

in any respect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents, for purposes of notification only, notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resultant in the emergence of a successor corporation, the creation or dissolution which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth, in detail, the manner and form in which they have complied with the order to cease and desist contained therein.

IN THE MATTER OF

OHIO CHRISTIAN COLLEGE (OF CALVARY GRACE
CHRISTIAN CHURCHES OF FAITH, INC.), ET AL.

ORDER, OPINION, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 8820. Complaint, July 29, 1970—Decision, May 19, 1972

Order requiring a Columbus, Ohio, correspondence school to cease using the word "college" or any similar misrepresentation, conferring any academic degrees, misrepresenting respondent as having resident classes and accredited curricula, implying that the State of Ohio or any other governmental body recognized respondents' programs, misrepresenting respondents' offer a unique method of instruction, using the name "National Educational Accrediting Association," and misrepresenting that any of respondents' businesses is a bona fide organization of guidance counselors.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that OHIO CHRISTIAN COLLEGE (Of Calvary Grace Christian Churches of Faith, Inc.), a corporation, ALPHA PSI OMEGA SOCIETY, a corporation, Alvin O. Langdon, Leeta O. Langdon, Gene Thompson and Jerry Weiner, individually and as officers of said corporations, and Alvin O. Langdon, an individual trading as National Educational

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Accrediting Association, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PAR. 1. Respondents OHIO CHRISTIAN COLLEGE (of Calvary Grace Christian Churches of Faith, Inc.) and ALPHA PSI OMEGA SOCIETY are corporations organized, existing and doing business under and by virtue of the laws of the State of Ohio, with their principal office and place of business located at 1161 South Yearling Road, Columbus, Ohio.

Individual respondent Alvin O. Langdon, Leeta O. Langdon, Gene Thompson and Jerry Weiner are officers of said corporations. They formulate, direct and control the acts and practices of the corporate respondents, including the acts and practices hereinafter set forth. The address of Alvin O. Langdon and Gene Thompson is the same as the principal place of business of the corporate respondents and the address of Leeta O. Langdon is 1156 Striebel Road, Columbus, Ohio. The address of Jerry Weiner is 88E. Broad Street, Columbus, Ohio.

Respondent Alvin O. Langdon, trading as National Educational Accrediting Association, has his principal place of business at 1161 South Yearling Road, Columbus, Ohio.

The respondents herein cooperate and act together in carrying out the acts and practices hereinafter set forth.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the advertising, offering for sale, sale and distribution, or assisting and aiding in the sale, of textbooks and correspondence courses in a variety of subjects, diplomas, degrees, transcripts, certificates of membership and certificates of accreditation, to the purchasing public.

PAR. 3. In the course and conduct of their business as aforesaid, respondents now cause, and for some time last past have caused, said textbooks, correspondence courses, diplomas, transcripts, certificates of membership and certificates of accreditation, when sold, to be transported from respondents' places of business in the State of Ohio to purchasers thereof located in various other States of the United States and respondents maintain, and at all times mentioned herein have maintained, a substantial course of trade in said products and services, in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their business as aforesaid, and for the purpose of inducing the sale of their products and serv-

ices, respondents have made many statements and representations regarding their products and services in advertisements, circulars, brochures, pamphlets and other advertising and promotional material. By and through the use of such statements and representations and by and through the use of the words "college," "association" and "society" as a part of their corporate or trade names, respondents have represented, directly or by implication, that:

1. Respondent Ohio Christian College (Of Calvary Grace Christian Churches of Faith, Inc.) is a non-profit residence school which offers residence instruction by a staff of faculty members who are trained and competent to teach the courses of a properly accredited and recognized college and it offers a curriculum which is accredited by a recognized accrediting agency.

2. Respondent Ohio Christian College (Of Calvary Grace Christian Churches of Faith, Inc.) and the diplomas and degrees offered with its courses are recognized by various institutions, agencies, organizations and persons, and that the person to whom respondent awards a diploma or degree will be recognized as having completed and shown proficiency in a curriculum which has been approved by a recognized accrediting agency as necessary to earn the diploma or degree awarded and that the person to whom the diploma or degree is awarded is entitled to and will receive the honors, privileges and rights of persons who have been awarded diplomas or degrees with the same names from schools accredited by recognized accrediting agencies.

3. The correspondence courses offered by respondent Ohio Christian College (Of Calvary Grace Christian Churches of Faith, Inc.) contain all the subject matter, material, study and hours of residence courses offered by a school properly accredited by a recognized accrediting agency to obtain a college or theological degree.

4. The State of Ohio has approved or sanctioned the respondents' courses of instruction and issuance of diplomas.

5. Respondent Ohio Christian College (Of Calvary Grace Christian Churches of Faith, Inc.) is using and offers a unique method of instruction and study that is widely approved and accepted by educational authorities.

6. National Educational Accrediting Association is a recognized bona fide accrediting agency for schools and is a part of or has some connection with the National Education Association, a well-known and long-established organization of teachers and other persons interested in the field of education.

7. Respondent Alpha Psi Omega Society is a bona fide organization of guidance counselors and other persons interested in the field of counseling joined together for common interest and said society has founded and sponsors and maintains a home for homeless boys in Columbus, Ohio.

PAR. 5. In truth and in fact:

1. Respondent Ohio Christian College (Of Calvary Grace Christian Churches of Faith, Inc.) is a profit making organization, and it is not a residence school that offers residence instruction. Said respondent has no faculty members who are trained and competent to teach accredited and recognized college undergraduate or graduate courses of any kind; nor does it offer a curriculum in said fields which is accredited by a recognized accrediting agency, and it is not so recognized.

2. The diplomas and degrees awarded by Ohio Christian College (Of Calvary Grace Christian Churches of Faith, Inc.) are not approved or accepted by any recognized educational institution, agency, person or organization, nor is the person who receives such a diploma or degree recognized as having completed and shown proficiency in a curriculum approved by a recognized accrediting agency necessary to earn such a diploma or degree. The persons to whom the respondents' diplomas or degrees are awarded are not entitled to and will not receive all the rights, privileges and honors as persons awarded diplomas or degrees of the same name by schools accredited by a recognized accrediting agency.

3. The courses offered by respondent Ohio Christian College (Of Calvary Grace Christian Churches of Faith, Inc.) do not contain the material, study and hours of residence courses given by a school accredited by a recognized accrediting agency, to obtain diplomas or degrees of the same names as those offered by respondent.

4. Neither the State of Ohio nor any other governmental or political subdivision has approved respondents' courses of study and the issuance of their diplomas or degrees.

5. Respondent Ohio Christian College (Of Calvary Grace Christian Churches of Faith, Inc.) is not using a unique method of instruction and study that is widely approved and accepted by educational authorities.

6. National Educational Accrediting Association is not a recognized bona fide accrediting agency for schools and it has no connection with the National Education Association.

7. Respondent Alpha Psi Omega Society is not a bona fide organization of guidance counselors and other persons interested in the field of counseling joined together for common interest and said respondent has not founded, sponsored or maintained a home for homeless boys.

Therefore, the statements and representations as set forth in Paragraph Four hereof were, and are, false, misleading and deceptive.

PAR. 6. By and through the use of the aforesaid acts and practices, respondents place in the hands of individuals the means and instrumentalities by and through which they may mislead and deceive others as to the diplomas, degrees and other academic qualifications said individuals possess. Further, by and through the use of the aforesaid acts and practices, respondents place in the hands of operators of schools accredited by National Educational Accrediting Association, the means and instrumentalities by and through which they may mislead and deceive prospective students as to the status of such schools.

PAR. 7. In the course and conduct of their aforesaid business, and at all times mentioned herein, respondents have been, and now are, in substantial competition, in commerce, with corporations, correspondence schools, residence colleges and universities of various kinds and nature engaged in offering education, training and instruction.

PAR. 8. The use by respondents of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were, and are, true and to induce a substantial number thereof to purchase said courses of instruction, diplomas, certificates of accreditation.

PAR. 9. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and of respondents' competitors and constituted, and now constitute unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act.

Mr. Robert J. Hughes and *Ms. Barbara Metsky* supporting the complaint.

Mr. Jerry Weiner and *Mr. Jerry Lippe*, Columbus, Ohio for respondents.

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INITIAL DECISION BY WALTER K. BENNETT, HEARING EXAMINER

FEBRUARY 26, 1971

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PRELIMINARY STATEMENT

This is a proceeding under Section 5 of the Federal Trade Commission Act.¹ In its complaint mailed August 4, 1970, the Federal Trade Commission charges that the respondents (comprising two corporations, a sole proprietorship and four individuals) have made false statements and representations regarding their products and services in advertisements, circulars, brochures, pamphlets and other advertising and promotional material and that by such statements and through the use of words "college," "association" and "society" they have falsely represented, directly or by implication, that:

1. Respondent Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.) is a non-profit residence school which offers residence instruction by a staff of faculty members who are trained and competent to teach the courses of a properly accredited and recognized college and it offers a curriculum which is accredited by a recognized accrediting agency.

¹ "Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are declared unlawful." (15 U.S.C. 45)

2. Respondent Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.) and the diplomas and degrees offered with its courses are recognized by various institutions, agencies, organizations and persons, and that the person to whom respondent awards a diploma or degree will be recognized as having completed and shown proficiency in a curriculum which has been approved by a recognized accrediting agency as necessary to earn the diploma or degree awarded and that the person to whom the diploma or degree is awarded is entitled to and will receive the honors, privileges and rights of persons who have been awarded diplomas or degrees with the same names from schools accredited by recognized accrediting agencies.

3. The correspondence courses offered by respondent Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.) contain all the subject matter, material, study and hours of residence courses offered by a school properly accredited by a recognized accrediting agency to obtain a college or theological degree.

4. The State of Ohio has approved or sanctioned the respondents' courses of instruction and issuance of diplomas.

5. Respondent Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.) is using and offers a unique method of instruction and study that is widely approved and accepted by educational authorities.

6. National Educational Accrediting Association is a recognized bona fide accrediting agency for schools and is a part of or has some connection with the National Education Association, a well-known and long-established organization of teachers and other persons interested in the field of education.

7. Respondent Alpha Psi Omega Society is a bona fide organization of guidance counselors and other persons interested in the field of counseling joined together for common interest and said society has founded and sponsors and maintains a home for homeless boys in Columbus, Ohio.

By answer mailed August 28, 1970, respondents denied that they had knowledge or information sufficient to form a belief as to the truth of the allegations contained in the complaint and therefore denied each and every allegation. Following a prehearing conference on September 17, 1970, before the Honorable Walter R. Johnson, the hearing examiner then assigned to the matter, respondents filed an amended answer dated September 25, 1970, which admitted the existence of the corporations, specified who the officers were and admitted certain of the representations but denied their falsity and denied any

violation of law. Among the admissions were that respondent Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.) (hereinafter referred to as OCC) admits it is a non-profit institution under the direction of the church and has facilities for resident students. Respondents further admit that they have a staff of faculty members who are trained and competent to teach the courses of recognized colleges; that respondent OCC is using and offers a unique method of instruction and study widely approved and accepted by educational authorities; and that the society Alpha Psi Omega (hereinafter referred to as APO) maintains a home for homeless boys in Columbus, Ohio.

By prehearing order dated September 18, 1970, the Honorable Walter R. Johnson, required the parties to submit trial briefs by October 14, 1970, listing the witnesses and documentary exhibits. In this order he provided that the exhibits should be deemed to be genuine unless objections were noted within 10 days of the receipt of the trial briefs and he further ordered that no exhibits or testimony would be offered that were not listed or described in the trial briefs ordered to be filed by October 14, 1970.

The undersigned was substituted by the Director of Hearing Examiners for the Honorable Walter R. Johnson at the latter's request and on October 16, 1970, complaint counsel filed their trial brief listing over 20 witnesses and almost 600 exhibits, all of which were marked for identification. The respondents filed the "Theory of the Case" on November 12, 1970, but did not list their witnesses and exhibits until after commencement of the proceedings.

These irregularities were, however, waived by counsel and in the few cases where there were other deviations from such lists there was no objection by either party.

Perhaps the most serious charge made in the complaint was that against OCC which complaint counsels' brief describes as a "diploma mill" (see page 3, Par. 1). The respondents in their answer had denied the allegations of the complaint which alleged they were in commerce and in their trial brief stated as their theory of their defense that the Federal Trade Commission has no authority to regulate respondent OCC because it was incorporated and sanctioned by the Calvary Grace Christian Churches of Faith, Inc. for the purpose of giving educational advantages to members of the church. Respondents also claimed that under the first amendment neither the United States nor any of the states have any right to regulate the activities of this church sponsored organization.

At trial, on being questioned concerning the extent of that claim of exemption, respondents' counsel also claimed that the Federal Trade Commission did not have statutory jurisdiction under the language of the enabling statute.²

Hearings commenced on November 16, 1970, and continued with only such interruptions as are customary in judicial proceedings until November 24, 1970.³ By stipulation two of complaint counsels' witnesses who were unable to appear earlier testified during the course of the presentation of respondents' case. It was agreed that notwithstanding this deviation from the usual order of proof respondents did not waive any of their rights to move to dismiss at the close of complaint counsels' case. The hearing examiner reserved decision on that motion and now denies it.

BASIS OF DECISION

This decision is based on the entire record, including the proposed findings and conclusions of the parties. All findings of fact not expressly, or in substance, adopted are denied as erroneous, immaterial or irrelevant. In accordance with Rule 3.51(b), references are made to the specific pages of the principal supporting items of evidence in the record. The citations to the principal supporting portions of the record are not intended to exclude other portions of the record, all of which have been carefully considered in light of the demeanor of the witnesses and their consistency or inconsistency with contemporaneously written documents. The abbreviations used are found in the footnote.⁴ Although in the exercise of his discretion the hearing examiner permitted complaint counsel to put in their entire case without requiring first that matters relating to the contested jurisdiction be offered, in ensuing findings the hearing examiner will separate

² In the case *Community Blood Bank of Kansas City Area Inc. v. Federal Trade Commission*, 405 F.2d 1011 (8th Cir. 1969) the Court held that the Federal Trade Commission did not have the jurisdiction over a community blood bank and its hospital members and the hospital's associations all of which were non-profit organizations. This was not because of the form of incorporation but because in their actual operation the organizations were devoted to community service and were not themselves obtaining a profit nor were their officers. The rationale of the case is that Section 4 exempts such associations defining the term corporation to include a corporation or association incorporated or unincorporated "which is organized to carry on business for its own profit or that of its members." (15 U.S.C. 44)

³ The time of the hearing examiner to render this initial decision was extended because of the failure to receive the transcript on time.

⁴ C.—Complaint; A.—Answer; Tr.—Transcript; CX—Commission Exhibit; RX—Respondent's Exhibit; CPF refers to Complaint Counsel's Proposed Findings. Since respondents filed an argument rather than proposed findings references are unnecessary. All findings will be deemed, when cited, to include citations to the references therein contained.

those findings relating primarily to jurisdiction and those which relate to the practices claimed to be misleading.

FINDINGS OF FACT

A. Description of Respondents and Their Mutual Relationships

1. Respondent Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.) (hereinafter sometimes referred to as OCC) is a corporation organized and existing under the laws of the State of Ohio. Its principal office was formerly located at 1161 S. Yearling Road, Columbus, Ohio. It is now located at 2456 West Broad Street, Columbus, Ohio. (A. page 1; Tr. 157; CX 1a-f).

2. Respondent Alpha Psi Omega Society (hereinafter sometimes called APO) is a corporation organized and existing under the laws of the State of Ohio. Its principal office is located at 1156 Striebel Road, Columbus, Ohio (A. page 1; CX 25a-d).

3. Respondent Alvin O. Langdon held the office of president of OCC from its incorporation until January 1970, when he assumed the title of "dean." His place of residence is 1156 Striebel Road, Columbus, Ohio. Respondent Alvin O. Langdon was one of the incorporators of OCC and has been a member of its board of trustees since incorporation (Tr. 31, 32, 1000; CX 1a-f, CX 3a-3).

4. Respondents Leeta O. Langdon and Gene Thompson are officers of OCC and incorporators and members of the board of trustees. The residence address of respondent Leeta O. Langdon is 1156 Striebel Road, Columbus, Ohio, and the residence address of respondent Gene Thompson is 1161 S. Yearling Road, Columbus, Ohio (CX 1a-f, CX 3a-e; Tr. 831, 832, 839).

5. Respondent Jerry Weiner is a practicing attorney and member of the bar of the State of Ohio. His address is 88 E. Broad Street, Columbus, Ohio. Sometime in the month of January 1970, he assumed the presidency of OCC (A. page 1; Tr. 1000).

6. Respondents Alvin O. Langdon, Leeta Langdon and Gene Thompson are officers, incorporators and members of the board of trustees of respondent APO (A. page 1; CX 25a-d).

7. Respondent Alvin O. Langdon is sole proprietor of National Educational Accrediting Association (hereinafter sometimes referred to as NEAA). Its principal address and place of business is 1156 Striebel Road, Columbus, Ohio. He holds the trademark of NEAA (Tr. 46-48).

8. Respondents Alvin O. Langdon, Leeta Langdon, Gene Thompson and Jerry Weiner cooperate and act together in carrying out the acts and practices of respondent OCC (CPF 3, 4, 5 and 8).

9. Respondents Alvin O. Langdon, Leeta Langdon and Gene Thompson cooperate and act together in carrying out the acts and practices of respondent APO (CPF 6, 9).

B. Findings Relating Primarily to Jurisdiction

10. According to the sworn testimony of respondent Alvin O. Langdon, commencing sometime in the 1960's, respondent Alvin O. Langdon established contact with Dr. Herman Keck of Calvary Grace Christian Churches of Faith, Inc. of Florida (hereinafter called "mother church") (Tr. 899). Langdon and his wife were authorized by the "mother church" for the State of West Virginia to establish schools, missionary societies and college activities and thereafter commenced a college which was known as the Central Christian College (Tr. 901-902). At about the same time respondent Alvin O. Langdon developed the National Educational Accrediting Association, of which he was the sole proprietor (Tr. 47). He has accredited two of the Rev. Keck's colleges which conferred degrees on both the Langdons and on respondent Gene Thompson without any resident study.

11. The Attorney General's office in West Virginia brought a proceeding against respondent Alvin O. Langdon individually, and as Central Christian College, secured a preliminary injunction and seized his property and files. The order (CX 593a and b) recites that the prayer for injunction to be rendered against Alvin O. Langdon and Central Christian College would restrain and enjoin him from the alleged fraudulent activities of awarding degrees and the offering of courses of study in violation of the laws of West Virginia. Respondent Langdon testified that this was because of a dispute about the requirements for a foreign church in West Virginia (Tr. 903-906). He testified moreover that the suit was not his reason for leaving West Virginia; he merely desired to get better recording facilities (Tr. 910).

12. Somewhat earlier the Langdons had found that they could not continue to operate a Children's Center which they had in Huntington, West Virginia, because of the requirements of the inspection authorities that they expend a large sum of money in improvements to satisfy the safety standards required by the municipal authorities (Tr. 961-963).

13. In 1965 respondents Langdon commenced to operate Ohio Christian College without incorporation but as an arm of the "mother church" (Tr. 911-912). This was later incorporated as Ohio Christian College (of Calvary Grace Christian Churches of Faith, Inc.) in

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Ohio (CX 1). Calvary Grace Christian Churches of Faith, Inc. (hereinafter Calvary Church) was also incorporated there (RX 286).

14. At about the same time the APO, which had been operated in connection with Central Christian College as World Youth Counsel, was incorporated. Respondent Alvin O. Langdon as sole proprietor of National Educational Accrediting Association accredited OCC and accreditation was secured from Association of Fundamental Institutions of Religious Education which Langdon could not describe except to say that it had the same Post Office Box as two of the Rev. Keck's colleges (Tr. 222, 223).

15. According to Respondent Alvin O. Langdon all the courses now taught at OCC have to do with religion (Tr. 930). And, Calvary Church offers assistance such as household furnishings, clothing for the children or practically anything that is needed (Tr. 938). It advertises and passes out cards for persons needing assistance (Tr. 938; RX 287).

16. The articles of incorporation of both OCC and APO state that they are not organized for profit and that on their dissolution none of their property would go to anyone except a tax exempt organization (CX 1, 25; Tr. 33, 45, 915).

17. Alvin O. Langdon, Leeta O. Langdon, and Gene Thompson were the original incorporators of OCC and APO and as all of the directors, they authorized respondent Alvin O. Langdon to publish advertising and to draw checks on behalf of both of these organizations. This authorization has not been changed. (Tr. 39-42, 972; CX 4). Alvin O. Langdon, Leeta O. Langdon and Gene Thompson live on the premises of OCC and title to the premises⁵ is held by Calvary Church (Tr. 209-210, 218-219, 277). The Langdon respondents receive their food as well as their lodging free of charge (Tr. 250, 975) and Alvin O. Langdon allots himself a salary of \$100 a week which he does not always take (Tr. 250, 975); has the use of a Cadillac automobile which he stated was used solely for the purpose of work for the church and the college (Tr. 251). Gene Thompson receives a salary and lodging for himself and his wife paid by Calvary Church (Tr. 854). OCC has no bank account and owns nothing (Tr. 916, 919, 1007)—all its funds are deposited in the account of Calvary Church. APO is usually in the red and it has to borrow from Calvary Church to carry on its activities (Tr. 953).

18. Jerry Weiner, counsel for the respondents, who became president of OCC sometime in January 1970, after respondent Alvin O.

⁵ There is one exception, the 1156 Striebel Road property is owned by respondent Langdon's son subject to a mortgage. Rent in the form of payments on the mortgage is paid by Calvary Church (Tr. 206-207).

Langdon relinquished that post and became dean (Tr. 922, 1000), testified that he had examined all of the check vouchers of the accounts of APO and Calvary Church which were handled by Alvin O. Langdon and that no distribution except by way of modest salaries for services rendered was made to any of the other respondent individuals (Tr. 1010) and that the records demonstrated a great many donations being made by the church to needy individuals (Tr. 1004) partial or complete care was given to some 15 boys by APO although only two were there continually and that monies are paid to Calvary Grace Christian Churches of Faith, Inc. of Florida the "mother church" (Tr. 1008-9). One contribution on April 30, 1970, made in the amount of some \$300 was identified (RX 308; Tr. 1009).

19. Respondent Langdon testified that Calvary Church had been incorporated at the direction or under the auspices of the mother church, that OCC had likewise been incorporated on behalf of the church (Tr. 901 *et seq.*). He further testified that the college was formed for the purpose of securing converts to the church (Tr. 59).

20. Respondent Alvin O. Langdon testified that persons making inquiry to the college were sent a copy of a proposed catalogue and also a copy of a letter telling them they must be members of the church before they could secure an educational opportunity from the college. (Tr. 78, 942-943; RX 304). He testified that this had been the rule since the beginning (Tr. 176). On the other hand, on further examination by counsel supporting the complaint, he testified that in the case of at least four or five individuals, who were admittedly not members of the church, they had been admitted to the college and had been given extension courses and a certificate. Mr. Paul Abraham testified that when he enrolled in 1968 (Tr. 789) nothing was said to him and he did not receive any written communication that indicated he was required to be a member of Calvary Church (Tr. 788).

21. Subsequent to January 1, 1970, the catalogue of the college was changed so that it contained a specific requirement that persons who desired to become members of the college would have to first be members of the church. It was further explained, however, that no donations would be required and that there would be no duties involved in becoming a member of the church and that church membership was to make the applicant eligible to pursue the educational program offered by OCC (RX 288; Tr. 924). No application was turned down because the applicant was not a church member (Tr. 191-192).

22. On the basis of the testimony of respondents Langdon, Mrs. Langdon and Thompson, it appears that all of the decisions with respect to the operation of both APO and OCC were made by Mr.

