

# sec news digest

Issue 95-143

July 26, 1995

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## ENFORCEMENT PROCEEDINGS

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### THE COMMISSION BARS BERNARD WEINER FROM APPEARING AND PRACTICING BEFORE THE COMMISSION FOR FIVE YEARS

The Commission announced today the settlement of an administrative proceeding pursuant to Rule 2(e) of the Commission's Rules of Practice, against Bernard Weiner, a certified public accountant, and the former managing partner and majority shareholder of Frederick S. Todman & Company, a public accounting firm dissolved as of December 31, 1993. Without admitting or denying the Commission's findings, Weiner consented to the issuance of an Opinion and Order of the Commission Imposing Sanctions Under Rule 2(e) of the Commission's Rules of Practice. The Commission's Order denies Weiner the privilege of appearing and practicing before the Commission as an accountant provided, however, that after five years, Weiner may apply to the Commission and request that he be permitted to resume appearing and practicing before the Commission. The Commission's Order finds that Weiner, as concurring partner, engaged in improper professional conduct in connection with the audits of General Technology Group Ltd.'s financial statements for 1987 and 1988. The Order finds that Weiner failed to comply with fundamental requirements of generally accepted auditing standards in those audits, such as the requirement that a company's prior auditors be consulted concerning the reasons for their resignation; and that sufficient competent evidential matter be gathered concerning the existence and value of a company's inventory and receivables. The Order also finds that Weiner engaged in improper professional conduct by failing to comply with specific requirements imposed by a prior Commission Order. (Rel. 34-36016; AAE Rel. 688)

### TIMOTHY ESSAYE CONSENTS TO PERMANENT INJUNCTION, PAYMENT OF DISGORGEMENT, AND PREJUDGMENT INTEREST THEREON

The Commission today announced that it filed a complaint in the United States District Court for the District of Columbia against Timothy Essaye (Essaye) alleging violations of Sections 10(a) and 10(b) of the

Securities Exchange Act of 1934 (Exchange Act) and Rule 10b-21(T) thereunder [permanently adopted as 17 C.F.R. § 240.10b-21]. Simultaneously, and without admitting or denying the allegations, Essaye consented to the entry of a Final Judgment permanently enjoining him from future violations of Sections 10(a) and 10(b) of the Exchange Act and Rule 10b-21 thereunder, and ordering him to disgorge his illegal profits in the amount of \$16,762.50, with prejudgment interest thereon of \$3,768.06.

The complaint alleges that, with respect to six public offerings, Essaye sold securities short during the period after the registration statement was filed, but before the offered shares became publicly available, and subsequently covered the short positions with securities purchased in the public offerings, thereby violating Sections 10(a) and 10(b) of the Exchange Act and Rule 10b-21 thereunder. The complaint further alleges that Essaye realized illegal profits of \$16,762.50. [SEC v. Timothy Essaye, Civil Action No. 95-1384, D.D.C.] (LR-14572)

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#### INVESTMENT COMPANY ACT RELEASES

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##### NUVEEN TEXAS PREMIUM INCOME MUNICIPAL FUND

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Texas Premium Income Municipal Fund for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21226 - July 21)

##### NUVEEN OHIO PREMIUM INCOME MUNICIPAL FUND, INC.

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Ohio Premium Income Municipal Fund, Inc. for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21227 - July 21)

##### NUVEEN CALIFORNIA PREMIUM INCOME MUNICIPAL FUND 2

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen California Premium Income Municipal Fund 2 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21228 - July 21)

#### NUVEEN PENNSYLVANIA PREMIUM INCOME MUNICIPAL FUND

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Pennsylvania Premium Income Municipal Fund for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21229 - July 21)

#### NUVEEN PREMIUM INCOME MUNICIPAL FUND 5

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Premium Income Municipal Fund 5 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21230 - July 21)

#### NUVEEN VIRGINIA PREMIUM INCOME MUNICIPAL FUND 2

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Virginia Premium Income Municipal Fund 2 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21231 - July 21)

#### NUVEEN NEW JERSEY QUALITY INCOME MUNICIPAL FUND, INC.

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen New Jersey Quality Income Municipal Fund, Inc. for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21232 - July 21)

#### NUVEEN OHIO PREMIUM INCOME MUNICIPAL FUND 2

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Ohio Premium Income Municipal Fund 2 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21233 - July 21)

#### NUVEEN PREMIUM INCOME MUNICIPAL FUND 6

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Premium Income Municipal Fund 6 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21234 - July 21)

#### NUVEEN NEW JERSEY PREMIUM INCOME MUNICIPAL FUND 3

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen New Jersey Premium Income Municipal Fund 3 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21235 - July 21)

#### NUVEEN SELECT TAX-FREE INCOME PORTFOLIO 4

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Select Tax-Free Income Portfolio 4 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21236 - July 21)

#### NUVEEN MARYLAND PREMIUM INCOME MUNICIPAL FUND 2

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Maryland Premium Income Municipal Fund 2 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21237 - July 21)

#### NUVEEN INSURED FLORIDA PREMIUM INCOME MUNICIPAL FUND 2

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Insured Florida Premium Income Municipal Fund 2 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21238 - July 21)

#### NUVEEN FLORIDA PREMIUM INCOME MUNICIPAL FUND

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Florida Premium Income Municipal Fund for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21239 - July 21)

#### NUVEEN NEW YORK MUNICIPAL MARKET OPPORTUNITY FUND, INC.

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen New York Municipal Market Opportunity Fund, Inc. for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21240 - July 21)

NUVEEN PENNSYLVANIA QUALITY INCOME MUNICIPAL FUND

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Pennsylvania Quality Income Municipal Fund for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC- 21241 - July 21)

NUVEEN PREMIUM INCOME MUNICIPAL FUND 3, INC.

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Premium Income Municipal Fund 3, Inc. for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21242 - July 21)

NUVEEN NEW YORK PREMIUM INCOME MUNICIPAL FUND

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen New York Premium Income Municipal Fund for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21243 - July 21)

NUVEEN MICHIGAN PREMIUM INCOME MUNICIPAL FUND 2

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Michigan Premium Income Municipal Fund 2 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21244 - July 21)

NUVEEN INSURED NEW YORK PREMIUM INCOME MUNICIPAL FUND 2

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Insured New York Premium Income Municipal Fund 2 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21245 - July 21)

NUVEEN PENNSYLVANIA PREMIUM INCOME MUNICIPAL FUND 3

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen Pennsylvania Premium Income Municipal Fund 3 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21246 - July 21)

## NUVEEN NEW JERSEY PREMIUM INCOME MUNICIPAL FUND 2

A notice has been issued giving interested persons until August 15 to request a hearing on an application filed by Nuveen New Jersey Premium Income Municipal Fund 2 for an order under Section 8(f) of the Investment Company Act declaring that applicant has ceased to be an investment company. (Rel. IC-21247 - July 21)

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## SECURITIES ACT REGISTRATIONS

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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-3 MONDAVI ROBERT CORP, 7801 ST HELENA HI, PO BOX 106, OAKVILLE, CA 94562  
(707) 259-9463 - 2,604,769 (\$48,513,823) COMMON STOCK. (FILE 33-94342 - JUL. 18) (BR. 11)
  
- S-8 SOFTWARE SPECTRUM INC, 2140 MERRITT DR, GARLAND, TX 75041 (214) 840-6600  
- 165,000 (\$3,991,350) COMMON STOCK. (FILE 33-94346 - JUL. 19) (BR. 9)
  
- S-8 SOFTWARE SPECTRUM INC, 2140 MERRITT DR, GARLAND, TX 75041 (214) 840-6600  
- 150,000 (\$3,628,500) COMMON STOCK. (FILE 33-94348 - JUL. 19) (BR. 9)
  
- SB-2 PEASE OIL & GAS CO /CO/, 751 HORIZON COURT, SUITE 203, GRAND JUNCTION,  
CO 81506 (303) 245-5917 - 2,920,635 (\$4,258,464) COMMON STOCK. 90,000  
(\$472,500) PREFERRED STOCK. (FILE 33-94536-D - JUL. 12) (BR. 3)
  
- SB-2 SABA PETROLEUM CO, 17512 VON KARMAN AVE, IRVINE, CA 92714 (714) 724-1112  
- 14,375,000 (\$14,375,000) STRAIGHT BONDS. (FILE 33-94678 - JUL. 17)  
(BR. 4)
  
- S-8 MIDCOM COMMUNICATIONS INC, 1600 MIDCOM TOWER, 1111 THIRD AVE, SEATTLE,  
WA 98101 (206) 628-8000 - 1,997,188 (\$16,576,660.40) COMMON STOCK. (FILE  
33-94682 - JUL. 18) (BR. 7)
  
- S-4 PROTECTION ONE ALARM MONITORING INC, 6011 BRISTOL PARKWAY, CULVER CITY,  
CA 90230 (310) 338-6930 - 166,000,000 (\$111,782,740) STRAIGHT BONDS.  
(FILE 33-94684 - JUL. 18) (BR. 5)
  
- S-3 MASON DIXON BANCSHARES INC/MD, 45 WEST MAIN ST, WESTMINSETER, MD 21157  
(410) 857-3400 - 125,000 (\$1,875,000) COMMON STOCK. (FILE 33-94686 -  
JUL. 18) (BR. 1)
  
- F-1 VIDEOTRON HOLDINGS PLC, 76 HAMMERSMITH RD, VIDEOTRON HOUSE,  
LONDON W14 8UD ENGLAND, XO (081) 244-1234 - \$100,000,000 STRAIGHT BONDS.  
(FILE 33-94688 - JUL. 18) (BR. 7)

REGISTRATIONS CONT.

- S-8 CONSOLIDATED ROYAL MINES INC, 331 S RIO GRANDE ST, STE 208,  
SALT LAKE CITY, UT 84101 (801) 534-1132 - 237,500 (\$742,187.50)  
COMMON STOCK. (FILE 33-94690 - JUL. 17) (BR. 2)
- S-8 MICROCARB INC, 300 PROFESSIONAL DRIVE, GAITHERSBURG, MD 20879  
(301) 590-0129 - 5,300,000 (\$6,625,000) COMMON STOCK. (FILE 33-94692 -  
JUL. 18) (BR. 4)
- S-1 UCAR INTERNATIONAL INC, 39 OLD RIDGEBURY ROAD, DANBURY, CT 06817 -  
10,120,000 (\$242,880,000) COMMON STOCK. (FILE 33-94698 - JUL. 18) (BR. 7)
- S-4 PEOPLES CHOICE TV CORP, 2 CORPORATE DRIVE STE 249, SHELTON, CT 06484  
(203) 929-2800 - 3,657,232 (\$58,744,289) COMMON STOCK. (FILE 33-94700 -  
JUL. 18) (BR. 7)
- S-3 INTERMEDIA COMMUNICATIONS OF FLORIDA INC, 9280 BAY PLAZA BLVD STE 720,  
TAMPA, FL 33619 (813) 621-0011 - 683,583 (\$8,459,339.63) COMMON STOCK.  
(FILE 33-94702 - JUL. 18) (BR. 7)
- S-8 FLORES & RUCKS INC /DE/, 8440 JEFFERSON HIGHWAY, STE 420, BATON ROUGE,  
LA 70809 (504) 927-1450 - 75,000 (\$918,750) COMMON STOCK. (FILE 33-94704 -  
JUL. 18) (BR. 3)
- S-8 TETRA TECH INC, 670 N ROSEMEAD BLVD, PASADENA, CA 91107 (818) 449-6400  
- 22,832 (\$428,100) COMMON STOCK. (FILE 33-94706 - JUL. 18) (BR. 9)
- S-8 MIDLAND RESOURCES INC /TX/, 602 N BAIRD STE 200, MIDLAND, TX 79701  
(915) 685-7051 - 405,000 (\$1,113,750) COMMON STOCK. (FILE 33-94708 -  
JUL. 18) (BR. 3)
- S-8 NOXSO CORP, 2414 LYTLE RD, BETHEL PARK, PA 15102 (412) 854-1200 -  
1,000,000 (\$3,656,251) COMMON STOCK. (FILE 33-94710 - JUL. 18) (BR. 9)
- S-8 FIRSTMARK CORP /ME/, 222 KENNEDY MEMORIAL DR, WATERVERVILLE, ME 04901  
(207) 873-6362 - 200,000 (\$650,000) COMMON STOCK. (FILE 33-94712 -  
JUL. 18) (BR. 12)
- S-1 KELLER FINANCIAL SERVICES OF FLORIDA INC, 19329 US HIGHWAY 19 NORTH,  
CLEARWATER, FL 34624 (813) 524-1400 - 22,500 (\$22,500,000) STRAIGHT BONDS.  
(FILE 33-94714 - JUL. 18) (BR. 12)
- S-8 AG ASSOCIATES INC, 1325 BORREGAS AVE, SUNNYVALE, CA 94089 (408) 745-1790  
- 1,311,648 (\$18,396,970.54) COMMON STOCK. (FILE 33-94716 - JUL. 19)  
(BR. 10)
- S-3 TESCOP INC, 200 NORWOOD TWR, 114 W 7TH ST, AUSTIN, TX 78701  
(512) 476-2995 - 5,308,000 (\$16,255,750) COMMON STOCK. (FILE 33-94718 -  
JUL. 18) (BR. 11)
- S-1 LABOR READY INC, 2342 TACOMA AVE SOUTH, TACOMA, WA 98402 (206) 383-9101  
- 1,375,182 (\$26,816,049) COMMON STOCK. (FILE 33-94720 - JUL. 18) (BR. 6)

REGISTRATIONS CONT.

S-3 IDENTIX INC, 510 N PASTORIA AVE, SUNNYVALE, CA 94086 (408) 739-2000 -  
250,000 (\$2,085,000) COMMON STOCK. (FILE 33-94722 - JUL. 19) (BR. 9)

S-8 CEC INDUSTRIES CORP, 23 CACTUS GARDEN DR F 60, GREEN VALLEY (HENDERSON),  
NV 89014 (702) 436-2500 - 1,050,000 (\$651,000) COMMON STOCK. (FILE  
33-94746 - JUL. 18) (BR. 12)