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LOUISIANA USED MOTOR VEHICLE COMMISSION
STATE OF LOUISIANA

REGULAR MEETING
August 17, 2015
BEGINNING AT 9:32 A.M.

3132 VALLEY CREEK
BATON ROUGE, LOUISIANA

REPORTED BY:
BETTY D. GLISSMAN, CCR

1 APPEARANCES :

2

3 CHAIRMAN :

4 MR. JOHN POTEET

5

6 COMMISSIONERS PRESENT :

7 MR. GEORGE BREWER

8 MR. TONY CORMIER (Arrived Late)

9 MR. RON DUPLESSIS

10 MR. GEORGE FLOYD

11 MR. STEPHEN OLAVE

12 MR. KIRBY ROY

13 MR. HENRY "DARTY" SMITH

14 MR. DINO TAYLOR

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18 REPRESENTING THE LOUISIANA USED MOTOR
19 VEHICLE COMMISSION :

19

20 ROBERT W. HALLACK, ESQUIRE
21 HALLACK LAW OFFICE
22 13007 JUSTICE AVENUE
23 BATON ROUGE, LOUISIANA 70816

24 SHERI MORRIS, ESQUIRE
25 ROEDEL, PARSONS, KOCH, BLACHE,
BALHOFF & McCOLLISTER
8440 JEFFERSON HIGHWAY, SUITE 301
BATON ROUGE, LOUISIANA 70809

25

1 ALSO PRESENT:

2
3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MS. TONYA BURKS

7 MR. ERIC STRODERT

8 MR. DWAYNE TAMBLING

9 MR. PERRY ESPONGE

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1 MR. POTEET:

2 Let's do the Pledge of
3 Allegiance.

4 (Pledge of Allegiance)

5 MR. POTEET:

6 All right. Kim.

7 MS. BARON:

8 John Poteet?

9 MR. POTEET:

10 Here.

11 MS. BARON:

12 George Floyd?

13 MR. FLOYD:

14 Here.

15 MS. BARON:

16 Ron Duplessis?

17 MR. DUPLESSIS:

18 Here.

19 MS. BARON:

20 Tony Cormier?

21 MR. CORMIER:

22 (No response.)

23 MS. BARON:

24 Kirby Roy?

25 MR. ROY:

1 Here.

2 MS. BARON:

3 Steve Olave?

4 MR. OLAVE:

5 Here.

6 MS. BARON:

7 George Brewer?

8 MR. BREWER:

9 Here.

10 MS. BARON:

11 Darty Smith?

12 MR. SMITH:

13 Here.

14 MS. BARON:

15 Dino Taylor?

16 MR. TAYLOR:

17 Here.

18 MS. BARON:

19 Mr. Chairman, we have a quorum.

20 MR. POTEET:

21 All right. Thank you very much.

22 Do we have anyone here today for public
23 comments?

24 MS. BARON:

25 We do not.

1 MR. POTEET:

2 All right. Next thing is we need
3 to approve the minutes of the June meeting.

4 MR. SMITH:

5 I'll make a motion.

6 MR. BREWER:

7 Second.

8 MR. POTEET:

9 Second from George Brewer.

10 All in favor, say, "Aye."

11 (All "Aye" responses.)

12 MR. POTEET:

13 Any opposed?

14 (No response.)

15 MR. POTEET:

16 Items for discussion action, the
17 financials. Mona. There you are right in
18 the center. Monthly report -- I guess you
19 have two monthly reports.

20 MS. ANDERSON:

21 Yes, I do.

22 If you will turn in your binders
23 to the financial statements for the month
24 ending June 2015, these are the unaudited
25 June financial statements. The adjustments

1 will be made once the audit is complete.
2 And we previously did our audit in August
3 when our financials were rolled up into the
4 State's financials, but that's no longer
5 happening. So we actually have until
6 December, which we're working with our
7 auditors to have them most probably done by
8 the September meeting, so that you can
9 review them at that time, but we're not
10 obligated to have it until December now. So
11 there will be some adjustments to these
12 accounts. In your binders, you have a copy
13 of the questionnaire for the related party
14 questions that the auditor is going to need.
15 So if you'll complete those and turn them
16 in, that will be greatly appreciated. And
17 so since we have two months of financials to
18 review, we're going to mainly hit the high
19 points of June, and then look at the year to
20 date in July.

21 At the end of June 30, 2015, our
22 cash in the bank was \$1,755,114. Accounts
23 receivable decreased to \$464,900. Our
24 current liabilities were \$53,778, and our
25 deferred revenue long-term liabilities were

1 \$300,125 on Page 2.

2 On Page 3, the statement of
3 revenues, expenses, and changes in net
4 position, our year-to-date revenue was
5 \$1,609,186. On Page 5 -- 4 and 5 are the
6 total expenditures. Page 5 shows year to
7 date of \$1,061,600 compared to a million 80
8 last year. There was a positive change in
9 net position at the end of June on the
10 unaudited figures of \$547,585.

11 On Page 6 are the revenues,
12 expenditures, and fund balance through the
13 end of the fiscal year. Page 7 is a graph
14 of those figures. And Page 8 is the
15 year-to-date fee revenue compared to the
16 prior fiscal year.

17 On Page 9, the certificate of
18 deposit summary, there were no changes in
19 June. And Pages 10 and 11 are the -- is the
20 accounts receivable hearing fines. The
21 total in the account was \$464,900.

22 Do you want approve these
23 separately, Chairman Poteet?

24 MR. POTEET:

25 Yes. Let's do it separately.

1 Does anyone have any questions
2 regarding the June and the year to end, et
3 cetera?

4 MR. BREWER:

5 One question about Wego Auto
6 Sales, are we doing anything about that?

7 MS. ANDERSON:

8 Yes, sir. In the July
9 financials, you'll see we've turned that
10 over for collection.

11 MR. BREWER:

12 Oh, okay. Okay. Thank you.

13 MS. ANDERSON:

14 We received a payment from the
15 bond company and we turned it over in July.

16 MR. BREWER:

17 Okay.

18 MR. POTEET:

19 Any other questions?

20 (No response.)

21 MR. POTEET:

22 Motion to approve the June
23 financial statements.

24 MR. ROY:

25 I move on that.

1 MR. POTEET:

2 Okay. Kirby.

3 MR. SMITH:

4 Second.

5 MR. POTEET:

6 Second from Darty.

7 All in favor, say, "Aye."

8 (All "Aye" responses.)

9 MR. POTEET:

10 Any opposed?

11 (No response.)

12 MR. POTEET:

13 All right. So let's move on to
14 July.

15 MS. ANDERSON:

16 The balance in the bank account
17 at the end of July was \$1,719,530. The
18 accounts receivable hearing fines were
19 \$465,200. And the current liabilities were
20 \$77,085. The accounts payable included the
21 \$22,200 renewal of the CAVU maintenance fee,
22 which will be paid in August.

23 On Page 2, the deferred revenue
24 was \$302,125. And on Page 3, the statement
25 of revenue, expenses, and changes in net

1 position, the month to date and year to date
2 in the first month of the fiscal year was
3 \$43,431 compared to \$36,094 last year.

4 And on Page 4, the salaries and
5 related benefits were \$59,100 compared to
6 \$48,581 last year. The remainder of the
7 expenses increased only slightly, about
8 \$600. The maintenance expenses include an
9 air-conditioner motor for the reception area
10 unit. It seems like every year, we have to
11 replace some piece of our air-conditioning.
12 So we should have a new one soon.

13 On Page 5, the total expenses
14 year to date and month to date were
15 approximately \$29,000 compared to -- I'm
16 sorry, \$72,641 compared to \$61,458 last
17 year. And the net change -- the change in
18 the net position was a decrease of \$29,000
19 compared to \$25,400 last year. On the
20 revenue and expenditures and net position
21 report, we've only got one month again, but
22 you can see the change in revenues and
23 expenses.

24 And on Page 8 is a graph of those
25 figures showing the decline in the net

1 position, but still a healthy net position.

2 On Page 7 is a chart of our fee
3 revenue at this time, primarily auction
4 transaction fees, UD licenses, and
5 salesperson licenses. Page 9 is the
6 certificate of deposit summary. There's no
7 changes in July, but this month and August
8 our two CDs at Business First come up at the
9 -- on the 22nd and I will check with the
10 bank and they're still holding off on
11 predicting how that's going to change. We
12 will be calling them close to the renewal
13 date. I'm not sure it's going to be lower.

14 On Pages 10 and 11 is the
15 accounts receivable hearing fines. As of
16 July 31st was \$400 -- a grand total of
17 \$465,200, and as we said before, we've sent
18 Wego Auto Sales to them for collection and
19 they did advise us that they received a
20 payment from Larry Brown on his balance for
21 -- that's shown there on that second page
22 and we should be receiving that shortly.

23 So unless there are any
24 questions, that concludes my report, Mr.
25 Chairman.

1 MR. POTEET:

2 Thank you. Do we have any
3 questions? Does anyone have any questions?

4 (No response.)

5 MR. POTEET:

6 I'd like to commend the staff on
7 another good year financially. I think
8 we've been pretty fiscally responsible for
9 the last few years and it shows in our
10 reports. So I hope the audit will make sure
11 that's correct. I'm sure it will. I have
12 no doubt. Okay.

13 Related party questionnaire, I
14 think I sent mine in already. All right.
15 Does anybody else -- if you haven't done so,
16 do it, because I think -- you know, one time
17 I said, I just won't send it in and they
18 will throw me off the commission, but guess
19 what, there's a little bit more they can do
20 to you. So you don't want any of that.

21 All right. So the next thing on
22 the agenda is the use of the word wholesale.

23 We need to make a motion to
24 approve.

25 MR. SMITH:

1 I make a motion.

2 MR. OLAVE:

3 Second.

4 MR. POTEET:

5 All in favor, say, "Aye."

6 (All "Aye" responses.)

7 MR. POTEET:

8 Any opposed?

9 (No response.)

10 MR. POTEET:

11 Thank you, gentlemen.

12 Use of the word wholesale as it
13 relates to advertising and dealership name.
14 Briefly, to fill everybody in, we had a
15 meeting about two months ago with the New
16 Car Commission regarding this. Sheri was at
17 the meeting. Derek was at the meeting, Kim,
18 me. Was that all from our side?

19 MS. BARON:

20 Yes.

21 MR. POTEET:

22 And there was a lot of discussion
23 about the word wholesale and how it relates
24 to advertising and dealership name. And our
25 position was that if you're advertising --

1 excuse me, if you're advertising that, you
2 know, you can buy cars and don't pay retail
3 when you can pay wholesale prices, et
4 cetera, et cetera. And then so there's just
5 a rash of advertising all over the radio and
6 the TV with that kind of language in it. So
7 we asked them to send us some video and/or
8 audio of any of that. We have yet to
9 receive any of that.

10 We also had a discussion about
11 the name -- using the word wholesale in a
12 dealership name and we asserted that we
13 didn't see any problem with that, that the
14 word wholesale in the dealership name does
15 not imply anything that would be, you know,
16 detrimental or misleading to the consumer.
17 They argued with us about that. They had a
18 lawsuit or a case that had been decided
19 before the Supreme Court in 1968. I asked
20 my attorney -- I said, I don't know a lot
21 about the law, but don't you usually refer
22 to something a little more recent when we're
23 trying to prove our point, and she said,
24 yes. You start with the most recent and
25 work your way back. Well, if 1968 is the

1 most recent case, I would say there's not
2 much out there. The other thing is we
3 didn't bring up that we thought about after
4 the fact was --

5 MS. MORRIS:

6 It was an out of state case, too.
7 It wasn't a Louisiana case.

8 MR. POTEET:

9 Most of you are familiar with a
10 company called Costco Wholesale. Costco,
11 wherever they have their stores, they have a
12 big sign up that says Costco Wholesale. The
13 wholesale word is very big and prominent,
14 and no one has ever suggested that they were
15 being misleading or that they had -- you
16 know, that they were using the word
17 wholesale to fool people into thinking they
18 would be getting something cheaper than they
19 would from other retailers. So we basically
20 said, this is our position. We agreed that
21 the word wholesale needs to be used
22 carefully, if at all, in advertising, but
23 the word wholesale in the name of the
24 dealership is not a problem for us. We
25 don't think it's a problem. We don't

1 believe there's anything to it and that was
2 pretty much the end of the meeting. We've
3 had no contact with them since. We have
4 asked for information from them to sort of
5 indicate what they would like for us to do
6 or what they would like to do and at this
7 point, I've heard nothing.

8 Derek, do you want to add
9 anything to that?

10 MR. PARNELL:

11 I have nothing to add, except I
12 have not received or heard anything either,
13 so.

14 MR. POTEET:

15 Sheri?

16 MS. MORRIS:

17 I think what they were asking us
18 to do is to not renew any licenses with the
19 word wholesale and that's problematic to us,
20 because some of our dealers do sell
21 wholesale to other dealers and also they've
22 been using those names more than 20 years,
23 we've found, some of them. So to not renew
24 a license because of that word in there,
25 then we would have to issue without any

1 legislative authority, we would have to do
2 it.

3 MR. POTEET:

4 So we felt that, number one, we
5 didn't see any problem with it. Number two,
6 we didn't feel like we really had the
7 authority to do that. So at this point in
8 time, as far as I'm concerned, it is a
9 dormant issue.

10 MS. MORRIS:

11 We did represent that we would
12 address any deceptive advertising, because
13 the law does not, but we were not provided
14 with any examples that appeared to be
15 deceptive and we asked them to follow-up and
16 send us whatever advertisements they were
17 concerned about and we haven't received any.

18 MR. POTEET:

19 Does anybody else have any
20 comments on this issue or the conversation
21 that we've had? I think we spent about an
22 hour and a half with them that day.

23 Oh, one thing that did come up
24 was that they had one of their investigators
25 with them and -- do we have any

1 investigators here today? So -- but the --
2 their investigator indicated that our
3 investigators were telling used car dealers
4 that they did not have to follow the finance
5 license law. You know, we were skeptical
6 that any of our people were saying that. I
7 doubt that anyone says that. You know, when
8 something comes up, it depends on the way
9 the question is asked. If you ask this
10 question, I never finance cars and I follow
11 the law, I think the answer would be, no, if
12 you don't ever finance cars. So, you know,
13 we asked for more detail, who said it, how
14 was it said, what was the context of the
15 conversation. Again, there was nothing
16 there. I think our investigators are
17 well-versed in what the -- the finance law.
18 It's part of our training seminar and I
19 don't think that we have a problem with that
20 either. We told them that if there were any
21 cases specifically where we're giving out
22 wrong information, we want to hear about it.
23 Derek wants to hear about it immediately,
24 so.

25 Anybody else? Any comments on

1 that? We'll wait to hear from them.

2 (No response.)

3 MR. POTEET:

4 Okay. The next thing is the
5 ratification of imposed penalties.

6 MR. PARNELL:

7 It's a pretty long list, because
8 it is a combination of June and July.

9 MR. POTEET:

10 Okay.

11 MR. PARNELL:

12 If you turn with me in your
13 packet, you'll find a chart that illustrates
14 the dealers that have been fined. I have
15 determined that the public interest can be
16 served without further administrative
17 proceedings. We have received the
18 stipulated agency orders and the proof of
19 payment has been made to everyone on this
20 list. I will announce the names of the
21 dealers that have been imposed civil
22 penalties and their fee, and if someone is
23 here to represent them.

24 MS. MORRIS:

25 We need to check outside.

1 MS. BARON:

2 I don't think so.

3 MR. PARNELL:

4 All right. The first on the list
5 is JS Auto LLC from Baton Rouge, Louisiana
6 and the fine paid was \$200. Second is Arabi
7 Wholesale Center out of Covington,
8 Louisiana. The fine paid was \$1,800. First
9 and Last Choice Auto LLC from Baton Rouge,
10 Louisiana, fine paid \$250. Vinton Auto
11 Sales, Incorporated in Vinton, Louisiana,
12 fine is \$1,000. Deal 'n Doug's Autoplex in
13 Metairie, Louisiana, \$14,800. Faul's Auto
14 Sales LLC, Denham Springs, Louisiana, \$250.
15 Hollingsworth Auto Center from Sulphur,
16 Louisiana is \$1,000. Cameron Motors, LLC
17 from Lafayette, Louisiana is \$150. Best
18 Auto Sales from Baton Rouge, Louisiana is
19 \$400. Priceline Motors from Covington,
20 Louisiana is \$200. Louisiana Scrap Metal
21 Recycling from Port Allen, Louisiana is
22 \$1,000. Go Fase Wholesale from Grayson,
23 Louisiana is \$250. Pompeii's Auto Sales
24 from Lafayette is \$150. False Accusation
25 Motorsports LLC from Baton Rouge, Louisiana

1 is \$200. T&T Classic Auto from Baton Rouge,
2 Louisiana is \$150.

3 Commissioners, I have gone
4 through the list. The total civil penalties
5 for the month is \$21,800 and, Commissioners,
6 I would ask that you ratify the imposed
7 civil penalties assessed and accept the
8 signed stipulated orders.

9 MR. POTEET:

10 Do I have a motion to accept
11 those?

12 MR. ROY:

13 I make a motion.

14 MR. TAYLOR:

15 Second.

16 MR. POTEET:

17 Dino second. Kirby.

18 All in favor, say, "Aye."

19 (All "Aye" responses.)

20 MR. POTEET:

21 All right. Those ratifications
22 have been ratified.

23 MR. DUPLESSIS:

24 Mr. Chair, I have to ask this
25 question. False Accusation, I mean, we

1 don't legislate necessarily good taste, but
2 I'm curious, is this in the best interest?
3 Maybe it is. I'm sure that I might be
4 discriminating against.

5 MR. POTEET:

6 The only word that has been
7 brought up to us is the word wholesale.
8 Maybe we ought to leave this alone.

9 All right. So now we've got some
10 license revocations.

11 MR. PARNELL:

12 Commissioners, I'll go through --
13 you'll find in your packets -- in your
14 binders once again ratification of license
15 revocations. I'll go through and give you
16 the name of the dealership and let you know
17 when the notice of revocation was sent out.
18 The first one on the list is J&S Auto Sales
19 -- I'm sorry, J&S Sales LLC. The notice of
20 revocation was sent on June 13, 2015. The
21 second one on the list is Big Sug's Wheels
22 and Deals LLC. Notice of revocation was
23 June 13th of 2015. Next on the list is
24 Bell's Wholesale Enterprises, Incorporated.
25 The notice of revocation was August 3rd of

1 2015. South Coast Auto Dealers, LLC, notice
2 of revocation was 8/4/2015.

3 Commissioners, I would ask that
4 you ratify the license revocations.

5 MR. CORMIER:

6 I make the motion.

7 MR. SMITH:

8 I second.

9 MR. POTEET:

10 All in favor, say, "Aye."

11 (All "Aye" responses.)

12 MR. POTEET:

13 Any opposed?

14 (No response.)

15 MR. POTEET:

16 All right. Next thing on the
17 agenda, Derek, is your Executive Director's
18 report.

19 MR. PARNELL:

20 If you turn in your packet, you
21 will find your department summary reports.
22 The first one is the alleged issue counts.
23 For the month of June, it was 120 alleged
24 issues. The second report that you will
25 find due to the alleged issue counts for

1 July was 117 alleged issues.

2 The next report you will find is
3 June, we have the case report. In June, we
4 had 75 cases that were assigned. 25 of
5 those cases were closed. The next report is
6 the case report for July and 67 cases
7 assigned, 11 of those cases were completed.

8 And the next report is the
9 department summary report. There were 67
10 total cases assigned in the month -- that
11 were closed. I apologize, that were closed
12 in the month of June. And then in July,
13 there were 63 cases that were closed.

14 Moving forward, in general
15 comments, one thing I just kind of want to
16 make sure you guys know, that we have
17 increased our working staff. I'd like to
18 introduce one of our new compliance
19 investigators. His name is Mr. Perry
20 Sponge. Perry has an extension law
21 enforcement background. He has worked as a
22 compliance investigator with the New Car
23 Commission for several years. He's been
24 with us nearly 30 days and he's proven to be
25 a tremendous asset to the investigator

1 staff. I would like to take the time to
2 introduce Mr. Perry Esponge.

3 And, Perry, if you would like to
4 say something you're more than welcome to.

5 MR. ESPONGE:

6 Just happy to be here. I look
7 forward to it.

8 MR. POTEET:

9 Thanks. Welcome.

10 MR. ESPONGE:

11 You're welcome.

12 MR. PARNELL:

13 We continue to hold our internal
14 enforcement meetings. I started doing that
15 this year. Every other week, I try to meet
16 with the enforcement staff, myself, Ms.
17 Burks and all of the field investigators.
18 We do a conference call where we're really
19 discussing cases and discussing what's going
20 on out there in each area. We've got to
21 make sure that we're all working on the same
22 page and doing the same things. Everyone
23 has a different style of how they are, how
24 they operate when they're out in the field,
25 but we all have one idea of making the

1 correct decision on what we're doing. We
2 try to make sure that we discuss the cases,
3 so we can understand what's going on. I
4 recently invited Mr. Hallack to actually
5 join in with us maybe once a month or so, so
6 he can kind of help us go through what he's
7 looking for when he goes to prosecute cases.
8 This has proven really helpful to our
9 mission, it is much stronger out in the
10 field and they're making sure that we are
11 doing what we're supposed to do and the laws
12 are being followed and we all are moving in
13 the correct and the same direction.

14 The next thing I want to talk
15 about is State vehicles. We did receive one
16 of the vehicles. We ordered them at the
17 same time. Only one came in. So I'm still
18 waiting for that second one to come in. It
19 came in, the 2016 Impala, as I stated, which
20 I was looking for the newer -- the newest
21 body style, but on fleet vehicles, the 2016
22 is still that same older body style, but you
23 know, so be it.

24 So I do want to bring up a point
25 that we know, we have been working close

1 with the Department of Revenue. We have one
2 of the investigators, in particular, he's
3 brought it to our attention that the monthly
4 sales report is something that they really
5 want to start cracking down on and that's
6 something that I really want to reiterate to
7 you all as dealers that are on the Board and
8 everyone else that's out there, that the
9 monthly sales report is in the law. They
10 must be done. And we will start enforcing
11 it much more than we have in the past.

12 So do we have any questions or
13 comments or concerns?

14 MR. TAYLOR:

15 Will we have to go with some type
16 of internal audit or can you get that
17 information from the --

18 MR. PARNELL:

19 We're trying -- at one point they
20 used to send the monthly reports that would
21 show us the dealers that did not submit
22 those reports. He's working -- Investigator
23 Wright with the Department of Revenue is
24 working with some of the administrative
25 staff and trying to get us a the report.

1 The report he was sending to us had way too
2 much information, so I didn't need that much
3 information about taxes that weren't paid.
4 I just needed information who was doing
5 what, if they were doing it or not, and just
6 to simplify his process and their process in
7 getting that document to us. So they're
8 supposed -- they're going to be supplying us
9 with the document -- the report that kind of
10 shows who is submitting it to them, so.

11 MR. POTEET:

12 Okay. Awesome.

13 MR. PARNELL:

14 That completes my report.

15 Are there any other questions?

16 MR. POTEET:

17 Does anybody anything else before
18 we adjourn?

19 (No response.)

20 MR. POTEET:

21 We need to adjourn.

22 MS. MORRIS:

23 You might have read in the paper
24 that the State vehicle have GPS systems in
25 these vehicles and will be in that GPS

1 system and the old vehicles will also be
2 added, and then that will eliminate some
3 paperwork down the line as soon as the
4 software is in place for mileage.

5 MR. POTEET:

6 All right. Okay. So let's
7 adjourn and take about a five minute break,
8 and then we'll come back for the hearings.

9

10

11 (Meeting adjourned at 10:02 a.m.)

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REPORTER'S CERTIFICATE

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I, BETTY D. GLISSMAN, Certified Court Reporter, Certificate No. 86150, in and for the State of Louisiana, do hereby certify that the Louisiana Used Motor Vehicle Commission August 17, 2015, meeting was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding.

This August 25, 2015, Baton Rouge, Louisiana.

BETTY D. GLISSMAN, CCR
CERTIFIED COURT REPORTER

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