

IN THE UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF THE ADMINISTRATIVE LAW JUDGES



)
In the Matter of)
DANIEL CHAPTER ONE,)
a corporation, and)
)
)
)
)
)
)
)
)
)

JAMES FEIJO,
Individually, and as an officer of
Daniel Chapter One.

DOCKET NO. 9329

PUBLIC DOCUMENT

Hearing: April 21, 2009
10:00 a.m.

**RESPONDENTS' OPPOSITION TO COMPLAINT COUNSEL'S MOTION AND
MEMORANDUM TO MODIFY COMPLAINT COUNSEL'S FINAL EXHIBIT
LIST AND TO INTRODUCE NEW EVIDENCE TO THE COURT ON
RESPONDENTS' FOR-PROFIT LEGAL STATUS**

Respondents respectfully ask this court to deny Complaint Counsel's Motion and Memorandum to Modify Complaint Counsel's Final Exhibit List and to Introduce New Evidence to the Court on Respondents' For-Profit Legal Status. Complaint Counsel seeks to introduce new evidence from the Corporations Division of the State of Rhode Island Office of the Secretary of State (hereinafter, "Rhode Island Corporations Division") alleged by Complaint Counsel to concern DCO's **prior** for-profit legal status, at the Court's April 21, 2009 hearing on jurisdiction in this matter and at trial. Respondents oppose Complaint Counsel's motion because the material offered is both irrelevant and misleading.

This evidence is not relevant to Respondents' current financial status because as

Complaint Counsel points out the subject information concerns at best a “prior” organizational structure of Daniel Chapter One which Complaint Counsel alleges to relate to DCO’s corporate status. Respondents restate, as said in their Pre-Hearing Memorandum on Jurisdiction, that "Daniel Chapter One is a non profit religious organization" and that it operated as an "unincorporated religious association" beginning in 1983.

The documents sought to be introduced by Complaint Counsel are a partial record of Daniel Chapter One’s status in the state of Rhode Island. The entire records, which are available online, demonstrate that the corporate status applied for in 1991 received revocation notices on 11/14/1994, 6/12/1997, and 5/26/98, a revocation certificate on 11/01/1998 and filed one annual report in 1997. Virtually the same record exists for World Sports Nutrition. See Exhibits 1 and 2.

In fact, DCO operated as an unincorporated religious association which an advisor tried to register —unsuccessfully— as a corporation in Rhode Island, during a period when James Feijo was critically ill with Multiple Sclerosis and trying to manage DCO activities in China. See Exhibit 3, Declaration of James Feijo. DCO had none of the indicia of a corporation, such as a board of directors, and never operated as an officially recognized entity other than, subsequent to October 30, 2002, as a Corporation Sole.

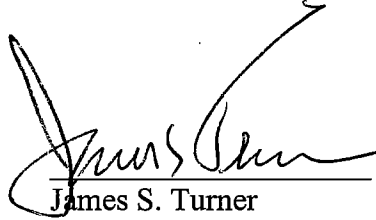
For the above stated reasons Respondents respectfully ask the court to deny Complaint Counsel’s motion.

Dated: April 15, 2009

Respectfully Submitted,



Michael McCormack
26828 Maple Valley Hwy, Suite 242
Maple Valley, WA 98038
Phone: 425-785-9446



James S. Turner
Swankin & Turner
1400 16th Street NW, Suite 101
Washington, DC 20036
Phone: 202-462-8800
Fax: 202-265-6564

Of Counsel:

Herbert W. Titus
William J. Olson
John S. Miles
Jeremiah L. Morgan
William J. Olson, P.C.
8180 Greensboro Drive, Suite 1070
McLean, VA 22102-3860
Phone: 703-356-5070
Fax: 703-356-5085
Email: wjo@mindspring.com

Exhibit

1



**State of Rhode Island and Providence Plantations
Office of the Secretary of State**

Corporations Division
148 W. River Street
Providence, Rhode Island 02904-2615
Telephone: (401) 222-3040

DANIEL CHAPTER ONE, INC. Summary Screen

 Help with this form

[Request a Certificate](#)

The exact name of the Domestic Profit Corporation: DANIEL CHAPTER ONE, INC.

Entity Type: Domestic Profit Corporation

Identification Number: 000062118

Date of Incorporation in Rhode Island: 10/10/1990

Date of Revocation Certificate: 11/10/1998

The location of its principal office:
No. and Street: 2749 EAST MAIN ROAD
City or Town: PORTSMOUTH State: RI Zip: 02871 Country: USA

The mailing address or specified office:
No. and Street:
City or Town: State: Zip: Country:

Agent Resigned: N Address Maintained: Y

Name and address of the Registered Agent:
No. and Street: 171 CHASE ROAD
P.O. BOX 8
City or Town: PORTSMOUTH State: RI Zip: 02871
Name: ERIC P. CHAPPELL

The officers and all of the directors of the corporation:

Title	Individual Name First, Middle, Last, Suffix	Address Address, City or Town, State, Zip Code, Country
PRESIDENT	JAMES J FEIJO	2749 EAST MAIN RD PORTSMOUTH, RI 02871 USA

The total number of shares and par value, if any, of each class of stock which the business entity is authorized to issue:

Class of Stock	Series of Stock	Par Value Per Share	Total Authorized Shares <i>Num of Shares</i>	Total Issued and Outstanding <i>Num of Shares</i>
CNP		\$0.00	1,200.00	0.00

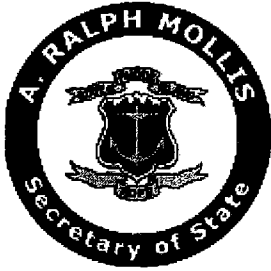
Purpose

TITLE 7-1.1-51

Select a type of filing from below to view this business entity filings:

- ALL FILINGS
- Annual Report
- Annual Report - Amended
- Application for Reservation of Entity Name
- Articles of Amendment

[Click Here](#) to access 2006 and 2007 annual reports filed and imaged prior to July 25, 2007. Identification Number is Required



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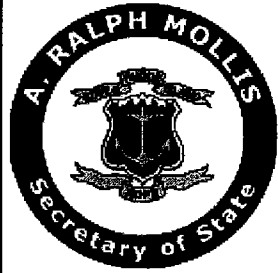
Help with this form

Public Browse and Search - Filing Results

Entity Name: DANIEL CHAPTER ONE, INC.

Request a Certified Copy Select All <input type="checkbox"/>	Type of Filing	Year Filed	Filed Date	FilingNum	File(s)
<input checked="" type="checkbox"/>	<u>Revocation Certificate</u>		11/10/1998		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Revocation Notice</u>		5/26/1998		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Annual Report</u>	1997	6/23/1997		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Revocation Notice</u>		6/12/1997		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Revocation Notice</u>		11/14/1994		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Statement of Change of Registered/Resident Agent</u>		9/28/1992		Index Number = (0 pages)

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Detail Record - Display Page

Type of Filing: Statement of Change of Registered/Resident Agent

CID: NM6RR5

Fiche Index:

Submit Date: 9/28/1992

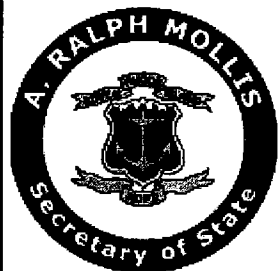
Effective Date: 9/28/1992

Approval Date:

Clerk Name: ebaute

Comments:

Payment Information not available.



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Detail Record - Display Page

Type of Filing: Revocation Notice

CID: NM6RR5

Fiche Index:

Submit Date: 11/14/1994

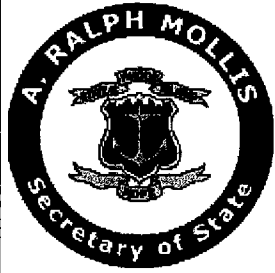
Effective Date: 11/14/1994

Approval Date:

Clerk Name: ebaute

Comments:

Payment Information not available.



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Detail Record - Display Page

Type of Filing: Revocation Notice

CID: NM6RR5

Fiche Index:

Submit Date: 6/12/1997

Effective Date: 6/12/1997

Approval Date:

Clerk Name: ebaute

Comments:

Payment Information not available.



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Detail Record - Display Page

Type of Filing: Annual Report

CID: NM6RR5

Year Filed: 1997

Fiche Index:

Submit Date: 6/23/1997

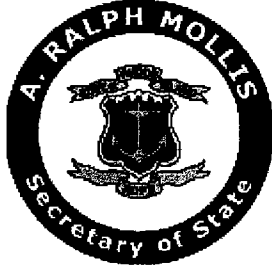
Effective Date: 6/23/1997

Approval Date:

Clerk Name:

Comments:

Payment Information not available.



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Detail Record - Display Page

Type of Filing: Revocation Notice

CID: NM6RR5

Fiche Index:

Submit Date: 5/26/1998

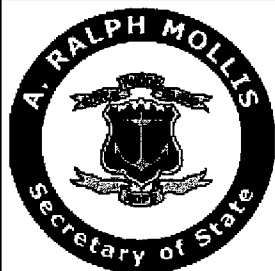
Effective Date: 5/26/1998

Approval Date:

Clerk Name: ebaute

Comments:

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Detail Record - Display Page

Type of Filing: Revocation Certificate

CID: NM6RR5

Fiche Index:

Submit Date: 11/10/1998

Effective Date: 11/10/1998

Approval Date:

Clerk Name: ebaute

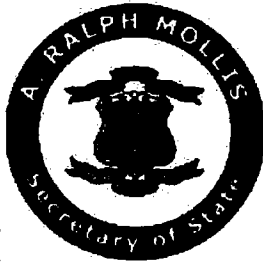
Comments:

Payment Information not available.

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Exhibit

2



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World Sports Nutrition, Inc. Summary Screen

Help with this form

Request a Certificate

The exact name of the Domestic Profit Corporation: World Sports Nutrition, Inc.

Entity Type: Domestic Profit Corporation

Identification Number: 000065655

Date of Incorporation in Rhode Island: 08/28/1991

Effective Date: Aug 28 1991

Date of Revocation Certificate: 11/10/1998

The location of its principal office:

No. and Street: 2749 EAST MAIN ROAD

City or Town: PORTSMOUTH

State: RI

Zip: 02871

Country: USA

The mailing address or specified office:

No. and Street:

City or Town:

State:

Zip:

Country:

Agent Resigned: N

Address Maintained: Y

Name and address of the Registered Agent:

No. and Street: 171 CHASE ROAD

P.O. BOX 8

City or Town: PORTSMOUTH

State: RI

Zip: 02871

Name: ERIC P. CHAPPELL, ESQ.

The officers and all of the directors of the corporation:

Title	Individual Name First, Middle, Last, Suffix	Address Address, City or Town, State, Zip Code, Country
PRESIDENT	JAMES FEJO	2749 EAST MAIN ROAD PORTSMOUTH, RI 02871 USA

The total number of shares and par value, if any, of each class of stock which the business entity is authorized to issue:

Class of Stock	Series of Stock	Par Value Per Share	Total Authorized Shares <i>Num of Shares</i>	Total Issued and Outstanding <i>Num of Shares</i>
STK		\$0.00	1,200.00	0.00

Purpose

7-1.1-51

Select a type of filing from below to view this business entity filings:

- ALL FILINGS
- Annual Report
- Annual Report - Amended
- Application for Reservation of Entity Name
- Articles of Amendment

[Click Here](#) to access 2006 and 2007 annual reports filed and imaged prior to July 25, 2007. Identification Number is Required



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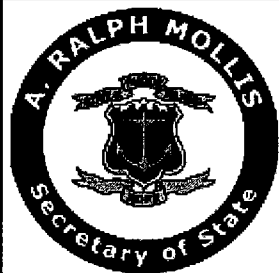
Public Browse and Search - Filing Results

Help with this form

Entity Name: World Sports Nutrition, Inc.

Request a Certified Copy Select All <input type="checkbox"/>	Type of Filing	Year Filed	Filed Date	FilingNum	File(s)
<input checked="" type="checkbox"/>	<u>Revocation Certificate</u>		11/10/1998		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Revocation Notice</u>		5/26/1998		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Annual Report</u>	1997	7/18/1997		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Revocation Notice</u>		6/12/1997		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Reinstatement</u>		10/6/1994		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Revocation Certificate</u>		6/30/1993		Index Number = (0 pages)
<input checked="" type="checkbox"/>	<u>Revocation Notice</u>		11/2/1992		Index Number = (0 pages)

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Detail Record - Display Page

Type of Filing: Revocation Notice

CID: 9S7ZP0

Fiche Index:

Submit Date: 11/2/1992

Effective Date: 11/2/1992

Approval Date:

Clerk Name: ebaute

Comments:

Payment Information not available.



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Detail Record - Display Page

Type of Filing: Revocation Certificate

CID: 9S7ZP0

Fiche Index:

Submit Date: 6/30/1993

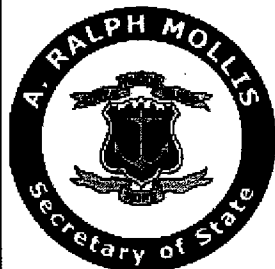
Effective Date: 6/30/1993

Approval Date:

Clerk Name: ebaute

Comments:

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Detail Record - Display Page

Type of Filing: Reinstatement

CID: 9S7ZP0

Fiche Index:

Submit Date: 10/6/1994

Effective Date: 10/6/1994

Approval Date:

Clerk Name: ebaute

Comments:

Payment Information not available.



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Detail Record - Display Page

Type of Filing: Revocation Notice

CID: 9S7ZP0

Fiche Index:

Submit Date: 6/12/1997

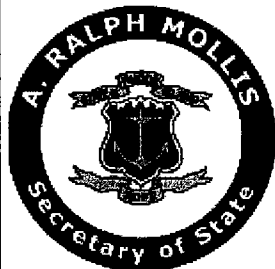
Effective Date: 6/12/1997

Approval Date:

Clerk Name: ebaute

Comments:

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148 W. River Street
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Telephone: (401) 222-3040

Detail Record - Display Page

Type of Filing: Annual Report

CID: 9S7ZP0

Year Filed: 1997

Fiche Index:

Submit Date: 7/18/1997

Effective Date: 7/18/1997

Approval Date:

Clerk Name:

Comments:

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Telephone: (401) 222-3040

Detail Record - Display Page

Type of Filing: Revocation Notice

CID: 9S7ZP0

Fiche Index:

Submit Date: 5/26/1998

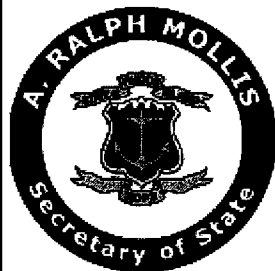
Effective Date: 5/26/1998

Approval Date:

Clerk Name: ebaute

Comments:

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Telephone: (401) 222-3040

Detail Record - Display Page

Type of Filing: Revocation Certificate

CID: 9S7ZP0

Fiche Index:

Submit Date: 11/10/1998

Effective Date: 11/10/1998

Approval Date:

Clerk Name: ebaute

Comments:

Payment Information not available.

Exhibit

3

DECLARATION OF JAMES FEIJO

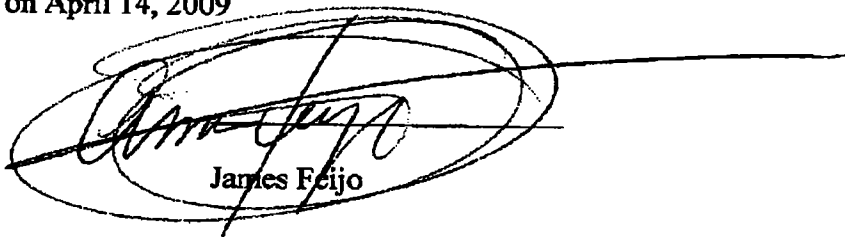
I, James Feijo, make the following declaration:

1. In 1991 I was at the height of my battle with Multiple Sclerosis symptoms and we were involved intensely in our activities in China requiring that Daniel Chapter One facilities in Rhode Island be managed by other volunteers. In addition, for a number of years afterwards, I was periodically incapacitated for periods of time. During this time I had someone helping me with management matters and that individual told me that incorporating the ministry with the State of Rhode Island was the proper thing to do. I believe that papers had already been filed but I do not remember. I was led to believe that to incorporate was the lawful and only way to run the Ministry of Daniel Chapter One. I never knew that there were other options. Still, as I learned what incorporation entailed including that it meant that the work of the Lord was going to funding ungodly support of government programs I determined that it was not appropriate for Daniel Chapter One to be a corporation. In fact, I do not know if it was ever recognized by Rhode Island. To the best of my knowledge we did not have a board of directors or officers – everything belonged to Jesus, we did not keep corporate records. We stopped pursuing this filing and intended to allow it to expire and continue to operate as a Free Church. It appears from the State of Rhode Island records that a report was filed in 1997—the only report filed by Daniel Chapter One. I do not know who filed this report but to the best of my recollection I do not believe I authorized it. At no time did I seek for Daniel Chapter One to operate as a corporation or intend to be incorporated in Rhode Island.

2. We have periodically followed the advice of people who we believe have expertise on worldly matters, and in a number of cases we later learned that their advice was not appropriate for our ministry. Eventually I learned about the Corporate Sole form and recognized that it was the proper form for the Daniel Chapter One ministry because it reflected our mission and method of operations. That we seek to own nothing and that everything belongs to God Almighty.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 14, 2009



James Feijo

1
2
3 **IN THE UNITED STATES OF AMERICA**
4 **BEFORE THE FEDERAL TRADE COMMISSION**
5 **OFFICE OF ADMINISTRATIVE LAW JUDGES**

6 **In the Matter of**) **Docket No.: 9329**
7 **DANIEL CHAPTER ONE,**)
8 **a corporation, and**)
9 **JAMES FEIJO,**) **PUBLIC DOCUMENT**
10 **individually, and as an officer of**)
11 **Daniel Chapter One**)
12)
13)
14)
15)

16 **[PROPOSED] ORDER DENYING COMPLAINT COUNSEL’S MOTION TO MODIFY**
17 **COMPLAINT COUNSEL’S FINAL EXHIBIT LIST AND TO INTRODUCE NEW**
18 **EVIDENCE TO THE COURT ON RESPONDENTS’ FOR-PROFIT LEGAL STATUS**

19 On April 13, 2009, Complaint Counsel filed a motion to modify Complaint Counsel’s
20 final exhibit list and to introduce newly obtained evidence on the issue of Respondents’ for-profit
21 status. Respondents’ filed their opposition to the motion on April 15, 2009. The Court being
22 fully advised,

23 **IT IS ORDERED** that the motion be DENIED.

24 **SO ORDERED:**

25 this ___ day of April, 2009.

26 _____
27 D. Michael Chappell
28 Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that on April 15, 2009, I filed, served or caused to be served or filed, the following documents on the individuals listed below by electronic mail, followed by Federal Express delivery as indicated:

- Respondents' Opposition to Complaint Counsel's Motion and Memorandum to Modify Complaint Counsel's Final Exhibit List and to Introduce New Evidence to the Court on Respondents' For-profit Legal Status
- [Proposed] Order Denying Complaint Counsel's Motion to Modify Complaint Counsel's Final Exhibit List and to Introduce New Evidence to the Court On Respondents' For-profit Legal Status

The original and one paper copy via Federal Express and one electronic copy via email to:

Donald S. Clark
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW, Room H-135
Washington, DC 20580
Email: secretary@ftc.gov

Four paper copies via Federal Express and one electronic copy to each to:

Leonard L. Gordon, Esq. (lgordon@ftc.gov)
Theodore Zang, Jr., Esq. (tzang@ftc.gov)
Carole A. Paynter, Esq. (cpaynter@ftc.gov)
David W. Dulabon, Esq. (ddulabon@ftc.gov)
Federal Trade Commission – Northeast Region
One Bowling Green, Suite 318
New York, NY 10004

One electronic copy to:

Elizabeth Nach, Esq. (enach@ftc.gov)

Two paper copies via Federal Express and one electronic copy to:

Hon. D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Avenue, NW, Room H-106
Washington, DC 20580
Email: oalj@ftc.gov



Martin R. Yerrick
Swankin & Turner
1400 16th Street, NW, Suite 101
Washington, DC 20036