

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Jon Leibowitz, Chairman**
 Pamela Jones Harbour
 William E. Kovacic
 J. Thomas Rosch

)		
In the Matter of)		
)		
DANIEL CHAPTER ONE,)		
a corporation, and)		
)		DOCKET NO. 9329
JAMES FEIJO,)		
individually, and as an officer of)		
Daniel Chapter One)		
)		
)		

**ORDER RULING ON RESPONDENTS’ PETITION
FOR RECONSIDERATION OF FINAL ORDER**

The Commission issued its Opinion and Final Order in this matter on December 18, 2009. Service of the Opinion and Final Order was completed on December 31, 2009, and the Final Order therefore would have become final and effective on March 4, 2010. 16 C.F.R. § 3.56(a); *accord* 15 U.S.C. § 45(g). On January 19, 2010, Daniel Chapter One and James Feijo (Respondents) filed a Petition for Reconsideration of Final Order (Petition). Respondents request the Commission to reconsider the Final Order on the ground that certain deadlines therein run from the date of service of the Final Order, and therefore could be interpreted to impose obligations on Respondents before the Final Order becomes final and effective in accordance with Section 5(g) of the FTC Act, 15 U.S.C § 45(g), and Commission Rule 3.56(a), 16 C.F.R. § 3.56(a). Respondents do not request reconsideration of the Opinion of the Commission. On January 25, 2010, Complaint Counsel filed an Opposition to Respondents’ Petition.

The Commission has determined to deny the Petition because it does not comply with Commission Rule 3.55, 16 C.F.R. § 3.55; that is, it fails to raise any new questions “upon which the petitioner had no opportunity to argue before the Commission.” The Order which the Chief Administrative Law Judge issued on August 5, 2009, as part of his Initial Decision, contains deadlines which similarly run from the date of service of the Order. Moreover, Paragraphs IV, VI, and IX of the Notice Order contained in the Administrative Complaint issued in this matter on September 16, 2008 contain deadlines which similarly run from the date of service of the Order. While the Respondents thus have had a number of opportunities to raise the deadline

issue in their briefs and argument before the Commission, they failed to do so. Furthermore, as Complaint Counsel point out, to the extent that Respondents were uncertain as to the date on which each of the initial time periods specified in the Final Order would begin, the email message sent to all counsel of record by the Secretary advised that – consistent with the Commission Rules and Section 45(g) of the FTC Act – all such time periods would begin on the first business day after March 4, 2010; that is, on March 5, 2010.

For these reasons, the Commission has determined to deny the Petition. The Commission has nevertheless determined to modify the Final Order in certain nonsubstantive respects to clarify that the time periods within which the Respondents will be required to take certain actions required by the Modified Final Order will begin no sooner than the date on which the Modified Final Order becomes final and effective; that is, on the sixtieth day after service of the Modified Final Order. Accordingly,

IT IS ORDERED THAT the Final Order issued by the Commission on December 18, 2009 be, and it hereby is, modified to read as shown in the attached Modified Final Order;

IT IS FURTHER ORDERED THAT the initial time periods prescribed by Commission Rules 3.55 and 3.56(d), 16 C.F.R. §§ 3.55, 3.56(d), will begin on the first business day after service of the Modified Final Order; and

IT IS FURTHER ORDERED that the Modified Final Order – as supported and explained by the Opinion of the Commission issued on December 18, 2009 – will become final and effective on the sixtieth day after the Modified Final Order is served, pursuant to Section 5(g) of the FTC Act, 15 U.S.C § 45(g), and Commission Rule 3.56(a), 16 C.F.R. § 3.56(a).

By the Commission.

Donald S. Clark
Secretary

SEAL
ISSUED: January 25, 2010