

sec news digest

Issue 78-168

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ADMINISTRATIVE PROCEEDINGS

AUG 30 1978

DECISION SUSPENDING EXEMPTION OF
RISERS' VENTURE MANAGEMENT CO., INC. FINAL

U.S. SECURITIES AND
EXCHANGE COMMISSION

The decision of an administrative law judge permanently suspending a Regulation A exemption from registration with respect to a proposed public offering of 100,000 shares of common stock of Risers' Venture Management Co., Inc., of New York, has become final. The decision was based on findings that Risers' Regulation A notification failed to disclose the sale of notes by an affiliated company, Richard Nickolaus, Ltd. (RN), and that such notes were convertible into RN's common stock; that Risers' offering circular inflated RN's profits and failed to disclose (1) that RN's notes were sold in violation of the Securities Act's registration provisions and (2) that RN had defaulted in the payment of principal and interest thereon; and that Risers' proposed sales literature improperly characterized another company as a Risers' affiliate. (Rel. 33-5959)

COURT ENFORCEMENT ACTIONS

FRANK CARCAISE AND WILLIAM HABEL FOUND GUILTY

The Atlanta Regional and Miami Branch Offices announced that on August 9 Frank Carcaise was found guilty of one count of conspiracy and 35 counts of mail fraud, and William Habel was found guilty of one count of conspiracy and 15 counts of mail fraud. The indictment charged Carcaise and Habel with violations of the conspiracy and mail fraud statutes between December 1972 and approximately December 1974 in connection with the offer and sale of LTP Properties, Inc. of approximately \$6,200,000 of its corporate promissory notes, bearing high interest rates, to be repaid monthly, with principal purportedly to be repaid at the end of 2, 3, 4 and 5 years. (U.S. v Frank Carcaise, et al., M.D. Fla., Criminal Action No. 78-38-ORL-CR-R). (LR-8514)

RICHARD H. SNOOKS ENJOINED

The Chicago Regional and St. Louis Branch Offices announced that on August 15 the Federal Court in Kansas City, Missouri entered a consent decree for Final Judgment of Permanent Injunction against Richard H. Snooks of St. Joseph, Missouri. Snooks was president of Citizens Loan and Savings Company of St. Joseph, Missouri, which was a loan and investment company the assets of which are being liquidated under the provisions of the Bankruptcy Act. The order enjoined Snooks from violations of the registration and antifraud provisions of the securities laws. (SEC v. Richard H. Snooks, W.D. Mo., Civil Action File #77-6051-CV-SJ). (LR-8515)

PASTA KING, INC. AND DONALD A. SPONG PERMANENTLY ENJOINED

The Denver Regional Office announced that on August 3 the Honorable John L. Kane, Jr. entered a Final Judgment of Permanent Injunction and Order of Disclosure against Pasta King, Inc. and Donald A. Spong, pursuant to the consent of the defendants in which they neither admitted nor denied the allegations of the Commission's complaint. The judgment, in substance, enjoins the defendants from violating the antifraud provisions of the Securities Exchange Act of 1934 by disseminating false and misleading information about Pasta King and enjoins the defendants from effecting transactions in Pasta King stock during a time when the defendants have material information concerning Pasta King, Inc. which has not been disseminated to the investing public or disclosed in reports filed with the SEC, and orders Pasta King, Inc. and Donald A. Spong, in substance, to make a full and complete disclosure of the franchise agreements entered into by Pasta King, the exact number of franchises sold as distinguished from those subject to options, how franchises are accounted for, the profitability of Pasta King stores, the sale of Pasta King stock to Donald A. Spong and other members of management in a written report to be mailed no later than August 4, 1978 to newspapers, news services, radio stations, television stations, registered broker-dealers and certain other persons to whom false and misleading statements were made by Pasta

SELF-REGULATORY ORGANIZATIONS

APPROVAL OF PROPOSED RULE CHANGES

The Commission has approved the following proposed rule changes: Boston Stock Exchange, Inc. (SR-BSE-78-6) - amends Chapter II, Section 23(c) of the BSE rules to add exemptions to its off-board trading restrictions (Rel. 34-15095); and Pacific Stock Exchange, Inc. (SR-PSE-78-13) - adds a further exception to the priority rules for spread and straddle orders (Rel. 34-15096).

LISTING, DELISTING AND UNLISTED TRADING ACTIONS

DELISTING GRANTED

Orders have been issued granting the applications of the following stock exchanges to strike the specified securities from listing and registration: Pacific Stock Exchange, Inc. - Berteau Corp., common stock (no par value); and New York Stock Exchange, Inc. - Airco, Inc., 9-3/8% sinking fund debentures. (Rel. 34-15091 and 34-15092)

MISCELLANEOUS

PIPER AIRCRAFT CORPORATION

A notice has been issued giving interested persons until September 15 to request a hearing on the application of Piper Aircraft Corporation (Applicant) pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, for an order exempting the Applicant from the reporting requirements under Section 15(d) of the Act. (Rel. 34-15097)

HOME SAVINGS AND LOAN ASSOCIATION

An order has been issued granting the application of Home Savings and Loan Association, a mutual savings and loan association, for an exemption from certain reporting requirements under Section 13 and from the operation of Section 16 of the Securities Exchange Act of 1934. (Rel. 34-15098)

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; and File number and date filed.

- (S-14) BRODIE EXPLORATION CORP., Suite 920, 1776 Lincoln St., Denver, Colo. 80203 (303-861-8143) - 8,731,250 shares of common stock. (File 2-62455 - Aug. 28)
- (S-2) AMBER RESOURCES COMPANY, Suite 750, 1250 Fourteenth St., Denver, Colo. 80202 - 4,000,000 shares of common stock, 400,000 common stock purchase warrants with underlying common stock. Underwriter: E.J. Pittock & Co., Inc., Suite 405, 650 Seventeenth St., Denver, Colo. 80202. The company owns various interests in nonproducing oil and gas leases. (File 2-62456 - Aug. 28)
- (S-6) NUVEEN TAX-EXEMPT BOND FUND, SERIES 115 - indefinite number of units. Depositor: John Nuveen & Co. Inc., 209 South La Salle St., Chicago, Ill. 60604. (File 2-62457 - Aug. 28)
- (S-6) NUVEEN TAX-EXEMPT BOND FUND, SERIES 116 - indefinite number of units. Depositor: John Nuveen & Co. Inc., 209 South La Salle St., Chicago, Ill. 60604. (File 2-62458 - Aug. 28)

(S-7) THE LINCOLN NATIONAL LIFE INSURANCE COMPANY, 1300 South Clinton St., Fort Wayne, Ind. 46801 - 200,000 shares of common stock. (File 2-62459 - Aug. 28)

REGISTRATIONS EFFECTIVE

Aug. 23: The Telex Corp., 2-62243.

Aug. 24: National Medical Enterprises, Inc., 2-62096; The Telex Corp., 2-62242.

Aug. 25: Empire State Tax Exempt Bond Trust, Series 7, 2-62349; The Evergreen Total Return Fund, Inc., 2-61391; Golden Bear Pooled Joint Venture #2, 2-62150 (90 days); Guardian Exploration, Ltd.-1978, 2-61940 (90 days); Middle South Utilities Inc., 2-62223.

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.



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NOTICE

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. 20549. The reproduction cost is 10c per page plus postage (7 days) (\$3.50 minimum); 20c per page plus postage for expedited service (4 days) (\$5.00 minimum) and 30c per page plus postage for priority service overnight (\$5.00) minimum. Cost estimates are given or request. All other reference material is available in the SEC Docket.

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