

sec news digest

Issue 96-60

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ENFORCEMENT PROCEEDINGS

INITIAL DECISION IN THE MATTER OF DEMETRIOS SHIVA

Demitrios Julius Shiva of Charleston, South Carolina, has been found to have willfully violated the antifraud provisions of the securities statutes. After a hearing to consider any mitigating or exacerbating circumstances, an administrative law judge found that it is in the public interest to bar Mr. Shiva from association with any broker or dealer and from participating in any placement of Japanese Yen Bond certificates or so called "prime bank" type instruments of any nature.

The United States District Court for the District of South Carolina had entered a Final Judgment of Permanent Injunction restraining Mr. Shiva from violations of Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934 in SEC v. Demitrios Julius Shiva, et al., Civil No. 94-2374-2-1, D.S.C. Oct. 21, 1994, affirmed per curiam, No. 94-2501, 4th Cir., June 13, 1995. The court had found that Mr. Shiva had made material misrepresentations and omissions concerning fraudulent securities -- "counterfeit and fictitious" certificates purportedly representing Japanese Yen Bonds -- and taken steps in furtherance of their eventual sale to the public. The court noted that as of a date shortly before the complaint was filed he was still contacting a broker dealer in an effort to place "prime bank notes."

Despite the court's findings in SEC v. Shiva, Mr. Shiva demonstrated an unwillingness throughout the hearing to concede, or alternatively, to understand, the fraudulence of the certificates. Also he engaged in further dealings concerning additional alleged Yen Bond certificates. At the time of his hearing he was involved in some dealings with "overseas trusts" in Europe about which he refused to answer questions. An additional public interest consideration was his 1991 conviction on his plea of guilty to grand larceny in South Carolina. (Initial Decision Rel. 87)

INVESTMENT COMPANY ACT RELEASES

SEI INSTITUTIONAL MANAGED TRUST, ET AL.

A notice has been issued giving interested persons until April 26, 1996 to request a hearing on an application filed by SEI Institutional Managed Trust, et al. for a conditional order under Section 6(c) of the Investment Company Act to exempt applicants from Section 15(a) of the Act and Rule 18f-2 thereunder; and from certain disclosure requirements set forth in item 22 of Schedule 14A under the Securities Exchange Act of 1934, items 2, 5(b)(iii), and 16(a)(iii) of Form N-1A, item 3 of Form N-14, item 48 of Form N-SAR, and Sections 6-07(2)(a), (b), and (c) of Regulation S-X. The order would permit the investment adviser to the SEI group of registered investment companies (the Funds) to enter into sub-advisory contracts without receiving prior shareholder approval, and permit the Funds to disclose only aggregate sub-advisory fees for each Fund in their prospectuses and other reports. (IC-21863 - April 1)

HOLDING COMPANY ACT RELEASES

THE SOUTHERN COMPANY

An order has been issued granting a request by The Southern Company (Southern), a registered holding company, to modify a limitation contained in three existing orders. Under the existing orders, Southern is authorized to use the proceeds of the issuance of common stock and borrowings to invest in exempt wholesale generators (EWGs) and foreign utility companies (FUCOs), and to issue guarantees of the obligations of such entities, provided that the total of the net proceeds used for such investments and the guaranties outstanding at any one time shall not, when added to Southern's aggregate investment in all EWGs and FUCOs, exceed 50% of Southern's consolidated retained earnings. The order grants Southern's request to increase this limitation to 100% of consolidated retained earnings. (Rel. 35-2650)

SELF REGULATORY ORGANIZATIONS

IMMEDIATE EFFECTIVENESS OF PROPOSED RULE CHANGES

A proposed rule change (SR-Amex-96-09) filed by the American Stock Exchange relating to the waiver of transaction charges has become effective pursuant to Section 19(b) (3) (A) of the Securities Exchange Act of 1934. Publication of the filing is expected to appear in the Federal Register during the week of April 1. (Rel. 34-37040)

Delta Government Options Corp. has filed a proposed rule change (SR-DGOC-9604) under the Securities Exchange Act of 1934 to permit Prebon Securities (USA) Inc. to participate as an interdealer broker in Delta Government Option Corp.'s system for clearance and settlement of U.S. Treasury repurchase and reverse repurchase agreement transactions. Publication is expected in the Federal Register during the week of April 1, 1996. (Rel. 34-37042)

PROPOSED RULE CHANGE

Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934, on February 22, 1996, the Philadelphia Stock Exchange filed with the Commission a proposed rule change (SR-Phlx-96-08) relating to the listing of customized options on specified indexes and equity securities. Publication of the notice is expected to appear in the Federal Register during the week of April 1, 1996. (Rel. 34-37048)

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.

- S-8 FRANKLIN ELECTRIC CO INC, 400 E SPRING ST, BLUFFTON, IN 46714 (219) 824-2900 - 90,000 (\$3,273,750) COMMON STOCK. (FILE 333-1957 - MAR. 26) (BR. 8)
- S-8 FRANKLIN ELECTRIC CO INC, 400 E SPRING ST, BLUFFTON, IN 46714 (219) 824-2900 - 600,000 (\$21,825,000) COMMON STOCK. (FILE 333-1959 - MAR. 26) (BR. 8)
- S-6 NUVEEN TAX EXEMPT UNIT TRUST SERIES 858, 333 W. WACKER, CHICAGO, IL 60606 (312) 917-7786 - INDEFINITE SHARES. (FILE 333-1963 - MAR. 26) (BR. 22 - NEW ISSUE)
- S-3 US ENERGY CORP, 877 NORTH 8TH WEST, GLEN L LARSEN BLDG, RIVERTON, WY 82501 (307) 856-9271 - 657,780 (\$11,346,705) COMMON STOCK. (FILE 333-1967 - MAR. 26) (BR. 2)
- S-8 APPLEBEES INTERNATIONAL INC, 4551 W 107TH ST STE 100, OVERLAND PARK, KS 66207 (913) 967-4000 - 2,000,000 (\$47,875,000) COMMON STOCK. (FILE 333-1969 - MAR. 26) (BR. 11)

REGISTRATIONS CON'T

- S-3 MCDERMOTT J RAY SA, 1450 POYDRAS ST, PO BOX 61829, NEW ORLEANS, LA 70161 (504) 587-4956 - 250,000,000 (\$250,000,000) STRAIGHT BONDS. (FILE 333-1971 - MAR. 26) (BR. 9)
- S-4 GRAPHIX ZONE INC, 42 CORPORATE PARK STE 200, IRVINE, CA 92714 (714) 833-3838 - 11,400,157 (\$60,648,835.24) COMMON STOCK. (FILE 333-2642 - MAR. 25) (BR. 10)
- S-1 CORVAS INTERNATIONAL INC, 3030 SCIENCE PARK RD, SAN DIEGO, CA 92121 (619) 455-9800 - 1,000,000 (\$5,260,000) COMMON STOCK. (FILE 333-2644 - MAR. 25) (BR. 4)
- S-1 HARMONY HOLDINGS INC, 1990 WESTWOOD BLVD, SUITE 310, LOS ANGELES, CA 90025 (310) 446-7700 - 386,050 (\$895,480.50) COMMON STOCK. (FILE 333-2648 - MAR. 25) (BR. 12)
- S-3 A PLUS NETWORK INC, 2416 HILLSBORO RD, NASHVILLE, TN 37212 (615) 385-4500 - 3,884,791 (\$44,675,096.50) COMMON STOCK. (FILE 333-2650 - MAR. 25) (BR. 7)
- S-8 NORTHWEST AIRLINES CORP, 2700 LONE OAK PKWY, EAGAN, MN 55121 (612) 726-2111 - 2,655,914 (\$138,266,882.84) COMMON STOCK. (FILE 333-2652 - MAR. 25) (BR. 3)
- S-8 COVENANT TRANSPORT INC, 1320 EAST 23RD ST, CHATTANOOGA, TN 37404 (615) 629-0393 - 121,900 (\$2,011,350) COMMON STOCK. (FILE 333-2654 - MAR. 25) (BR. 4)
- S-3 NINE WEST GROUP INC /DE/, 9 W BROAD ST, STAMFORD, CT 06902 (314) 579-8812 - 108,060 (\$4,531,820.28) COMMON STOCK. (FILE 333-2656 - MAR. 25) (BR. 7)
- S-8 VERITY INC \DE\, 1550 PLYMOUTH ST, MOUNTAIN VIEW, CA 94043 (415) 960-7600 - 2,953,256 (\$86,521,741.50) COMMON STOCK. (FILE 333-2660 - MAR. 25) (BR. 10)
- S-8 SPACELABS MEDICAL INC, 15220 NE 40TH ST, REDMOND, WA 98052 (206) 883-3700 - 100,000 (\$2,475,000) COMMON STOCK. (FILE 333-2662 - MAR. 25) (BR. 8)
- SB-2 MILLION DOLLAR SALOON INC, 6848 GREENVILLE AVE, DALLAS, TX 75321 (214) 691-6757 - 878,173 (\$3,512,692) COMMON STOCK. (FILE 333-2664 - MAR. 25) (BR. 12)
- S-8 SHAW GROUP INC, 11100 MEAD RD, BATON ROUGE, LA 70816 (504) 296-1140 - 850,000 (\$9,188,500) COMMON STOCK. (FILE 333-2666 - MAR. 25) (BR. 6)
- S-1 PRESTIGE BANCORP INC, 710 OLD CLAIRTON RD, PLEASANT HILLS, PA 15236 (412) 655-1190 - 1,322,500 (\$13,225,000) COMMON STOCK. (FILE 333-2692 - MAR. 22) (BR. 1 - NEW ISSUE)