

# SEC NEWS DIGEST

Issue 97-168

August 29, 1997

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## COMMISSION ANNOUNCEMENTS

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### COMMISSION MEETINGS

#### CLOSED MEETING - THURSDAY, SEPTEMBER 4, 1997 - 10:00 A.M.

The subject matter of the closed meeting scheduled for Thursday, September 4, 1997, at 10:00 a.m., will be: institution and settlement of injunctive actions; and institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 942-7070.

#### ORDER PERMITTING ASSOCIATION OF THOMAS MURPHY

On August 27, the Commission issued a Declaratory Order regarding the association of Thomas F. Murphy as a government securities representative with Greenwich Capital Markets, Inc., a member of the National Association of Securities Dealers, Inc. (NASD). The Order states that, based on representations made regarding the supervision of Mr. Murphy and the terms and conditions of his association, the Commission will not institute administrative proceedings pursuant to Sections 15(b) or 19(h) of the Securities Exchange Act of 1934 and will not direct the NASD to bar the proposed association pursuant to Section 15A(g)(2). The Order is necessary because Mr. Murphy is subject to a 1993 order of the Commission barring him from association with any broker, dealer, municipal securities dealer, investment company or investment adviser with the proviso that, after two years, he may apply to become associated in a non-proprietary, non-supervisory capacity upon a showing that he will be adequately supervised. (Rel. 34-38980)

#### ORDER PERMITTING ASSOCIATION OF HOWARD RUBIN

On August 27, the Commission issued a Declaratory Order regarding the association of Howard A. Rubin as a registered principal with Bear, Stearns & Co. Inc., a member of the New York Stock Exchange,

Inc. (NYSE). The Order states that, based on representations made regarding the supervision of Mr. Rubin, and the terms and conditions of his association, the Commission will not institute administrative proceedings pursuant to Sections 15(b) or 19(h) of the Securities Exchange Act of 1934 and will not direct the NYSE to bar the proposed association pursuant to Section 6(c)(2). The Order granting consent to the association is necessary because Mr. Rubin is subject to a 1990 Commission order barring him from association with any broker, dealer, investment adviser, investment company or municipal securities dealer in a supervisory or proprietary capacity, with the proviso that, after four years, he may apply for association with such entities in such capacities. (Rel. 34-38981)

#### ORDER PERMITTING ASSOCIATION OF THOMAS DEGIRONIMO

On August 27, the Commission issued a Declaratory Order regarding the association of Thomas DeGironimo as an investment company and variable products representative with Nathan & Lewis Securities, Inc., a member of the National Association of Securities Dealers, Inc. (NASD). The Order states that, based on representations made regarding the supervision of Mr. DeGironimo, and the terms and conditions of his association, the Commission will not institute administrative proceedings pursuant to Sections 15(b) or 19(h) of the Exchange Act and will not direct the NASD to bar the proposed association pursuant to Section 15A(g)(2). The Order is necessary because Mr. DeGironimo is subject to a 1984 order of the Commission barring him from association with any broker or dealer, investment adviser or investment company, with a proviso permitting him to continue selling variable annuities and mutual funds as a supervised representative of a firm in which he does not exercise direction or control, does not have in excess of 5% ownership interest, and which is registered as a broker-dealer with the NASD. (Rel. 34-38982)

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#### ENFORCEMENT PROCEEDINGS

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#### CEASE-AND-DESIST PROCEEDINGS INSTITUTED AGAINST NGAI TAK, EVELYN WONG AND HAROUTIOUN AYDJIAN

The Commission announced the institution and simultaneous settlement of administrative proceedings pursuant to Section 8A of the Securities Act of 1933 and Section 21C of the Securities Exchange Act of 1934 against Ngai King Tak (Ngai), Evelyn A. Wong (Wong), and Haroutioun K. Aydjian (Aydjian). Ngai and Wong are the executive director and director, respectively, of McKowan Lowe & Co., Ltd., the independent buying agent in Hong Kong for Jasmine Ltd., a Delaware corporation headquartered in Pennsauken, New Jersey. Aydjian is the president of Angie's Shoes & Leather Goods, Inc., a Jasmine customer located in New Jersey.

The Commission's order finds that Ngai, Wong and Aydjian submitted false audit confirmations to Jasmine's independent auditors in

connection with an audit of Jasmine's financial statements for the fiscal year ended September 30, 1993. Without admitting or denying the Commission's findings, Ngai, Wong and Aydjian consented to the entry of an order requiring them to cease and desist from committing or causing any violation and any future violation of Section 17(a) of the Securities Act, Section 10(b) of the Exchange Act and Exchange Act Rules 10b-5, 13b2-1 and 13b2-2. (Rels. 33-7443; 34-38988; and AAER- 946)

#### CIVIL CONTEMPT ACTION AGAINST DAVID JOHNSTON

The Commission announced that on August 5 it filed a civil contempt action against David Johnston (Johnston), a defendant in a \$15 million dollar Ponzi Scheme involving fraudulent Certificates of Deposit purportedly issued by a foreign bank. The Commission moved the Court for civil contempt and other sanctions for Johnston's failure to comply with court orders dated April 23 and June 19, 1997, requiring him to answer Interrogatories propounded upon him by the Commission. The contempt action was heard on August 14. Counsel for Johnston requested one additional opportunity to respond to the Interrogatories. After consideration, the Court granted counsel's request and ordered Johnston to answer and/or respond to the Commission's Interrogatories. The Court left open the available relief if the Interrogatories were not answered. [SEC v. Michael J. Randy, et al., Civil Action No. 94-C-5902, N.D. IL] (LR-15463)

#### KARL DAHLSTROM AND KARLA DAHLSTROM FOUND GUILTY

The Commission and the United States Attorney for the Southern District of Texas announced that on August 28, after a jury trial in Houston, Texas, Karl L. Dahlstrom was convicted on two counts of securities fraud, one count each of violating the broker-dealer registration and securities registration provisions of the federal securities laws, and eight counts of mail fraud. Dahlstrom's daughter, Karla D. Dahlstrom, was convicted on one count each of violating the broker-dealer registration and securities registration provisions. The Dahlstroms were indicted for their involvement in a nationwide solicitation campaign for the purpose of selling unregistered shares of Inferno Snuffers, Inc., (ISI), and Inferno Engineering and Consulting, Inc. (IEC). Sentencing was set for December 5, 1997.

The criminal charges are based on the same activities alleged in a civil injunctive action brought by the Commission on September 30, 1992. The Commission's complaint alleged that ISI and IEC, operating under Karl Dahlstrom's direction, were purportedly marketing "Uni-Snuff", a product claimed to be useful in extinguishing and suppressing fires, and the "Snuffer System", a method of dispensing Uni-Snuff. [United States of America v. Karl L. Dahlstrom, et al., 96-CR-157-ALL, USDC, SD/TX] (LR-15464)

#### COMPLAINT FILED AGAINST FOUR FORMER EXECUTIVES OF JASMINE LTD.

The Commission announced the filing of a complaint in the United States District Court for the District of Columbia against Irving M.

Mangel, Samuel J. Mangel, Thomas J. Ciocco and Edward W. Maskaly, former executives of Jasmine, Ltd., a Delaware company headquartered in Pennsauken, New Jersey. The Commission's complaint alleges that the defendants engaged in a fraudulent scheme to falsify Jasmine's financial statements, which were included in a registration statement for Jasmine's \$10.5 million initial public offering in December 1993, and in three subsequent quarterly reports filed with the Commission. The complaint further alleges that Ciocco engaged in insider trading. According to the complaint, the defendants' fraudulent scheme enabled Jasmine to portray itself as a financially robust company when, in fact, the company was insolvent.

Simultaneously with the filing of the complaint, all of the defendants consented, without admitting or denying the Commission's allegations, to the entry of a final judgment of permanent injunction. The final judgment will permanently enjoin Irv and Sam Mangel from violating Section 17(a) of the Securities Act of 1933, Sections 10(b) and 13(b)(5) of the Securities Exchange Act of 1934, and Exchange Act Rules 10b-5, 13b2-1 and 13b2-2. The final judgement will also permanently enjoin Ciocco from violating Sections 10(b) and 13(b)(5) of the Exchange Act and Exchange Act Rules 10b-5 and 13b2-1 and Maskaly from violating Section 17(a) of the Securities Act, Section 10(b) of the Exchange Act and Exchange Act Rules 10b-5 and 13b2-2. The final judgement will permanently bar Irv Mangel and bar Sam Mangel for a period of ten years from serving as an officer or a director of any public company. In addition, the final judgement will impose a \$100,000 civil penalty against Irv Mangel, an \$80,000 civil penalty against Sam Mangel, and a \$50,000 civil penalty against Maskaly. The final judgement will order Ciocco to pay \$7,293.00, representing the disgorgement of losses he avoided from his sale of Jasmine stock, prejudgment interest and a civil monetary penalty. The Commission determined not to seek additional civil monetary penalties against Ciocco in light of his demonstrated inability to pay. [SEC v. Irving M. Mangel, et al., Civ. Act. No. 97-1977, D.D.C., JHG] (LR-15465; AAER-947)

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#### INVESTMENT COMPANY ACT RELEASES

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##### MANULIFE SERIES FUND, INC.

An order has been issued under Section 8(f) of the Investment Company Act declaring that Manulife Series Fund, Inc. has ceased to be an investment company. (Rel. IC-22800 - August 27)

##### ABD AMERICAN CAPITAL MARKETS FUNDS, INC.

An order has been issued under Section 8(f) of the Investment Company Act declaring that ABD American Capital Markets Funds, Inc. has ceased to be an investment company. (Rel. IC-22801 - August 27)

## GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY, ET. AL.

A notice has been issued giving interested persons until September 17, 1997, to request a hearing on an application filed by Great-West Life & Annuity Insurance Company, Retirement Plan Series Account, Maxim Series Fund, Inc. and One Orchard Equities seeking an order pursuant to Section 26 (b) of the Investment Company Act. The order would approve a proposed substitution of securities and, pursuant to Section 17(b) of the Act, exempt related transactions from Section 17(a) of the Act. (Rel. IC-22802 - August 27)

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## HOLDING COMPANY ACT RELEASE

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### CONSOLIDATED NATURAL GAS COMPANY

A supplemental order has been issued authorizing a proposal by Consolidated Natural Gas Company (CNG), a registered holding company, and its wholly-owned nonutility subsidiary companies, CNG Energy Services Corporation and CNG Products and Services, Inc. (CNG Products). The initial order in this file, dated August 28, 1995 (Rel. 35-26363), authorized CNG Products to provide customers with ten categories of customer services and authorized CNG to provide CNG Products with up to \$10 million in related revolving loan financing through December 31, 2000. The supplemental order approves additional categories of services and authorizes CNG Products to provide financing to customers in connection with the sale and installation of certain energy related equipment. (Rel. 35-26757)

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## SELF-REGULATORY ORGANIZATIONS

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### ACCELERATED APPROVAL OF PROPOSED RULE CHANGE

The Commission granted accelerated approval to a proposed rule change submitted by the American Stock Exchange (SR-Amex-97-28) relating to the extension of the Exchange's pilot program for specialists in portfolio depository receipts and Index Fund Shares to participate in the Exchange's after-hours trading facility. Publication of the proposal is expected to be made in the Federal Register during the week of September 1, 1997. (Rel. 34-38986)

### PROPOSED RULE CHANGE

The National Association of Securities Dealers filed a proposed rule change (SR-NASD-97-53) under Rule 19b-4 that would (1) codify permissible uses of computer generated quote systems with respect to exchange-listed securities; (2) eliminate the excess spread rule for market makers in such securities; (3) reduce the minimum quote size applicable to market makers in such securities to one unit of trading; (4) extend exemptive provisions of the NASD's limit order

protection rule to such securities; and (5) reduce from 1000 to 100 the number of shares that the Computer Assisted Execution System will execute automatically. (Rel. No. 34-38985)

#### DELISTINGS

An order has been issued granting the application of the Philadelphia Stock Exchange to strike from listing and registration Helpmate Robotics, Inc., Common Stock, \$1.00 Par Value; Units and its Common Stock Purchase Warrants. (Rel. 34-38983)

An order has been issued granting the application of the Philadelphia Stock Exchange to strike from listing and registration Nynex Corporation, Common Stock, \$1.00 Par Value. (Rel. 34-38984)

#### WITHDRAWAL

An order has been issued granting the application of Benchmark Electronics, Inc., to withdraw from listing and registration its Common Stock, \$.10 Par Value, on the American Stock Exchange. (Rel. 34-38987)

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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. 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: <public info @ sec>. In most cases, this information is also available on the Commission's website: <www.sec.gov>.

F-6 TELECOM ARGENTINA STET-FRANCE TELECOM SA /ADR/, 60 WALL ST,  
C/O MORGAN GUARANTY TRUST CO OF NEW YORK, NEW YORK, NY 10260 (212) 648-3250  
- 30,000,000 (\$1,500,000) DEPOSITARY RECEIPTS FOR COMMON STOCK (FILE  
333-7452 - AUG 15) (BR. 99)

F-6 HANNOVER REINSURANCE CORP, 60 WALL ST,  
C/O MORGAN GUARANTY TRUST CO OF NY, NEW YORK, NY 10250 (212) 648-3250 -  
20,000,000 (\$1,000,000) DEPOSITARY RECEIPTS FOR COMMON STOCK. (FILE  
333-7454 - AUG 15) (BR 99 - NEW ISSUE)

S-8 SAND TECHNOLOGY SYSTEMS INTERNATIONAL INC, 4141 SHERBROOKE ST W STE 410,  
MONTREAL QUEBEC CANADA H3Z 1B8, A8 (514) 939-3477 - 700,000 (\$4,067,000)  
FOREIGN COMMON STOCK (FILE 333-7462 - AUG. 20) (BR. 3)

F-8 NEW CACHE PETROLEUMS LTD, SUN LIFE PLAZA II #400 4TH AVE S W, CALGARY,  
ALBERTA CANADA T2P 3N3, A0 (403) 263-3447 - 70,000 (\$31,220)  
FOREIGN COMMON STOCK (FILE 333-7464 - AUG 20) (BR 4 - NEW ISSUE)









NAME OF ISSUER	STATE	8K ITEM NO									DATE	COMMENT	
	CODE	1	2	3	4	5	6	7	8	9			
AMERICAN METALS SERVICE INC	FL				X							08/22/97	
AMERICAN SOUTHWEST FINANCIAL SECURI TIES CORP	AZ	X										08/25/97	
AMERICAN TELECASTING INC/DE/	DE				X	X						08/12/97	
AMERICAN TIRE CORP	NV				X							08/19/97	
AMNEX INC	NY				X							07/30/97	
APPLIED RESEARCH CORP	CO	X										08/25/97	
ARMCO INC	OH				X	X						08/22/97	
ARTISOFT INC	DE				X							08/27/97	
ASR INVESTMENTS CORP	MD				X	X						08/25/97	
BANC ONE AUTO GRANTOR TRUST 1996-A	NY				X	X						08/15/97	
BANC ONE AUTO GRANTOR TRUST 1996-A	NY				X	X						08/20/97	
BANC ONE CREDIT CARD MASTER TRUST	NY				X	X						08/15/97	
BANC ONE HOME EQUITY LOAN TRUST 199 6-A	DE	X										08/31/97	
BARTON BEERS LTD	CT				X							08/28/97	
BARTON BRANDS LTD /DE/	MD				X							08/28/97	
BARTON BRANDS OF CALIFORNIA INC	GA				X							08/28/97	
BARTON BRANDS OF GEORGIA INC	NY				X							08/28/97	
BARTON DISTILLERS IMPORT CORP	DE				X							08/28/97	
BARTON FINANCIAL CORP	WI				X							08/28/97	
BARTON INC	DE				X							08/28/97	
BATAVIA WINE CELLARS INC	NY				X							08/28/97	
BAY VIEW CAPITAL CORP	DE				X	X						08/28/97	
BEAR STEARNS ASSET BACKED SECURITIE S INC	DE				X	X						08/25/97	
BENEFICIAL MORTGAGE SERVICES INC	DE	X										07/28/97	
BERGEN BRUNSWIG CORP	NJ				X	X						08/23/97	
BIGMAR INC	DE				X	X						08/22/97	
BOATMENS AUTO TRUST 1995-A	DE				X	X						08/15/97	
BOATMENS AUTO TRUST 1996-A	DE				X	X						08/15/97	
BOATMENS AUTO TRUST 1996-A	DE				X	X						08/15/97	
BONITO INDUSTRIES INC			X			X						07/23/97	
BOSTON CHICKEN INC	DE				X							08/27/97	
BRADLEES INC	MA				X							08/22/97	
CALENERGY CO INC	DE	X										08/28/97	
CANANDAIGUA WEST INC	NY				X							08/28/97	
CANANDAIGUA WINE CO INC	DE				X							08/28/97	
CANTERBURY PARK HOLDING CORP	MN	X										08/18/97	
CAPITA EQUIPMENT RECEIVABLES TRUST 1996-1						X						08/08/97	
CAPITAL TRUST	CA	X				X						08/13/97	
CAPSTAR BROADCASTING PARTNERS INC	DE					X						05/01/97	AMEND
CAPSTAR RADIO BROADCASTING PARTNERS INC	DE					X						05/01/97	AMEND
CARDINAL HEALTH INC	OH					X						08/01/97	AMEND
CARLYLE INCOME PLUS LTD	IL	X				X						04/21/97	
CAROLINA POWER & LIGHT CO	NC					X						08/26/97	
CARRAMERICA REALTY CORP	MD					X						08/28/97	
CARRAMERICA REALTY L P	DE					X						08/28/97	
CATERPILLAR FINANCIAL FUNDING CORP	NV					X						08/25/97	
CATERPILLAR INC	DE				X							08/19/97	
CE CASECNAN WATER & ENERGY CO INC		X										08/28/97	
CENTURY PROPERTIES FUND XIV	CA	X				X						08/13/97	
CERIDIAN CORP	DE	X										08/26/97	
CHENIERE ENERGY INC	DE							X				08/19/97	
CIBER INC	DE				X	X						08/29/97	
CINCINNATI MICROWAVE INC	OH					X						08/22/97	
CLASSNOTES TRUST 1997-1	NJ				X	X						08/04/97	
COLLINS INDUSTRIES INC	MO	X										08/26/97	

NAME OF ISSUER	STATE CODE	8K ITEM NO.									DATE	COMMENT
		1	2	3	4	5	6	7	8	9		
COMPLETE MANAGEMENT INC	NY								X		06/17/97	AMEND
CONTROLLED ENVIRONMENTAL AQUACULTUR E TECHNOLOGY INC					X						07/31/97	
COOPER COMPANIES INC	DE				X	X					08/27/97	
COUNTRYWIDE HOME EQUITY LOAN TRUST 1996 A					X	X					08/31/97	
COUNTRYWIDE HOME EQUITY LOAN TRUST 1997-A	NY				X	X					08/31/97	
COUNTRYWIDE HOME EQUITY LOAN TRUST 1997-B	CA				X	X					08/31/97	
CROWN NORTHCORP INC	DE				X	X					08/25/97	
CTA INCORPORATED	CO		X			X					08/15/97	
CWABS INC	DE				X	X					08/26/97	
CWABS INC	DE				X	X					08/28/97	
CWBS INC	DE				X	X					08/26/97	
DCX INC	CO		X			X					08/13/97	
DELCHAMPS INC	AL					X					08/28/97	AMEND
DELTA WOODSIDE INDUSTRIES INC /SC/	SC				X						08/25/97	
DRUG SCREENING SYSTEMS INC	PA				X						08/19/97	
DRUG SCREENING SYSTEMS INC	PA				X						08/19/97	
EL CHICO RESTAURANTS INC	TX		X								08/29/97	
EL PASO NATURAL GAS CO	DE				X	X					08/29/97	
ELCOR CORP	DE				X	X					08/27/97	
ELECTRIC & GAS TECHNOLOGY INC	TX		X								08/27/97	
EQUICON MORTGAGE LOAN TRUST 1994-1	NY					X					08/18/97	
EQUICON MORTGAGE LOAN TRUST 1994-2	NY					X					08/18/97	
EQUICON MORTGAGE LOAN TRUST 1995-1	NY					X					08/18/97	
ESQUIRE COMMUNICATIONS LTD	DE					X					06/13/97	AMEND
FIRST NATIONAL BANK OF COMMERCE	LA				X	X					08/07/97	
FIRST OF AMERICA BANK-MICHIGAN NA			X								07/31/97	
FIRST USA CREDIT CARD MASTER TRUST	DE				X	X					08/07/97	
FLEXTRONICS INTERNATIONAL LTD						X					02/02/96	AMEND
FLORIDA PANTHERS HOLDINGS INC	FL		X			X					08/15/97	
FMC CORP	DE				X						08/26/97	
FMC CORP	DE				X						08/28/97	
FRUEHAUF TRAILER CORP	DE				X						07/31/97	
FULTON FINANCIAL CORP	PA				X	X					08/28/97	
G&L REALTY CORP	MD		X			X					08/15/97	
GATX CAPITAL CORP	DE					X					08/27/97	
GATX CORP	NY		X								08/26/97	
GENERAL GROWTH PROPERTIES INC	DE					X					06/19/97	AMEND
GORAN CAPITAL INC			X			X					06/30/97	
GREENWICH AIR SERVICES INC	DE				X	X					08/18/97	
GROW BIZ INTERNATIONAL INC	MN		X			X					08/15/97	
GS MORTGAGE SECURITIES II SERIES 19 97-GL I	DE				X	X					08/27/96	
GULF ISLAND FABRICATION INC	LA			X		X					08/25/97	
HALTER MARINE GROUP INC	DE				X						08/26/97	
HOMESTAKE MINING CO /DE/	DE				X	X					08/26/97	
HOUSECALL MEDICAL RESOURCES INC	DE		X			X					05/13/97	AMEND
HOUSEHOLD CONSUMER LOAN TRUST 1996- 1	DE		X								08/14/97	
HOUSEHOLD CONSUMER LOAN TRUST 1996- 2	DE		X								08/14/97	
HOUSEHOLD CONSUMER LOAN TRUST 1997- 1	DE		X								08/14/97	
HOUSEHOLD CREDIT CARD MASTER TRUST I	DE		X								08/15/97	





## SECURITIES AND EXCHANGE COMMISSION

Litigation Release 15466 / August 28, 1997

SEC v. Cihaco International, Inc., Hartmut Haussecker, Bartley Carson Healy and Tanya Llanes-Tarver, Civil Action No. 2:97CV-0669G (USDC UT).

The Commission announced that on August 27, 1997, it filed a complaint seeking preliminary and permanent injunctions against Cihaco International, Inc., a defunct California corporation, Hartmut Haussecker, currently a resident of Germany, Bartley Carson Healy of Corona Del Mar, California, and Tanya Llanes-Tarver of Los Angeles, California, alleging the defendants had violated Sections 5(a), 5(c) and 17(a) of the Securities Act and Section 10(b) of the Exchange Act and Rule 10b-5 thereunder. The complaint also sought an immediate asset freeze against Haussecker, Cihaco and two entities controlled by Haussecker, Bancroft Properties, Ltd. and Windsor-Brentwood International Trust Company.

The complaint alleged that from January 1993 through January 1997 Cihaco, Haussecker, Healy and Llanes-Tarver raised at least \$18 million through the fraudulent sale of unregistered securities from over 500 investors in a number of states including Utah, Idaho, Oregon, Missouri and California. The securities involved were interests in investment pools to be managed by Haussecker, who was to invest in stocks, currencies and other financial instruments with projected returns of from 17% to 60% per month. It is alleged that instead of investing the funds, the vast majority of such funds were spent by Haussecker to support his lavish lifestyle, including at least nine expensive sports cars, a boat, and large homes in Missouri and California. It is also alleged that Haussecker used investor funds to purchase items such as automobiles and jewelry for certain individuals who have been named as relief defendants in the complaint.

On August 27, 1997, the Honorable J. Thomas Greene, United States District Judge for the District of Utah, issued an order freezing the assets of Haussecker, Cihaco, Bancroft and Windsor-Brentwood. Judge Greene also scheduled a court date of October 6, 1997, for a hearing on the Commission's motion for preliminary injunction.