ADMINISTRATIVE PROCEEDING
FILE NO. 3-5048

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

In the Matter of	:
INTERNATIONAL RESEARCH & MANAGEMENT CORP.	:
	:
(801-8827)	:
RICHARD D. BRAVERMAN	:

INITIAL DECISION

June 2, 1977
Washington, D.C.

Irving Sommer
Administrative Law Judge

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APPEARANCE: Jerome L. Merin and Kenneth I. Daniels, for the Commission's Division of Enforcement.

Richard D. Braverman, pro se and for International Research & Management Corp.

BEFORE: Irving Sommer, Administrative Law Judge

These public proceedings were instituted pursuant to Section 9(b) of the Investment Company Act of 1940 ("Investment Company Act") and Section 203(e) and (f) of the Investment Advisers Act of 1940 ("Advisers Act") by order of the Commission dated July 1, 1976, amended by order dated October 19, 1976. The order as amended ("Order") directed that a determination be made whether International Research & Management Corp. ("IRM") and Richard D. Braverman ("Braverman") had engaged in the misconduct charged by the Division of Enforcement ("Division") and what, if any, remedial action is appropriate in the public interest.

In substance, the Division alleged that IRM and Braverman wilfully violated Sections 17(a)(3) and 37 of the Investment Company Act, and Section 206(1) and (2) of the Advisers Act during the period from June 1974 until at least March 1975, and as part of the violative conduct and activities, respondents wilfully and unlawfully transferred assets of the Hawaii-Pacific Growth Fund, Inc. ("the Fund") to themselves for their personal use and benefit. The Order charges such actions were wilful violations of the conversion and unlawful borrowing provisions of the Investment Company Act and the anti-fraud provisions of the Advisers Act. It was alleged that these actions engaged in by both Braverman and IRM constituted breach of their fiduciary duties in respect of the Fund and in contravention of the public interest. The Division further alleged that the respondents wilfully violated Section 207 of the

Advisers Act in that Braverman and IRM filed an untrue, false and misleading application for registration as an investment adviser in that the application failed to report that IRM had been suspended by the State of New Jersey from acting as a broker-dealer for a period of 30 days by order dated March 6, 1972.

Respondent Braverman appeared pro se and for IRM, and participated throughout the hearing. As part of the post-hearing procedures, successive filings of proposed findings, conclusions, and supporting briefs were specified. Timely filings thereof were made by the parties.

The findings and conclusions herein are based upon the preponderance of the evidence as determined from the record and upon observation of the witnesses.

The Respondents

Braverman became a certified public accountant in 1959. From 1959 to 1965 he was an accountant with the firm of H. Braverman & Son Company located in Newark, New Jersey. He is an attorney and member of the Massachusetts Bar since 1954. In 1965 the accounting firm was merged into Touche, Ross & Co. and Braverman remained there until the end of 1969. In January 1969 he organized IRM, and has been the president and a director continuously thereafter. He has also been associated with the Fund since its formation in January 1968, in the

position of president and director. During the relevant period herein (June 1974 until at least March 1975) he was chief executive officer of the Fund responsible for all decisions made.

IRM has been registered with the Commission as an investment adviser since June 21, 1973. Its main business activity has been the organization, promotion and development of the Hawaii-Pacific Growth Fund. It also provides management consulting services to individuals and corporations, and is engaged in tax planning, preparation of tax returns and setting up bookkeeping systems.

Background Facts Respecting the Fund

The charges in this proceeding concern among others allegations that IRM and Braverman unlawfully transferred assets belonging to the Fund to themselves. The Fund registered with the Commission on November 26, 1969 as a closed-end investment company, and has been registered as an open-end non-diversified investment company since September 14, 1973. The prospectus states that the primary investment objective of the Fund is long-term growth of capital through investments in securities of companies located in the far west and overseas (Japan, Australia, etc.) As indicated previously, IRM is the investment adviser of the Fund and Braverman is President and Director of both the Fund and the Management Company.

The Fund is authorized to issue 2,500,000 shares of common stock, all of one class and each share carries equal rights as to dividends, voting and on liquidation. The custodian of all securities and cash of the Fund is First Pennsylvania Bank, Philadelphia, Pennsylvania, who also acts as transfer and dividend disbursing agent. The Bank's affilate, Fund/Plan Service, Inc. is responsible for certain record keeping functions for the Fund. The custodian is authorized to disburse cash belonging to the Fund for valid fund purposes upon written authorization pursuant to the custodial agreement.

The Fund filed a registration statement with the Commission in April 1970, with a number of amendments thereafter preparatory to a public stock offering. IRM was to be the initial underwriter, however sometime in March 1971, Mitchum, Jones & Templeton, Inc. agreed to undertake the underwriting of $20,000,000 common stock. Between March 1971 and November 1971, when the Mitchum firm finally decided not to go through with the underwriting, considerable legal, printing and accounting expenses had been incurred necessitated by amendments to the registration documents. Thereafter IRM became the sole underwriter of the Fund shares, and filed various amendments with the Commission. The registration statement, including the prospectus became effective on September 14, 1973. IRM was listed as the investment manager and distributor in the prospectus.

Braverman alleges that IRM paid Fund expenses of over $100,000 for the years 1969 through 1975, which they were not legally liable for, so as to protect the Fund and its shareholders. Accordingly, Braverman contends that the payments to himself and IRM during the period June 1974 through March 1975 ("relevant period") were nothing more than reimbursement for the advances. The Division on the other hand alleges various violations of the Investment Company Act and Advisers Act, among others, being that during the relevant period these respondents illegally and fraudulently converted Fund assets for their own use and benefit.

Violations

Section 37 of the Investment Company Act

Section IIA of the Order charges that during the relevant period respondents Braverman and IRM wilfully violated Section 37 of the Investment Company Act[1/] "in that they unlawfully and wilfully converted to their own use the moneys, funds . . . and assets of the Fund."

The record fully reflects, and there is no dispute that during the relevant period the custodian of the Fund at the direction of Braverman transferred Fund assets to IRM and/or Braverman in the amount of $28,721.09, summarized as follows:

1/ Section 37 states in pertinent part:

"Whoever steals, unlawfully abstracts, unlawfully and wilfully converts to his own use . . . any of the moneys, funds . . . or assets of any registered investment company shall be deemed guilty of a crime, ..."

Date of Instruction to Custodian Bank - Purpose Specified in Instruction	Date of Transfer of Monies to IRM or Braverman	Amount Transferred - Payee
6/20/74 - legal fees and Fund Plan Services, Inc. (DX 4a)	6/25/74 (DX 23)	$4502.29 -IRM (DX 23)
8/2/74 - "reimbursement of expenses" (DX 4b)	8/12/74 (DX 32)	$1000.00 -IRM (DX 32)
8/19/74 - accounting and legal fees (DX 4c)	8/26/74 (DX 31, DX 32)	$4000.00 - IRM (DX 31, DX 32)
9/12/74 - financial printing (DX 4d)	9/16/74 (DX 37, DX 38)	$1500.0- - IRM (DX 37, DX 38)
9/23/74 - financial printing (DX 4e)	9/30/74 (DX 35)	$200.00 - Braverman (DX 35)
10/3/74 - financial printing (DX 4f)	10/9/74 (DX 42, DX 43)	$1618.80 - IRM (DX 42, DX 43)
11/7/74 - legal fees (DX 4g)	11/12/74 (DX 45)	$2000.00 - IRM (DX 45)
11/14/74 - accounting fees (DX 4h)	11/15/74 (DX 4h, DX 45)	$1500.00 - IRM (DX 4h, DX 45)
12/10/74 - financial printing (DX 4i)	12/16/74 (DX 4i, DX 51)	$1500.00 - IRM (DX 4i, DX 51)
1/21/75 - legal fees (DX 4j)	1/24/75 (DX 4k, DX 58)	$ 600.00 - IRM (DX 4k, DX 58)
*/	2/3/75 (DX 4k, DX 63)	$2000.00 - IRM (DX 4k, DX 63)
2/7/75 - accounting fees (DX 4L)	2/10/75 (DX 4L, DX 63)	$2500.00 - IRM (DX 4L, DX 63)
2/25/75 - legal and printing (DX 4m)	2/26/75 (DX 4m, DX 63)	$3500.00 - IRM (DX 4m, DX 63)
3/7/75 - legal expenses (DX 4n)	3/11/75 (DX 4n, DX 74)	$ 500:00 - IRM (DX 4n, DX 74)
	Total	$28,721.09

*/ No written instruction provided. DX 4k indicates purpose was financial printing.

The record further shows that at best respondents were entitled to reimbursement of expenses they paid on the Fund's behalf applicable to the relevant period of approximately $1800, and that the remainder of over $26,000 were Fund moneys they illegally misappropriated for their own personal use allegedly to reimburse them for expenses paid during the 1969-1975 period.

The respondent's allegations concerning this are false and misleading. Various documents filed or transmitted by the Fund, or used in the offer and sale of Fund shares, and reports to the Commission and the stockholders, including the public itself to whom these documents were available demonstrate without doubt that these expenses were assumed by the respondents, and were to be paid completely by them without cost to the Fund.

The Fund's first prospectus dated September 14, 1973 at page 15, Note B states,

> "By agreement, International Research & Management Corporation, the Investment Manager, or the shareholders thereof, has agreed to pay other organizational expenses of the Fund and the costs of the initial public offering."

The financial report to the Fund shareholders for the year ended March 31, 1974 prepared by the accounting firm of Touche Ross & Co. after an examination of the records, and consultation with Braverman, contains the following statement on page 7,

> "By agreement, International Research and Management Corporation, the Investment Manager, has agreed to pay the organizational expenses of the Fund and the costs of registration prior to September 14, 1973, the date on which the registration was completed."

The above assumption of obligation reappears in a report to the shareholders, dated November 12, 1974, and in Amendment No. 2 to the registration statement, dated August 1, 1974 and filed with the Commission. These documents unquestionably and undeniably state and infer to the shareholders, the public at large who may be interested in the Fund as an investment, and the Commission that the management company assumes[2/] Fund expenses accumulated prior to September 14, 1973. I find the payments made to IRM and Braverman which were accepted by them and used for the personal needs of Braverman or the management company which is solely under his control was a wilful conversion of the assets of the Fund. Referring to a violation of Section 37 of the Investment Company Act, the Court in Tanzer v. Huffines, 314 F. Supp 189 (D. Del. 1970)

2/ Moreover, Braverman knew and admitted that at the time the registration statement was declared effective it was necessary for the Fund to have at least $100,000 in net assets in order to conduct a public offering. Thusly, this personal assumption of Fund debts was deliberately thought out so as to maintain Fund assets as a level of over $100,000.

stated: "Conversion, as used in the Act, includes misuse or abuse of property. It also includes use in an unauthorized manner or to an unauthorized extent of property placed in one's custody for limited use." See Morissette v. United States, 342 U.S. 246, at 271-2, 72 S.Ct 240, 96 L. Ed. 288 (1952); Brown v. Bullock, 294 F.2d 415, 419 (2d Cir. 1961).

Respondent contends that he was not legally obligated to pay any of the expenses he advanced, that it was in effect a loan to the Fund, and thusly he can repay such debt to himself by reaching in and transferring Fund moneys. This general line of reasoning and thought which pervades the entire proceeding is meritricious and without any reasonable merit. Firstly, if the moneys paid on the Fund's behalf by Braverman were meant to be liabilities to be repaid, it is incredible that Braverman, a certified public accountant, with a wide experience in accounting, did not open an account on the Fund records showing this liability. Nowhere in any of the Fund financial statements filed with the Commission or sent to the shareholders is there any record of a liability owing to Braverman or IRM. In fact,as noted there are outright affirmations stating that the management company is assuming various expenses associated with the Fund prior to September 14, 1973 (when it became open end). Braverman additionally quibbles as to the meaning of what expenses are covered in his wholly voluntary assumption of Fund debts, and furthermore incredulously states that a

shareholder or other persons reading the reports, statements, etc. would gain the inference that in some manner the Fund was liable for these other expenses. To have a certified public accountant, who not only was a cardinal factor in preparing various financial statements, and who was consulted by Touche Ross & Co. in preparation of their financial report say a liability on behalf of the Fund exists if you read close enough, absolutely astounds the imagination considering the silence of the reports and, is a further sign that the actions of Braverman in transferring Fund assets was improper, and that he knew it to be so.

Respondent further states that the Division erred in charging a violation of Section 37 of the Investment Company Act inasmuch as it is a criminal section, and that such charge "has no place in an administrative proceeding." His argument is unpersuasive. That statute has been construed as granting a right of private civil action for its violation. Brown v. Bullock, 194 F. Supp. 207 (S.D.N.Y.), aff'd. 294 F.2d 415 (2d Cir. 1961); See also Moses v. Burgin, 445 F.2d 369 (1st Cir., 1971); Epin v. Hirsche, 402 F.2d 94 (10th Cir., 1969), cert. den. 394 U.S. 928 (1969); Tanzer v. Huffines, supra.

The Court in S.E.C. v. Commonwealth Chemical Securities Inc., 410 F. Supp. 1002 (D. S.D.N.Y. 1976) opined such administrative action by the Commission could be warranted "under its broad powers to compel compliance with the securities laws." Furthermore under the authority of Section 9(b) of the Investment Company Act the Commission can conduct administrative proceedings

for wilful violations of "any provisions of the Act." [3/]

In summary, the record supports a finding that Braverman and IRM unlawfully and wilfully[4/] converted the funds of a registered investment company, i.e., the Hawaii-Pacific Growth Fund, Inc., for their own personal use. Accordingly, I conclude that Braverman and IRM violated Section 37 of the Investment Company Act.

Section 17(a)(3) of the Investment Company Act

Section II B of the Order charges that during the relevant period Braverman and IRM wilfully violated Section 17(a)(3) of the Investment Company Act[5/] in that, they as affiliated persons of the Fund borrowed money without permission of the Commission for such transaction.

3/ Section 9(b) of the Investment Company Act, as enacted in 1970 states: "The Commission may, after notice and opportunity for hearing . . . prohibit a person from serving or acting as an employee, officer, director, investment advisor, etc. for a registered investment company if he has "wilfully violated any provisions of . . . this title . . . ."

4/ A finding of wilfulness within the meaning of the Act does not require a showing of knowledge by a person that his action was unlawful; it is enough that he intended to do the act which constituted the violation. Tager v. S.E.C., 344 F.2d (2d Cir. 1965); Hughes v. S.E.C., 174 F.2d 969, 977 (D.C. Cir. 1949); Churchill Securities Corp., 38 SEC 856, 859 (1959).

5/ Section 17(a)(3) of the Investment Company Act states in pertinent part: "It shall be unlawful for any affiliated person . . . or principal underwriter for a registered investment company . . .
(3) to borrow money . . . from such registered company . . ."

Section 17(b) provides that a person may file with the Commission for an order exempting a proposed transaction from the provisions of 17(a).

We have already concluded that Braverman and IRM violated the provisions of Section 37 of the Investment Company Act in their unlawful and wilful conversion of the Fund assets to their own personal use.

Borrowing connotates a standard of conduct far removed from conversion. The normal and accepted meaning of to borrow is "to solicit and receive from another any article or property or thing of value with the intention and promise to repay it or its equivalent." 6/

Braverman stated in his opening statement that "the monies that were transferred from the Fund to the management company and to me were as way of reimbursement for what we had already done and for what we had assumed . . ." His actions together with the underlying circumstances, and his conduct and procedures in effectuating the improper and unlawful transfers of Fund money was a conversion of Fund assets. Under all of these circumstances, it is concluded there is no appropriate basis for additional findings that Braverman and IRM borrowed money from the Fund without Commission approval in violation of Section 17(a)(3) of the Investment Company Act, and such charge is accordingly dismissed.

6/ Black's Law Dictionary, Revised 4th Edition, 1968, p. 230.

Section 206(1) and (2) of the Investment Advisers Act

Section II C of the Order alleges that during the relevant period Braverman wilfully caused, aided and abetted violations by IRM of Section 206(1) and (2) of the Advisers Act[7/] by engaging in acts, practices, and a course of business that acted as a fraud and deceit upon the Fund and its shareholders.

The fraudulent conversion of Fund moneys by IRM caused, aided and abetted by Braverman, the principal and moving force behind IRM as described aforesaid was perpetrated and disseminated by issuing false and misleading reports and statements to Fund shareholders, the Fund custodian, the Commission and the general public through the use of the mails.

The respondents converted Fund money for their own personal use, allegedly to reimburse themselves for past expenses paid. Yet, in all their reports they repeatedly emphasized and reiterated that they had assumed payment of these past expenses, and further lulled the shareholders, the

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7/ PROHIBITED TRANSACTIONS BY REGISTERED INVESTMENT ADVISERS

Section 206. It shall be unlawful for any investment adviser, by use of the mails or any means of instrumentality of interstate commerce directly or indirectly --

(1) to employ any device, scheme or artifice to defraud any client or prospective client;

(2) to engage in any transaction, practice or course of business which operates as a fraud or deceit upon any client or prospective client.

Commission and the public into this belief by not setting up any liability on behalf of the Fund for such expenses in its records and financial reports. Accordingly, it is concluded that IRM, together with, or wilfully aided and abetted by Braverman wilfully violated Sections 206(1) and (2) of the Investment Advisers Act.

Section 207 of the Investment Advisers Act

Section II E of the Order charges that during the period from at least May 22, 1973 Braverman and IRM wilfully violated Section 207 of the Investment Advisers Act 8/ in filing a false and misleading registration application, and in omitting to state material facts required.

The record shows that the registration of IRM as a broker-dealer in the securities business in the State of New Jersey was suspended from March 20, 1972 through April 18, 1972. However, Braverman filed an application with the Commission

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8/ Section 207 of the Investment Advisers Act states:

> It shall be unlawful for any person wilfully to make any untrue statement of a material fact in any registration application or report filed with the Commission under Section 203 or 204, or wilfully to omit to state in any such application or report any material fact which is required to be stated therein.

on July 28, 1972 for registration of IRM as an investment adviser without reporting such suspension to the Commission on Form ADV as required. His answer to question 16(h) was a deliberate omission of this material fact. While Braverman admits he was aware of the past suspension, he alleges that his interpretation of the question propounded on the ADV form led him to omit this vital happening. As a lawyer and certified public accountant, it is ludicrous to believe that Braverman was unaware of the importance of past securities violations in preparing the registration application for IRM. Form ADV states directly to the left of the signature lines, "The Applicant or Registrant submitting this form and its attachments and the person by whom it is executed represent hereby that all information therein is true, current and complete."

The registration form submitted because of its deliberate omission of a cardinal material fact, i.e., the prior suspension of IRM as a broker-dealer, was also both false and misleading. Accordingly, I conclude that IRM and Braverman wilfully violated Section 207 of the Investment Advisers Act.

Public Interest

Respondents' wilful violations require consideration whether remedial action is necessary in the public interest.

In this connection, the Division considers the actions of respondents "particularly egregious violations" in that they "intentionally took and used the money of their clients, the Fund and its shareholders in gross dereliction of their fiduciary duty," and urges that the registration of IRM as an investment adviser be revoked and Braverman be barred from association with any investment adviser. On the other hand the respondents urge that no sanction be imposed in the light that no shareholders were harmed, that full repayment was made to the Fund of the amounts in question, and that they had supported the Fund with their own money to the benefit of the Fund and its shareholders throughout the years.

The Investment Company Act of 1940 was the last of the securities laws enacted "to cope with the grave abuses and evils that had developed in some quarters of the investment company business." Brown v. Bullock, 194 F. Supp. 207 (1961). In Securities and Exchange Commission v. Capital Gains Research Bureau, Inc., 375 U.S. 180, 186 (1963), the Court in discussing the securities laws enacted to eliminate abuses which contributed to the stock market crash of 1929 and the depression declared:

> "A fundamental purpose, common to these statues, was to substitute a philosophy of full disclosure for the philosophy of caveat emptor and thus so achieve a high standard of business ethics in the securities industry."

The Investment Advisers Act of 1940 reflects a congressional recognition "of the delicate fiduciary nature of an investment

advisory relationship." Securities and Exchange Commission v. Capital Gains Research Bureau, Inc., supra, 375 U.S. at 180, 191.

Both the Courts and the Commission have recognized that an investment advisor is a fiduciary who is held to the highest standards of ethical conduct. Securities and Exchange Commission v. Capital Gains Research Bureau, Inc., supra, 375 U.S. 180, 191; Rosenfeld v. Black, 445 F.2d 1337 (C.A. 2d 1971); Edward J. Moschetti, 41 S.E.C. 942, 943 (1964). The integrity, high morality and behavioral code ascribed to those in positions of trust is echoed in Mr. Justice Cardozo's lasting admonition:

> "Many forms of conduct permissible in a workaday world for those acting at arms length, are forbidden to those bound by fiduciary ties.... Not honesty alone, but the punctilio of an honor most sensitive, is then the standard of behavior. As to this there has developed a tradition that is unbending and inveterate." Meinhard v. Salmon, 249 N.Y. 458 (1928).

The violations committed by the respondents were of a highly serious nature. In a gross dereliction of the duties owed to the Fund, its shareholders and to the investing public who rely on honest disclosures, Braverman and IRM during the relevant period not only wilfully converted money of the Fund for their own use, but deceived all parties affected by false and fraudulent reports while taking money from the Fund claiming it was theirs for reimbursement of past expenses.

They were reporting to shareholders, the Commission and the investing public that these past Fund expenses were to be paid by them. It is recognized that Braverman eventually paid to the Fund the money so taken. However, even at this late date he continues to maintain his course of conduct was correct; even now he does not finally recognize his responsibility and the fiduciary standards of conduct which he owes the Fund, its shareholders, the investing public and the Commission.

Similarly, he attempts to disparage and minimize the material misstatements and omission in his application for registration of IRM as an investment advisor, in which he failed to report that IRM had been suspended by the State of New Jersey from acting as a broker-dealer for 30 days. He ascribes his failure to report this violation to a question of semantics, stating the question was unclear. We do not credit this allegation. The wording of the registration application is clear and explicit. It is quite incredible for Braverman, a lawyer and certified public accountant, who is fully conversant with the overall tenor of the securities laws and the reasons that full disclosure is demanded, to deny the obvious thrust of the question, and answer it falsely. As the Court stated in Financial Counsellors, Inc. v. Securities and Exchange Commission, 339 F.2d 196 (1964), cert. den. 381 U.S. 917 (1965): "the registration requirement provisions are of vital importance to the statutory scheme of securities regulations."

Braverman was aware of the reporting requirements of the Investment Advisers Act, and had a duty to make a truthful report in filing with the Commission. His failure to do so showed a wilful and total disregard of that duty. The responsibilities of being an investment adviser do not permit such disregard. Indeed, in view of the professional background of Braverman, he should have been even more sensitive and aware of the requirements and unimpeachable conduct called for in an investment advisor for the benefit of investors. Braverman's flagrant conduct in treating the Fund as his private bank when he felt his personal needs called therefor and his continued refusals to recognize the vice in his conduct herein, show a serious lack of appreciation of or concern for the high standards applicable to registered investment advisers and one cannot be certain that such conduct would not repeat itself in the future should his financial fortunes decline. I believe he has still to learn that one "who is in such a fiduciary position cannot serve himself first and his cestuis second."

Upon careful consideration of the record and of the arguments and contentions submitted by the parties, it is concluded that the sanctions ordered below are appropriate in the public interest. 9/

9/ All proposed findings and conclusions submitted by the parties have been considered, as have their contentions. To the extent such proposals and contentions are consistent with this initial decision, they are accepted.

ORDER

Accordingly, IT IS ORDERED:

1. Respondent Richard D. Braverman is hereby

a. prohibited permanently from serving or acting as an employee, officer, director, member of investment advisory board, investment advisor of, or principal underwriter for a registered investment company or from being an affiliated person of such investment adviser, depositor or principal underwriter within the meaning of the Investment Company Act, pursuant to Section 9(b) of the Act;

b. barred from being associated with an investment adviser pursuant to Section 203(f) of the Advisers Act.

2. Respondent International Research and Management Corp. is hereby

a. permanently prohibited to serve or act as an investment adviser or depositor of, or principal underwriter for, a registered investment company or affiliated person of such investment adviser, depositor, or principal underwriter pursuant to Section 9(b) of the Investment Company Act; and

b. its registration as an investment adviser is hereby revoked pursuant to Section 203(e) of the Investment Advisers Act.

This order shall become effective in accordance with and subject to the provisions of Rule 17(f) of the Rules of Practice.

Pursuant to Rule 17(f) of the Rules of Practice, this initial decision shall become the final decision of the Commission as to each party who has not, within fifteen days after service of this initial decision upon him, filed a petition for review of this initial decision pursuant to Rule 17(b), unless the Commission, pursuant to Rule 17(c) determines on its own initiative to review this initial decision as to him. If a party timely files a petition for review, or the Commission takes action to review as to a party, the initial decision shall not become final with respect to that party.

Irving Sommer
Administrative Law Judge

Washington, D.C.
June 2, 1977