SEC NEWS DIGEST

Issue 2001-244 **December 20, 2001**

COMMISSION ANNOUNCEMENTS

COMMISSION APPROVES FIVE ITEMS AT OPEN MEETING

On December 19, in the Commission's final open meeting of the year, we approved the following items:

We approved the extension of a pilot program, until December 31, 2002, that exempts broker-dealers from the requirement to send their balance sheets to customers on a regular basis. To take advantage of the pilot program, a broker-dealer must send its customers net capital information and include instructions for obtaining its balance sheet on its web site or by dialing a toll-free number to receive a copy. We intend to consider a rule proposal early in 2002 that would make the pilot program permanent.

We granted a request from the Nasdaq Stock Market to modify our interpretation of Section 28(e) of the Securities Exchange Act of 1934. Section 28(e) provides a safe harbor to money managers who use the commission dollars of their advised accounts to obtain research and brokerage services. Among other things, the safe harbor requires that a money manager determine in good faith that the amount of the commission was reasonable in relation to the value of research and brokerage services received. Under our interpretation, the safe harbor will apply to riskless principal transactions in Nasdaq-traded securities. In granting Nasdaq's request, we are also making it clear that transactions in other markets that meet the requirements of this interpretation will be considered to fall within the interpretation.

We adopted amendments to our rules and forms under the Securities Exchange Act of 1934 to enhance company disclosure of employee stock option plans and other equity compensation arrangements. Starting in the second quarter of next year, companies will have to provide detailed information about their equity compensation plans in a new table in their annual reports on Forms 10-K and 10-KSB filed with the SEC. This information will also have to be included in a company's proxy or information statement in years in which the company is submitting a compensation plan for security holder approval. The table will include the number and weighted-average exercise price of outstanding options, warrants and rights, and the number of securities available for future issuance under a company's existing equity compensation plans. The new disclosure will be given separately for plans that have been approved by security holders and plans that have not been approved by security holders.

We agreed to a recommendation from the Division of Corporation Finance to adopt an amendment to Rule 135b under the Securities Act of 1933 to codify the Division's long-standing position that an Options Disclosure Document (ODD), prepared pursuant to Rule 9b-1 under the Securities Exchange Act of 1934, is not a prospectus and not subject to Section 12(a)(2) liability that applies to prospectuses under the Securities Act. The recommendation comes in response to requests for clarification from the Options Clearing Corporation following a 1990 court decision and subsequent law suits that created uncertainty about the liability issue.

We approved the proposal of an amendment to Rule 146 under the Securities Act of 1933 to provide a definition for the term "qualified purchaser" under the National Securities Markets Improvement Act of 1996. If adopted, securities offered or sold to a "qualified purchaser" will be preempted from state registration requirements. As proposed, "qualified purchaser" will have the same definition as the term "accredited investor" under Rule 501 of Regulation D. We are seeking public comment on the proposed definition. The comment period will end 60 days from the date of publication of the proposed rule amendment in the Federal Register. (Press Rel. 2001-149)

ENFORCEMENT PROCEEDINGS

IN THE MATTER OF JEFFREY STEINBERG AND JOHN GERON

On December 20, an Administrative law Judge issued an Initial Decision in Administrative Proceeding 3-9608, In the Matter of Jeffrey M. Steinberg and John Geron. The Order Instituting Proceedings alleged that Respondents Steinberg and Geron caused Spectrum Information Technologies, Inc.'s, violations of Section 13(a) of the Securities Exchange Act of 1934 and Rules 13a-13 and 12b-20 thereunder, by concurring with Spectrum's improper accounting treatment when they knew or should have known that the accounting was improper and that Spectrum would use their concurrence to justify the improper accounting. Steinberg was also alleged to have caused the violations when he drafted and revised footnotes to Spectrum's quarterly reports that concealed the true substance of Spectrum's violations. The administrative judge found that while certain aspects of Spectrum's quarterly reports did violate the securities laws, Respondents reasonably relied upon representations made by Spectrum's management and did not cause Spectrum's securities laws violations. The Initial Decision found that the Division of Enforcement failed to prove that Respondents caused Spectrum's securities law violations, and ordered that the proceeding against Respondents be dismissed. (Initial Decision No. 196; File No. 3-9608)

COMMISSION DENIES ROBERT FITZPATRICK'S MOTION FOR RECONSIDERATION

The Commission has denied Robert Fitzpatrick's motion for reconsideration of its October 19, 2001 decision sustaining the disciplinary actions and sanctions imposed by the National Association of Securities Dealers. The Commission determined that its October 19 Opinion adequately addressed the matters raised by Fitzpatrick's motion. (Rel. 34-45170; File No. 3-9932r)

ORDER INSTITUTING PUBLIC PROCEEDINGS, MAKING FINDINGS, AND IMPOSING A CEASE AND DESIST ORDER AGAINST DENNIS WILSON

The Commission announced that on December 19 it instituted and settled proceedings against Dennis M. Wilson, of Longwood, Florida. Wilson consented, without admitting or denying the Commission's findings, to an order making findings and requiring him to cease and desist from committing or causing any violation and any future violation of the anti-touting provisions of the Securities Act of 1933 (Securities Act).

The Commission found that Wilson, the Vice President and Treasurer of Wall Street Financial Enterprises, Inc., a private public relations firm that markets public companies to brokerage firms, touted the stock of a public company on an Internet bulletin board without disclosing the fact that he was compensated by the company for his services. During the time period February 2000 through June 2000, using the alias "Majorbuyer," Wilson posted approximately 37 messages touting the stock of Save the World Air, Inc. (STWA). Because Wilson did not disclose his compensation, he violated Section 17(b) of the Securities Act.

In a separate, but related, action, the Commission filed a civil injunctive complaint on December 19, 2001, in the United States District Court for the Southern District of New York against STWA, its President and Chief Executive Officer Jeffrey Muller, and its marketing consultant Billy Blackwelder. The Commission's complaint alleges that STWA, Muller and Blackwelder engaged in a fraudulent scheme to manipulate the market for stock in STWA. (Rel. 33-8042; File No. 3-10658)

ADMINISTRATIVE PROCEEDINGS AGAINST PETER KIM

The Commission announced the issuance of an Order Making Findings and Imposing Remedial Sanctions and Cease And Desist Order Against Peter P. Kim (Order). Kim was formerly employed as a registered representative at a Solana Beach, California branch office of Cohig & Associates, Inc., a broker-dealer firm based in Denver, Colorado. The Commission's Order finds that Kim, while a registered representative at Cohig, received undisclosed compensation from persons controlling or otherwise affiliated with Eagle Holdings, Inc. (Eagle) in return for selling Eagle stock to investors. Based upon the above, the Order finds that Kim violated Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, and orders Kim to cease and desist from committing or causing any violations and any future violations of those provisions. The Order does not impose sanctions against Kim pursuant to Sections 15(b) and 19(h) of the Exchange Act because Kim was previously barred from association with any broker or dealer. In the Matter of Martin Herer Engleman, Peter Paul Kim and Lawrence David Isen, Admin. Proc. File No. 3-7719, 1995 SEC LEXIS 1197, 52 S.E.C. 271 (May 18, 1995), aff'd, Isen v. S.E.C., 1996 U.S. App. LEXIS 15635 (9th Cir. 1996). Kim consented to the issuance of the Order without admitting or denying the factual findings therein.

On November 16, 2000, Kim was convicted by the United States District Court for the Southern District of New York of one count of conspiracy to commit securities fraud and wire fraud based upon his receipt of undisclosed payments for selling Eagle stock (U.S. v. Kim, Case No. S2-98-Cr. 207 (RPP)(S.D.N.Y.). (Rels. 33-8043; 34-45171; File No. 3-9187)

ADMINISTRATIVE PROCEEDINGS AGAINST LAWRENCE ISEN

The Commission announced the issuance of an Order Making Findings and Imposing Remedial Sanctions and Cease-And-Desist Order Against Lawrence D. Isen (Order). Isen was formerly employed as a registered representative at a Solana Beach, California branch office of Cohig & Associates, Inc., a broker-dealer firm based in Denver, Colorado. The Commission's Order finds that Isen, while a registered representative at Cohig, received undisclosed compensation from persons controlling or otherwise affiliated with Eagle Holdings, Inc. (Eagle) in return for selling Eagle stock to investors. Based upon the above, the Order finds that Isen violated Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, and orders Isen to cease and desist from committing or causing any violations and any future violations of those provisions. The Order does not impose sanctions against Isen pursuant to Sections 15(b) and 19(h) of the Exchange Act because Isen was previously barred from association with any broker or dealer. In the Matter of Martin Herer Engleman, Peter Paul Kim and Lawrence David Isen, Admin. Proc. File No. 3-7719, 1995 SEC LEXIS 1197, 52 S.E.C. 271 (May 18, 1995), aff'd, Isen v. S.E.C., 1996 U.S. App. LEXIS 15635 (9th Cir. 1996). Isen consented to the issuance of the Order without admitting or denying the factual findings therein.

On November 16, 2000, Isen was convicted by the United States District Court for the Southern District of New York of one count of conspiracy to commit securities fraud and wire fraud based upon his receipt of undisclosed payments for selling Eagle stock (U.S. v. Isen, Case No. S2-98-Cr. 207 (RPP)(S.D.N.Y.). (Rels. 33-8044; 34-45172; File No. 3-9187)

ADMINISTRATIVE PROCEEDINGS AGAINST JOHN MORRIS

The Securities and Exchange Commission announced the issuance of an Order Making Findings and Imposing Remedial Sanctions and Cease And Desist Order Against Respondents John B. Morris And Carmel Equity Partners (Order). Morris was formerly employed as a registered representative and branch manager at a Solana Beach, California branch office of Cohig & Associates, Inc., a broker-dealer firm based in Denver, Colorado. Morris is the sole general partner of Carmel Equity Partners, a general partnership that at relevant times maintained its principal place of business in San Diego, California.

The Commission's Order finds that Morris, while a registered representative at Cohig, received, directly and through Carmel Equity, undisclosed compensation from persons controlling or otherwise affiliated with Eagle Holdings, Inc. (Eagle) in return for selling Eagle stock to investors. The Order further finds that Morris, directly and through Carmel Equity, paid a portion of the funds received from Eagle control persons to other registered representatives at Cohig to induce them to sell Eagle stock to investors. The Order further finds that Morris conspired with others to receive undisclosed compensation from person controlling or otherwise affiliated with another public company, Teletek, Inc. (Teletek) in return for selling Teletek stock to investors.

Based upon the above, the Order finds that Morris and Carmel violated Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, orders Morris and Carmel Equity to cease and desist from committing or causing any violations and any future violations of those provisions, and bars Morris from association with any broker or dealer. Morris and Carmel consented to the issuance of the Order without admitting or denying the factual findings therein.

On January 26, 2000, Morris was convicted by the United States District Court for the District of Nevada of one count of conspiracy to commit securities fraud based upon his receipt of undisclosed payments for selling Teletek stock (U.S. v. Morris, Case No. CR-S-97-023-LDG (D. Nev.). (Rels. 33-8045; 34-45173; File No. 3-9187)

COMMISSION FILES "PRIME BANK" SECURITIES FRAUD CASE AGAINST VIRGINIA DEFENDANTS

On December 19, the Commission filed a securities fraud case in the United States District Court for the Western District of Virginia charging four defendants from Virginia with promoting fraudulent "prime bank" investment schemes. The defendants are Lytle E. Fogelsong of Winchester, Virginia; Thomas Gregory Cook of Haymarket, Virginia; James H. Malbaff of Haymarket, Virginia; and Malbaff & Cook, a Virginia partnership.

The Commission's complaint alleges that the defendants collectively raised in excess of $1.1 million from more than 30 investors by promoting several fraudulent investments that featured purported "high-yield" trading programs. According to the complaint, the programs were represented to generate returns of as much as 13,000% from the trading of bank debentures, medium terms notes, and other instruments resembling the fictitious "prime bank" securities that have been the subject of dozens of Commission enforcement actions over the past decade. The Commission charges that defendant Fogelsong skimmed at least $70,000 of the investors' funds for his own personal use, and that most of the remaining investor funds were misappropriated by the remote operators of the fraudulent programs in Utah and California. The Commission further alleges that in soliciting investors, Fogelsong, Malbaff, and Cook each made numerous material misrepresentations concerning, among other things, the views of the SEC, the Federal Reserve, and other agencies regarding these investment programs; their own due diligence; the safety of the programs; and the use of investor funds. According to the complaint, even after they learned that their investors' funds had been misappropriated by remote operators of the programs, the defendants joined together to lull their investors into inaction rather than disclosing the truth to them.

The Commission's complaint charges each of the defendants with securities fraud in violation of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934 (Exchange Act), and Exchange Act Rule 10b-5, and charges Fogelsong, Cook, and Malbaff with acting as unregistered brokers in violation of Exchange Act Section 15(a). The Commission is seeking injunctions, disgorgement of ill-gotten gains (with interest), and civil penalties against all defendants.

In a related matter, the United States Attorney's Office for the Western District of Virginia today announced the indictment and arrest of Fogelsong on 25 criminal counts including securities fraud, wire fraud, mail fraud, money laundering, and obstruction of justice in connection with his role in the same investment schemes. United States v. Lytle E. Fogelsong, No. 1:01CR00076 (W.D. Va.).

The Commission wishes to thank the United States Attorney's Office for the Western District of Virginia, the Federal Bureau of Investigation, and the Virginia State Corporation Commission for their assistance in connection with this matter.

The Commission's investigation is continuing. [SEC v. Lytle Fogelsong, et al., No. 5:01CV00104 (Wilson, C.J.) (U.S.D.C., W.D. Va.)] (LR-17281)

SEC FILES INSIDER TRADING ACTION AGAINST DOUGLAS GLOFF

On December 19, the Commission filed civil fraud charges in the United States District Court for the Northern District of California against Douglas M. Gloff, alleging that Gloff illegally traded in the securities of Acuson Corporation prior to the public announcement on September 27, 2000 that Siemens Medical Engineering Group was making a tender offer for Acuson. The complaint alleges that Gloff's illegal insider trading yielded profits of $137,485.91.

The Commission's complaint alleges that, prior to the public announcement of the tender offer, Gloff learned from one of Acuson's outside directors that Acuson was going to be acquired. According to the complaint, Gloff, while in possession of this material, non-public information, purchased 200 Acuson call options on September 21, 2000. On September 27, the day of the public announcement, Acuson shares closed at $22.55, up 43% from the previous trading day. On the same day, Gloff sold all 200 of the call options he had previously purchased, thereby realizing profits of $137,485.91. The complaint further alleges that on October 3, after being contacted by the Commission staff, Gloff met with the Acuson director and suggested that the director deny that he knew Gloff if he was asked that question.

The complaint alleges that Gloff violated Section 14(e) of the Securities Exchange Act of 1934 and Rule 14e-3 thereunder and seeks an order enjoining Gloff from future violations of those provisions, the disgorgement of illegally-obtained profits and prejudgment interest, and the imposition of a civil money penalty.

Also on December 19, 2001, the U.S. Attorney for the Northern District of California announced the filing of a criminal complaint against Gloff charging him with insider trading and obstruction of justice. The Commission wishes to acknowledge the assistance provided by the Pacific Stock Exchange and the New York Stock Exchange in connection with this matter. [SEC v. Douglas M. Gloff, USDC, NDCA, Civil Action No. C01-4984 JL] (LR-17282)

SEC v. SAVE THE WORLD AIR, INC., ET AL.

On December 19, the Commission filed civil charges in federal district ourt in New York, New York, against Save the World Air, Inc. (STWA), Jeffrey Alan Muller (Muller), and Billy Blackwelder (Blackwelder), (collectively, Defendants), alleging that they engaged in a fraudulent scheme to manipulate the market for stock in STWA, a public company controlled by Muller. The Defendants used the Internet to facilitate the fraud.

The SEC's complaint alleges that from at least February 1999 through at least April 2001, STWA and Muller carried out a fraudulent promotional campaign using press releases, Internet postings, an elaborate Internet website, and televised media events to disseminate false and materially misleading information about STWA's product and commercial prospects. STWA's and Muller's actions led to the artificial inflation of the price and trading volume of STWA stock, causing its market capitalization to be as much as $218,728,062. At the same time he publicly promoted STWA, Muller privately sold millions of shares of restricted STWA stock that, if sold at then-prevailing market prices, would have provided him with over $9 million in personal profits. He concealed these sales by failing to disclose in Commission filings, as required, any changes in his beneficial ownership in STWA. Finally, STWA and Muller made at least nine SEC filings that contain false financials statements and disclosures.

The complaint further alleges that Blackwelder engaged in at least part of the manipulative scheme. He prepared and arranged to have issued at least one false press release announcing a major licensing deal, when in fact no such deal existed. Blackwelder also posted positive messages on Raging Bull, an Internet message board, without making required disclosures about compensation he received from STWA for his promotional activities.

The complaint charges STWA and Muller with violations of the antifraud and reporting provisions of the federal securities laws, Section 17(a) of the Securities Act of 1933 (Securities Act); Sections 10(b), 13(a), and 13(b) of the Securities Exchange Act of 1934 (Exchange Act); and Rules 10b-5, 12b-20, 13a-1, 13a-13 and 13b2-1 thereunder. The complaint also alleges that Muller violated Section 16(a) of the Exchange Act and Rules 16a-2 and 16a-3 thereunder. The complaint charges Blackwelder with violations of the antifraud provisions, Section 17(b) of the Securities Act, Section 10(b) of the Exchange Act, and Rule 10b-5 thereunder.

In a separate, but related, proceeding, the SEC issued a cease and desist order on consent against former STWA promoter Dennis Wilson of Longwood, Florida. Wilson, whom the Commission found to have made Internet postings touting STWA without making required disclosures concerning his compensation for such activity, agreed, without admitting or denying the Commission's findings, to cease and desist from committing violations of Section 17(b) of the Securities Act. [SEC v. Save The World Air, Inc., Jeffrey Alan Muller, and Billy Blackwelder, Civil Action No. 01 CV 11586 (Judge Daniels), SDNY] (LR-17283)

SEC OBTAINS PRELIMINARY INJUNCTION AGAINST FORMER BOSTON-AREA MONEY MANAGER STEVIN HOOVER FOR THEFT OF CLIENT FUNDS

The Commission announced today that money manager Stevin R. Hoover and his registered investment advisory firm, Hoover Capital Management (HCM), have consented to the entry of a preliminary injunction against future violations of the antifraud provisions of the Investment Advisers Act of 1940 (Preliminary Injunction) pending the resolution of the Commission's action against them. The Preliminary Injunction also freezes Hoover and HCM's assets (except for funds unrelated to the fraud acquired after November 21, 2001).

In its motion for a Preliminary Injunction, which was filed on November 15, 2001, the Commission claimed that between at least May 2000 and September 18, 2001, Hoover, HCM and an unregistered adviser that Hoover controls, Chestnut Management LLC, withdrew more than $470,000 out of the Chestnut Fund LP, a domestic hedge fund managed by Chestnut Management, and improperly used these funds for personal and business expenses. The motion was filed in the Commission's pending action SEC v. Hoover and Hoover Capital Management, Inc., Civ. A. No. 01 CV 10751 (RGS) (D. Mass.), in which it is alleged, among other things, that Hoover and HCM had misappropriated $475,000 from HCM clients between 1995 and 1998. Previously, the court had entered a temporary restraining order against Hoover and HCM on November 19, 2001. For further information see (LR-16938; LR-17236; LR-17240). [SEC v. Hoover and Hoover Capital Management, Inc., Civ. A. No. 01 CV 10751 (RGS) (D. Mass.)] (LR-17284)

COMMISSION FILES CONTEMPT ACTION AGAINST RELIEF DEFENDANT RAINBOW BRIDGE INVESTMENTS, LLC

The Commission announced that on November 6, 2001, it filed with the United States District Court for the Southern District of Florida an Application for an Order to Show Cause why Relief Defendant Rainbow Bridge Investments, LLC (Rainbow Bridge) should not be held in contempt for failure to comply with the Court's Orders. The Application alleged that Rainbow Bridge failed to provide a sworn accounting or a written description of repatriated funds in accordance with Court Orders entered on October 25, 2001 and November 2, 2001.

In its complaint filed on October 16, 2001, the Commission alleged that Defendants were violating the anti-fraud, registration, investment company and investment advisor provisions of the federal securities law. The Commission alleged that Defendants perpetrated a massive fraud, which duped hundreds of unsuspecting investors nationwide out of over $11 million. The Commission also named Rainbow Bridge as a Relief Defendant because it purportedly received proceeds from Defendants' fraudulent scheme. On October 25, 2001, the Court entered an Order granting a Temporary Asset Freeze and Other Relief as to all Defendants and Relief Defendants. On November 2, 2001, the Court entered an Order Freezing Assets and Other Relief. The Court's Orders required Rainbow Bridge to provide the Court and the Commission with a sworn accounting of all monies received from Defendants within five business days. The Orders also required Rainbow Bridge to repatriate any offshore monies received from Defendants and to provide the Commission and the Court with a written description of any repatriated funds. [SEC v. Vestron Financial Corp., et al, Case No. 01-4269-CIV-SEITZ, USDC, SDFL] (LR-17285)

INVESTMENT COMPANY ACT RELEASES

SENSAR CORPORATION

A notice has been issued giving interested persons until January 11, 2002, to request a hearing on an application filed by Sensar Corporation (Applicant) for an order under Section 6(c) of the Investment Company Act exempting Applicant from all provisions of the Act until the earlier of one year from the date that the requested order is issued or the date that Applicant no longer may be deemed to be an investment company. (Rel. IC-25320 - December 19)

HOLDING COMPANY ACT RELEASES

ALLEGHENY ENERGY, INC., ET AL.

A supplemental order has been issued authorizing a proposal by Allegheny Energy, Inc. (Allegheny), a registered holding company, The Potomac Edison Company, Monongahela Power Company, West Penn Power Company, Allegheny Energy Supply Company, LLC, all wholly owned direct public-utility company subsidiaries of Allegheny, Allegheny Energy Service Corporation (Service Company), a wholly owned direct service company subsidiary of Allegheny, and Allegheny Generating Company, an indirect public-utility company subsidiary of Allegheny (collectively, Applicants). The supplemental order authorized the Service Company to continue operating a system money pool and the other Applicants to participate in the money pool and issue and acquire short-term debt securities.
(Rel. 35-27475)

WISCONSIN POWER & LIGHT COMPANY

An order has been issued authorizing Wisconsin Power & Light Company (WPL), an electric utility subsidiary company of Alliant Energy Corporation, a registered holding company, to exercise its option to acquire additional shares of common stock of Wisconsin River Power, its electric utility subsidiary company. The shares WPL proposes to acquire are currently owned by Wisconsin Public Service Corporation, a wholly owned subsidiary of WPS Resources corporation, a public utility holding company exempt from registration. (35-27478)

NISOURCE INC., ET AL.

An order has been issued authorizing NiSource Inc. (NiSource), a registered holding company, its ten utility subsidiaries, and certain of its nonutility subsidiaries to establish and participate in a new money pool that will replace an existing money pool, and to authorize

Columbia Gas of Maryland, Inc., a public utility subsidiary company of NiSource, to issue additional shares of its common stock and long-term debt securities to the Columbia Energy Group, a subsidiary registered holding company of NiSource. (35-27479)

SELF-REGULATORY ORGANIZATIONS

IMMEDIATE EFFECTIVENESS OF PROPOSED RULE CHANGE

A proposed rule change filed by the American Stock Exchange to increase floor, membership and options trading fees (SR-Amex-2001-101) has become immediately effective under Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication of the proposal is expected in the Federal Register during the week of December 24. (Rel. 34-45163)

PROPOSED RULE CHANGE

The American Stock Exchange filed a proposed rule change (SR-Amex-2001-102) to increase floor, membership and options trading fees proposed under (SR-Amex-2001-101 retroactively. Publication of the proposal is expected in the Federal Register during the week of December 24. (Rel. 34-45165)

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.

Registration statements may be obtained in person or by writing to the Commission's Public Reference Branch at 450 Fifth Street, N.W., Washington, D.C. 20549 or at the following e-mail box address: <publicinfo@sec.gov>. In most cases, this information is also available on the Commission's website: <www.sec.gov>.

F-6 GRUPO TMM SA, 101 PARK AVENUE, NEW YORK, NY 10178 (212) 696-6000 - 100,000,000 ($5,000,000) DEPOSITARY RECEIPTS FOR COMMON STOCK. (FILE 333-14196 - DEC. 12) (BR. 9)

F-6 GRUPO TMM SA, 101 PARK AVENUE, NEW YORK, NY 10178 (212) 696-6000 - 100,000,000 ($5,000,000) DEPOSITARY RECEIPTS FOR COMMON STOCK. (FILE 333-14198 - DEC. 12) (BR. 9)