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# BlackSDA \_ 3ABN \_ Questions From Gailon Joy

#### Posted by: Observer May 8 2007, 04:28 AM

Here are some questions asked by Gailon Joy on May 7, 2007.

# QUOTE

3ABN/Amazing Facts Merger: Dead On... or Dead On Arrival?

The most recent issue of 3ABN World magazine is now out and heralds a new masthead with 3ABN/Amazing Facts boldly exhibited on the front cover.

This reporter has received many inquiries regarding the proposed merger and therefore we have spent nearly two weeks asking questions, listening to answers and taking in various statements by various parties for analysis.

The day the merger was announced with much exuberance there were admittedly a host of questions from throughout the SDA world and quite a bit of excitement mixed with some concerns. The excitement was clearly for a worldwide ministry with a new vision and a purpose to usher in the Second Coming of our Lord, something we have eagerly looked forward to as a denomination for 163 and a half years and spent literally billions of dollars, franks, rubles, and Deutche marks in evangelism, medical ministry, publishing and now media entities. And here before us was the proposal for an Adventist Ministry Conglomerate that transcends the SDA denomination and finally finish the work with the pied piper reportedly being Garwin McNeilus, personally overseeing the negotiations.

And what came out of this was a proposal depicted by the Danny Shelton Apologists online something like this:

An agreement, variously referred to as contracts, and most likely best described as Letters of Intent, that would allow Danny Shelton to bring his 3ABN marbles to the playground; Doug Batchelor would bring his AF Marbles to the playground; they could play marbles, but neither could play with the others' marbles; and if either of the key players decided not to play anymore, they each could take their marbles and go home. It would seem to be more of a joint venture than a merger, but who's checking the dictionary of legal terms?

Some, including Danny Shelton, would believe the devil is in the press that has dogged 3ABN for the past several months; others would recognize that the Devil is in the details.

In the midst of the enthusiasm, there were a few, particularly employees from both sides and the denominational leadership, that were asking some detailed questions: Would Amazing Facts Secede from the denomination? Would 3ABN join the denomination? Would the employees of the joint venture be

qualified for denominational benefits? And would denominational leadership still have at least some seats on the merged Board ex officio as they have currently on the AF Board? And who would be the new constituency that would elect the new board and officers of this merged entity?

Again, we were left to piecing together information from a variety of interviews, e-mails and chat-room apologists. Danny has clearly stated that he has invited Doug Batchelor to serve as President, but has clearly asserted that Danny will remain as CEO of 3ABN. This is in contrast to a Sacramento Central Church official who clearly had understood that Doug would most likely not serve as President, but rather Duane Peterson, the former managing director of AF who retired at the end of March. Duane, a former VP of Champion Corp, a merged Fortune 500 company, would clearly bring GAAP to 3ABN, if he could be convinced, but not likely, to play second fiddle to DLS.

Then there is the issue of denominational affiliation. A chat room question and answer with Danny Shelton at www.ClubAdventist.com probably speaks most profoundly by the very specific issues relating to denominational affiliation that went unanswered by Danny Shelton. Whether employees would be denominational employees remains unanswered to this day. However, Danny Shelton did reveal that the old constituency would be shed and they had asked the 14-member ASI Mission Board, Inc. to serve as their new constituency.

Many were left speechless that AF would secede from its current constituency consisting of a mix of several hundred pastors and laymen in the Northern California Conference to instead become the exclusive pervue of a club of SDA businessmen, very similar to the way 3ABN is run now with the 3-15 members selected by Danny Shelton also serving as the directors of the ministry. A situation this reporter has decried as the underlying reason that 3ABN is facing the dilemma it now faces.

And if the new entity will now be run by 14 laymen and little denominational leadership on the board, and certainly far from the council of many advocated by the Spirit of Prophecy, will AF have cast off its denominational affiliation and with it walked away from denominational benefits such as pensions, insurance and a host of other services under the NAD Umbrella? Apparently that would be the way Doug Batchelor has elected to go, whether by happenstance or by design is unknown.

But then there is the big question, will the current constituency opt to let AF simply walk away or secede from denominational affiliation and become a virtually independent, non-denominational ministry? And if it does, will the various constituencies continue to support AF? More importantly, will the talent accumulated at AF be willing to stay with AF if they lose that denominational affiliation that currently allows seamless transfers between AF and NAD opportunities? Or will they opt to stay with the NAD to complete their pension qualifications and qualify for the other NAD benefits Umbrella?

Many believe the option of having AF secede is dead on arrival. The brain drain would likely be too much to bear and would leave AF simply overwhelmed by the 3ABN side. And then the question, what if they secede and affiliate with Danny Shelton's 3ABN, and loose the support of constituency who may see this as endorsing Danny Lee Shelton and his administration? Who would put Humpty Dumpty back together again, particularly in light of the recently filed lawsuit against this reporter and the implications it bears if they lose?

On the other hand, many welcomed the idea of AF maintaining its denominational affiliation and allowing 3ABN with its 200 Million plus in assets to merge into Amazing Facts. This would bring 3ABN into the denominational fold, require GC audits, likely require significant leadership changes and preserve the assets

for the stockholders in the pews who are virtually unrepresented in the current governance of 3ABN.

Harold Lance, President of the ASI Mission Board, Inc., former ASI coordinator for the Ecclesiastical committee that was to investigate the marriage, divorce and remarriage of Danny Lee Shelton, and those issues only, would clearly state that this is perfectly legal. But then he would also chair the constituency for this merged entity. For most people who learn of the lack of representation and the clubby self-perpetuating membership / board of 3ABN, it is certainly unsatisfactory for a ministry that derives the vast majority of its funds from the stockholders in the pews of the SDA Denomination.

Some have even noted the current proposed mission conglomerate has undertones similar to the leadership issues between the head-strong John Harvey Kellogg, (leader of the Alpha of apostasy), and the denominational leadership of his day, ironically only a little over a century ago. E.G. White frequently admonished Kellogg and the SDA denominational leadership to practice leadership dispersion of the work as the God-given order of things, and frequently spoke against consolidation of the work, but to work together to finish the work. Ultimately, Kellogg created a rift that resulted in numerous casualties and disaffection and led to the medical work shifting from Battle Creek to Loma Linda.

We pray that the wise counsels of many will prevail here and the Lord's Will be done!!!

Gailon Arthur Joy

AUReporter

www.Save3ABN.com

hese questions are being asked by many. People have asked me those questions. I have asked some of hem to others. They are valid. It seems that no one has the answers! One wonders why announcments were nade prior to doing the foundation work which would have settled many organizational issues.

### Posted by: watchbird May 10 2007, 05:32 AM

I'm surprised that we have not paid more attention to the questions gathered together in Gailon Joy's letter posted by Observer above.

I wonder which of these seem most important to us here. Does anyone have clues as to the answers to any of these? I'd be interested in knowing which ones seem the most important to various ones of us. Does anyone have additional questions besides these?

Personally, I wonder about why this was something that was pushed through so quickly. So quickly as I understand it, that there was not even time for all board members to be able to attend the hastily called board meetings in person. While those on the Thursday night program seemed focused on making it appear as though this had been "in the works" for months, yet it was obvious even there that from the actual proposal of merger to the consumation was a matter of days. Why the urgency?

I'm also curious as to the relationship of the Weimar/Amazing Facts plans for merger...which had been in the works for actual months if not years... to the new merger. And what about the reported reaction of Weimar officials to the news of an AF/3abn merger? What do Weimar directors see in the new merger that caused them to back away from their own nearly completed merger negotiations with AF?

I'm also very curious as to the basis on which Doug based his assurance to his board that church officials

on the highest levels knew of and were approving of it.... especially in light of information I have received since that time which indicates that this is not an accurate reflection of reality.

And then this matter of "constituency". Constituency is a word that I have always considered meant the supporters and "members" of an organization. When used in our church circles, this has always referred to the member churches of the SDA church in a particular organizational unit. Thus the constituency of the Conference is all the SDA churches in that conference... which is interpreted to mean all the members of those churches. For a "Constituency Meeting" all churches elect representatives to that meeting. And so on, up the line it goes until we reach GC level which supposedly considers the membership of the world church as their constituency... the largest body to which the GC is directly accountable. In terms of 3abn, we have considered that the ultimate "consituency" is the "stockholders in the living rooms"... those who have supported 3abn with their cash and promotion through the years. And surely we have expected that as a "supporting ministry" of the church that it would have some lines of accountability to the Conference organization which has promoted it ... even saying that it was the "face of Adventism" to the world.

Of course this has been shown to have been all illusion on our part, for we have learned that Danny Shelton answers to no one... not even in actuality to his handpicked "board of directors" which only serve so long as they do not attempt to question or counter his decisions and actions. But now with this "merger", is this limited concept of "constituency" going to engulf AF as well... so that they are no longer accountable to a representative "constituency" which includes many Conference employees as well as laymen as is presently the case, but only to a small group of ASI leaders... including Garwin and Denzil McNeilus?

What REALLY went on behind the scenes to call for such a drastic change in the AF relationship with the official SDA church.... and caused it to be pushed through quicky board meetings of both AF and 3abn with no time for serious reflection.... and announced to the world before the questions and implications were even noted, much less given answers?

Perhaps we should be giving these questions... and others that may arise from them... more attention than what we have done so far.

#### Posted by: Observer May 10 2007, 06:54 AM

Watchbird has raised some questions in regard to the "constituency" of Amazing Facts (AF). The issue of constituency is important. I believe that I have some authorative comments to make, due to some reasearch. I am not quoting my source, so take my comments for what they may be. I have made comments in the past based upon an authorataive source, and been found to be wrong. I do not think that I am wrong this time. In addition, I am mixing my own thoughts into my post here.

As I have previously stated, AF is listed in the denominational YEARBOOK. Therefore, it officially has a formal relationship withe the SDA Church, and even while it has some independence, it is denominational organization. But, I have posted that before.

In this relationship, it is connected to the Northern California Conference (NCC). It is listed in the YEARBOOK under the NCC listing. However, as a somewhat independent agency, the NCC does not directly manage AF, and the NCC does not control the operation and minsitry of Amazing Facts.

As is typical, in the corporate world, AF is immediately governed by a Board of Directors. In theory, at least, the Board sets the overall goal and direction of AF. That direction is carried out by Doug Batchelor, as I understand it. The Northern California Conference President (2007 YEARBOOK lists James Pedersen), is believed to be the chairperson of the AF Board. As to what operational power he might have over AF, I would have to assume that it is limited. Typically Boards defer to the CEO, and only set overall goals and objectives.

Overall is the AF constituency. The AF constituency is in my opinion, an interesting one. As would be expected, it includes a number of people chosen by the NCC and AF. It also includes some people who are associated with the Pacific Union Conference, the entire NCC Executive Committee, and the AF Board. Included in this are lay members who probably are largely members of the NCC, and some NCC pastors.

As I look at the composition of the AF constituency, I have mixed evaulations of it. I can not be certain

that one can predict exactly what the constituency might do in a situation where it was required to vote on a merger with 3-ABN. I do not think that any such vote is a given. However, part of my feeling is based upon the reality that the so-called merger plan is not complete. This plan is prematrue in that the specifics have not been settled. Once those are settled, I suspect that the AF constituency may be more likely to approve it. But, even then I am not prepared to stay that approval is a given. I simply do not know.

The question has been asked as to why this so-called mergere between Amazing Facts and 3-ABN has come about, why now, and why was it announced well before the specifics had be agreed upon by both parties. I do not think that we know the answer to this question.

The immediate partial response was the 3-ABN considered it in grave financial danger, and felt that a "merger" withe AF would help to reduce its financial danger. To me, this is simply speculative, and unfounded at this time.

There have been other suggestions raised in regard to the perception by 3-ABN that it was liable of some sort of potential harm, and that this was a pre-emptive stike to reduce that harm. I think that it is not helpful to repeat these at this time. So, I will only say that we shall have to wait and see what develops.

# Posted by: lurker May 10 2007, 10:06 AM

As a religious organization, Amazing Facts is exempt from having to file 990's. 3ABN is considered to be NTEE Code: X82 (Religious Television) but is **not** considered to be the same kind of organization as Amazing Facts not just by the State of Illinois but by the IRS. Otherwise, it too would be exempt from filing 990's would it not. Might that be part of the reason for the proposed merger?

The 990's reveal a lot.

Will the new comibined organization come under scrutiny to determine its status and to determine whether the whole organization **including the Amazing Facts component of it it will now be required to file** them or whether the 3ABN component of the organization will now be exempt form filing them?

I'm not saying that 3ABN is not a 501C3 or that it is not tax exempt just that now it has to file 990's and either its staus or the status of Amazing Facts might change.

### Posted by: Noahswife May 10 2007, 10:11 AM

## QUOTE(lurker @ May 10 2007, 11:06 AM)

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Interesting question this is Lurker. Thanks for pointing out something I had missed and need to think about.
Posted by: lurker May 10 2007, 10:15 AM
QUOTE(Noahswife @ May 10 2007, 10:11 AM)
Interesting question this is Lurker. Thanks for pointing out something I had missed and need to think about.
See my corrected post. 3ABN is considered to be religious television but this is not the same thing as being considered to be a religious organization exempt from having to file.
Posted by: lurker May 12 2007, 05:12 AM
This is a rather lengthy article but I found a lot of interest in it
http://www.runquist.com/ARTICLE_ReligTax.htm
OBTAINING FEDERAL EXEMPT DETERMINATION LETTER:990 Filings and UNREASONABLE COMPENSATION ISSUES are of particular interest.
PROPERTY TAX EXEMPTIONS is also of interest. I would assume that there is a charitable dedication clause in 3ABN's articles of incorporation. So what Judge Rowe was speaking of must have been that a portion of the property was used for the production of unrelated business taxable income (whether or not this income was properly reported by the indiviuals involved and taxed.)
Posted by: Observer May 12 2007, 05:51 AM
QUOTE(lurker @ May 10 2007, 10:06 AM) 🗌
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The discussion here in regard to IRS orm 990s, their filing by 3-ABN, and religioius organizations has stimulated my mind. As I recall the decsion by Judge Rowe, 3-ABN did not organize under the religious exemption section of the not-for-profit law. It simply organized as a general not-for- profit organization.

Therefore it had to file 990s.

If I am wrong on this point, please correct me.

Posted by: lurker May 12 2007, 12:44 PM

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The discussion here in regard to IRS orm 990s, their filing by 3-ABN, and religious organizations has stimulated my mind. As I recall the decsion by Judge Rowe, 3-ABN did not organize under the religious exemption section of the not-for-profit law. It simply organized as a general not-for- profit organization. Therefore it had to file 990s.

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Quoting the decision: Applicant was incorporated under the General Not For Profit Corporation Act of the State of Illinois on March 1, 1985, for the following: The purpose for which the corporation is organized are **exclusively** religious, charitable or educational within the meaning of 501©(3) of the Internal Revnue code of 1954, as amended, and, in furtherence of these purposes, the corporation may:

And then it goes on to say what the corporation may do.

It is my opinion and it is only an opinion that Since 3ABN is **not** a church according to the definition of a church in the runquist article, in order not to have to file 990's as Amazing Facts does not, 3ABN would have to become a supporting organization of the church **under the "umbrella"** of the Seventh-day Adventist Church as Amazing Facts is. At this point, if the church has not already accepted the legal liability for the actions of 3ABN, it definately would be forced to do so then.

Or in order to merge with 3ABN, Amazing Facts would have to remove itself from being under the Pacific Union Conference and would have to file 990's.

# Posted by: lurker May 12 2007, 01:25 PM

Judge Rowe used Linda's product as an example of the property being used for the production of unrelated business taxable income. I have no quarrel with this and do not know if Linda was aware of whether the profit from her music was being donated to the ministry or being used as personal income. I do wish the judge Rowe had also revealed how the income from orders for books, music, and so forth by Danny, Tommy, Melody, Tammy was handled when it came in to the 3ABN call center. I also wish she had addressed 3ABN advertizing for and delivery of product by non 3ABN for profit entities such as the AntiChrist Agenda (DLS) and Tommy's product http://www.tommyshelton.com/products.htm and Melody's product http://www.melodyshelton.com/

Posted by: Eirene May 12 2007, 06:17 PM

QUOTE(Observer @ May 10 2007, 06:54 AM)

The immediate partial response was the 3-ABN considered it in grave financial danger, and felt that a "merger" withe AF would help to reduce its financial danger. To me, this is simply speculative, and unfounded at this time.

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sort of potential harm, and that this was a pre-emptive stike to reduce that harm. I think that it is not helpful to repeat these at this time. So, I will only say that we shall have to wait and see what develops.

Inless your "source" was Doug or Danny there is a great chance that they may be in error. At this point with letails still in the making, I do not honestly know how anyone could be a solid source. If there are questions o which Danny or Doug doesn't know the answers yet, how could anyone else?

'ou say the "immediate partial response". From who? Though every independent ministry that I know of has good years and bad as far as finances go, 3abn WAS NOT and IS NOT in such a financial danger that they would be forced to merge with AF or anyone else. I know this firsthand. The rumors here and elsewhere to he contrary are totally unfounded as usual. Instead of feeding off of each others gossip, and speculation, one needs to contact some actual sources at 3abn such as the CFO.

As far as your statement about "potential harm" again, unfounded. If everyone here would use just a little hought process you would be asking different questions that the ones repeated over this merger. The questions to ask are this:

- .. If there were "potential harm" why should AF involve itself in that?
- 2. If 3abn was in extreme financial danger, why would AF risk their own financial status by merging?
- 3. If there were even a chance that many of the net allegations were true with repurcussions down the road, no ministry would risk their reputation, finances, and standing in the church to merge with such a "corrupt" and "troubled" ministry. AF has no need to involve themselves in "scandalous" actions. They do not need 3abn. The only explanation and answer to those questions would be, they wouldn't involve themselves in such a mess if the "mess" really existed. They would be foolish to do so. I don't believe Doug, AF his constituency, or his board are foolish. Do you?

# Posted by: PeacefullyBewildered May 12 2007, 06:32 PM

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Eirene,

've asked and I agree. They aren't foolish.

#### Posted by: no\_cults May 12 2007, 08:09 PM

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Especially if a third marriage is subjected to the combination fishbowl/tornado that this one has been subjected to since day one. The kids of the mix are the ones I feel the most sorry for--they didn't choose any of this...

# Posted by: Fran May 12 2007, 10:20 PM

[quote name='lurker' date='May 12 2007, 02:25 PM' post='195222']

Judge Rowe used Linda's product as an example of the property being used for the production of unrelated business taxable income. I have no quarrel with this and do not know if Linda was aware of whether the profit from her music was being donated to the ministry or being used as personal income. I do wish the judge Rowe had also revealed how the income from orders for books, music, and so forth by Danny, Tommy, Melody, Tammy was handled when it came in to the 3ABN call center. I also wish she had addressed 3ABN advertizing for and delivery of product by non 3ABN for profit entities such as the AntiChrist Agenda (DLS) and Tommy's product http://www.tommyshelton.com/products.htm and Melody's product http://www.melodyshelton.com/

#### Lurker;

Since you brought this up, I have questions too. The quote function is not working in preview, therfore, I am red & the Lawsuit is in Blue.

[quote]Applicant's contract with the Seventh-day Adventists does not state that applicant's use of the property is contingent upon any control what so ever of the Seventh-day Adventist Church. The document merely states that the entities support the efforts of each other [/quote].

Fran: Praise God from Whom ALL blessings flow!

[quote]Nothing in the record establishes the Seventh-day Adventist's authority to operate the subject property under its own jurisdiction, and, in fact, the testimony of Danny Shelton was that applicant is not owned by or controlled by the Seventh-day Adventist Church. [/quote]

Yep, this is true.

[quote]Although Danny Shelton testified that he has written three books about the teachings and principles of the Seventh-day Adventist Church, (Tr. pp. 155-157) [/quote]

Danny openly testifies here that he wrote books.

[quote] Although Danny Shelton testified that he has written three books about the teachings and principles of the Seventh-day Adventist Church, (Tr. pp. 155-157) those books were not admitted into evidence, nor were the circumstances regarding the religious nature or financial information about the books admitted into evidence. [/quote]

This is another instance where "Information Was not provided" and since they can only go by what they were provided they made the following statement. Silence on a subject can be lying about the subject.

Were the books copyrighted?

Did Danny receive royalties?

I believe we now know the answer of that!

Did Danny charge 3ABN for advertising the books since he was the publisher, Danny Lee Shelton?

How much did the "printing" cost;?

How much were the "royalties" received?

How much "profit" was received by Danny?

How much of his profits came from 3ABN donors, since the end purchaser was 3ABN to sell these books through 3ABN?

From reading on several pages of this document, you will read that Danny sets the sales price and the board has nothing to do with this decision. Remember that Danny also decides the cost to 3ABN! Is this "Price Fixing"?

Since the auditors/investigators trying to receive disclosure facts, were not provided any evidence/information, this is the only conclusion they could come to.

[quote]Certainly, nothing connects the writing, publication, or distribution of that material to the property at issue. [/quote]

Now we come to Linda's CD.

[quote]In addition, there is discrepancy in the testimony of Linda Shelton. She stated she did not receive royalty payments for the CDs (Tr. pp. 595, 617) and later admitted that she did (Tr. p. 619). [/quote]

Was she even aware she received royalties?

Danny handles all the finances at 3ABN.

Did he handle the household finances and taxes?

Did these royalties get reported on their tax return?

It was a fact that Linda did not do the taxes. Danny did. Danny sent her an email that he needed her to sign the tax documents. He did not go over them in the email, he just said he had to have her signature.

Did Linda blindly sign these tax returns?

[quote]The CD admitted into evidence, entitled "I think About Grace", has a copyright mark on it. (Applicant's Ex. No. 24) [/quote]

Were Danny's books copyrighted?

Did he receive royalties?

Why is it just her CD that is in question?

# Why would Danny <u>readily provide information about her stuff,</u> <u>but NOT PROVIDE information/evidence about his</u> <u>stuff?</u>

What about Danny's music?

Why not Makin' Memories? Danny sang on that one! Did he get royalties?

What about Danny and Tommy's CD's?

Why were they not admitted into evidence?

Why was there no information provided except on Linda's music?

[quote]Broadcast Music Incorporated, a private company unaffiliated with applicant, licenses her songs. (Tr. pp. 617-620).

The songs on the CD belong to Linda, and were copyrighted by her in 2001. (Tr. pp. 620-623). [/quote]

Having her music copyrighted is absolutely what she should have done.

It is not a sin to protect your music.

It is smart business!

It seems the problem arose from using Danny to promote it as Danny/3ABN or as Danny Lee Shelton, the publisher.

[quote]Linda insisted that the (800) area code, toll free telephone number is strictly for prayer requests (Tr. p. 608, 612); [/quote]

I am sure she saw the number on the front. She would know that phone number!

[quote]however, it is the number listed on the inside label of her CD that was admitted into evidence. The (800) telephone number is listed for ordering additional CDs.

The outside label had the (618) area code telephone number listed with the address of applicant. [/quote]

Who entered this CD into evidence?

Who was it that pointed the inside 800 number out to the auditors? It says, "however, it is the number listed on the inside label of her CD that was admitted into evidence."

Again, who specifically admitted this particular CD into evidence?

Who purposely omitted any of Danny's, Melody's or Tommy's items?

Was this preplanned?

Applicant's Fall/Winter 2001-2002 newsletter has an advertisement for Linda Shelton's new CD, "I Think About Grace."

The advertisement has the toll free number listed for orders. (Intervenor's Ex. No. 8; Applicant's Ex. No. 24; Tr. pp. 644- 645).

This one Linda will have to answer. She did put the newsletters together. Did she do the advertising slots, or did someone else?

Did she just receive the material and place them in the newsletters?

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Posted by: Snoopy Jun 2 2007, 08:39 PM

QUOTE(lurker @ May 12 2007, 05:12 AM)

This is a rather lengthy article but I found a lot of interest in it

http://www.runquist.com/ARTICLE\_ReligTax.htm

OBTAINING FEDERAL EXEMPT DETERMINATION LETTER:990 Filings and UNREASONABLE COMPENSATION ISSUES are of particular interest.

PROPERTY TAX EXEMPTIONS is also of interest. I would assume that there is a charitable dedication clause in 3ABN's articles of incorporation. So what Judge Rowe was speaking of must have been that a portion of the property was used for the production of unrelated business taxable income (whether or not this income was properly reported by the indiviuals involved and taxed.)

Thank you for that link, lurker. I have not read the article yet, but plan to carefully.

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