

# sec news digest

Issue 82-225

November 23, 1982

## COMMISSION ANNOUNCEMENTS

### REVISED COMMISSION RATE DATA

The Directorate of Economic and Policy Analysis has revised the data on commission rates originally presented in a report entitled Commission Rate Trends, 1975-1981. It has been determined that one survey participant provided erroneous data. While none of the report's conclusions were affected, some of the data published in Appendices 1-3 of the Report were significantly affected. Copies of the revised tables may be obtained from the Directorate of Economic and Policy Analysis at (202) 272-2850.

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U.S. SECURITIES AND  
EXCHANGE COMMISSION

## CIVIL PROCEEDINGS

### FREE RIDING SCHEME CHARGED

The Commission announced the filing of a complaint in the U.S. District Court for the Southern District of New York seeking injunctive relief against Varig Financial Corp., also known as Graybar & Co. (Varig), a stock loan finder located in Jersey City, New Jersey, Kenneth P. D'Angelo, its founder and principal shareholder, Joseph Roberts, a Varig officer, and William Bodnar, all of New Jersey; Peter R. McAfee of New York; James Redmond of Lakewood, Ohio; and Kurt Allen Rundle of Chicago, Illinois. The Commission alleges that Varig, D'Angelo, and Roberts violated and aided and abetted violations of the antifraud provisions of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder. Bodnar, McAfee, Redmond and Rundle were charged with violations of Section 10(b) of the Exchange Act and Rule 10b-5 thereunder, and with aiding and abetting violations of Section 17(a) of the Exchange Act and Rule 17a-3 thereunder (the books and records provisions).

The Commission's complaint alleges that from November 1978, D'Angelo and Roberts engaged in a free-riding scheme in which securities were paid for with stock loan funds misappropriated from various broker-dealers and transferred to their securities accounts and none of the customers of the brokerage firms experienced losses. In addition, Varig, D'Angelo, Roberts and McAfee are alleged to have caused Varig to receive finder fees in excess of the amounts due on stock loan transactions. (SEC v. Kenneth P. D'Angelo, et al., 82 Civ. 7414, S.D.N.Y.). (LR-9807)

### CORRECTION RE JOSEPH RIGGIO AND MAVOUREEN SICKLER

In the News Digest dated November 17, 1982 under "Civil Proceedings," it was erroneously reported that Final Judgments had been entered on November 10, 1982 against Joseph Riggio and Mavoureen Sickler. The correct date of the Judgment is November 19, 1982.

## INVESTMENT COMPANY ACT RELEASES

### FIRST MULTIFUND OF AMERICA, INC.; FIRST MULTIFUND FOR DAILY INCOME, INC.

Orders have been issued, pursuant to Section 8(f) of the Investment Company Act of 1940, declaring that First Multifund of America, Inc., and First Multifund For Daily Income Fund, Inc., both registered under the Act as an open-end, diversified, management investment company, have ceased to be investment companies as defined in the Act. (Rel. IC-12827; IC-12829 - Nov. 18)

### CHRISTIANIA BANK og KREDITKASSE

An order has been issued pursuant to Section 6(c) of the Investment Company Act of 1940 exempting Christiania Bank og Kreditkasse, a Norwegian commercial bank whose principal office is in Oslo, Norway, from all provisions of the Act so that Applicant may make a public offering of commercial paper in the United States. (Rel. IC-12828 - Nov. 18)

## THE PIERPONT FUND

An order has been issued, pursuant to Section 6(c) of the Investment Company Act of 1940, exempting The Pierpont Fund from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit it to use the amortized cost valuation method for the purpose of pricing its shares for sale, redemption and repurchase, subject to specific conditions. (Rel. IC-12830 - Nov. 18)

## SUN LIFE ASSURANCE COMPANY OF CANADA (U.S.)

An order has been issued on an application by Sun Life Assurance Company of Canada (U.S.), Sun Life of Canada (U.S.) Variable Account C, registered under the Investment Company Act of 1940 as a unit investment trust, and Clarendon Insurance Agency, Inc., pursuant to Section 6(c) of the Act, exempting proposed transactions from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c-1 thereunder to the extent necessary to permit the transactions described in the application and, pursuant to Section 11 of the Act, approving the terms of certain offers of exchange. (Rel. IC-12831 - Nov. 18)

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## SELF-REGULATORY ORGANIZATIONS

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### NOTICE OF PROPOSED RULE CHANGES

The following stock exchanges have filed proposed rule changes pursuant to Rule 19b-4: The Chicago Board Options Exchange, Incorporated (SR-CBOE-81-10) to prohibit market makers from also acting as floor brokers on the same day in the same trading crowd. (Rel. 34-19247); (SR-CBOE-82-19) to increase position and exercise limits for options on equity securities from 2,000 to 5,000 contracts. The proposed rule change has been submitted pursuant to an affirmative vote taken at a special meeting of the membership. (Rel. 34-19252); and The Pacific Stock Exchange, Incorporated (SR-PSE-82-13) to increase its position and exercise limits for options on equity securities from 2,000 to 3,000 contracts. (Rel. 34-19250)

Publication of the proposals are expected to be made in the Federal Register during the week of November 22.

### NOTICE OF AN AMENDMENT TO A PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc. has filed an amendment to a proposed rule change pursuant to Rule 19b-4 (SR-Phlx-81-4) to make clear that initial and maintenance margin in connection with the purchase and sale of foreign currency options must be posted by customers within seven business days and to specify the criteria banks and trust companies must meet in order to be considered acceptable issuers of letters of credit for unmarginated writing of foreign currency options. Publication of the proposal is expected to be made in the Federal Register during the week of November 22. (Rel. 34-19248)

### ACCELERATED APPROVAL OF PROPOSED RULE CHANGE

The Commission has approved, on an accelerated basis, a proposed rule change filed by the National Association of Securities Dealers, Inc. (SR-NASD-82-22) to establish permanent Rules of Practice and Procedure for the Intermarket Trading System/Computer Assisted Execution System automated interface. Publication of the proposal is expected to be made in the Federal Register during the week of November 15. (Rel. 34-19249)

### NOTICE OF FILING AND IMMEDIATE EFFECTIVENESS OF PROPOSED RULE CHANGE

The Chicago Board Options Exchange, Incorporated has filed a proposed rule change pursuant to Rule 19b-4 (SR-CBOE-82-17) to modify the Exchange's policy with respect to the aggregation of options positions for purposes of its position and exercise limit rules. Publication of the proposal is expected to be made in the Federal Register during the week of November 22. (Rel. 34-19251)

## TRUST INDENTURE ACT RELEASES

### GENERAL ELECTRIC CREDIT CORPORATION

A notice has been issued giving interested persons until December 13 to request a hearing on an application by General Electric Credit Corporation, pursuant to Section 310(b)(1)(ii) of the Trust Indenture Act of 1939, declaring that the trusteeship of Chemical Bank under an existing indenture of the company, and under an existing indenture of Trafalgar Credit Corporation, the bonds issued pursuant to which latter indenture are partially guaranteed by the company, is not so likely to involve a material conflict of interest as to make it necessary to disqualify Chemical Bank from acting as trustee under one of such indentures. (Rel. TI-771)

## SECURITIES ACT REGISTRATIONS

The following registration statements have been filed with the SEC pursuant to the Securities Act of 1933. The information noted below has been taken from the cover page and the facing sheet of the prospectus and registration statement and will appear as follows: Form, Name, address and phone number (if available) of the issuer of the security; Title and the number or face amount of the securities being offered; Name of the managing underwriter (if applicable); Whether the offering is a rights offering; File number and date filed; Assigned Branch; if the registration statement is a New Issue; and [S] denoting SHELF REGISTRATION pursuant to Rule 415.

- (S-3) FIRST EXECUTIVE CORPORATION, 9777 Wilshire Blvd., Beverly Hills, CA 90212 (213) 273-4202 - 1,250,000 shares of common stock. (File 2-80502 - Nov. 22) (Br. 10) [S]
- (S-8) GENSTAR CORPORATION, Suite 3800, Four Embarcadero Center, San Francisco, CA 94111 (415) 986-7200 - 128,250 second preferred shares, Series SP-82B. (File 2-80503 - Nov. 22) (Br. 9)
- (S-1) DIONEX CORPORATION, 1228 Titan Way, Sunnyvale, CA 94086 (408) 737-0700 - 313,450 shares of common stock. (File 2-80504 - Nov. 22) (Br. 8)
- (S-1) PHOENIX LEASING INCOME FUND VI, 495 Miller Ave., Mill Valley, CA 94941 (415) 383-9700 - 240,000 units of limited partnership interests. (File 2-80505 - Nov. 22) (Br. 10 - New Issue)
- (S-8) OCEANEERING INTERNATIONAL, INC., 10575 Katy Freeway, Houston, TX 77024 (713) 461-4477 - 400,000 shares of common stock. (File 2-80506 - Nov. 22) (Br. 6)
- (S-11) K MART CORPORATION, 3100 West Big Beaver Rd., Troy, MI 48084 - 50,874 lease certificates. (File 2-80508 - Nov. 22) (Br. 2)
- (S-1) FARMLAND INDUSTRIES, INC., 3315 N. Oak Trafficway, Kansas City, MO 64116 (816) 459-6000 - \$45 million of 20 year subordinated capital investment certificates, \$125 million of 10 year subordinated capital investment certificates, \$125 million of five year subordinated capital investment certificates, \$60 million of 10 year subordinated monthly income capital investment certificates, \$15 million of 10 year subordinated individual retirement account certificates, \$250 million of demand loan certificates, 400,000 shares of common stock, and 400 shares of associate member common stock. The company is a cooperative providing products and services to local cooperative associations of American farmers and ranchers. (File 2-80509 - Nov. 22) (Br. 7)

### REGISTRATIONS EFFECTIVE

Nov. 15: Argosy Energy Incorporated, 2-78563; International Harvester Company, 2-79742; Merit Energy Drilling Associates, Ltd. 1982, 2-78504; Paine Webber Growth Properties LP, 2-78818; R.I.C. 15, Ltd., 2-79073.  
Nov. 16: American Hospital Supply Corporation, 2-80314; Aydin Corporation, 2-80046; Charterhall P.L.C., 2-80156; Gemini Commodity Fund, 2-79327; W. R. Grace & Co., 2-80294; Guildler '82 Property Company, 2-79179; Hutton Southern Timber Partners II, 2-79645; Manor Care, Inc., 2-80189; Quotron Systems, Inc., 2-80309; TRW, Inc., 2-80268; Taco Viva, Inc., 2-79613.  
Nov. 19: C-Cor Electronics, Inc., 2-80169; NBI, Inc., 2-80302; Ozark Air Lines, Inc., 2-80312; Xidex Corporation, 2-80226.

## ACQUISITIONS OF SECURITIES

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.

	FORM	EVENT DATE	SHRS(000)/ %OWNED	CUSIP/ PRIOR%	FILING STATUS
AMERICAN GEN CORP BASS ENTERPRISES PROD CO	JR PFD 80 CONV 13D	\$3.25 11/18/82	291 5.8	02635130 0.0	NEW
AMERICAN SEATING CO FUQUA INDUSTRIES, INC	COM 13D	11/17/82	358 39.7	02946510 39.7	UPDATE
CINDYS INC VICTORY GROUP	COM 13D	11/15/82	152 7.3	17239910 5.0	UPDATE
CRESTED BUTTE SILVER MNG INC U S ENERGY CORP	COM 13D	10/21/82	3,235 46.2	22612010 45.4	UPDATE
ELECTRICAL PRECISION METER REFAI MOHAMED EL	COM 13D	10/29/82	1,007 53.4	28501610 21.7	UPDATE
ELECTRICAL PRECISION METER STOLAR GERALD	COM 13D	10/29/82	1 0.1	28501610 59.9	UPDATE
GULF RES & CHEM CORP ZOPRESS COMMERCIAL S A ET AL	COM 13D	11/10/82	2,253 25.1	40249610 20.5	UPDATE
IT FINANCIAL TOMAR INC	COM 14D-1	11/19/82	132 48.9	45044010 48.9	UPDATE
INDEPENDENCE HLDG CO SCHOTT LEWIS M ET AL	COM 13D	11/ 9/82	155 5.9	45343810 0.0	NEW
LLC CORP CONTRAN CORP ET AL	COM 13D	11/ 8/82	1,229 45.5	50200510 43.3	UPDATE
MISCHER CORP WEIL JOHN D	COM 13D	10/13/82	140 7.0	60476610 6.5	UPDATE
NARCO SCIENTIFIC INC TELEFLEX INC	COM 13D	11/ 3/82	0 0.0	63085410 15.6	UPDATE
NEWMONT MNG CORP AMCON GROUP INC ET AL	COM 13D	11/10/82	6,811 25.2	65163910 24.5	UPDATE
PAGE PETE LTD PEDONE ANTHONY ET AL	COM 13D	11/ 8/82	412 11.3	69553310 0.0	NEW
PALMETTO FED S&L ASSN FLA RICH F D CO INC	COM 13D	11/12/82	110 9.9	69707110 9.9	UPDATE
PIONEER NATIONAL LIFE INS WESTERN UNIVERSAL CORP	COM 13D	11/ 8/82	0 N/A	72380090 N/A	NEW
RAND INFORMATION SYS INC RAND INFO SYS ESOP	COM 13D	11/ 5/82	683 8.7	75219610 0.0	NEW
RUSS TOGS INC HARRIS ASSOCIATES INC	COM 13D	11/ 8/82	267 7.8	78224220 0.0	NEW