

# sec news digest

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# COURT ENFORCEMENT ACTIONS

U.S. SECURITIES AND

MEMORANDUM DECISION AND FINDINGS AND CONCLUSION EXCHANGE COMMISSION FILED CONCERNING JACK BURKE, OTHERS

The Commission announced that on November 11 the Honorable William T. Sweigert, U.S. District Judge for the District of Columbia, in support of his previously rendered oral decision of April 8, filed a Memorandum Decision and Findings and Conclusions concerning Jack Burke, Arthur Young & Co., and Douglas Page, Kenneth Kost, Thomas Orr and George Burnill, four individuals associated with Arthur Young & Co. at the time of the alleged violations.

Judge Sweigert in his written opinion found against Jack Burke on some issues and in his favor on others but concluded that unless enjoined Jack Burke will committ further violations of the securities laws in the future. Judge Sweigert denied the Commission's request for an injunction against Arthur Young & Co., Page, Kost, Orr and Burnill and found for these defendants on all issues.

The Court reserved power to conduct further proceedings and to make separate Findings and Conclusions concerning those defendants and or those claims which were not disposed of in its memorandum decision and findings and conclusions. (SEC v. GeoTek Resources Fund, et al., Civil Action No. 73-0819-WTS U.S. District Court for the Northern District of California). (LR-7660)

# INVESTMENT COMPANY ACT RELEASES

ALLIED CAPITAL CORPORATION

An order has been issued on an application by Allied Capital Corporation, a registered closed-end investment company, exempting from the limitations on investments prescribed by Section 12(e) proposed investments by Allied Capital in Allied Investment Corporation and Allied Lending Corporation, two wholly-owned subsidiaries of Allied Capital, and providing limited exemptions from Sections 17(a) and 17(d) and Rule 17d-1 thereunder for certain transactions involving Allied Capital, Allied Investment, and Allied Lending. (Rel. IC-9540 - Nov. 24)

# HOLDING COMPANY ACT RELEASES

GEORGIA POWER COMPANY

A notice has been issued giving interested persons until December 17 to request a hearing on a proposal of Georgia Power Company, subsidiary of The Southern Company, to acquire from Southern Region Industrial Realty, Inc., a subsidiary of Southern Railway Company, a barge-to-rail coal transloading and blending facility now under construction at Pride, Alabama. (Rel. 35-19773 - Nov. 23)

OHIO EDISON COMPANY

An order has been issued approving a proposal a proposal by the Ohio Edison Company, a registered holding company, to issue and sell up to \$40 million of a new series of its authorized preferred stock (\$100 par); to issue and sell up to \$60 million principal amount of its first mortgage bonds and to issue \$12,285,000 principal amount of its first mortgage bonds, 3-1/4% Series, for sinking fund purposes. (Rel. 35-1974 - Nov. 24)

A notice has been issued giving interested persons until December 16 to request a hearing on a proposal of American Electric Power Company, Inc. (AEP), Indiana & Michigan Electric Company (I&M), an electric utility subsidiary, and Indiana & Michigan Power Company, an electric generating subsidiary company of I&M, regarding leasing of nuclear fuel and a guaranty thereunder. (Rel. 35-19775 - Nov. 24)

# SELF-REGULATORY ORGANIZATIONS

APPROVAL OF PROPOSED RULE CHANGES

The Commission has approved rule changes (File No. SR-Amex-76-24) filed by the American Stock Exchange, Inc. to: (1) add the requirement that compared trades agree as to trade date if such date is other than the date such trades are submitted for clearance; and (2) permit allocations of exercise notices to customers on the basis of the type of margin deposited. (Rel. 34-13003)

The Commission has also approved a proposed rule change (File No. SR-Amex-76-23) filed by the American Stock Exchange, Inc. to rescind Rules 957 and 983 of the "Amex Option Rules" which impose certain duplicative reporting requirements on members of that exchange. (Rel. 34-13002)

# SECURITIES ACT REGISTRATIONS

#### (S-1) WAINOCO 77 COMPANY

Suite 600, 1100 Milam Bldg., Houston, Tex. 77002 - \$20 million of limited partnership interests consisting of 2,000 units of \$10,000 each. The minimum subscription is \$10,000, and additional interests in one-half units of \$5,000 may be purchased. No underwriting discounts will be paid, but the offering will be made by NASD members. The partnership will search and drill for oil and gas. Wainoco, Inc. is the general partner. (File 2-57713 - Nov. 23)

#### (S-14) BUSINESS MEN'S ASSURANCE COMPANY OF AMERICA

BMA Tower, 700 Karnes Blvd., Kansas City, Mo. 64108 - 5,957,268 shares of capital stock, to be issued in connection with a proposed merger of BMA Corporation, a Missouri corporation and the holder of approximately 99.8% of the outstanding capital stock of Business Men's Assurance Company of America, into BMA Properties, Inc., a Missouri corporation and a subsidiary of Business Men's Assurance Company of America. If the proposed merger is consummated, all of the outstanding shares of common stock of BMA Corporation will be surrendered and cancelled and there will be issued in lieu thereof a like number of shares of the capital stock of Business Men's Assurance Company of America. Business Men's Assurance Company of America. Business Men's Assurance Company of America is a Missouri life insurance company. (File 2-57714 - Nov. 23)

## (S-14) DATA GENERAL CORPORATION

Route #9, Southboro, Mass. - a maximum of 344,146 shares of common stock, to be issued in connection with the acquisition of Digital Computer Controls, Inc. by Data General Corporation pursuant to a merger of a wholly-owned subsidiary of Data General Corporation with and into Digital Computer Controls, Inc. Data General Corporation is engaged in the design, manufacture and sale of small and medium scale general purpose digital computers and related products, peripheral equipment, software and software services, maintenance and training. (File 2-57715 - Nov. 23)

## (S-B) EUROPEAN INVESTMENT BANK

2, Place de Metz, Luxembourg, Luxembourg - \$75 million of bonds, due 1996, to be offered for sale through underwriters headed by Merrill Lynch, Pierce, Fenner & Smith Inc., One Liberty Plaza, New York, N.Y.; Kuhn, Loeb & Co., 40 Wall St., New York, N.Y.; The First Boston Corp., 20 Exchange Place, New York, N.Y.; and Lazard Freres & Co., One Rockefeller Plaza, New York, N.Y. The European Investment Bank was established as an autonomous public institution pursuant to the 1957 Treaty of Rome. The Bank's purpose is to contribute to the balanced and orderly development of a European common market by granting loans and giving guarantees to finance various projects intended to serve the European Economic Community. (File 2-57716 - Nov. 23)

#### (S-7) KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

300 North St. Joseph Ave., Hastings, Neb. 68901 - 100,000 shares of common stock, to be offered for sale to the company's Employee Profit Sharing and Retirement Fund Trust and an indeterminable amount of participation interests in such Trust. The company is primarily an integrated natural gas enterprise. (File 2-57719 - Nov. 23)

## (S-1) AMERIBANC, INC.

6th & Francis Sts., St. Joseph, Mo. 64502 - 73,912 shares of common stock. Ameribanc, Inc., a Missouri bank holding company, proposes to issue the above mentioned shares in exchange for the shares of the following banks and in the following ratio: Peoples State Bank, Spickard (32 shares for each Bank share); First State Bank, Rolla (4.4 shares for each Bank share); First National Bank, Plattsburg (70.2 shares for each Bank share); First American Bank, Union Star (75 shares for each Bank share); First National Bank, Stewartsville (72.5 shares for each Bank share); First American Bank, Skidmore (54 shares for each Bank share); and Bank of Edgerton (10.9 shares for each Bank share). (File 2-57721 - Nov. 23)

In a separate Form S-14 statement the company seeks registration of 102,701 shares of common stock. It is proposed to offer these shares in exchange for all of the issued and outstanding common and preferred shares of Consolidated Bancshares of Missouri, Inc., a Missouri bank holding corporation, at the rate of 52.4 Ameribanc shares for each share of Consolidated common stock; and 3.25 Ameribanc shares for each preferred share of Consolidated. Ameribanc, Inc. is a bank holding company which controls 12 subsidiary banks and one subsidiary mortgage company. (File 2-57722 - Nov. 23)

#### (S-14) JOHNSON & JOHNSON

501 George St., New Brunswick, N.J. 08903 - 134,372 shares of common stock. It is proposed to offer these shares in exchange for the outstanding common shares of Immuno-Science Corporation, at the rate of .1224 shares for each Immuno-Science share. Johnson & Johnson is engaged in the manufacture and sale of products in the health care and other fields. (File 2-57723 - Nov. 23)

#### (S-7) GULF STATES UTILITIES COMPANY

P.O. Box 2951, Beaumont, Tex. - \$60 million of first mortgage bonds, due 2007, and 500,000 shares of dividend preferred stock (\$100 par), to be offered for sale at competitive bidding. Gulf States furnishes electric energy. (File 2-57725 - Nov. 23)

## (S-14) ANCHOR DAILY INCOME FUND, INC.

Westminster at Parker, Elizabeth, N.J. 07207 - 8,500,000 shares of capital stock, to be offered at net asset value in exchange for substantially all of the assets and liabilities of Anchor Reserve Fund, Inc., Westminster at Parker, Elizabeth, N.J. 07207. Both Funds are open-end investment companies registered under the Investment Company Act of 1940. (File 2-57729 - Nov. 24)

## REGISTRATIONS EFFECTIVE

November 23: British Columbia Hydro and Power Authority, 2-57564; Carter Hawley Hale Stores, Inc., 2-57695; The Corporate Income Fund, Tenth Intermediate Term Series, 2-56911; General Motors Acceptance Corp., 2-57606; Georgia Pacific Corporation, 2-57710; Harrah's, 2-57494; Minnesota Power & Light Co., 2-57478; Reliable Investors Corp., 2-57490; Sanyo Manufacturing Corp., 2-57707; Toledo Edison Co., 2-57524; The Toro Co., 2-57669; Twin City Barge & Towing Co., 2-57505; Willamette Industries, 2-57602.

NOTE TO DEALERS. When applicable the 90-day period of time dealers are required to use the prospectus is noted above in parentheses after the name of the issuer. As to the other issuers, there may be no such requirement to use a prospectus, or the requirement may be for a period of only 40 days; see Section 4(3) of the Securities Act of 1933 and Rule 174 (17 CFR 230.174) thereunder.