



the pulse

A Message from the President

By Jeff Schelter, Managing Director,
Alliance Bank of Arizona

Welcome back to AzBL for our 2023-2024 year, which we believe will be an exciting and transformative year for the organization!

We'd like to thank you all for your important feedback over the last 6 months, as well as the hard work of the Board to set forth some very meaningful changes to our group for the upcoming year which we believe will fit well with our theme: "Ready, Connect, Lift Off".

While sticking with our mission to provide our members with the opportunity to pursue excellence through AzBL's people and programs, this upcoming year we will be launching the following exciting changes which we feel will provide more connection opportunities for our members:

- The organization will be moving to breakfast meetings to accommodate the busy schedules of our members better. Throughout the year, we will have 5 breakfast events at the recently renovated Papago Golf Club in Tempe. These breakfast events will continue to be headlined by keynote speakers consisting of founders and executives at well-known organizations who will inspire us with their journey of transforming their organizations and themselves along the way.
- Throughout the rest of the year, we will be hosting several social events (including our annual AzBL Golf Event and winter holiday gathering) for members to continue making meaningful personal and professional connections with each other in a more relaxed setting.



IN THIS ISSUE

New Member Brendan Cassin	Pg. 2
Alliance Bank of Arizona	Pg. 3
New Member Aaron Morton	Pg. 4
Message VP of Communications	Pg. 4
2023-24 Board of Directors	Pg. 5
Focus on People	Pg. 6
Exciting News About Programs	Pg. 7
May 2023 Happy Hour	Pg. 8
Avoiding FMLA Mishaps	Pg. 9
Membership Qualifications	Pg. 10
Fahrenheit Advisors	Pg. 11
AzBL Partners	Pg. 11
Meet Scholarship Recipients	Pg. 12
Arizona State University	Pg. 13
NLRB Reverses Course	Pg. 14
September & October Programs	Pg. 15
BDO	Pg. 16

AzBL truly is an amazing organization of professionals who are dedicated to helping one another propel our careers. As each of us continues to think about next steps for our businesses, our community relationships and even our own personal and social lives, AzBL members want to be a resource and connection point for each other.

As we plan for the start of our 2023-2024 program year, I invite you to check our calendar and save the dates for our breakfast meetings, social events, the golf outing and holiday event. To start off our program year, come join us for breakfast at the Papago Golf Club to hear from Joe Ciolli, CEO of Grimaldi's Coal Brick Oven Pizzeria on Tuesday, September 19th.

continued next page

President Message continued...

We continue to support students through scholarships as a result of our members' generosity. If you'd like to make a contribution toward scholarships, please let us know. You can find more information on our website – www.azbl.org. And, we offer a streamlined set of sponsorships for you to promote and advance your organization to AzBL members. Check here for more information.

Thank you again for your continued support and interest in AzBL, and thank you to our corporate sponsors for their continued support, as AzBL would not exist with you.

I hope you all have a safe and wonderful summer, as we all begin to countdown to September 19th when we will be Ready to Connect and Lift Off for an incredible journey of building connections ahead.



Meet New Member...

Brendan Cassin, 1st Assistant Vice President, MidFirst Private Bank



I am a Private Banker for MidFirst Private Bank's Scottsdale, AZ office. I joined MidFirst when I first moved to Arizona from Chicagoland during December of 2020. I take pride in finding unique solutions for the complex financing needs of my clients. I believe strongly in building long term relationships with both clients and the community I work in. I am a member of Scottsdale Leadership's Class 37 where I have been lucky to have gotten the chance to learn more about Scottsdale and surrounding communities in such an in depth manner.

I was born and raised in Geneva, IL and I received my bachelor's degree in Finance and Accounting from Aurora University in Aurora, IL. I often travel back to Chicagoland, where the majority of my family resides. I enjoy travelling, hiking, and camping during my free time. I have hiked the Grand Canyon from rim to river and back three times and counting.

I was introduced to AzBL by Kathy Wills and I have greatly enjoyed getting to know many of the other members both at events as well as at one on one meetings. I was extremely impressed and humbled by the willingness of other AzBL members to take the time to share their insights into their success and career paths and that is what drew me to applying for membership myself.

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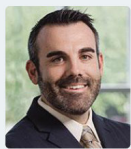
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Meet New Member...

Aaron Morton, Director of Sales, Stream Logistics



Hello everyone, my name is Aaron and I am excited to be joining you here as a part of AzBL. I work for a company called Stream Logistics where I oversee both our Sales Team as well as our newest operations division, The Modular Team. My role as the Director of Sales is centered around growth, management, support and leadership. Growth, not only monetarily, but how can we continue to foster a culture of growth within our team, both personally and professionally. Management, managing the day to day and ensuring we are operating effectively and efficiently as a team. Support, sales is difficult, so ensuring my team knows that I am here to support them in any way I can. What systems, tools and continued education do they need to be successful? Leadership, making sure I am casting a clear vision of where we are headed as a company and what is expected of them, as well as myself, for us to achieve that vision. Our company has embraced specificity and identified a massive need for our clients in an industry that is vastly underserved. While it is incredibly exciting to be forging a new

path in one of the oldest industries, it's also our biggest challenge. Nobody has really done what we are doing and there is no roadmap to follow. Coming into work every day, working with the team we have and creating something for our clients has been incredibly fulfilling.

My wife Jocelyn have been married for 9 years and have two beautiful, fun and completely opposite children, Malachi (6) and Mya (2 in July). When I'm not working, I am spending time with my family and enjoying them while they still think I'm cool. When I have time to myself, I love to do anything competitive: basketball, football, golf, dirt-biking, tennis, you name it. I strive to be a great example and influence to all, to lead with passion, compassion and to pursue excellence in all that I do. Thanks everyone, I can't wait to meet you!

Message from the VP of Communications

By Jodi Bohr, Tiffany & Bosco, P.A.

Wow! I can't believe that this is my third year as VP of Communications and my fifth issue of the Pulse. I hope you enjoy reading the content and find the value add as much as I do. I want to thank the Board and AzBL members for their amazing contributions and assistance in making each issue of the Pulse one to be proud of. As a reminder, the Pulse is published twice a year. If you are interested in acknowledging a member for their accolades, please send me those accolades. We will highlight this member in the next issue of the Pulse. We also ask you to consider contributing your articles and content, so we can highlight your knowledge, provide our members with additional membership benefits, and offer another mechanism for you to connect with the members. Finally, if you like what you have seen so far, please consider advertising in our future issues. Feel free to email me with any content or questions to jrb@tblaw.com. I'm sure our readers would love to hear from you.



Jodi R Bohr

Introducing Your 2023-24 Board of Directors

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Jeff Schelter
Alliance Bank of Arizona



President Elect/ VP of Programs
Rachel Lutowsky
Fahrenheit Advisors



Secretary/Treasurer
Brendan Cassin
MidFirst Private Bank



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Tiffany & Bosco, P.A.



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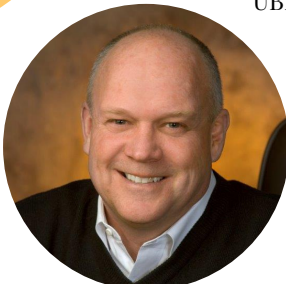
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Thrive



Stella Shanovich
BDO

Focus on People to Grow Business & Prevent Setbacks

By Rich Reinecke, Co-Managing Partner and Co-Founder,
Fahrenheit Advisors

Recently, I talked to several CEOs about their business outlooks. Most shared confidence in the months ahead and a similar approach to capitalizing on them: focusing on people.

- Recruit the right talent.
- Develop existing talent.
- Build a winning culture.



“THE BIGGEST ISSUE IS FINDING TALENT.”

Finding talent remains a huge concern. Almost every discussion our team has with business leaders includes recruiting talent, an enormous challenge with unemployment at a 50-year low. If workers decide to change jobs, current employers often keep them with aggressive counteroffers.

“Good people are working and have good jobs,” John Griffin, leader of Fahrenheit’s Executive Search and Recruiting practice, says. “There are not as many job seekers on the market, and volumes are lower than ever.”

Even in this environment, companies with aggressive recruiting goals can take steps to improve their chances of landing the right talent. Griffin advises companies:

- Provide more than a job description. Highlight your company’s culture, career pathing, and growth objectives.
- Communicate why people should want to work for your organization and how a job there can improve a candidate’s quality of life.
- Execute flawlessly on the interview experience with timely communications, transparent feedback, and prompt follow-ups. Top candidates tend to interview with multiple companies, making the interview experience critical.

“WE NEED TO PREPARE LEADERS BETTER.”

As companies throw salary increases, flexible work options, wellness opportunities, training, and more at recruiting, CEOs we spoke with also are focusing on developing existing talent. The existing team and recruits want to see employers investing in their career development.

Learning management systems, virtual training catalogs, and executive coaching give business leaders an arsenal of development tools to sharpen and expand workforce skills. Still, business leaders need to focus on people before the process.

“To develop and retain your top talent, start with an HR strategy,” Melody Donovan-Hopkins, a Fahrenheit human capital consultant, says. “Having a strategy ensures that workforce development aligns with business landscape changes.”

There’s no right or wrong approach to building an HR strategy, but Donovan-Hopkins notes some best practices:

- Affirm the company’s goals, behaviors, and mission.
- Identify what success looks like within the company.
- Assess employees by conducting a needs analysis and identifying skill gaps.

By aligning employee career development opportunities with organizational priorities and growth, an HR strategy supports career-pathing opportunities

that provide employees with clear direction for lateral, promotional, and cross-functional opportunities.

Seeing and understanding their career growth potential strengthens employees' commitment to learning new skills, taking on more responsibility, and staying with the company.

“OUR FOCUS IS ON CULTURE.”

CEOs are also thinking about their company culture, the foundation for any people initiative.

“If your culture is strong enough, your people are your greatest recruiters; they rally to your mission, and they are committed to your success,” Laura Bowser, leader of Fahrenheit’s Human Capital practice, says. “A strong culture fuels an employee pride that invests them in the organization’s success.”

A great culture requires consistent leadership focus. “Ask employees about the mission, vision, and values and their perceptions of the company’s brand, marketing, and communications. Responses will reveal what employees know and feel about these attributes and activities, and the insight will show leaders where work may be needed to strengthen culture.

Cultural change takes time and can’t be forced. “It’s like turning an ocean liner,” Bowser says, “but if you put it off, it’s never going to happen.” And if it doesn’t happen, companies with weak cultures face uphill struggles with recruitment and retention that can derail growth.

There is ROI in culture investments. Fahrenheit sees an impact on revenue growth. For us, creating a best place to work and a community-focused organization has led to deeper client relationships.

PEOPLE POWER

The CEOs, and leaders we talked to have a confident approach to their businesses and the months ahead. They’re working to recruit and retain the right talent, sharpen their teams’ skills and capabilities, and create a winning culture.

It’s a smart approach.

People-focused initiatives provide long-term protection against setbacks and prime organizations to capitalize on opportunities, no matter the economic environment.

AzBL Exciting News About the 2023–24 Programs

By Doug Gnas, UBI Insurance Services

LET’S HAVE BREAKFAST! AzBL is excited to announce a new format for our 2023 – 2024 AzBL speaker events. AzBL showed its strength and value over the past few years of abrupt change by maintaining and thriving with excellent speakers and events. After much thought, consideration, and discussion by the board of directors, past presidents, and members of AzBL we have decided to move forward with amending our speaker events to a morning format at a more centrally located venue to better accommodate our membership. Starting September 19th, 2023, we will gather for our social networking from 7:30 – 8:00 AM and breakfast and key speaker presentation from 8:00 – 9:00 AM. We look forward to Joe Ciolli, founder and CEO of Grimaldi’s Pizzeria kicking off our new format in September at The Papago Golf Club meeting venue. With the new world we live in, obligations, and time commitments, as well as our broad membership footprint throughout the valley, we believe the morning breakfast format will better accommodate our members, guests, and speakers allowing AzBL to continue to grow and thrive! We encourage you to start the day off right on September 19th and bring guests as we begin this new season of AzBL.

May 2023 Happy Hour

AzBL members and guests had a fun time out at the Volantis Restaurant at the Scottsdale Airport on May 17. We were able to catch up with old friends and meet new friends at a fabulous venue.

Thank you to Bill Miller at Corporate Capital Options for hosting the appetizers and Robin Hirth at Southwest Association Management for hosting the drinks.



Avoiding FMLA Mishaps

By Jodi Bohr, Shareholder, Tiffany & Bosco, P.A.,

We all know that the Family and Medical Leave Act (“FMLA”) provides eligible employees with up to 12 weeks of unpaid medical leave to care for a serious medical condition of the employee or the employee’s family member. Despite the fact that FMLA is celebrating its 30 anniversary this year, employers are still grappling with its proper administration. This column will address common FMLA mishaps and suggest best practices with respect to implementing FMLA in your workplace.

Recognizing the need for leave.

I regularly receive calls from clients who want to terminate an employee based on excessive absenteeism. One of my first questions to those clients is to ask whether the absent employee is eligible for FMLA and whether the employee’s absences have indicated a need for medical leave.

As a reminder, employees don’t have to specifically request FMLA to qualify for the leave. Make sure managers and HR are properly trained to recognize when an employee may need FMLA leave, so the employee is provided with the opportunity to exercise that right to leave. Courts have held that if an employee provides enough information to indicate a need for leave (i.e., a serious health condition) and the manager fails to recognize the need for leave, the employer could be liable for an FMLA violation.

Implement a proper FMLA policy.

While FMLA leave is largely governed by statutory requirements, FMLA allows employers to decide whether to calculate the 12 weeks of leave on a calendar year or rolling basis. If the FMLA policy is not clear how the FMLA is calculated, the employee may choose the calculation method.

Another benefit of a proper FMLA policy is to educate employees on their FMLA rights and how to go about requesting FMLA. This removes some of the onus on employers to recognize the need for leave.

Finally, the FMLA policy should be clear that employees will be required to exhaust other available paid leave (e.g., PTO, paid sick leave, or vacation) concurrently with their FMLA leave. Employees cannot stack these leaves one after the other. The policy should also be clear that employees do not accrue paid leave while on FMLA leave.

Communication is key.

Communications between the employer and the employee throughout the FMLA process is paramount to avoiding liability. To start, employees must be informed of their rights under FMLA. This may include providing the employees with the necessary forms to certify FMLA leave. When providing these forms to the employee, be clear on when the employee must return the forms. Explain to the employee when the leave starts, and if the full twelve weeks appears necessary, when the leave will expire.

If the employee has not returned the forms and the deadline is approaching or just passed, remind the employee of the looming deadline or give the employee a few more days to return the forms. Don’t be too rigid with respect to this deadline, as the employee may have a legitimate need for more time. As the employee’s leave is set to expire, communicate your expectations with respect to the employee’s return. When is the employee expected to return? Will the employee need a work release prior to returning? What happens if the employee cannot get the work release or fails to return when the leave time expires? All expectations need to be communicated before the leave expires.

Don’t forget the ADA.

Communication during leave will allow an employer to anticipate potential implications under the Americans with Disabilities Act (“ADA”). The employee may be able to return with certain restrictions. Or the employee may need one more week of leave. Both scenarios implicate the ADA, which requires employers to provide qualified employees with a disability with a reasonable accommodation. Employers must consider whether the ADA applies to the situation before outright terminating an employee who is unable to return when FMLA leave expires.

Be prepared.

The Department of Labor (the FMLA enforcing agency) has issued an Employer's Guide to the Family and Medical Leave Act. Employers should familiarize themselves with this Guide, which can be found at www.dol.gov/sites/dolgov/files/WHD/legacy/files/employerguide.pdf. Create an FMLA checklist or flow chart on how to handle FMLA leave requests. Finally, if questions arise, consult with experienced employment counsel for guidance.

Exciting! Membership Qualifications Update

By Rachel Lutowsky, Fahrenheit Advisors

With all the exciting enhancements to AzBL in the coming year, we are eager to announce an update to our membership qualifications. These updates maintain the integrity of our original mission as a 26-year-old organization with some expansion that will allow for new growth by allowing distinguished members of our business community who would have been excluded in the past, the opportunity to apply for membership.

I am excited for the future of AzBL! I also look forward to continuing to be inspired to learn and grow, engaged with leading-edge individuals, and supportive of innovation and growth in our communities. As the business landscape in Arizona changes in positive ways, we want to ensure our place in this market as a premiere leadership organization for many years to come.

New member criteria that will begin July 1, 2023:

1. Member should attend at least one event prior to submitting formal application.
2. Company with more than \$2 million in annual revenues or at the Board discretion.
3. A senior or executive level title or an individual that is demonstrating leadership qualities that represents this level.
 - a. Current role requires demonstrated leadership potential and capabilities within their organization.
 - b. *Individual has a stable job record and demonstrates progression in leadership roles.
 - c. Qualifications #1, 6 and 7 also apply.
4. Candidate with a distinguished background who has held a prior position that meets the guidelines, as established in items one and two, may be considered if retired or is serving on a board of directors of a national or Fortune 500 company.
5. If embarking on a substantial start up business, membership may be considered.
 - a. New business having been in existence for a minimum of 2 years.
 - b. Current role requires demonstrated leadership potential and capabilities within their organization.
 - c. Industry experience related to their new business is a minimum of 10 years.
 - d. Business venture demonstrates their ability to be creative and innovative.
 - e. Qualifications #1, 6, and 7 also apply.
6. Candidate is sponsored by a current member.
7. Candidate should have two member-at-large references.

Reach out with any questions you may have. Looking forward to seeing you in the Fall!



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Meet the AzBL 2023-24 Scholarship Recipients



Brintley Spencer

I am from Queen Creek, Arizona and I currently attend Arizona State University while majoring in Business Law with a certificate of Leadership in Business. I will be graduating from W.P. Carey School of Business and Barrett, The Honors College and I belong to the 2020 Cohort of the Leadership Scholarship Program and have the opportunity to develop key leadership and professional skills through it. During my time at ASU, I have participated in various groups such as the Policy Design Studio, Residence Hall Association, Barrett Mentoring Program, Women's Business Leadership Association, and intramural sports. I completed my Honors Thesis project by operating and managing a small non-profit business called "Honored Brow & Lash" that specializes in eyebrow lamination and eyelash lifts and tinting. Since the completion of the thesis, this project has been revamped and is now a for-profit business known as "Brows By Brint." Along with running my small business, outside of campus, I have continued my love for sports and volunteering by coaching softball and baseball for Little League and Club teams.

I recently returned from Washington D.C. while completing an internship in the U.S. House of Representatives for a South Carolinian Congressman during the entire duration of the Spring 2023 semester. While working full-time, I also participated in the aforementioned Policy Design Studio where I worked closely with retired U.S. Ambassadors studying the foreign policy and relationships between the U.S. and other countries.

Upon graduation this year, I will be applying to law school for Fall 2024 to study International Trade and Business Law. I am looking forward to my time with the Arizona Business Leadership Association, and am anxiously awaiting the opportunity to network and learn from very successful business leaders and mentors.



Nathaniel Thompson

My name is Nathaniel Thompson and I am a rising senior studying Supply Chain Management (SCM) and Business Data Analytics (BDA) at the W.P. Carey School of Business. During my time at ASU, I have become deeply passionate about the ASU Supply Chain Management Association (SCMA). When I joined the executive board my freshman year, I took on the role of V.P. of Network Relations in which I planned and moderated over 35 events to provide 500+ members with opportunities to further invest in their education and develop as young professionals in supply chain management. I held this position for the previous two years, and am grateful to have been elected to serve as the President of ASU SCMA for the next academic year. I am incredibly excited and I believe this position will provide me with the platform I need to demonstrate my passion and give back to the business school that has given so much to me in my time as a student thus far.

My educational goal is to complete a bachelor's degree in SCM with a concurrent degree in BDA, which will provide me with the knowledge and skills I need to secure a supply chain management role in the technology industry. After working for a few years in the industry, my goal is to return to Arizona State University where I will pursue my MBA. I want to earn an MBA at ASU because my long-term career goal is to become a supply chain executive. Achieving my MBA will enable me to reach my potential as an executive in the business world and support my goal of creating positive change through influential leadership and empowering others.

I enjoy golfing, watching sports, hiking, trying new food, fitness, and spending time with my friends and family during my free time. A motto that I try my best to live by is, "It's not your aptitude but your attitude that will determine your altitude." I am honored and very grateful to be selected as a recipient of the AzBL Scholarship, and I look forward to participating in this incredible opportunity.

Celebrating what we've achieved together



Twenty years ago, Arizonans set about transforming ASU into an international powerhouse of research and innovation – while expanding access to higher education. Since then, overall student enrollment has tripled, first-generation student enrollment has quadrupled and the university's first-year retention rate has climbed to 86%, the highest in the state. **Together, we built a better university so that we could build a stronger Arizona.**



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NLRB Reverses Course to Establish New Restrictions on Severance

By Jodi Bohr, Shareholder, Tiffany & Bosco, P.A.,

On February 21st, the National Labor Relations Board (“NLRB” and the “Board”) ruled that overbroad non-disparagement and non-disclosure provisions in severance agreements are an “unfair labor practice” in violation of Section 7 of the National Labor Relations Act (“NLRA” or the “Act”). This ruling, in McLaren Macomb is a reversal of its prior decisions in Baylor University Medical Center, 369 NLRB No. 43 (2020) and IGT d/b/a Inter-national Game Technology, 370 NLRB No. 50 (2020), which have been relied upon by employers for the past three years.

What are Section 7 rights?

When most employers think of the NLRA they think of unions and union related activity. It is important to note, however, that the NLRA protects the rights of union and non-union workers alike when it comes to Section 7. Section 7 of the Act is a basic federal law that protects the rights of covered workers to engage in protected concerted activities, to form unions, and to engage in collective bargaining activities with their employers over the terms and conditions (e.g., wages, leave policies, etc.) of their employment.

Who are covered workers?

Not all workers are protected workers under Section 7. Section 7 does not apply to supervisors, managers, public sector workers or workers properly classified as independent contractors. The McLaren Macomb ruling only applies to those protected workers covered by Section 7.

What happened in the McLaren Macomb case?

In the McLaren Macomb case, a hospital offered a severance agreement in connection with its furlough of 11 employees. The severance agreement contained a non-disparagement and non-disclosure clause containing the following language:

- Non-disparagement: “At all times hereafter, the Employee agrees not to make statements to Employer’s employees or to the general public which could disparage or harm the image of Employer, its parent and affiliated entities and their officers, directors, employees, agents and representatives.”
- Non-disclosure: “The Employee acknowledges that the terms of this Agreement are confidential and agrees not to disclose them to any third person, other than spouse, or as necessary to professional advisors for the purposes of obtaining legal counsel or tax advice, or unless legally compelled to do so by a court or administrative agency of competent jurisdiction.”

In overruling its prior decisions, the Board held that the non-disparagement and non-disclosure clauses violated Section 7 of the NLRA by restricting these furloughed employees from exercising their rights to discuss their terms and conditions of employment with their former coworkers. The Board also affirmed that Section 7 rights extend to discussions with a wide range of third parties and are not just limited to coworkers.

Continued on page 15

continued from page 14

What are the next steps?

Employers who are presenting severance agreements to departing employees should take several factors into consideration as to whether to include non-disparagement and non-disclosure provisions in these agreements. First, the employer should consider whether the departing employee receiving the severance agreement is a covered employee. If the departing employee is not a covered employee, you may not need to change previous versions of severance agreements containing non-disparagement and confidentiality. If the departing employee is a covered employee, employers need to revise their non-disparagement and non-disclosure provisions to include cave outs and exceptions that would reduce the risk that the Board would find such provisions to be overbroad, as it did in McLaren Macomb.

Keep in mind that the NLRB has made recent proclamations against non-compete agreements and surveillance in the workplace. It also returned to its 2014 position (overruling the 2019 SuperShuttle case), which (again) modifies its independent contractor status. Employers who have specific questions about the NLRB's recent ruling on severance agreements or other related employment issues should contact an experienced employment law attorney to ensure your workplace is in compliance with employment laws.

Join Us! First 2 Meetings of the 2023-24 Program Year *New Venue, New Day, New Time*

Tuesday, September 19, 2023 from 7:30-9:00 a.m. @ Papago Golf Club



Joe Ciolli
CEO



Look for registration to open for the September meeting in August.

Tuesday, October 17, 2023 from 7:30-9:00 a.m. @ Papago Golf Club



Roxann Favors
Assistant Aviation
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