



STATE BOARD OF EQUALIZATION
450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0080
(916) 322-2270 • FAX (916) 324-3984
www.boe.ca.gov

BETTY T. YEE
First District, San Francisco
SEN. GEORGE RUNNER (RET.)
Second District, Lancaster
MICHELLE STEEL
Third District, Orange County
JEROME E. HORTON
Fourth District, Los Angeles
JOHN CHIANG
State Controller
CYNTHIA BRIDGES
Executive Director

**STATE BOARD OF EQUALIZATION MEETING
450 N Street, Room 121, Sacramento
November 14-15, 2012
NOTICE AND AGENDA - REVISED
Meeting Agenda (as of 11/14/2012, 2:00 PM)**

[Agenda Changes](#)

[Webcast on Wednesday, November 14, 2012](#)

Wednesday, November 14, 2012

10:00 a.m. Board Committee Meetings Convene*

Board Meeting convenes upon Adjournment of the Board Committee Meetings**

Agenda items occur in the order in which they appear on the agenda. When circumstances warrant, the Board's Chair may modify the order of the items on the agenda. Items may be postponed to a subsequent day; however, items will not be moved to an earlier day.

Board Committee Meetings*

[Customer Service and Administrative Efficiency Committee](#).....

Ms. Steel, Committee Chairwoman

~~1. eRelief Requests Demonstration.~~

~~Staff will present a brief demonstration showing the look and feel of the new eRelief Requests system.~~

~~2. Use Tax Outreach.~~

~~Update on the Use Tax Outreach Plan for both business owners and consumers.~~

[Property Tax Committee](#)

Mr. Runner, Committee Chairman

(Rescheduled to November 15, 2012)

1. Discussion and adoption of *Guidelines for Active Solar Energy Systems New Construction Exclusion*.

Board Meeting**

- A. Homeowner and Renter Property Tax Assistance Appeals Hearings
There are no items for this matter.
- B. Corporate Franchise and Personal Income Tax Appeals Hearings**
(Contribution Disclosure forms required pursuant to Gov. Code, § 15626.)

B1. Anser Hassan, 536983 +

For Appellant: Anser Hassan, Taxpayer
Syed Hassan, Representative
For Franchise Tax Board: Sonia Deshmukh, Tax Counsel
Shane Hofeling, Tax Counsel

B2. Gregory P. Hovious, 563150 +

For Appellant: Greg Hovious, Taxpayer
For Franchise Tax Board: Marguerite Mosnier, Tax Counsel
Diane Ewing, Tax Counsel

- C. Sales and Use Tax Appeals Hearings**
(Contribution Disclosure forms required pursuant to Gov. Code, § 15626.)

C1. DK Supplies, Inc., 509933 (EA) +

For Petitioner: Co Duc Duong, Taxpayer
For Department: Scott Lambert, Hearing Representative

C2. James Michael Duggan, 441787 (UT) +

For Taxpayer: James Michael Duggan, Taxpayer
James M. Bracken, Representative
For Department: Kevin Smith, Tax Counsel

~~**C3. Angela Leiva and Abundio Hernandez, 514979 (GH) +**~~~~For Taxpayers: Angela Leiva, Taxpayer
Joseph Robert Castro, Representative
For Department: Scott Lambert, Hearing Representative~~**C4a. Global Air Com, Inc., 488913 (GH) +****C4b. Global Air Connection, LLC, 488785 (GH) +**

For Petitioners: Tran La, Witness
Cam-Trang Hoang Phan, Representative
Kim Phan, Witness
Trevor Zink, Attorney
For Department: Scott Claremon, Tax Counsel

- ~~C5. Noorneel, Inc., 538911 (CH) +~~
For Petitioner: Inderjit Singh, Taxpayer
Norbie Gaerlan, Representative
Alec E Adams, Attorney
For Department: Scott Lambert, Hearing Representative
- ~~C6. Amar Abdo Alamar, 513144 (KH) +~~
For Petitioner: Amar Abdo Alamar, Taxpayer
Brenda A. Linder, Attorney
For Department: Scott Lambert, Hearing Representative
- ~~C7. Sweetwater Restaurants, LLC, 491317 (KH) +~~
For Petitioner: Bobby Lee, Representative
For Department: Scott Lambert, Hearing Representative
- C8. East Bay Supply, Inc., 436174 (CH) +
For Petitioner: Jesse W. McClellan, Representative
For Department: Scott Lambert, Hearing Representative
- ~~C9. Rent-A-Center West, Inc., 484209 (OH) +~~
For Claimant: Stan O. Van Vleck, Attorney
Silvio Reggiardo III, Attorney
Hugh Tollack, Representative
For Department: Erin Dendorfer, Tax Counsel
- C10. Sheakh Sahib, 457738 (BH) +
For Petitioner: M. Ali D. George, Representative
For Department: Scott Lambert, Hearing Representative
- C11. Ann L. Diley, 416784 (OH) +
For Claimant: Jesse W. McClellan, Representative
For Department: Scott Claremon, Tax Counsel
- C12. S & C Motors, 468140 (BH) +
For Petitioner: Mark A. Wasser, Attorney
James E. Speed, Representative
Alan Feld, Witness
For Department: Monica Silva, Tax Counsel
- C13. Walid Khaled Awwad, 512991 (GH) + **(Rescheduled to November 15, 2012)**
- ~~C14. Hukilau, LLC, 533841 (BH) +~~
For Petitioner: Eric Tao, Representative
For Department: Scott Lambert, Hearing Representative
- C15. Benjamin Rojas, 546335 (CH) +
For Petitioner: Benjamin Rojas, Taxpayer
For Department: Marc Alviso, Hearing Representative

D. Special Taxes Appeals Hearing

(Contribution Disclosure forms required pursuant to Gov. Code, § 15626.)

- D1. Akop Jack Chichyan, Vicken Djeredjian and Mnatsakan Mike Grigoryan, 388129 (ET) + **(Rescheduled to November 15, 2012)**

Retailers License Denial Appeal Hearing

(Contribution Disclosure forms required pursuant to Gov. Code, § 15626.)

- D2. Cig Row, Inc., 588150 (ET) + **(Rescheduled to November 15, 2012)**

E. Property Tax Appeals Hearings

There are no items for this matter.

F. Public Hearing

- F1. Proposed Adoption of Amendments to Property Tax Rules 101, 171, 252, and 1045 +Mr. Heller

The amendments clarify the provisions regarding the use of Board-prescribed property tax forms, and the requirements for local assessment rolls.

G. Tax Program Nonappearance Matters – Consent

(Contribution Disclosure forms not required pursuant to Gov. Code, § 15626.)

- G1. Legal Appeals MattersMr. Levine

- Hearing Notices Sent – No Response
 1. Wendell Daran Ferguson, 549115 (CH)
 2. Hubert Daniel, 520133 (KH)
 3. James Rexford Hudson, Jr. and Roberta Lee Hudson, 423020, 586244 (CH)
 4. Daryle Franklin Lupretta, 547396, 586222 (GH)
 5. John Thomas Crowley and Anne-Laure Crowley, 468395, 556738 (JH)
 6. Jessica Meza and John R. Meza, 533998 (CH)
 7. Rajpal Singh Bhullar and Sherpunjab Singh Bhullar, 533531 (KH)
 8. Harpreet Kaur, 536914 (CH)
 9. Khalil Tahiry, 473076 (CH)
 10. Appleton Tincheung Yum, 464485 (BH)
 11. Ferede Beyene Negash and Lielti Desta Mesfi, 444110, 479018, 512038, 512039, 512040, 608101 (GH)
- Hearing Notice Sent – Appearance Waived
 12. Cal-Door Enterprises of Northern California, 525159 (CH)
- Petitions for Rehearing
 13. Swertfeger's Equipment, Inc., 420299, 431085 (EH)
 14. ~~Elizabeth Shutters, Inc., 538185 (EH)~~

- G2. Franchise and Income Tax MattersMr. Ambrose
- Hearing Notices Sent – No Response
 1. Jose A. Magdaleno, 573105
 2. Joseph E. Sloan, 576927
 - 3a. Gregory Stover, 572570
 - 3b. Steven Olmos, 572574
 - 3c. Alexander H. Watts, 587892
 - 3d. Benjamin F. Killen, 597598
 - Decisions
 4. Daryl Asato, 574540
 5. Pandora Bethea, 593572
 6. Patricia Bragg, 567669
 7. William C. Bryan, 556203
 - ~~8. Cam Painting, Inc., 531722~~
 9. Al Dalupan, 562387
 10. DG Resource, LLC, 575594
 11. Scott Grossman, 566834
 - ~~12. James A. Haverkamp, 550350~~
 13. Mark Alan Hoffman and Clementina M. Hoffman, 559879
 14. Hunter Living Trust B, 547008
 - ~~15. J.N.D. Thomas Company, Inc., 563994~~
 16. Lee & Jackson Financial Services, Inc., 577560
 17. Ruby Lemos, 576844
 18. Muddhouse Coffee, LLC, 586680
 19. Nancy A. Nugent, 592016
 20. William P. Shannahan, 561554
 21. SUP, Inc., 571262
 22. Tech Agricultural, Inc., 565933
- G3. Homeowner and Renter Property Tax Assistance Matters
There are no items for this matter.
- G4. Sales and Use Taxes Matters.....Mr. McGuire
- Redeterminations
 1. Peet's Coffee & Tea, Inc., 586628 (CH)
 2. R.W. Smith & Co., 576394 (FH)
 3. Kars To Go, Inc., 546570 (FH)
 - Denials of Claims for Refund
 4. Ingersoll-Rand Company, 589948 (OH)
 5. Nokia, Inc., 558563 (OH)
- G5. Sales and Use Taxes Matters – Credits, Cancellations, and RefundsMr. McGuire
- Refunds
 1. G-Two Graphic Service, Inc., 300436 (AC)
 2. Super Photo Laboratory, Inc., 450706 (AS)
 3. Hanson Structural Precast, 606056 (OH)
 4. Insync Media, 400775 (AS)
 5. Jaco Oil Company, 596440 (AR)

6. Thomas Jay Jamieson, 596439 (AR)
 7. Marchbanks Truck Service, Inc., 613610 (AR)
 8. Inland Empire Utilities Agency, 614042 (EH)
 9. Sanmina-Sci Corporation, 613282 (GH)
 10. The Boeing Company, 597763 (OH)
 11. Ingersoll-Rand Company, 589948 (OH)
 12. Gep Leasing, Inc., 626365 (OH)
 13. Nokia, Inc., 558563 (OH)
 14. Mc-Donnell Douglas Corporation, 613523 (OH)
 15. Northrop Grumman Systems Corporation, 476959 (OH)
 16. Fastrip Oil Company, LP, 596435 (AR)
 17. ~~HSBC Automotive Finance, Inc., 462820 (FH)~~
 18. ~~HSBC Automotive Finance, Inc., 425873 (FH)~~
 19. Michaels Stores Procurement Company, Inc., 572809 (OH)
 20. WMC-A, Inc., 535427 (EA)
 21. Chapman Medical Center, Inc., 535429 (EA)
 22. Citigroup, Inc. & Subsidiaries & Affiliates, 526524 (OH)
 23. Daniels Sharpsmart, Inc., 561182 (OH)
 24. American Stores Company, LLC, 422010 (OH)
 25. Compound Focus, Inc., 613557 (BH)
 26. The MT Group, Inc., 573025 (AC)
 27. K B A North America, Inc., 620863 (OH)
- G6. Special Taxes Matters Mr. Gau
- Relief of Penalty
 1. Flyers Energy, LLC, 627022 (MT) 'CF'
 2. California Capital Insurance Co., 627272 (ET) 'CF'
- G7. Special Taxes Matters – Credits, Cancellations,
and Refunds Mr. Gau
- Refund
 1. TA Operating, LLC, 589763 (MT)
- G8. Property Tax Matters Mr. Gau
- Petitions for Reassessment of Unitary Value
 1. Golden State Water Company (101), 621371 'CF'
 2. GenOn Energy West, LP – Mandalay (1114), 621405 'CF'
 3. GenOn Energy West, LP – Etiwanda (1116), 621411 'CF'
 4. Pay-Less Cellular, Inc. (2683), 621456 'CF'
 5. XO Communications, Services, LLC (7560), 612561 'CF'
 - Petitions for Penalty Abatement on Unitary Value
 6. Cal-Ore Communications, Inc. (8079), 612598 'CF'
 7. California Broadband Cooperative, Inc. (8139), 620618 'CF'
 8. CENIC Broadband Initiatives, LLC (8141), 613830 'CF'
 9. Digital West Networks, Inc. (8148), 621343 'CF'
- G9. Cigarette License Fee Matters
There are no items for this matter.

- G10. Legal Appeals Property Tax Matters.....Mr. Ambrose
- Petitions for Reassessment of Unitary Value
 1. Central Valley Gas Storage, LLC (104), 621332 'CF'
 2. Gill Ranch Storage, LLC (121), 621414 'CF'
 3. ~~Southern California Edison Company (148), 614402 'CF'~~
 4. ~~High Desert Power Trust 2000-A (1127), 620705 'CF'~~
 5. ~~Delta Energy Center, LLC (1128), 620699 'CF'~~
 6. ~~Pastoria Energy Facility (1131), 620700 'CF'~~
 7. ~~Calpine Construction Finance Company, LP (1132), 620702 'CF'~~
 8. ~~Metcalf Energy Center, LLC (1133), 620703 'CF'~~
 9. ~~Otay Mesa Generating Company, LLC (1134), 620704 'CF'~~
 10. La Paloma Generating Company, LLC (1112), 621350 'CF'

H. Tax Program Nonappearance Matters – Adjudicatory

(Contribution Disclosure forms required pursuant to Gov. Code, § 15626.)

- H1. Legal Appeals MattersMr. Levine
- Cases Heard Not Decided
 1. Fence America, Inc., 479354 (KH) +
 2. Louis John Bonacich, Jr., 493991, 568375, (KH) +
 - Petitions for Rehearing
 3. Loh Sun International, Inc., Kent La, Nancy La and John La, 480987, 480989, 506428 (ET) +
 4. William Blaine Riggle, 417558, 417559 (FH) +
- H2. Franchise and Income Tax MattersMr. Ambrose
- Decision
 1. RMDI Corporation, 594848
 - Petition for Rehearing
 2. Tim Barth and Teri Barth, 562294
 - Cases Heard Not Decided
 3. Ali Amidy and Guiti Nahavandi, 524954

There are no items for the following matters:

- H3. Homeowner and Renter Property Tax Assistance Matters
- H4. Sales and Use Taxes Matters
- H5. Sales and Use Taxes Matters – Credits, Cancellations, and Refunds
- H6. Special Taxes Matters
- H7. Special Taxes Matters – Credits, Cancellations, and Refunds
- H8. Property Tax Matters
- H9. Cigarette License Fee Matters
- H10. Legal Appeals Property Tax Matters

I. Tax Program Nonappearance Matters(Contribution Disclosure forms not required pursuant to Gov. Code, § 15626.)

11. Property Taxes Matters
There are no items for this matter.
12. Offer in Compromise Recommendations.....Mr. Anderson
1. Lisa Renee Bach
 2. James Anthony DiPinto
 3. Douglas C. Erickson
 4. Michael C. Fikaris
 - 5a. Primitivo Guzman
 - 5b. Maria Elena Guzman
 6. Gary Michael Lawson, Sr.
 7. Frank T. Marino
 8. Michael Alan Morales
 9. Terry L. Scheurer
13. Local Tax Reallocation Matters.....Ms. Nienow
- Memorandum Opinion
 1. [Cities of Agoura Hills, Alameda, Albany, Bakersfield, Belmont, Berkeley, Beverly Hills, Brisbane, Calabasas, Campbell, Carlsbad, Chula Vista, Clovis, Compton, Cupertino, Daly City, Davis, Delano, Del Mar, East Palo Alto, El Cajon, El Monte, Emeryville, Escondido, Fillmore, Foster City, Fremont, Fresno, Gardena, Gilroy, Half Moon Bay, Hawthorne, Hayward, Kerman, Kingsburg, Los Angeles, Menlo Park, Milpitas, Moreno Valley, Morgan Hill, Palmdale, Palo Alto, Pasadena, Rancho Cordova, Rancho Palos Verdes, Redwood City, Reedley, Ridgecrest, Rolling Hills Estates, Roseville, Sacramento, San Bruno, San Diego, Sanger, San Jose, San Leandro, San Mateo, Santa Clara, Santa Fe Springs, Saratoga, Selma, Shafter, South San Francisco, Torrance, Union City, Westlake Village, West Sacramento, Woodland, Town of Los Gatos, Counties of Los Angeles and Sacramento, and City and County of San Francisco, 469672 +](#)

Chief Counsel Matters**J. Rulemaking**

This item is scheduled for Thursday, November 15, 2012.

There are no items for the following matters:

- K. Business Taxes
- L. Property Taxes
- M. Other Chief Counsel Matters

Administrative Session

The following items are scheduled for Thursday, November 15, 2012.

- N. Consent Agenda
- O. Adoption of Board Committee Reports and Approval of Committee Actions
- P. Other Administrative Matters

Announcement of Closed Session Ms. Richmond

Q. Closed Session

- Q1. Discussion and approval of staff recommendations regarding settlement cases (Rev. & Tax. Code, §§ 6901, 7093.5, 30459.1, 50156.11).
- Q2. Discussion of Master Settlement Agreement Tobacco Litigation (Gov. Code, §11126(e)).
- Q3. Pending litigation: *City of Alameda, et al. v. California State Board of Equalization, et al.*, San Francisco County Superior Court Case No. CPF 09-509234; *City of Brisbane v. State Board of Equalization*, San Francisco County Superior Court Case No. CPF 09-509232; *City of South San Francisco, et al. v. State Board of Equalization*, San Francisco County Superior Court Case No. CPF 09-509231 (Gov. Code, § 11126(e)).
- Q4. Discussion and action on personnel matters (Gov. Code, § 11126(a)).

Announcement of Open Session..... Ms. Richmond

Recess - The meeting will reconvene on Thursday, November 15, 2012, at 9:30 a.m.

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Joann Richmond, Chief
Board Proceedings Division

- * Public comment on any committee agenda item will be accepted at the beginning of the committee meeting.
- ** Public comment on any agenda item, other than a Closed Session item or an item which has already been considered by a Board Committee, will be accepted at that meeting.
- + Material is available for this item.
- ++ Material will be available at a later date.
- 'CF' Constitutional Function – The Deputy State Controller may not participate in this matter under Government Code section 7.9.



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Thursday, November 15, 2012

9:30 a.m. Board Meeting Reconvenes**

Board Meeting convenes upon Adjournment of the Board Committee Meeting**

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Board Committee Meetings*

[Property Tax Committee](#)Mr. Runner, Committee Chairman

- 1. Discussion and adoption of *Guidelines for Active Solar Energy Systems New Construction Exclusion*.

Board Meeting**

C. Sales and Use Tax Appeals Hearings
(Contribution Disclosure forms required pursuant to Gov. Code, § 15626.)

- C13. [Walid Khaled Awwad, 512991 \(GH\) +](#)**
For Petitioner: Abe Golomb, Representative
For Department: Lawrence Mendel, Tax Counsel

D. Special Taxes Appeals Hearing

(Contribution Disclosure forms required pursuant to Gov. Code, § 15626.)

D1. Akop Jack Chichyan, Vicken Djeredjian and Mnatsakan Mike Grigoryan, 388129 (ET) +

For Petitioners: Abe Golomb, Representative
For Department: Pamela Mash, Tax Counsel

Retailers License Denial Appeal Hearing

(Contribution Disclosure forms required pursuant to Gov. Code, § 15626.)

D2. Cig Row, Inc., 588150 (ET) +

For Petitioner: Patrick Finnegan, Representative
For Department: Caitlin Anne Colman, Witness

Chief Counsel Matters

Items that appear under these matters provide information to the Members and may require Board action or direction.

J. Rulemaking

J1. Alcoholic Beverage Tax Regulations 2558 through 2559.5 +Mr. Heller

Staff request for authorization to complete Rule 100 changes repealing the regulations in conformity with a published opinion from the Court of Appeal.

Administrative Session

Items that appear under these matters provide information to the Members and may require Board action or direction.

N. Consent Agenda Ms. Richmond
(Contribution Disclosure forms not required pursuant to Gov. Code, § 15626.)

N1. Board Resolution +

- Regina Evans-Jarrett

N2. Retirement Resolutions +

- Eyoline S. Antonio
- Richard Cohen (Revised)
- Claudia Gilbreath
- Pamela J. Hartman
- Steven Mark Kamp
- Carole N. Kellogg
- Connie P. Lopez
- Nancy MacIntosh
- Aloy E. Nwasu
- Maria Christina Siegfried
- Tammie Tessier-Jennings
- Maywood Wong

N3. Approval of Board Meeting Minutes

- May 30-31, 2012 +

N4. Approval of Assessors' Handbook Section 581, *Equipment and Fixtures Index, Percent Good and Valuation Factors* +

Request approval for publication of the 2013 revision of Assessors' Handbook Section 581, *Equipment and Fixtures Index, Percent Good and Valuation Factors*.

~~**N5. Adoption of Affidavit of Cotenant Residency, form BOE-58-H +**~~

~~Adoption of new Affidavit of Cotenant Residency, form BOE-58-H, developed to accommodate the provisions of new section 62.3 of the Revenue and Taxation Code.~~

~~**N6. Adoption of revisions to *Change in Ownership Statement, Death of Real Property Owner*, form BOE-502-D +**~~

~~Adoption of revised *Change in Ownership Statement, Death of Real Property Owner*, form BOE-502-D, to incorporate changes by the addition of section 62.3 to the Revenue and Taxation Code.~~

N7. Approval of the 2013 Timberland Production Zone Values +

For the 2013 lien date, request approval for certification by the Board to county assessors of the current values of lands zoned for timberland production.

N8. Approval of Effects of Proposition 10 on Cigarette and Tobacco Products Consumption +

Section 130105(c) of the Health and Safety Code, as added by Proposition 10, requires the Board to determine the effect of Proposition 10 on the consumption of cigarettes and tobacco products and directs that a transfer of funds to Proposition 99 and breast cancer programs be made to backfill for revenue losses to those programs resulting from consumption changes triggered by Proposition 10. The intent of the backfill is to keep the funding levels of certain Proposition 99 and breast cancer programs from declining any more than they would have decreased without the Proposition 10 tax increase.

O. Adoption of Board Committee Reports and Approval of Committee Actions

- ~~O1. Customer Service and Administrative Efficiency Committee~~
- O2. Property Tax Committee

P. Other Administrative Matters

- P1. Executive Director's Report Ms. Bridges
 - 1. CROS Project Update and Actions Mr. Steen

Progress on the CROS project to replace BOE's two current tax legacy technology systems.

~~2. Maximizing Efficiency and Effectiveness +Mr. McGuire/Mr. Gau
Deputy Director's update on maximizing efficiency and effectiveness.~~

There are no items for the following matters:

P2. Chief Counsel Report

P3. Sales and Use Tax Deputy Director's Report

P4. Property and Special Taxes Deputy Director's Report..... Mr. Gau

1. ~~Fire Prevention Fee Program Update +~~

~~P5. Administration Deputy Director's Report +Ms. Houser~~

~~1. Budget Update—Information will be provided on the 2012/13 and 2013/14 Budgets.~~

P6. Technology Deputy Director's ReportMs. Fleming

1. California Technology Agency Presentation

Mr. Carlos Ramos, Secretary of the California Technology Agency, will provide a joint presentation with Ms. Fleming on the overall state information technology strategy, role and responsibilities of the State's Chief Information Officer, and implications of the Governor's Reorganization Plan (GRP).

P7. External Affairs Deputy Director's Report

There are no items for this matter.

1:30 p.m. Board Meeting Reconvenes**

Annual Board Meeting with County Assessors

1. Greetings and Introductory Remarks by each Board Member

2. Opening Remarks by California Assessors' Association

Honorable James B. Rooney, President Elect,
California Assessors' Association

3. Introduction of Executive Director..... Mr. Gau

4. ~~Embedded Software Update +Mr. Harris~~

~~Update on efforts for this matter since discussion at last year's meeting between the Board and counties; outline of efforts going forward.~~

5. Panel Discussion Mr. Runner

a. **Funding for Property Tax Administration +**

Panelists: Honorable David E. Cogdill, Sr.
Honorable Joseph E. Holland
Honorable Lawrence E. Stone

Adjourn

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