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BEFORE THE STATE OF INDIANA

CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF JULY 21, 2023

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana
Civil Rights Commission, Steven A. Ramos,
Vice-Chair, taken before me, Lindy L. Meyer, Jr.,
a Notary Public in and for the State of Indiana,
County of Shelby, at the Indiana Government
Center North, 100 North Senate Avenue, Room N300,
Indianapolis, Indiana, on Friday, July 21, 2023
at 1:08 o'clock p.m.

- - -

ACCURATE REPORTING OF INDIANA, LLC
543 Ponds Pointe Drive
Carmel, Indiana 46032
TELEPHONE: (317) 848-0088
EMAIL: accuratereportingofindiana@gmail.com

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Steven A. Ramos, Vice-Chair
4 Adrienne L. Slash (via telephone)
5 Sue Silberberg
6 Terry Tolliver

7 INDIANA CIVIL RIGHTS COMMISSION
8 By David Fleischhacker, Deputy Director
9 Indiana Government Center North
10 100 North Senate Avenue, Room N300
11 Indianapolis, Indiana 46204
12 On behalf of the Commission.

13 OTHER COMMISSION STAFF PRESENT:

14 Michael Lostutter
15 Christiana Afuwape

16 ALSO PRESENT:

17 Yvette Kirchoff

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1 1:08 o'clock p.m.
2 July 21, 2023

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4 VICE-CHAIR RAMOS: I'm calling the
5 meeting to order July 21st, and we just heard a
6 beep. Is that anything?

7 MR. LOSTUTTER: We're unmuted there
8 so --

9 VICE-CHAIR RAMOS: Oh, okay.

10 MR. LOSTUTTER: -- people can hear
11 us.

12 VICE-CHAIR RAMOS: All right.

13 So, we have a fairly easy agenda today.
14 This is Vice-Chair Ramos, for the record, and our
15 Chair is on the phone and driving out east.

16 So, thank you for joining us, Chair Slash.

17 For our agenda today, would you go ahead
18 and announce our agenda for the meeting? And we
19 do have a quorum.

20 MR. LOSTUTTER: Good. All right.

21 And the agenda that we have is a very light one:
22 Approval of previous meeting minutes, the monthly
23 ICRC records report, and then we will have Old
Business, Commissioners who were appointed to

1 appeals will report the determinations on five
2 cases, and we will then -- we have no Other --
3 Motions are Other Filings, and then we will
4 assign new appeals to Commissioners, and that
5 will be it. We have no Review of ALJ Recommended
6 Decisions and Orders, nor do we have any final
7 orders to read into the record.

8 VICE-CHAIR RAMOS: Thank you.

9 Hearing that, let's move to approving the
10 previous meeting minutes. We'll need to take
11 roll call. I need a motion to approve.

12 COMM. TOLLIVER: So moved.

13 VICE-CHAIR RAMOS: I need a second.

14 COMM. SILBERBERG: Second.

15 VICE-CHAIR RAMOS: All those in
16 favor, David -- I'm sorry -- Michael?

17 MR. LOSTUTTER: Michael.

18 All in favor of approving last month's
19 meeting records, say aye.

20 COMM. SILBERBERG: Aye.

21 VICE-CHAIR RAMOS: Aye. You need to
22 do a roll call.

23 MR. FLEISCHHACKER: Yeah, you need to

1 do roll call.

2 MR. LOSTUTTER: Okay.

3 Chair Slash?

4 (No response.)

5 VICE-CHAIR RAMOS: Did we lose her?

6 Are you there still, Adrienne -- I'm
7 sorry -- Chair Slash?

8 (No response.)

9 VICE-CHAIR RAMOS: Chair Slash?

10 CHAIR SLASH: I'm sorry.

11 VICE-CHAIR RAMOS: We just made a
12 motion to approve the agenda.

13 CHAIR SLASH: Aye.

14 VICE-CHAIR RAMOS: Aye, we have an
15 "aye" from Chair Slash.

16 MR. LOSTUTTER: Chair -- or
17 Comm. Silberberg?

18 COMM. SILBERBERG: Aye.

19 MR. LOSTUTTER: Comm. Tolliver?

20 COMM. TOLLIVER: Aye.

21 MR. LOSTUTTER: Vice-Chair Ramos?

22 VICE-CHAIR RAMOS: Aye.

23 All right. We'll move on to the

1 Director's Report.

2 MR. FLEISCHHACKER: Thank you,
3 Vice-Chair Ramos. We've had a busy last month
4 and a half. We had the ICRC Civil Rights
5 Conference in mid-June that went extremely well,
6 had a lot of great speakers, a lot of great
7 events, was well attended. We had close to 350
8 in person and a similar number, 350, 400, joining
9 us virtually as well. So, we've heard really
10 positive feedback about the Conference and about
11 the content that was shared, so we feel really
12 good about the product that we put out and had
13 people engage in, and our staff here did a
14 phenomenal job of putting that together and
15 engaging in that. So, that was a great success
16 and accomplishment for the Commission.

17 And then I recently had a number of events
18 associated with Summer Celebration for Indiana
19 Black Expo. The Governor's Reception, where we
20 hand out and recognize a number of community
21 leaders, and then also handed out our Harold
22 Hatcher Award for a staff member, and that went
23 to Fred Bremer this year, a well-deserving

1 individual, an attorney who's been with the
2 Commission for longer than the Indiana Fair
3 Housing Act has been around, so that's a
4 testament to his commitment to civil rights here
5 in the State of Indiana. So, that was a great
6 recognition for him.

7 A couple of upcoming things: We continue
8 to do CORE. We have CORE coming up the first
9 week of August, and then I think some calendar
10 reservations went out, at least to the staff,
11 hopefully to you as well, if not we'll get them
12 on your calendar, but on September 19th and 20th
13 are going to be our Days of Service for this
14 year, where we go out into the community and do
15 some beautification projects and work with a
16 number of agencies and a number of other entities
17 out in the public to make those happen, but those
18 are the dates that those Days of Service are
19 scheduled for.

20 As far as projects go, ongoing stuff,
21 Genesis and CMS continue to be viable products
22 and assisting us in doing some of our work.
23 Obviously, as with any technology, there's some

1 bumps along the way that we're working through on
2 some of those, but overall, especially with
3 Genesis, and then as we're starting to get into
4 our Power BI reports and so for CMS, those will
5 definitely assist in our reporting capabilities
6 and tracking capabilities for the things that are
7 in each of those systems.

8 Our Fair Housing testing is ongoing.
9 We've -- I think I reported last month that we've
10 got ten Director-initiated complaints that are in
11 process right now, and a number of which, the
12 entities have indicated a desire to engage in
13 settlement discussions to resolve those, so
14 hopefully we can bring those to a conclusion and
15 assist those entities in changing their practices
16 and policies to ensure that they're adhering to
17 the Fair Housing Laws.

18 We -- at the end of June, we completed our
19 HUD contract for this last cycle, and it was
20 another successful year. It looks like we'll end
21 the year at around 165 cases, and last year we
22 ended that contract year at 168, so right around
23 the same number that we did the prior year, and

1 this year we didn't really have any testing cases
2 in, just based on how the testing played out.
3 So, a great job with our Intake staff, REPACE
4 staff, and everyone involved in moving those
5 along, getting those resolved and investigated
6 and played out.

7 So, the EEOC contract ends at the end of
8 September, that's when that fiscal year ends and
9 when that contract period ends, and we're on
10 track to meet our -- the EEOC contract was
11 for 350 cases, and we're on track to meet that,
12 and we have close to 400 current files that are
13 in our office to be investigated, so we're well
14 positioned to meet that same contract for next
15 year already. So, good things going on in those
16 areas.

17 As far as some metrics go, year to date
18 for 2023, we've recorded 4,968 calls into the
19 agency into our queues, and that's an increase
20 from 1,819 last year during that same time
21 period, but again, a lot of that is a byproduct
22 of Genesis and being able to better track the
23 calls that are coming in.

1 As far as inquiries go, we've had 1,417
2 inquiries through the end of June, compared to
3 1,031 in the same time period last year; that's a
4 37-and-a-half-percent increase. We've formalized
5 586 complaints through the end of June, so at the
6 half-year mark, compared to 345 the year -- last
7 year; that's a 70-percent increase, so we're
8 looking to possibly eclipse the thousand mark on
9 formalized complaints for 2023 if that trend
10 continues.

11 And then so far in 2023, or through the
12 end of June, we've had over \$472,000 in monetary
13 relief through our resolved settlements, compared
14 to 423,000 in the same time period last year, so
15 an eleven-and-a-half-percent increase in our
16 monetary awards.

17 I always like to point to our inquiry --
18 our percentage of inquiries that result in formal
19 complaints. In 2023, for the first half of the
20 year, we had a 41-percent rate of inquiries being
21 turned into formalized complaints, compared to 34
22 percent in the same time period last year.

23 And then at the end of June, we had 49

1 open litigation cases, compared to 75 at the same
2 point last year. However, I just -- you know,
3 prior to the meeting, I mentioned closing 45 or
4 so notices of findings. Eight of those, however,
5 were cause cases, so those will get added into
6 our open litigation files. We've closed a
7 couple, so we'll be in the low to mid 50's as far
8 as open litigation cases, likely, for the end,
9 once the end of June comes about.

10 So, a lot of great work going on. I think
11 I say that every month. We're getting a lot of
12 people coming into the office and contacting us
13 about things going on in their lives. I think
14 that's a testament to the heightened awareness
15 that we have going on, getting our name out, and
16 I think anecdotally, probably some, you know,
17 return to pre-COVID kind of workplace scenarios
18 and housing scenarios.

19 So, I think a lot of those different
20 things are working together to increase the
21 amount of people and the amount of traffic that
22 we're having come into the agency. And then our
23 staff are doing a great job of getting that work

1 done and moving cases through in a timely manner.

2 VICE-CHAIR RAMOS: Thank you, Deputy
3 Director. I've heard nothing but phenomenal
4 things about that, you know, the Housing
5 Conference that you had. It was, you know,
6 fantastic. I participated in some of it, and I
7 know I also received an invitation for the
8 Women's Commission Awards Dinner that's coming up
9 here.

10 MR. FLEISCHHACKER: Yeah, their
11 Torchbearers, I think, is sometime in September
12 as well, so that event's coming up, yep.

13 VICE-CHAIR RAMOS: That's great. So,
14 I commend the office. You're doing a great job,
15 and everybody is right on track and we're ahead
16 of everything from year to year, so that's
17 fantastic.

18 Commissioners, comments?

19 (No response.)

20 VICE-CHAIR RAMOS: Okay. So, we
21 will -- thank you, again, very much. We will
22 move on to the next order of business. That's
23 old business. Comm. Tolliver, you had the case

1 of Scott Gribbons versus Henry County Planning
2 Commission, Case No. HOha23020175.

3 COMM. TOLLIVER: Yes. There are
4 three issues, and I recommend that we approve the
5 Commission's finding of no reasonable cause under
6 the Indiana Fair Housing Act, and no probable
7 cause under the Indiana Civil Rights Act for
8 issue one. Do you want me to do all three
9 issues?

10 VICE-CHAIR RAMOS: You can do them
11 all together.

12 COMM. TOLLIVER: The second issue
13 would be the same, no reasonable cause under the
14 Indiana Fair Housing Act, and no probable cause
15 under the Indiana Civil Rights Law.

16 And then on the third issue, no reasonable
17 cause under the Indiana Fair Housing Act, and no
18 probable cause under the Indiana Civil Rights
19 Law.

20 VICE-CHAIR RAMOS: I need a motion to
21 approve.

22 COMM. SILBERBERG: Motion to approve.

23 VICE-CHAIR RAMOS: I'm -- I can

1 second, as Chair, so, then I will -- and
2 Commissioner -- I'm sorry -- Vice-Chair Slash, I
3 know that you're through the woods and stuff, so
4 hopefully you're still hanging with us, but we'll
5 go ahead and do a vote, and we'll find out real
6 quickly.

7 CHAIR SLASH: I'm still here.

8 VICE-CHAIR RAMOS: Oh, excellent.

9 MR. LOSTUTTER: There we go.

10 VICE-CHAIR RAMOS: Thank you.

11 MR. LOSTUTTER: We're calling the
12 roll.

13 Chair Slash?

14 CHAIR SLASH: Chair Slash, aye.

15 MR. LOSTUTTER: Comm. Silberberg?

16 COMM. SILBERBERG: Aye.

17 MR. LOSTUTTER: Comm. Tolliver?

18 COMM. TOLLIVER: Aye.

19 MR. LOSTUTTER: And Vice-Chair Ramos?

20 VICE-CHAIR RAMOS: Aye.

21 MR. LOSTUTTER: The ayes have it.

22 VICE-CHAIR RAMOS: All right.

23 The next case is Comm. Jackson, do we have

1 a ruling on that one?

2 MR. LOSTUTTER: We -- his
3 recommendation was to uphold the notice of
4 finding in the matter.

5 VICE-CHAIR RAMOS: Okay. Of no
6 probable cause under Indiana Civil Rights --

7 MR. LOSTUTTER: Yes.

8 VICE-CHAIR RAMOS: -- Law?

9 So, I need a motion to approve.

10 COMM. TOLLIVER: So moved.

11 VICE-CHAIR RAMOS: I need a second.

12 COMM. SILBERBERG: Second.

13 VICE-CHAIR RAMOS: All those in
14 favor?

15 MR. LOSTUTTER: We'll call the roll.

16 Chair Slash?

17 CHAIR SLASH: Chair Slash, aye.

18 MR. LOSTUTTER: I'm pretty sure she
19 said "aye."

20 COMM. SILBERBERG: Yeah.

21 VICE-CHAIR RAMOS: Was it "aye, aye,
22 aye"?

23 MR. LOSTUTTER: Comm. Silberberg?

1 COMM. SILBERBERG: Aye.

2 MR. LOSTUTTER: Comm. Tolliver?

3 COMM. TOLLIVER: Aye.

4 MR. LOSTUTTER: Vice-Chair Ramos?

5 VICE-CHAIR RAMOS: Aye.

6 MR. LOSTUTTER: The ayes have it.

7 VICE-CHAIR RAMOS: Thank you.

8 The next case is Bianca Smith versus
9 Highmark Residential. The Case Number
10 is HOra23030233. And in this case, I recommend
11 that we uphold the Director's finding of no
12 probable cause under Indiana Civil Rights Law,
13 and no reasonable cause under Indiana Fair
14 Housing Act.

15 I do need a motion to --

16 COMM. SILBERBERG: So moved.

17 COMM. TOLLIVER: Second.

18 VICE-CHAIR RAMOS: Second by --

19 MR. LOSTUTTER: We will call --

20 VICE-CHAIR RAMOS: -- Comm. Tolliver.

21 MR. LOSTUTTER: -- the roll.

22 Chair Slash?

23 CHAIR SLASH: Chair Slash, aye.

1 MR. LOSTUTTER: Comm. Silberberg?

2 COMM. SILBERBERG: Aye.

3 MR. LOSTUTTER: Comm. Tolliver?

4 COMM. TOLLIVER: Aye.

5 MR. LOSTUTTER: Vice-Chair Ramos?

6 VICE-CHAIR RAMOS: Aye.

7 MR. LOSTUTTER: The eyes have it.

8 VICE-CHAIR RAMOS: Point of order. I
9 did not call the case for Jackson, so I'm going
10 to read that into the record --

11 MR. LOSTUTTER: Oh.

12 VICE-CHAIR RAMOS: -- formally.

13 That's Bob Denham versus Amcore Flexibles North
14 America, Case No. EMha22110691, and we have
15 already approved to uphold that.

16 The next case is LaToya Richardson versus
17 Indiana University and Purdue University
18 Indianapolis. The Case Number is EDra22110652.
19 Chair Slash has made a recommendation.

20 Chair, are you still with us?

21 CHAIR SLASH: Yes, I am, and my
22 recommendation is that we uphold the Deputy
23 Director's finding of no probable cause.

1 VICE-CHAIR RAMOS: I need a motion to
2 approve.

3 COMM. TOLLIVER: So moved.

4 VICE-CHAIR RAMOS: I need a second.

5 COMM. SILBERBERG: Second.

6 VICE-CHAIR RAMOS: Roll call.

7 MR. LOSTUTTER: We'll call the roll.

8 Chair Slash?

9 CHAIR SLASH: Chair Slash, aye.

10 MR. LOSTUTTER: Comm. Silberberg?

11 COMM. SILBERBERG: Aye.

12 MR. LOSTUTTER: Comm. Tolliver?

13 COMM. TOLLIVER: Aye.

14 MR. LOSTUTTER: And Vice-Chair Ramos?

15 VICE-CHAIR RAMOS: Aye.

16 MR. LOSTUTTER: The ayes have it.

17 VICE-CHAIR RAMOS: The next case is

18 Sumit Ghosh versus Creekside Commons Homeowners

19 Association, Inc. The Case Number

20 is HOra23010028. Comm. Harrington did provide

21 her recommendation --

22 MR. LOSTUTTER: She did.

23 VICE-CHAIR RAMOS: -- and her

1 recommendation is to uphold the Director's
2 finding of no probable cause under Indiana Civil
3 Rights Law, and no reasonable cause under the
4 Indiana Fair Housing Act.

5 I need a motion to approve.

6 COMM. SILBERBERG: So moved.

7 VICE-CHAIR RAMOS: I need a second.

8 COMM. TOLLIVER: Second.

9 VICE-CHAIR RAMOS: Those in favor?

10 MR. LOSTUTTER: We will call the
11 roll.

12 Chair Slash?

13 CHAIR SLASH: Chair Slash, aye.

14 MR. LOSTUTTER: Comm. Silberberg?

15 COMM. SILBERBERG: Aye.

16 MR. LOSTUTTER: Comm. Tolliver?

17 COMM. TOLLIVER: Aye.

18 MR. LOSTUTTER: And Vice-Chair Ramos?

19 VICE-CHAIR RAMOS: Aye.

20 MR. LOSTUTTER: The ayes have it.

21 VICE-CHAIR RAMOS: There are no other
22 Motions or Other Filings. That moves us to New
23 Business and the appointment of new cases to the

1 Commissioners. We have -- the first case is Adam
2 Boylan versus Caravan Facilities Management, LLC.
3 The Case Number is EMra22120710, and I'll assign
4 that to Mr. Tolliver -- Comm. Tolliver.

5 The next case is Jesse Rider versus Herman
6 and Kittle Properties and Lynhurst Park
7 Apartments, Case No. HOha23020142, and I'll
8 assign that to Comm. Silberberg.

9 COMM. SILBERBERG: I may not be at
10 the next meeting --

11 VICE-CHAIR RAMOS: Okay.

12 COMM. SILBERBERG: -- but I can take
13 it and give my recommendation.

14 VICE-CHAIR RAMOS: Provide the
15 recommendation? Yeah, if you're okay with that.

16 COMM. SILBERBERG: Yes.

17 VICE-CHAIR RAMOS: Thank you very
18 much.

19 And the last case is Rachel Godley versus
20 FCA (Chrysler) US LLC's Kokomo Engine Plant.
21 Case Number is EMra22120710, and I'll assign that
22 case to me.

23 Then the next item is Motions and Other

1 Filings, and we have none.

2 The next item on the agenda is Review of
3 ALJ Decisions and Orders, and we have none.

4 And the next section is ALJ Decisions
5 Automatically Confirmed. Again, there are none
6 on the agenda.

7 Which takes us to the meeting dates
8 for 2023. Our next scheduled meeting is
9 August 18th.

10 Do we have any conflicts, Commissioners,
11 with August 18th?

12 COMM. SILBERBERG: I --

13 VICE-CHAIR RAMOS: Will you be able
14 to attend virtually, or --

15 COMM. SILBERBERG: I'm not sure that
16 I will. I will do my best, but that's not a good
17 day that day. It's problematic because of the
18 Sabbath and when it falls and everything.

19 VICE-CHAIR RAMOS: Okay. Understand.

20 Chair Slash, will you be able to attend on
21 the 18th of August?

22 CHAIR SLASH: Yes, I will.

23 VICE-CHAIR RAMOS: Looking at

1 September 15th, that's in the middle of
2 September. Are there any conflicts anyone has
3 with the 15th?

4 COMM. SILBERBERG: That is the day
5 before Rosh Hashanah, so I will not be there.

6 VICE-CHAIR RAMOS: Okay. All right.
7 So, we'll just work with the other Commissioners
8 to see if they're able to --

9 COMM. SILBERBERG: When -- we had
10 talked about -- oh, I'm sorry.

11 VICE-CHAIR RAMOS: Go ahead.

12 COMM. SILBERBERG: -- about moving
13 those -- about moving to a different day.
14 Wouldn't it be by then?

15 VICE-CHAIR RAMOS: We would -- you
16 know, we'll make that determination next month if
17 we have other conflicts as well. I can
18 appreciate that, that there may be a conflict for
19 others. I'm -- personally, I need to leave the
20 week after that for three weeks, so it wouldn't
21 be -- work for me, but let's figure that out next
22 month.

23 The next item is -- there is no Election,

1 Training or Other.

2 Are there any announcements?

3 (No response.)

4 VICE-CHAIR RAMOS: No announcements.

5 Are there any public comments?

6 (No response.)

7 VICE-CHAIR RAMOS: No public

8 comments, so it is --

9 COMM. TOLLIVER: Before we adjourn,
10 can I ask to change my vote on LaToya Richardson
11 versus IUPUI? I think out of an abundance of
12 caution, I should recuse myself since I teach
13 there.

14 VICE-CHAIR RAMOS: We do not have --
15 we do not have a majority --

16 MR. LOSTUTTER: I mean we -- that
17 would have an impact, I believe, on the outcome
18 there, because we --

19 COMM. TOLLIVER: A recusal?

20 MR. LOSTUTTER: Well, we would have
21 to --

22 VICE-CHAIR RAMOS: We don't have a
23 majority --

1 MR. LOSTUTTER: Yeah, we have to hold
2 off on making a final decision, I believe, until
3 next month, if we --

4 COMM. TOLLIVER: Yeah. I just don't
5 think I can vote on that.

6 VICE-CHAIR RAMOS: Okay. All right.

7 So, for the record, Case No. EDra22110652,
8 which is LaToya Richardson versus Indiana
9 University and Purdue University Indianapolis,
10 Comm. Tolliver is citing a conflict of interest;
11 is that how --

12 COMM. TOLLIVER: Yeah.

13 VICE-CHAIR RAMOS: And so -- and
14 recommends, for all of the right reasons, to
15 recuse his vote. That does not provide us a
16 majority to pass the motion, so we will defer
17 that decision until the August Commission
18 meeting.

19 COMM. TOLLIVER: Thank you.

20 COMM. SILBERBERG: Yeah, and
21 actually, I can't be there, like I said.

22 VICE-CHAIR RAMOS: Okay. Well, since
23 it's back on the docket, we should be okay. We

1 just need to make sure we have enough votes --

2 MR. LOSTUTTER: Yes.

3 VICE-CHAIR RAMOS: -- from the others
4 to be able to pass that.

5 COMM. TOLLIVER: Yeah, and mine is
6 just a perceived conflict. I don't know any -- I
7 don't know any of the people that were in that
8 case, but --

9 VICE-CHAIR RAMOS: Right.

10 COMM. SILBERBERG: Same, yeah.

11 VICE-CHAIR RAMOS: Lindy, you got
12 that? Are you comfortable with that?

13 THE REPORTER: Yes.

14 VICE-CHAIR RAMOS: All right.

15 Thank you, Comm. Tolliver.

16 Any other public comments?

17 (No response.)

18 VICE-CHAIR RAMOS: Okay. And let me
19 see what the official time is. It's 1:30, and
20 we'll adjourn the meeting.

21 - - -
22 Thereupon, the proceedings of
23 July 21, 2023 were concluded
at 1:30 o'clock p.m.

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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Friday, July 21, 2023 in this matter and transcribed by me.

Lindy L. Meyer, Jr.,
Notary Public in and
for the State of Indiana.

My Commission expires August 26, 2024.
Commission No. NP0690003

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