Edgar Filing: Berndt Bryan - Form 4

| Berndt Bryan | L | | | | | | | | | | |
|---|--|--|------------------------|---------------------------------|--|---|--------------------------|---|--|--|--|
| Form 4 | | | | | | | | | | | |
| November 14 | , 2008 | | | | | | | | | | |
| FORM | 4 UNITE | ED STATES | | PROVAL 3235-0287 | | | | | | | |
| Check thi if no long subject to Section 10 Form 4 or Form 5 obligation may conti <i>See</i> Instru 1(b). | er STAT 5. 5. Filed p ¹⁵ nue. Section 1 | STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section | | | | | | | | January 31 2005 average rs per 0.5 | |
| (Print or Type R | esponses) | | | | | | | | | | |
| 1. Name and A Berndt Brya | Symbol | | d Ticker or INC [BN | | g | 5. Relationship of Reporting Person(s) to Issuer (Check all applicable) | | | | | |
| (1 | | | | ÈEarliest T Pay/Year) 008 | Fransaction | | | Director 10% Owner X Officer (give title Other (specify below) below) Treasurer,VP Tax and Finance | | | |
| | | | | ndment, D nth/Day/Yea | Date Origina ar) | l | | 6. Individual or Joint/Group Filing(Check Applicable Line) _X_ Form filed by One Reporting Person | | | |
| NEW YORK | K, NY 10041 | | | | | | | Form filed by M Person | | | |
| (City) | (State) | (Zip) | Tabl | e I - Non- | Derivative | Securi | ties Acq | uired, Disposed of | f, or Beneficial | ly Owned | |
| 1.Title of Security (Instr. 3) | | . Transaction Date 2A. Deemed Month/Day/Year) Execution Date, is any (Month/Day/Year | | | 4. Securi ion(A) or D (Instr. 3, | ties Ac sposed 4 and 5 (A) or | quired l of (D) 5) | 5. Amount of Securities Beneficially Owned | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | | |
| Common Stock | 11/13/2008 | | | Code V P/K | / Amount 10,000 | | Price \$ 3.67 | 16,719 | D | | |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

 Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned
 (e.g., puts, calls, warrants, options, convertible securities)

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| 1. Title of Derivative Security (Instr. 3) | 2. 3. Transaction Date Conversion (Month/Day/Year) or Exercise Price of Derivative Security | | | Date, if | 4. Transac Code (Instr. 8 | 5. tionNumber of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | | ate | Amou Unde Secur | le and unt of rlying ities . 3 and 4) | 8. Price of Derivative Security (Instr. 5) | 9. Nu Deriv Secu Bene Own Follo Repo Trans (Instr |
|---|--|---|--|----------|------------------------------------|---|---------------------|--------------------|-----------------------|---|---|---|
| | | | | | Code | V (A) (D) | Date Exercisable | Expiration Date | Title | Amount or Number of Shares | | |
| Reporting Owners | | | | | | | | | | | | |
| Repor | ting Owner N | Relationships Director 10% Owner Officer | | | | | | Other | r | | | |
| 55 WATE | & CO., INC | , 11TH FLOOR | | | | Treasurer, VP Tax and Finance | | | | | | |

Signatures

Bryan Berndt by Scott L. Spitzer under Power of 11/14/2008 Attorney **Signature of Reporting Person

Explanation of Responses:

If the form is filed by more than one reporting person, *see* Instruction 4(b)(v). *

** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, see Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.

Date