

sec news digest

Issue 96-72

April 18, 1996

COMMISSION ANNOUNCEMENTS

COURT REPORTING CONTRACT AWARD

The Securities and Exchange Commission has awarded Contract No. SECHQ1-96-D-0277 to Bayley Reporting, Inc., 2727 Ontario Rd., N.W., Washington, D.C. 20009, for nationwide recording and transcribing services for the period May 1, 1996, through September 30, 1996, with four one-year option periods. One hundred fifty-seven firms were solicited (RFP No. SECHQ1-94-R-0008). Six proposals were received. The contract was awarded for an estimated amount of \$6,144,806.50 for the total contract period. The Contractor will provide official reporting services to the Commission to include (i) recording and transcribing agency proceedings and advisory committee meetings, both public and non-public; (ii) recording and transcribing with respect to other agency functions, such as investigations, conferences, oral arguments, and other meetings; (iii) production of computer readable diskette copies of official transcripts; and (iv) transcribing audio and video tape recordings of conversations, meetings, hearings, and conferences at which a reporter is not present.

ENFORCEMENT PROCEEDINGS

COMPLAINT FILED AGAINST STEPHEN BINGHAM, SUSAN GRANT AND WILLIAM MCCLINTOCK

The Commission announced that on April 16 it filed a complaint in the District of Massachusetts against Stephen R. B. Bingham (Bingham), Susan McKenna Grant (Grant), and William J. McClintock (McClintock), former senior executives of Alias Research, Inc. (Alias), seeking injunctive relief, disgorgement, civil penalties

and officer and director bars. The complaint alleges that Alias fraudulently recognized revenue from transactions in which, among other things, purchasers were excused from payment, Alias had significant continuing obligations and no product was shipped during the quarter in which revenue was recognized. The complaint alleges that, as a result of these practices, Alias materially overstated revenue and income in the first and second quarters of fiscal 1992. The complaint alleges that the Defendants knew, or were reckless in not knowing, of the terms of these transactions. The complaint further alleges that, between May 31 and July 2, 1991, Bingham, Grant, and McClintock, while in possession of material, nonpublic information, sold Alias stock, avoiding losses of \$1,713,000, \$1,370,000, and \$358,282, respectively.

The complaint charges that Bingham, Grant, and McClintock violated Section 17(a) of the Securities Act and Section 10(b) of the Exchange Act and Rules 10b-5 and 13b2-2 thereunder, that Bingham and Grant violated, under a control person theory, Sections 13(a), 13(b) (2)(a) and 13(b) (2)(B) of the Exchange Act and Rules 13a-13 and 12b-20 thereunder, and, in addition, that Bingham and McClintock violated Section 13(b)(5) of the Exchange Act and Rule 13b2-1 thereunder. [SEC v. Bingham, et al., Civil Action No. 96-10793EFH, D. MA] (LR-14882; AAE Rel. 773)

ORDER OF PERMANENT INJUNCTION BY DEFAULT ENTERED AGAINST WEYMAN SINYARD

On April 17, Judge John Grady of the United States District Court for the Northern District of Illinois entered an Order of Permanent Injunction by Default (Order) against Defendant Weyman B. Sinyard (Sinyard). The Order strikes Sinyard's Answer to the Amended Complaint and enjoins him from committing future violations of the securities registration and antifraud provisions of the federal securities laws. The Order was based on Sinyard's willful failure to comply with the Court's orders compelling discovery and to respond to any discovery properly served upon him. The issues of whether Sinyard shall be required to pay disgorgement, prejudgment interest and civil penalties remain pending.

The Amended Complaint, filed on October 6, 1995, alleged that between December 1987 and March 1991, Sinyard and others fraudulently offered and sold investments in the form of unregistered Jarco, Inc. promissory notes to the public raising over \$1 million from at least twenty-three investors residing in Illinois and Indiana. The Amended Complaint further alleged that Sinyard misrepresented and omitted to state material facts regarding, among other things, the risks, returns and duration of the investment, the true nature of the investment and the use of investor funds. [SEC v. Weyman B. Sinyard, et al., N.D. Ill., Civil Action File No. 94C-5856] (LR-14883)

INVESTMENT COMPANY ACT RELEASES

TCW MID-CAP GROWTH STOCKS LIMITED PARTNERSHIP, ET AL.

An order has been issued on an application filed by TCW MidCap Growth Stocks Limited Partnership, et al. under Section 17(b) of the Investment Company Act for an exemption from Section 17(a) of the Act. The order permits TCW Mid-Cap Growth Stocks to transfer substantially all of its assets and liabilities to an affiliated registered investment company in exchange for that investment company's shares. The investment company's shares then would be distributed pro rata to the partners of TCW Mid-Cap Growth Stocks. (Rel. IC-21897 - April 16)

ACCESS CAPITAL STRATEGIES COMMUNITY INVESTMENT FUND, INC., ET AL.

An order has been issued on an application filed by Access Capital Strategies Community Investment Fund, Inc., et al. under Section 6(c) of the Investment Company Act and Rule 17d-1 thereunder to authorize certain transactions otherwise prohibited under Section 57(a) (4) of the Act. The order permits two existing portfolios of Access Capital Strategies Community Investment Fund, Inc. and certain future business development companies to enter into certain co-investment transactions. (Rel. IC-21898 - April 16)

GLICKENHAUS & CO., ET AL.

A notice has been issued giving interested persons until May 13 to request a hearing on an application filed by Glickenhau & Co., et al. for an order under Sections 11(a) and 11(c) of the Investment Company Act to permit certain offers of exchange between unit investment trusts. (Rel. IC-21899 - April 16)

EMERGING MARKETS GROWTH FUND, INC., ET AL.

A notice has been issued giving interested persons until May 13 to request a hearing on an application filed by Emerging Markets Growth Fund, Inc., et al. for an order pursuant to Section 6(c) of the Investment Company Act exempting applicants from Section 12(d)(1) of the Act, pursuant to Sections 6(c) and 17(b) of the Act exempting applicants from Section 17(a) of the Act, and pursuant to Rule 17d-1 under the Act permitting certain joint transactions in accordance with Section 17(d) of the Act and Rule 17d-1 thereunder. The requested order would permit Emerging Markets Growth Fund, Inc. to invest up to 1% of its total assets in an affiliated closed-end Singapore investment company that invests in securities of companies in East and Southeast Asia. (Rel. IC-21900; IS-970 - April 17)

PRINCIPAL MUTUAL LIFE INSURANCE COMPANY, ET AL.

An order has been issued pursuant to Section 6(c) of the Investment Company Act amending a previous order exempting Principal Mutual Life Insurance Company (Principal Mutual), Principal Mutual Life Insurance Company Separate Account B (the Account) and Princor Financial Services Corporation (Princor) from the provisions of Sections 2(a)(35), 26(a)(2)(C), 27(a)(2) and (3), and 27(c)(2) thereof to the extent necessary to permit the deduction of mortality and expense risk charges from the assets of the Account in connection with the issuance and sale of certain group variable annuity contracts with prescribed sales loads (Contracts). The amendment will provide additional relief so that: (a) the exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) will extend to the mortality and expense risk charges under the Contracts as revised by Principal Mutual; and (b) the exemptive relief regarding the mortality and expense risk charges and the relief provided by the previous order will extend to any variable annuity contracts that may be offered in the future that are substantially similar in all material respects to the Contracts (Future Contracts) that are funded by the Account or any other separate accounts established in the future by Principal Mutual and that may be offered by Princor or any other members of the National Association of Securities Dealers, Inc. that may in the future serve as principal underwriters of the Contracts or Future Contracts. (Rel. IC-21901 - April 17)

CONNECTICUT MUTUAL INVESTMENT ACCOUNTS, INC., ET AL.

An order has been issued on an application filed by Connecticut Mutual Investment Accounts, Inc., et al. under Section 17(b) of the Investment Company Act for an exemption from Section 17(a) of the Act. The order permits Oppenheimer Money Market Fund, Inc. to acquire substantially all of the assets of Connecticut Mutual Liquid Account, a series of Connecticut Mutual Investment Accounts, Inc. (Company), and Oppenheimer U.S. Government Trust to acquire substantially all of the assets of Connecticut Mutual Government Securities Account, another series of the Company. Because of certain affiliations, the funds may not rely on Rule 17a-8 under the Act. (Rel. IC-21902 - April 17)

U.S. TRUST CORPORATION, ET AL.

An order has been issued on an application filed by U.S. Trust Corporation, et al. under Sections 6(c) and 17(b) of the Investment Company Act for an exemption from Section 17(a) of the Act, and pursuant to Section 17(d) and Rule 17d-1 thereunder. The order permits a collective investment fund sponsored by United States Trust Company of New York (U.S. Trust) to transfer securities to portfolios of open-end management investment companies advised by U.S. Trust in exchange for portfolio shares. (Rel. IC-21903 - April 17)

PRINCOR BALANCED FUND INC., ET AL.

An order has been issued to Princor Balanced Fund, Inc., Princor Blue Chip Fund, Inc., Princor Capital Accumulation Fund, Inc., Princor Emerging Growth Fund, Inc., Princor Growth Fund, Inc., Princor World Fund, Inc., Princor Bond Fund, Inc., Princor Cash Management Fund, Inc., Princor Government Securities Income Fund, Inc., Princor High Yield Fund, Inc., Princor Utilities Fund, Inc. (collectively, Funds), Princor Financial Services Corporation (Princor) and Principal Mutual Life Insurance Company (Principal Mutual) pursuant to Section 11(a) of the Investment Company Act approving the terms of an offer of exchange by the Funds and Princor to certain holders of participation certificates under variable annuity contracts issued by Separate Account B and Separate Account C of Principal Mutual. (Rel. IC-21904 - April 17)

HOLDING COMPANY ACT RELEASES

CINERGY CORPORATION

An order has been issued authorizing Cinergy Corporation, a registered holding company, to issue up to 7 million shares of common stock from time to time through December 31, 2000 in connection with the stock-based awards provided under a new employee incentive compensation plan. (Rel. 35-26505)

SELF-REGULATORY ORGANIZATIONS

WITHDRAWALS SOUGHT

A notice has been issued giving interested persons until May 7 to comment on the application of Titan Corporation to withdraw from listing and registration on the Chicago Stock Exchange its Common Stock, \$.01 Par Value; Cumulative Convertible Preferred Stock, \$1.00 Par Value. (Rel. 34-37118)

A notice has been issued giving interested persons until May 7 to comment on the application of Rockwell International Corporation to withdraw from listing and registration on the Chicago Stock Exchange its Common Stock, \$1 Par Value. (Rel. 34-37119)

WITHDRAWAL GRANTED

An order has been issued granting the application of Air-Cure Technologies, Inc. to withdraw from listing and registration on its Common Stock, \$0.001 Par Value on the American Stock Exchange. (Rel. 34-37120)

IMMEDIATE EFFECTIVENESS OF PROPOSED RULE CHANGE

A proposed rule change (SR-CBOE-96-21) filed by the Chicago Board Options Exchange which allows the CBOE to list for trading cash-settled, European-style options on the CBOE Gold Index, has become effective under Section 19(b)(3)(A) of the Securities Exchange Act of 1934. Publication of the notice is expected in the Federal Register during the week of April 22. (Rel. 34-37115)

APPROVAL OF PROPOSED RULE CHANGE

The Commission approved a proposed rule change submitted by the Municipal Securities Rulemaking Board (SR-MSRB-95-17) to require brokers, dealers and municipal securities dealers to include the time of trade execution when submitting information on inter-dealer transactions to the MSRB under its Rule G-14. (Rel. 34-37116)

PROPOSED RULE CHANGES

The Chicago Board Options Exchange filed a proposed rule change (SR-CBOE-96-23) to adopt new rules to authorize the issuance of permits to members of the Bolsa Mexicana de Valores as of January 1, 1996 and to set forth the rights and obligations appurtenant to the permits. Publication of the proposal is expected in the Federal Register during the week of April 22. (Rel. 34-37117; IS-968)

The Chicago Stock Exchange filed a proposed rule change (SR-CHX-96-12) relating to listing standards for investment company units. Publication of the notice is expected in the Federal Register during the week of April 22. (Rel. 34-37121)

The American Stock Exchange filed a proposed rule change (SR-Amex-96-12) to list and trade index warrants based on the Selected Tech Stock Index. Publication of the notice is expected in the Federal Register during the week of April 22. (Rel. 34-37122)

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-3 STARBUCKS CORPORATION, 2401 UTAH AVENUE, SEATTLE, WA 98134
(206) 447-1575 - 5,320,733 (\$130,357,958) COMMON STOCK. (FILE 333-3342 -
APR. 10) (BR. 2)