

sec news digest

Issue 95-185

September 25, 1995

RULES AND RELATED MATTERS

RECORDS CONTROL SCHEDULE AND INCORPORATION BY REFERENCE FEDERAL REGISTER RELEASE

The Commission is revising its Records control schedule to state new administrative retention values for many Commission records. The schedule also has been reorganized, includes certain new records, and identifies obsolete records. In addition, since the retention values in the Records control schedule limit the availability of Commission records for incorporation by reference (see, e.g., Rule 10(d) of Regulation S-K (17 CFR 229.10(d) and Rule 10(f) of Regulation S-B), the amendment of the schedule also changes the length of time that records that previously have been filed with the Commission are available for incorporation by reference into new filings. For further information contact: L. Bryce Stovell at (202) 942-8944. (Rel. 33-7221; 34-36269; 35-26377; 39-2335; IA-1521; IC-21370)

ORDER EXTENDING EXEMPTION FOR CERTAIN BROKERS AND DEALERS FROM BROKER-DEALER REGISTRATION

On September 22, the Securities and Exchange Commission extended the exemption for persons acting as brokers or dealers with respect to certain categories of over-the-counter derivative instruments, to the extent that such instruments are securities, from the broker-dealer registration requirement under Section 15(a) of the Securities Exchange Act of 1934. As extended, the exemption is retroactive to June 6, 1934, the date of the enactment of the Securities Exchange Act of 1934, and will expire September 30, 1996. (Rel. 34-36270)

ENFORCEMENT PROCEEDINGS

JOHN MOYSEY SANCTIONED FOR FAILURE TO SUPERVISE

On September 19, the Securities and Exchange Commission issued an Order Instituting Public Proceedings, Making Findings and Imposing Remedial Sanctions against John Moysey, formerly a branch office manager in the Bethesda, Maryland branch office of Dominick & Dominick, Inc. Moysey consented to the entry of the Commission's Order, without admitting or denying the findings therein.

The Order finds that during the period in which Moysey supervised Dominick's Bethesda branch, three registered representatives under his supervision, misappropriated approximately \$718,000 from Dominick customers. All three registered representatives were criminally charged based on this conduct, and two are serving jail sentences.

The Order finds that Moysey failed reasonably to supervise the three registered representatives, with a view toward preventing their violations. The Order finds that Moysey's supervisory deficiencies included, failing to monitor the activity in customer accounts with a view toward detecting and preventing registered representatives from engaging in improper trade practices such as unauthorized or excessive trading.

On the basis of these findings, the Commission ordered that Moysey be barred from association with any broker, dealer, investment adviser, investment company, or municipal securities dealer, provided that, after two years, he shall have the right to re-apply for admission. (Rel. 34-36247)

CIVIL ACTION FILED AGAINST MARTYN GEFSKY AND MURRAY UFBERG ALLEGING INSIDER TRADING

On September 21, the Commission filed a complaint in the United States District Court for the Middle District of Pennsylvania against Martyn I. Gefsky (Gefsky) and Murray Ufberg (Ufberg). The complaint alleges that Gefsky and Ufberg violated the antifraud provisions of the securities laws through illegal insider trading activities. The Complaint seeks permanent injunctive relief, disgorgement plus prejudgment interest, and civil penalties.

The complaint alleges that Gefsky purchased the common stock of Franklin First Financial Corporation (FFFC) on November 11, 1992 while in possession of material non-public information related to substantive merger negotiations which ultimately led to a merger agreement between

FFFC and ONBANC Corp, Inc. (ONBK). This information was tipped to him by his friend, Ufberg, who was counsel to FFFC throughout the period of merger negotiations.

Simultaneously with the filing of the Commission's complaint, Gefsky and Ufberg consented, without admitting or denying the allegations of the complaint, to a Final Judgment and Order: permanently enjoining Gefsky and Ufberg from future violations of the antifraud provisions of the securities laws; ordering Gefsky to pay disgorgement of \$7,000, plus prejudgment interest of \$1,604, and a civil penalty of \$7,000; and ordering Ufberg to pay a civil penalty of \$7,000. [SEC v. Martyn I. Gefsky and Murray Ufberg, Civil Action No. 95-CV-1593] (LR-14648)

FINAL JUDGMENT OF PERMANENT INJUNCTION AND DISGORGEMENT ENTERED IN COMMISSION'S LITIGATION AGAINST OWEN FOX, CARROLL SIEMENS, BRUCE FRANKLIN, MICHAEL COLELLO AND DOUGLAS CROSS

On September 7, the U.S. District Court Judge Richard A. Paez of the Central District of California entered a Judgment Against Defendants Owen R. Fox (Fox), Carroll E. Siemens (Siemens), Bruce Franklin (Franklin), Michael J. Colello (Colello) and Douglas S. Cross (Cross) following granting the Commission's summary judgment motions.

The Court found that Fox, Siemens, Franklin and Cross raised in excess of \$21 million from over 700 investors by offering and selling the unregistered securities of defendant Cross Financial Services, Inc. (CFS). The Court also found that these defendants misrepresented that CFS would use investor funds for accounts receivable factoring and that in fact, unknown to investors, they used investor funds to purchase uncollectible letters of credit.

The Judgment permanently enjoins Fox, Siemens, Franklin and Cross from further violations of the registration and antifraud provisions of the federal securities laws. The Judgment also orders disgorgement of over \$7.8 million from Fox, over \$6.5 million from Siemens, over \$2.3 million from Franklin, and over \$8.6 million from Cross, plus prejudgment interest thereon. Colello, a relief defendant, must disgorge over \$2.6 million, plus prejudgment interest. [SEC v. Cross Financial Services, Inc., et al., Civil Action No. 94-4228 RAP, Ex, C.D. Cal.] (LR-14649)

COMMISSION OBTAINS REPATRIATION OF FUNDS IN DEFENDANT'S MEXICAN BANK ACCOUNT IN ACTION BROUGHT TO HALT PRIME BANK SCHEME

The Commission announced that on September 21 it achieved repatriation of approximately \$400,000 held in a Mexican bank account in the name of one of the five defendants in its pending case alleging securities fraud in a "prime bank" scheme. The Honorable Morton A. Brody of the U. S. District Court for the District of Maine had ordered repatriation as part of the preliminary relief obtained by the Commission on July 25, 1995. The \$400,000 that was in defendant Deyon's account when repatriated has been transferred to the Court's registry.

The Commission's complaint alleges that since mid-May, 1995, the defendants fraudulently obtained several hundred thousand dollars by promising a virtually risk-free annual return of up to 300%; they represented to investors that their funds would be invested in a "special" Mexican bank account that earned 1020% per year by trading in instruments including "Prime Bank Guarantees." In fact, however, according to the complaint, the bank account earns no such extraordinary return, the investments are highly risky, and there are no "Prime Bank Guarantees." Defendants targeted evangelical Christian ministries, presenting themselves as fellow believers, and induced unsophisticated investors of modest means to invest.

The Commission's complaint seeks permanent injunctive relief, disgorgement and civil monetary penalties. On August 17, 1995, the court entered a preliminary injunction on against Ellis L. Deyon, Bradley T. Gullett, William Hanke, Dove Investment Group, Inc. and Sherwood H. Craig, prohibiting them from continuing the fraudulent offer and sale of securities. [SEC v. Deyon, et al., Civil Action No. 95-0164-B, USDC, D. Me.] (LR-14650)

INVESTMENT COMPANY ACT RELEASES

GLENBROOK LIFE AND ANNUITY COMPANY, ET AL.

An order has been issued on an application by Glenbrook Life and Annuity Company (Company), Glenbrook Life and Annuity Company Variable Annuity Account (Variable Account), and Allstate Life Financial Services, Inc. (ALFS), pursuant to Section 6(c) of the Investment Company Act granting exemptions from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act. The order provides exemptions to the extent necessary to permit the deduction of a mortality and expense risk charge from the assets of the Variable Account in connection with the issuance and sale of certain variable annuity contracts (Contracts) and any other variable annuity contracts issued by the Company that are substantially similar in all material respects to the Contracts (Materially Similar Contracts), and from the assets of any other separate account established in the future by the Company in connection with the issuance and sale of Materially Similar Contracts. The exemptions granted by the order also apply to registered broker-dealers other than ALFS, in the event of a change in the identity of the principal underwriter for the relevant contracts. (Rel. IC-21368 - September 21)

METROPOLITAN LIFE INSURANCE COMPANY, ET AL.

An order has been issued pursuant to Section 6(c) of the Investment Company Act exempting Metropolitan Life Insurance Company (Metropolitan Life) and Metropolitan Life Separate Account UL (together, Applicants) from Section 27(c)(2) of the Act, and Rules 6e-2(c)(4)(v) and 6e-3(T)(c)(4)(v) thereunder. The order provides exemptions to the extent necessary to permit Applicants and other separate accounts that Metropolitan Life may establish in the future to support scheduled premium, single premium or flexible premium variable life insurance contracts to deduct from premium payments received an amount that is reasonable in relation to Metropolitan Life's increased federal tax burden resulting from the application of Section 848 of the Internal Revenue Code of 1986, as amended. (Rel. IC-21369 - September 20)

HOLDING COMPANY ACT RELEASES

CINERGY CORPORATION, ET AL.

An order has been issued authorizing CINergy Corporation, a registered holding company, and its subsidiaries CINergy Investments, Inc., and CINergy Services, Inc. (Services), to organize and invest in subsidiary companies (Companies) for the purpose of acquiring and financing investments in exempt wholesale generators and foreign utility companies in amounts up to \$115 million. The Companies and Services also propose to provide services to subsidiaries and their associate companies. (Rel. 35-26376)

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 CABLEVISION SYSTEMS CORP, ONE MEDIA CROSSWAYS, WOODBURY, NY 11797
(516) 364-8450 - 920,000 (\$55,602,500) COMMON STOCK. (FILE 33-62717 -
SEP. 18) (BR. 7)

RECENT 8-K 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.
- Item 8. Change in Fiscal Year.

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	8-K ITEM NO.								DATE	COMMENT
		1	2	3	4	5	6	7	8		
SUBORDINATE MORTGAGE BACKED CERTIFICATES									X	09/19/95	
SUNBEAM CORP/FL/	DE				X	X				08/18/95	
SVVA BANCSHARES INC	VA				X	X				09/14/95	
SYNTHETECH INC	OR				X					09/19/95	
TANDY MASTER TRUST	DE				X	X				09/15/95	
TANGRAM ENTERPRISE SOLUTIONS INC	PA				X					09/19/95	
TECHNOLOGY SOLUTIONS COMPANY	DE							X		09/19/95	
TMS MORTGAGE INC 1995-A								X		09/15/95	
TRANSWORLD INSUR CO EDUC LOAN ALL 1995-I								X		08/29/95	
UMC ELECTRONICS CO	DE							X		07/31/95	
UNITED VISION GROUP INC	DE				X			X		09/12/95	
UNSI CORP	DE		X					X		09/05/95	
VALUE MERCHANTS INC	WI				X	X				07/01/95	AMEND
VANDERBILT MORT & FIN INC MAM HO CO SE S	TN				X	X				09/07/95	
VANDERBILT MORT & FIN INC MAM HO CO SE S	TN				X	X				09/11/95	
VOYAGER GROUP INC/UT	NV				X					07/21/95	
VOYAGER GROUP INC/UT	NV				X		X			07/21/95	
VOYAGER GROUP INC/UT	NV				X	X				08/07/95	
WPS RECEIVABLES CORP	DE				X	X				09/18/95	
ACME CLEVELAND CORP /OH/	OH				X	X				09/15/95	
ADVANCED MEDIA INC	DE						X	X		06/21/95	
AMERICAN BIOGENETIC SCIENCES INC	DE				X					08/05/95	
AMERICAN ECOLOGY CORP	DE				X	X				09/12/95	
AMERICAN HEALTH PROPERTIES INC	DE				X					09/22/95	
AMERICAN PACIFIC MINERALS LTD								X		08/31/95	AMEND
AMERICAN RESOURCE CORP INC	NV							X		08/30/95	AMEND
AMERICAN TELEPHONE & DATA INC	DE				X			X		09/21/95	
ANVESTORS FINANCIAL CORP	KS				X					09/22/95	
ASSET SECURITIZATION CORP COMM MOR PASS					X	X				09/11/95	
AT&T CORP	NY				X	X				09/20/95	
AUTOZONE INC	NV				X					09/21/95	
AVALON PROPERTIES INC	MD				X	X				09/18/95	
BIO DYNE CORP /GA	GA				X					09/01/95	

BK REPORTS CONT.

NAME OF ISSUER	STATE CODE	BK ITEM NO.								DATE	COMMENT
		1	2	3	4	5	6	7	8		
BIO PLEXUS INC	CT				X	X				09/20/95	
BOSTON LIFE SCIENCES INC /DE	DE				X	X				09/14/95	
CAPTEC FRANCHISE CAPITAL PARTNERS LP III	DE	X				X				09/21/95	
CENTURION MINES CORP	UT	X								09/30/95	
CHASE MANHATTAN BANK NATIONAL ASSOCIATIO					X					09/19/95	
CHITTENDEN CORP /VT/	VT	X								09/19/95	
CLAYTON HOMES INC	TN				X	X				09/07/95	
CNL AMERICAN PROPERTIES FUND INC	MD	X				X				09/06/95	
CONDATA NETWORK INC	MD				X	X				08/24/95	
COMMUNITY FINANCIAL CORP /DE/	DE				X	X				09/21/95	
CONSTOCK RESOURCES INC	NV	X				X				09/22/95	AMEND
DATA MEASUREMENT CORP	DE	X				X				09/16/95	
DEUTSCHE FLOORPLAN RECEIVABLES L P	DE				X					09/15/95	
DOVE AUDIO INC	CA		X							09/18/95	
DRECO ENERGY SERVICES LTD	AO				X					09/20/95	
DSI INDUSTRIES INC	DE	X				X				09/06/95	
ECI INTERNATIONAL INC	NV	X	X		X	X				09/13/95	
ENCOR GROUP INC	DE			X		X				08/14/95	
EQCC HOME EQUITY LOAN TRUST 1994-4	DE				X					08/15/95	
EQCC HOME EQUITY LOAN TRUST 1995-1	DE				X	X				08/15/95	
EQCC HOME EQUITY LOAN TRUST 1995-2	DE				X	X				08/15/95	
FEDERAL REALTY INVESTMENT TRUST	DC				X	X				02/16/95	
FEDERATED DEPARTMENT STORES INC /DE/	DE				X					09/22/95	
FINOVA GROUP INC	DE				X					09/22/95	
FIRST CHARTER CORP /NC/	NC				X	X				09/13/95	
FIRST DATA CORPORATION	DE				X	X				09/11/95	
FIRST FINANCIAL CARIBBEAN CORP	PR				X	X				09/22/95	
FIRST USA INC	DE				X	X				09/14/95	
FLEETWOOD CREDIT 1995-B GRANTOR TRUST	CA				X	X				09/15/95	
GRANCARE INC	CA				X					07/20/95	AMEND
GREENE COUNTY BANCSHARES INC	TN	X				X				09/11/95	
HEILEMAN G BREWING CO INC	DE				X					09/21/95	
INFORMATION RESOURCE ENGINEERING INC	DE	X				X				07/19/95	AMEND
INTERNATIONAL CABLETEL INC	DE				X	X				09/20/95	
KIMBERLY CLARK CORP	DE				X					09/22/95	
LANDSING PACIFIC FUND INC	DE				X					09/20/95	
LASER MASTER INTERNATIONAL INC	NY				X					09/14/95	
LASERSIGHT INC /DE	DE				X					09/14/95	
LIFE RE CORP	DE					X				09/20/95	
MAGIC RESTAURANTS INC	DE				X	X				04/06/95	
MEDPARTNERS INC	DE					X				07/14/95	AMEND
MENDELL DENVER CORP	CO			X		X				07/31/95	
MERIDIAN BANCORP INC	PA				X	X				09/22/05	
MERIT SECURITIES CORP	VA				X	X				09/20/95	
MERIT SECURITIES CORP SERIES 3					X	X				08/28/95	
MICRO COMPONENT TECHNOLOGY INC	DE				X	X				09/20/95	
NIP PROPERTIES INC	MD				X					09/22/95	
NYLAN LABORATORIES INC	PA				X					09/30/95	
NYSTIQUE DEVELOPMENTS INC	CO			X						09/06/95	
NATIONAL MEDIA CORP	DE	X								09/11/95	
NEW PARADIGM SOFTWARE CORP	NY				X	X				09/20/95	
NORTH FORK BANCORPORATION INC	DE	X								09/19/95	
OHSL FINANCIAL CORP	DE				X	X				09/18/95	
PENNFIRST BANCORP INC	PA				X	X				09/20/95	
PEOPLES CHOICE TV CORP	DE	X				X				08/29/95	

&K REPORTS CONT.

NAME OF ISSUER	STATE CODE	BK ITEM NO.								DATE	COMMENT	
		1	2	3	4	5	6	7	8			
POLYMER GROUP INC	DE					X					09/08/95	
PRINS RECYCLING CORP	NY							X			08/24/95	AMEND
GCS CORP	CO					X	X				08/31/95	
QUINTILES TRANSNATIONAL CORP	NC					X					09/19/95	
RENAL TREATMENT CENTERS INC /DE/	DE					X					09/20/95	
RESIDENTIAL ASSET SECURITIES CORP	DE					X	X				09/22/95	
RESIDENTIAL ASSET SECURITIES CORP	DE							X			09/22/95	
RESIDENTIAL FUNDING MORTGAGE SECURITIES SCECORP	DE					X	X				09/22/95	
SEVEN UP RC BOTTLING COMPANY OF SOUTHERN	CA			X							09/22/95	
SOUTHERN CALIFORNIA EDISON CO	DE					X	X				09/13/95	
SULLIVAN GRAPHICS INC	CA			X							09/22/95	
TELECOMM INDUSTRIES CORP	NY		X			X	X				08/15/95	
THERMOLASE CORP	DE		X					X			09/07/95	
THERMOTREX CORP	DE								X		09/14/95	
TOSTEL CORP	CO		X					X			09/07/95	
TOUCHSTONE APPLIED SCIENCE ASSOCIATES IN	DE					X					09/20/95	
U S INTEC INC	TX					X					09/15/95	
US WEST INC	CO	X									09/22/95	
VALHI INC /DE/	DE		X								09/19/95	
VANDERBILT MORT & FIN INC MAN HO CO SE S	TN					X	X				09/07/95	
VENTURE STORES INC	DE					X	X				09/13/95	
VIDEONICS INC	CA		X					X			09/07/95	
WATERMARC FOOD MANAGEMENT CO	TX		X					X			09/07/95	
WHITMAN MEDICAL CORP	NJ					X	X				09/12/95	
WHOLESOME & HEARTY FOODS INC	OR					X					09/07/95	