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February 28, 1975

<del>1975</del>

## **DECISIONS IN ADMINISTRATIVE PROCEEDINGS**

R. G. DIER'S REVOCATION ORDER MODIFIED TO EXTEND SIPC PROTECTION OF HIS CUSTOMERS

LIBRARY

The Commission has modified its earlier order revoking the broker-dealer registration of Robert Gerard Dier, who formerly conducted a securities business in Hudson, New York, under the name of R. G. Dier & Co. The effect of the modification order is to give Dier's customers the benefits of the Securities Investor Protection Act. This result was achieved by an amended order stating that for purposes of the Securities Investor Protection Act -- but only for those purposes -- Dier shall continue to be deemed a registered broker and dealer. The Commission's action was based on facts about customers' claims against Dier brought to its attention by its Division of Market Regulation. (Rel. 34-11261)

## COMMISSION ANNOUNCEMENTS

#### INITIAL DECISION SANCTIONS RALPH NORDSTROM

Administrative Law Judge Max O. Regensteiner has issued an initial decision barring Ralph M. Nordstrom, of St. Louis Park, Minnesota, from association with a broker-dealer, provided that after 9 months he may apply to the Commission for permission to become so associated in a nonsupervisory position. The decision is subject to Commission review on petition of a party or on the Commission's own initiative.

The administrative law judge found that in 1973, Nordstrom, who was then vice-president of a Minneapolis broker-dealer, effected certain transactions in a customer's account without the customer's authorization or knowledge. Nordstrom acted under the direction of a friend associated with another broker-dealer who used this method to "park" securities belonging to his firm and thereby create the appearance of an improved net capital position for that firm. According to the decision, Nordstrom, by his participation in these transactions with knowledge of their true nature, aided and abetted violations of Commission antifraud and recordkeeping rules. The administrative law judge further found that Nordstrom failed to provide reasonable supervision to prevent the misappropriation of certain securities of the same customer.

## **COURT ENFORCEMENT ACTIONS**

### JOHN T. LENOIR PLEADS GUILTY

The Fort Worth Regional Office announced that on February 10 John T. Lenoir of Tulsa, Oklahoma, entered a plea of guilty before a Federal District Judge in Los Angeles, California to two counts of a 39-count indictment involving Home-Stake Production Company, Tulsa, Oklahoma.

Lenoir, a former vice-president of Home-Stake Production Company, pled to two counts of, the indictment, one of conspiracy to violate the antifraud provisions of the securities laws and the mail fraud statute, and one of aiding and assisting in the preparation of false income tax returns.

Sentencing was deferred indefinitely pending the trial of the remaining defendants. (U.S. v. Robert S. Trippet, et al., D.C. Cal.). (LR-6756)

LAMB BROTHERS, INC., CLYDE C. LAMB, JR. ENJOINED

The Seattle Regional Office announced that on February 14 the Honorable Robert C. Belloni, U.S. District Judge for Oregon, at Portland, Oregon, issued an order of preliminary injunction against Lamb Brothers, Inc., a registered broker and dealer in securities, and its president, Clyde C. Lamb, Jr., both of Portland, Oregon, from

violations of securities laws and rules of the Commission pertaining to minimum net capital and financial reporting requirements for brokers and dealers. (SEC v. Lamb Brothers, Inc. and Clyde C. Lamb, Jr., U.S.D.C., Ore., Civ. Action No 75-77). (LR-6760)

## BRIGADOON SCOTCH DISTRIBUTORS, LTD., OTHERS, ENJOINED

The New York Regional Office announced that on January 27 the Honorable Morris E. Lasker, U.S. District Judge for the Southern District of New York, signed final judgments of permanent injunction enjoining Brigadoon Scotch Distributors, Ltd. and Glen-Loch Factors, Ltd., both of Great Neck, N.Y.; Sol R. Rauch of Bayside, N.Y. and Marvin Urban of Brooklyn, N.Y. from violations of the registration and antifraud provisions of the securities laws in the offer and sale of investment interests in scotch whisky and/or rare coin portfolios. The defendants consented to the entry of the final judgments of permanent injunction without admitting or denying the allegations contained in the Commission's complaint. Similar injunctions were previously entered against Michael Skolnick of Brooklyn, N.Y.; Leon Hoskamer of Minneapolis, Minn.; Albert Hyman of Great Neck, N.Y.; and Joseph Handler of Little Neck, N.Y. In addition, the court appointed James Schreiber of the law firm of Walter, Conston, Schurtman & Gumpel, P.C., New York, New York, to serve as receiver for the defendant corporations Brigadoon and Glen-Loch. The Commission's motion for preliminary injunctions as to three other defendants, Harold Rauch, Paul Lipton and Alfred Cito, was denied. (SEC v. Brigadoon Scotch Distributors, Ltd., et al., 74 Civ. 5422, S.D.N.Y.). (LR-6761)

### JOHN B. O'MALLEY, JR. CONVICTED

The Denver Regional Office announced that John B. O'Malley, Jr. was found guilty on February 12 after a jury trial in the Federal District Court for the District of Colorado of three counts of wire fraud. O'Malley was charged with using interstate wires to effect a fraudulent scheme and with making fraudulent representations concerning, among other things, the precious metal content of metal bars, his ability to produce platinum from the bars and the existence of a secret process for the extraction of precious metals from such bars. Thomas K. Hudson was also named as a defendant in the above indictment, however, Hudson's trial was severed from O'Malley's. Hudson's trial date has not been set.

In two companion indictments, that have not yet been set for trial, O'Malley is further charged with securities fraud, wire fraud, and interstate transportation of fraudulently obtained monies. (U.S. v. John B. O'Malley, Jr., U.S.D.C. Colo Criminal Case No. 74-CR421). (LR-6762)

## MARTIN D. NASS SENTENCED

The Atlanta Regional Office announced that on February 18 Martin D. Nass of Daytona Beach, Florida, was sentenced to two years imprisonment and three years probation to be served consecutively. Nass, a former vice president and resident manager of Thomson & McKinnon, Auchincloss, Kohlmeyer, Inc.'s Daytona Beach, Florida, branch office, had pleaded guilty on January 14, 1975, to one count of violating the antifraud provisions of the securities laws, as well as interstate transportation of a fraudulently obtained bank draft. (U.S. v. Martin D. Nass, M.D. Fla., Crim No. 74-218-Orl-Cr-Y). (LR-6763)

## INVESTMENT COMPANY ACT RELEASES

#### HERMES FUND

An order has been issued declaring that Hermes Fund has ceased to be an investment company. (Rel. IC-8693 - Feb. 27)

#### HYPERION FUND

An order has been issued on the Commission's own motion terminating the registration of Hyperion Fund, Inc. (Rel. IC-8694 - Feb. 27)

## TRUST INDENTURE ACT RELEASES

#### PANHANDLE EASTERN PIPE LINE CO.

The SEC has issued an order under the Trust Indenture Act of 1939 on application of Panhandle Eastern Pipe Line Company (the Trust) that the trusteeship of Chemical Bank of New York under three indentures of the Trust is not so likely to involve a material conflict of interest as to make it necessary to disqualify Chemical Bank of New York from acting as trustee. (Rel. 39-383)

## DELISTING AND UNLISTED TRADING ACTIONS

#### UNLISTED TRADING GRANTED

An order has been issued granting the application of the following stock exchanges for unlisted trading privileges in the common stock and other specified securities of the specified companies: Boston Stock Exchange - The El Paso Company, Sony Corporation (American shares); Detroit Stock Exchange - Clorox Company (The), National Airlines, Inc. (Rel. 34-11270)

## **MISCELLANEOUS**

## FAMILY LIFE INSURANCE COMPANY

An order has been issued granting the application of Family Life Insurance Company (Family), a Washington corporation, under Section 12(h) of the Securities Exchange Act of 1934 for an exemption from the provisions of Section 15(d) of the Act. The exemption is subject to the condition and will remain in effect so long as each class of Family's securities has fewer than 300 holders of record.

It appeared to the Commission that the requested exemption is not inconsistent with the public interest or protection of investors since Family has only one record holder of its common stock and since a trading market does not exist for Family's securities and development of such a market is unlikely. (Rel. 34-11268)

## TRADING SUSPENSIONS

### ADDITIONAL ACTION ON FOUR TRADING SUSPENSIONS

The SEC has announced the suspension of (a) over-the-counter trading in the securities of Continental Vending Machine Corp. for the further ten-day period March 1-10, inclusive; and (b) exchange and over-the-counter trading in the securities of American Agronomics Corp., and over-the-counter trading in the securities of Winner Industries, Inc. and Royal Properties, Inc. for the further ten-day period March 4-13, inclusive.

## SECURITIES ACT REGISTRATIONS

## (S-1) SONJUD THEATRICAL ENTERPRISES, INC. (Issuer)

\$750,000 of pre-formation limited partnership interests in Pacific Overtures Company, 1 Rockefeller Plaza, New York, N.Y., to be offered for sale in 50 units at \$15,000 each, or fractional units at proportionate selling prices. There is no managing underwriter. The sole business of Pacific Overtures Company will be exploitation and turning to account of its rights in the play entitled, "Pacific Overtures." (File 2-52893 - Feb. 25)

#### (S-7) UTAH POWER & LIGHT COMPANY

1407 West North Temple St., P.O. Box 899, Salt Lake City, Utah 84111 - 200,000 shares of common stock, to be sold pursuant to its Shareholders' Dividend Reinvestment and Stock Purchase Plan to all participating common stock holders at the reported closing price on the New York Stock Exchange on each dividend payment date. The company is engaged in the electric utility business. (File 2-52904 - Feb. 25)

## (S-6) CORPORATE INVESTMENT TRUST FUND, NINTH MONTHLY PAYMENT SERIES

\$12.1 million of units. The Trust will be created under a trust agreement under which Bache & Co. Incorporated will act as sponsor, United States Trust Company of New York as trustee, New England Merchants National Bank as co-trustee and Interactive Data Services, Inc. as evaluator. It will consist of a diversified portfolio of long-term debt obligations rated "BBB" or better by Standard & Poor's Corporation or Fitch Investors Services, Inc. or "Baa" or better by Moody's Investors Service, Inc. (File 2-52905 - Feb. 26)

#### (S-6) AMERICAN TAX-EXEMPT BOND TRUST, SERIES 4

215 North Main St., West Bend, Wis. 53095 - \$4,725,000 of units, to be offered for sale at net asset value (\$1,050 maximum). The Trust is the fourth of a series of unit investment trusts proposed to be created under a trust indenture among B. C. Ziegler and Company as sponsor, United States Trust Company of New York as trustee, and Standard & Poor's Corporation, as evaluator. It consists of a portfolio of interest-bearing obligations issued by or on behalf of states, counties, municipalities and territories of the United States and authorities and political subdivisions thereof, the interest on which is, in the opinion of bond counsel, exempt from all Federal income tax under existing law. (File 2-52906 - Feb. 26)

#### (S-1) HESSTON CORPORATION

Hesston, Kan. 67062 - 500,000 shares of cumulative convertible preferred stock, to be offered for sale through underwriters headed by Merrill Lynch, Pierce, Fenner & Smith Incorporated, One Liberty Plaza, 165 Broadway, New York, N.Y. 10006. The company designs, manufactures and sells specialized farm equipment. (File 2-52908 - Feb. 26)

## (S-1) DOW CORNING CORPORATION

P.O. Box 1592, Midland, Mich. 48640 - \$60 million of sinding fund debentures, due 2005, to be offered for sale by underwriters represented by Smith, Barney & Co. Incorporated, 1345 Avenue of the Americas, New York, N.Y. 10019 and Goldman, Sachs & Co., 55 Broad St., New York, N.Y. 10004. Dow Corning develops, produces and sells silicones, hyper-pure silicon and related products. (File 2-52909 - Feb. 26)

#### (S-7) AMERICAN ELECTRIC POWER COMPANY, INC.

2 Broadway, New York, N.Y. 10004 - 10,000,000 shares of common stock, to be offered for sale in a negotiated public offering with a group of underwriters to be managed by Merrill Lynch, Pierce, Fenner & Smith Incorporated; Blyth Eastman Dillon & Co. Incorporated; Lehman Brothers Incorporated; E. F. Hutton & Company Inc.; Paine, Webber, Jackson & Curtis Incorporated; and Dean Witter & Co. Incorporated. The company is a public utility holding company which owns all of the outstanding common stocks of its operating electric utility subsidiaries. (File 2-52910 - Feb. 26)

## REGISTRATIONS EFFECTIVE

Feb. 27: American Brands, Inc., 2-52840; Citizens Utilities Co., 2-52633; Fund for Government Investors, Inc., 2-52552; Heublein, Inc., 2-52792; New York State Electric and Gas Corp., 2-52783; Province of Ontario (Canada), 2-52821; The Toledo Edison Co., 2-52795.

#### REGISTRATIONS WITHDRAWN

Feb. 25: Money Poolers, Inc., 2-51969.

## RECENT 8K FILINGS

Form 8K is a report which must be filed with the SEC by the 10th of the month after any of the following important events or changes: changes in control of the registrant; acquisition or disposition of assets; legal proceedings; changes in securities (i.e., collateral for registered securities); defaults upon senior securities; increase or decrease in the amount of securities outstanding; options to purchase securities; revaluation of assets; submission of matters to a vote of security holders.

The companies listed below have filed Form 8-K reports for the month indicated, responding to the item of the form specified. Photocopies may be purchased from the Commission's Public Reference Section (in ordering, please give month and year of report). An index of the captions of the items of the form was included in Monday's News Digest.

COMPANY	ITEM NO.	MONTH
PHILIPSBORN INC	3,7	01/75
PIER ONE IMPORTS INC	13	01/75
PINKERTONS INC	13,14	01/75
PITTSBURGH FORGINGS CO	7	01/75
PITTSBURGH TESTING LABORATORY	13	01/75

UNITED EQUITABLE CORP	7	01/75
UNITED SECURITY FINANCIAL CORP OF ILLINO	12	01/75
UNITED STATES GYPSUM CO	3,13	01/75
UNIVERSAL GAS & OIL CO INC	2,13,14	01/75
UNIVERSAL RUNDLE CORP	4,7,14	01/75
URBAN IMPROVEMENT FUND LTD	13	01/75
USP REAL ESTATE INVESTMENT TRUST	7	01/75
UTILITIES & INDUSTRIES CORP	7,8,10,14	01/75
VIPONT CHENICAL CO	1,3,13	01/75
VOPLEX CORP	13	01/75
WAGNER ELECTRIC CORP	14	08/74
WARNAGO INC	3,8,13,14	01/75
WARNER CO	13	01/75
WARWICK ELECTRONICS INC	10.14	01/75
WASHINGTON GAS LIGHT CO	13	01/75
WAUSAU PAPER MILLS CO	7,14	01/75
WEST KNITTING CORP	8	01/75
WESTCALIND CORP	1,3,13,14	01/75
WESTINGHOUSE ELECTRIC CORP	_ 8	01/75
WESTON INTERNATIONAL CORP	2,3,14	01/75
WHEFLING PITTSBURGH STEEL CORP	3,7,10,14	01/75
WINCORP	8	01/75
WOOLWORTH F W CD	12	01/75
WYOMING BANCORPORATION	2,7,14	01/75
ZENITH LABORATORIES INC	3	01/75
AMERICAN HOME INVESTMENT CO	3,14	01/75
AMF INC	13	01/75
ARISTAR INC	13	01/75
ASG INDUSTRIES INC	10,14	01/75
ATCHISON TOPEKA & SANTA FE RAILWAY CO	3	01/75
ATHLONE INDUSTRIES INC	8,10,14	01/75 01/75
BURNHAM AMERICAN PROPERTIES	1,2,7,13	01/75
BUTLER INTERNATIONAL INC	7,8,13,14	01/75
CAROLINA POWER & LIGHT CO	3,7,14	01/75
CDI CORP	8 13	01/75
CENTURY FINANCIAL CORP OF MICHIGAN	_	01/75
CITIES SERVICE CO	3,13,14	10/74
COCA COLA BOTTLING CO UNITED INC	2,7,11,14	01/75
COMMONWEALTH EDISON CO	3,7,8,13,14	01/75
COMMUNICATIONS PROPERTIES INC	13	01/75
CONSUMERS POWER CO	3,13 6	01/75
CUNED PRESS INC	4,8,13,14	01/75
ELECTRONIC ASSOCIATES INC	7,13,14	01/75
FEDERAL MOGUL CORP	7,8	01/75
FIRSTMARK CORP	7,8	01/75
FOTOMAT CORP	11,14	01/75
FREDERICKS OF HOLLYWOOD INC GAMBLE SKOGMO PROFIT SHARING & EMPLOYEE	4,13,14	01/75
CAMBLE SKUGNU PRUPII SHAKING & EMPLUTEE	3,13	01/75
HARGROM SERVICES CORP	14	01/75
HORN & HARDART CO JAYS INDUSTRIES INC	2,3,4,7,8,14	01/75
	2,14	01/75
KENTON CORP KIMBERLY CLARK CORP	3	01/75
LIGGETT & MYERS INC	10	01/75
MACRODATA CORP	13	01/75
MEDUSA CORP	7,14	01/75
MOBIL OIL CORP	3	01/75
MOHAWK DATA SCIENCES CORP	13	01/75
MULTIVENTURE INC	1,12,13,14	01/75
NORLIN MUSIC INC	10	01/75
OMEGA ALPHA INC	3,8	01/75
PACIFIC COMMODITIES EXCHANGE INC	3,11,13	01/75
PATERSON PARCHMENT PAPER CO	12,14	01/75
PATRICK OIL & GAS CORP 1975 INCOME PROGR	7	01/75
PELOREX CORP	7,13,14	01/75
PHELPS DODGE CORP	3,7,10,14	01/75
PHOENIX STEEL CORP	8	01/75
POTTER INSTRUMENT CO INC	2,3,6,13	01/75
PROFESSIONAL INVESTORS CORP	11,12,14	01/75
REYNOLDS R J INDUSTRIES INC	14	01/75
ROBINO LADD CO	9,13,14	01/75
RUSCO INDUSTRIES INC	13	01/75
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ABERDEEN PETROLEUM CORP	13	01/75
ADDISON WESLEY PUBLISHING CO INC	3	01/75
ADVENT CORP	13	01/75
ALCO STANDARD CORP	8	01/75
ALEXANDERS INC	3	01/75
ALICO INC	11,13	01/75
ALLEN OIL CO	4,8	01/75
ALLIED ARTISTS PICTURES CORP	13	01/75
ALUMINUM CO OF AMERICA	3	01/75
AMELCO CORP	6	01/75
AMERICAN AGRONOMICS CORP	1,13	01/75
AMERICAN BEVERAGE CORP	13	01/75
AMERICAN EQUITY INVESTMENT TRUST	3,13,14	01/75
AMERICAN PET CO	1.2.4.14	10/74
AMERICAN RESOURCES MANAGEMENT CORP	13,14	12/74
AMINEX RESOURCES CORP	11,14	12/74
AMMEST GROUP INC	2,7,8,14	01/75
ANHEUSER BUSCH INC	13	01/75
ANKONY CATTLE SYSTEMS 1971	6	01/75
ARMAC ENTERPRISES INC	13	01/75
AUTOMATION INDUSTRIES INC	10.14	01/75
AVCO COMMUNITY DEVELOPERS INC	7.14	01/75
AVM CORP	3.6.13.14	01/75
BASIC AMERICAN CORP	1.7	11/74
BFL COMMUNICATIONS INC	6,13	01/75
BLUE RIDGE REAL ESTATE CO	2,4,7,14	01/75
BREW RICHARD C & CO INC	1,9,13	01/75
BUDD CO	4,7,14	01/75
CAPITAL MORTGAGE INVESTMENTS	10,13,14	01/75
CENTRAL INDIANA GAS CO INC	11	01/75
CENTRAL MORTGAGE & REALTY TRUST	3	01/75
CHATTEM DRUG & CHEMICAL CO	7,13,14	01/75
CHOCK FULL O NUTS CORP	7,14	01/75
COCA COLA BOTTLING CO UNITED INC	2,4,10,11,14	12/74
COMMERCIAL INCOME PROPERTIES FUND LTD	13	01/75
CONNER HOMES CORP	13	01/75
CONTROL DATA CORP	10,14	01/75
CORE LABORATORIES INC	13	01/75
DATATYPE CORP	13	01/75
DOWNE COMMUNICATIONS INC	1,14	01/75
DYNAMIC SECURITY CORP	2,13,14	01/75
EARTH RESOURCES CO	13.14	01/75
EASTERN AIR LINES INC	8	01/75
ESMARK INC	3.13	01/75
EVANS & MITCHELL INDUSTRIES INC	NO LTEMS	01/75
EVANS PRODUCTS CO	4,13,14	02/75
FAS INTERNATIONAL INC	13,14	01/75
FEDDERS CORP	13,14	01/75
FEDERATED DEVELOPMENT CO	13,14	01/75
FIBREBOARD CORP	10,13,14	01/75
FIRST ARTISTS PRODUCTION CO LTD	3	01/75
FIRST COMMERCE REALTY INVESTORS	13	01/75
FIRST NORTHWEST INDUSTRIES OF AMERICA IN	2,14	01/75
FLUKE JOHN MANUFACTURING CO INC	11,14	01/75
FORD MOTOR CO	3	01/75
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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. 29549. The reproduction cost is 15¢ per page plus postage 182 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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