnership will operate as a "two-tier" limited partnership by investing in other limited partnerships that in turn will engage in the development, ownership, and operation of housing for low and moderate income persons. (Rel. IC-17214 - Nov. 15)

## CAPSTONE INTERNATIONAL SERIES TRUST

A conditional order has been issued exempting Capstone International Series Trust from the provisions of Section 12(d)(1)(A) of the Investment Company Act to permit it to invest in securities of foreign banks and foreign insurance companies beyond the percentage limitations contained in that section, and the provisions of Section 12(d)(3) of the Act and Rule 12d3-1 to permit Applicant to invest in the equity securities of persons that, in their most recent fiscal year, derived more than 15% of their gross revenues from securities related activities but which securities do not satisfy the "margin security" requirement specified in Rule 12d3-1(b)(4). (Rel. IC-17215 - Nov. 15)

## INDUSTRIAL INDEX FUND

An order has been issued declaring that Industrial Index Fund has ceased to be an investment company. (Rel. IC-17216 - Nov. 15)

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## HOLDING COMPANY ACT RELEASES

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### ENTERGY CORPORATION

Notices have been issued giving interested persons until December 4 to request a hearing on a proposal by the following companies filed under Release 35-24982, dated November 9: ENTERGY CORPORATION - a registered holding company, and its subsidiaries, Arkansas Power & Light Company (AP&L), Louisiana Power & Light Company (LP&L), Mississippi Power & Light Company (MP&L), and System Energy Resources, Inc. (SERI). It is proposed that (1) Entergy form a new service subsidiary, Entergy Operations, Inc. (EOI), to assume operational responsibility for the nuclear power plants owned by AP&L, LP&L, and SERI; (2) EOI issue and sell, and Entergy acquire, 1,000 shares of its common stock for an aggregate purchase price of \$1 million; (3) EOI borrow from Entergy, under a Loan Agreement, from time to time through June 30, 1992, up to an aggregate principal amount of \$20 million; (4) EOI enter into separate Operating Agreements with AP&L, LP&L, and SERI; (5) EOI and SERI and MP&L, and AP&L and LP&L enter into certain service agreements; (6) EOI and LP&L, EOI and AP&L, and EOI and SERI enter into certain indemnification agreements; and (7) Entergy Services, Inc., Entergy's subsidiary, enter into a Service Agreement with EOI to provide certain accounting and other related services to EOI. (Rel. 35-24982)

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## ACQUISITIONS OF SECURITIES

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Companies and individuals must report to the Commission within ten days on Schedule 13D if after the acquisition of equity securities of a public company their beneficial interest therein exceeds five percent. Persons eligible to use the short form (Schedule 13G) may in lieu of filing a Schedule 13D file a Schedule 13G within 45 days after the end of the calendar year in which the person became subject to Section 13(d)(1). Companies and individuals making a tender offer must have on file at the time the tender offer commences a Schedule 14D-1.

Below is a list of recent filings of Schedules 13D and 14D, which includes the following information: Column 1 - the company purchased (top), and the name of the purchaser; Column 2 - the type of security purchased; Column 3 - the type of form filed; Column 4 - the date the transaction occurred; Column 5 - the current number of shares (in 000's) owned (top) and the current percent owned; Column 6 - the CUSIP number (top) and the prior percent owned; and Column 7 - the status of the filing, i.e., new, update or revision.

NAME AND CLASS OF STOCK/OWNER	FORM	EVENT DATE	SHRS (000) / % OWNED	CUSIP / PRIOR %	FILING STATUS
AGOURON PHARMACEUTICALS INC LILLY ELI & CO	COM 13D	10/11/89	350 8.6	00848810 6.1	UPDATE
AMERICAN FIRST CORP OKLA EDWARDS GREGORY J	COM 13D	11/ 2/89	605 8.9	02616110 7.9	UPDATE
AMERICAN FIRST CORP OKLA ML OKLAHOMA VENTURE PARTNRS	COM 13D	11/ 2/89	737 11.7	02616110 0.0	NEW

ACQUISITIONS CONTINUED

CEZAR IND LTD TELEATIONAL COMMUNICATIONS	COM CL A 13D	10/16/89	6,667 14.0	15721610 42.0	UPDATE
CONFERTECH INTL INC PATHFINDER VENT CAP FD ET AL	COM NEW 13D	11/ 2/89	1,606 42.9	20690130 0.0	NEW
DUCOMMUN INC DEL SOUTHERN LIFE&HEALTH INS ET AL	COM 13D	11/ 1/89	268 8.1	26414710 17.7	UPDATE
DURHAM CORP INDUSTRIAL EQUITY LTD ET AL	COM 13D	11/ 9/89	1,487 17.6	26669610 16.6	UPDATE
FIDELITY MED INC SACKLER MORTIMER D ET AL	COM 13D	10/31/89	4,150 35.5	31618510 17.7	UPDATE
FOREST OIL CORP NATURAL GAS PARTNERS ET AL	COM 13D	10/31/89	496 4.9	34609110 0.0	NEW
HAMMOND CO FIDELITY NATL FINL INC	COM 13D	11/ 9/89	392 23.6	40835910 23.6	UPDATE
HEALTHCARE INTL INC GREENERY REHAB GRP ET AL	CL A 13D	10/31/89	1,000 31.0	42192010 0.0	NEW
HEALTHVEST GREENERY REHAB GRP ET AL	SH BEN INT 13D	10/31/89	587 5.4	42192110 0.0	NEW
MAGNOLIA FOODS INC DULANEY L THOMAS JR	COM 13D	1/ 5/89	176 4.9	55960310 17.3	UPDATE
POP RADIO CORP HERITAGE MEDIA CORP	COM 13D	11/10/89	2,188 63.7	73281710 53.0	UPDATE
SENSORMATIC ELECTRS CORP VALUE EQUITY ASSOC ET AL	COM 13D	11/10/89	1,499 5.4	81726510 5.3	UPDATE
TECHNOLOGY 80 INC PASEL JACK W	COM 13D	11/ 3/89	229 14.1	87899010 0.0	NEW

RECENT 8K FILINGS

Form 8-K is used by companies to file current reports on the following events:

- Item 1. Changes in Control of Registrant.
- Item 2. Acquisition or Disposition of Assets.
- Item 3. Bankruptcy or Receivership.
- Item 4. Changes in Registrant's Certifying Accountant.
- Item 5. Other Materially Important Events.
- Item 6. Resignations of Registrant's Directors.
- Item 7. Financial Statements and Exhibits.

The companies listed below have filed 8-K reports for the date indicated and/or amendments to 8-K reports previously filed, responding to the item(s) of the form specified. Copies of the reports may be purchased from the Commission's Public Reference Room (when ordering, please give the date of the report). An invoice will be included with the requested material when mailed.

NAME OF ISSUER	STATE CODE	8K ITEM NO.								DATE	COMMENT
		1	2	3	4	5	6	7	8		
BALLISTIC RECOVERY SYSTEMS INC	MN				X			X		10/27/89	
BHA GROUP INC	DE		X						X	10/18/89	
BRENNER INTERNATIONAL INC	DE				X					10/27/89	
CIMCO MINING CORP	NV					X		X		10/31/89	
CML GROUP INC	DE		X						X	10/19/89	

RECENT 8K FILINGS CONT.

CODE ALARM INC	MI	X		X	07/02/89	AMEND
CROWN RESOURCES CORP	WA		X	X	10/13/89	
CUSTOMEDIX CORP	DE			X	06/30/89	AMEND
DECOR CORP	OH	X			09/28/89	
ENTREE CORP	DE		NO ITEMS		06/30/89	
FARM HOUSE FOODS CORP	WI	X		X	06/30/89	
FBX CORP	DE			X	10/23/89	
FLORIDA NATIONAL BANKS OF FLORIDA INC	FL		X	X	10/30/89	
FOOTHILL GROUP INC	DE			X	10/31/89	
HIBERNIA NATIONAL BANK 1989 A GRANTOR TR	NY		X	X	10/20/89	
HOME SAVINGS OF AMERICA FA			X	X	10/25/89	
MAMMATECH CORP	FL		X	X	10/02/89	AMEND
MEDIQ INC	DE	X		X	10/31/89	
NASHUA CORP	DE		X	X	10/31/89	
NEWPORT ELECTRONICS INC	CA		X X	X	10/27/89	
OVONIC IMAGING SYSTEMS INC	DE		X		10/27/89	
PAXAR CORP	NY		X	X	09/29/89	
REPUBLIC FEDERAL SAVINGS & LOAN ASSOCIAT	CA		X	X	10/19/89	
RESIDENTIAL FUNDING MORTGAGE SECURITIES			NO ITEMS		10/30/89	
RESIDENTIAL FUNDING MORTGAGE SECURITIES			NO ITEMS		10/30/89	
RESIDENTIAL FUNDING MORTGAGE SECURITIES			X	X	10/31/89	
ROSEBON DEVELOPMENT CORP	UT	X		X	09/28/89	
SECTOR ASSOCIATES LTD	DE		X	X	10/27/89	
SILVAR LISCO	CA			X	08/24/89	AMEND
TD CAPITAL CORP	DE	X X		X	10/13/89	
TIERCO GROUP INC/DE	DE	X	X	X	10/18/89	
TRIDON CORP	CO		X		10/31/89	
VENTURA INC	DE		X	X X	09/27/89	
VIE DE FRANCE CORP	DE		X		11/01/89	
VMS HOTEL INVESTMENT FUND	DE		X		10/11/89	
WELLMAN INC	DE	X		X	11/01/89	
ZENOX INC	DE	X		X	10/18/89	