

Executive Memo

July 2003

Focus on Legal Issues

Summer Fun—Legal Audits

by Charles Turner, Executive Director, Colorado & Denver Bar Association

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We know what you are thinking: what word could you pair with a dreaded word like *audit* to make it even more dreadful? Right—*legal audit*. Well, it really isn't all that bad. In fact, you may even sleep better at night. Better than that, the next time that pesky board member tries to one-up you in a meeting, you can calmly say, "Good point Howard. We have planned for that already."

First of all, why conduct a legal audit? Well, there seems to be no end to the mischief that we can get into these days. It's one thing to walk into a mess with your eyes wide open—witness the American Medical Association's deal with Sunbeam, a 1998 lawsuit which awarded Sunbeam \$9.9 million. It's quite another when it comes to stuff you have never even heard about, like the E-Sign Act. From routine contracts, to complicated Employee Retirement Income Security Act (ERISA) compliance, the list goes on and on. Don't even get started on the quicksand of employment law and the Americans with Disabilities Act (ADA). Plus, once you seem to understand what your association's risks and responsibilities are, some new law or court interpretation comes out that changes the rules.

What's an exec to do? The first suggestion is to attend those periodic updates put on by CSAE on legal issues affecting associations. Assess your organization's exposures as the speaker checks off those areas that you may muck around in. Don't think you set standards for your industry? Then go out for coffee, but beware of unintended results of what your association does to police or guide or in some way restrict your members or the public. On second thought, don't go

out for coffee. Read. There are a number of articles out there by ASAE and others to give you some checklists to go over with your staff and the organization's leadership. Meet periodically with your insurance broker for an annual risk assessment and coverage review.

Once you have identified those areas you think are potentially risky, ask an attorney to look at your operations. Ensure that the attorney's expertise is in the area of association representation and don't just get references—call those references. The attorney should also ask you about other potential risky areas, just to make sure you didn't miss anything. The insurance broker and the attorney should meet with both the staff and the association's leadership. They should brief the board in detail, outlining the risks, and explain how they may be covered by insurance or how they should be covered by good practices of the staff.

Face it, we cannot absolutely prevent legal problems from occurring, but we sure can minimize the "if's" and "when's" should problems occur. Ask anyone who runs an association who has received a lawyer's demand letter, an Internal Revenue Service inquiry, or an Federal Trade Commission telephone call. See what they would have paid for that not to happen. It's a little like fluoride—it won't prevent everything, but it will result in fewer expensive and disruptive surprises. ♦

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Executive Memo

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President's Message

Make CSAE Your Safe Haven

—by **Randi J. Morris, CAE, CSAE President**



The definition of a haven is a place of refuge or rest, a sanctuary. All of us have our own safe havens where we go to recharge and regenerate.

One of my favorite havens is our organization, the Colorado Society of Association Executives, and I plan to work with the board to make it a haven for all members.

Maybe you can recall a time when you were a child playing outside and the weather became stormy with gusty winds and hard rain. You raced inside and immediately felt the warmth, the quiet, and the calm of your home. You felt enveloped in well-being.

You may be able to think of times when you were a child or as you got older and you experienced internal storms—times when you were emotionally distraught about something in your personal life or upsets on the job. You've probably found places where you can restore balance. Maybe yours is a sunny spot at the office or a mountain getaway. Maybe you just retreat mentally—perhaps through meditation.

Whatever your haven is, it is likely a place where you feel accepted and secure—even appreciated and protected—and you feel your needs are met. It is a place where you can find the peace and quiet you need to rest your body, settle your mind and ease your emotions.

CSAE has provided me shelter from the storms of professional life since I joined 15 years ago. When I was finding my footing as an executive, CSAE taught me how to do my job better. I felt that I took far more from the organization than I was able to contribute.

As I matured professionally, I was fortunate to have the opportunity to participate more. But I have found that I have received far more than I have given by chairing committees and serving on the CSAE board. And always, being with peers, sharing stresses, exchanging ideas—all have given me strength emotionally and intellectually. I am a better association exec because of CSAE.

As your president, I plan to work closely with the board to keep CSAE on the cutting edge. Over the next year, we will strive to make CSAE even better than it already is. We have a plan to research and deliver exactly what the members need and to lead members to become the most effective association executives they can be.

I encourage you to attend the programs. When you are quiet, when you escape from the everyday pressures of your office to gather with your peers, you allow yourself to receive inspiration. It is when we aren't constantly distracted that we are inspired most. We need the safe haven in order to achieve that inspiration.

We are all fortunate to work in this field of association management. Our work lives touch untold numbers of people, often in ways we don't even know about. We are able

It is when we aren't constantly distracted that we are inspired most. We need the safe haven in order to achieve that inspiration.

to change the world through our associations, our members and the people they touch. But, we need to be in top form to perform the incredible variety of tasks expected of us. We need to recharge and regenerate regularly.

I hope all of you will seek shelter from your professional storms through CSAE. And when you do, I'd love to hear from you about how we're doing and what we can do better.

Come in out of the storm and enjoy!

Randi J. Morris
Randi J. Morris, MA, CAE
CSAE President

Unsolicited Faxes and E-Mails: Important to You, Offensive to Me

by William E. Walters, Esq., Walters & Joyce, P.C.

The interruption of dinner by telemarketers and their automatic dialing machines or recorded messages led to the passage of the Telephone Consumer Protection Act of 1991 which prohibits such phone calls. The law was hailed by consumer advocates as a revolution in protecting the public against unwanted intrusions. Colorado's very own "Do Not Call" list and the soon to be enacted federal "Do Not Call" list (beginning July 2003) have extended that protection to "live" phone calls as well.

Live, telephone solicitations have some exceptions for tax exempt, non-profit organizations. The use of unsolicited faxes and e-mails raises a number of questions and potential problems for trade and professional associations. Unsolicited faxes by any entity (profit or non-profit) are prohibited by federal law unless the sender meets one of the exceptions. Simply being a nonprofit is not an exception. What the sender must prove is that it has "an established business relationship" with the recipient or that the recipient has given "permission" to receive the fax. While many associations assume that they have such a relationship with their members, some members feel otherwise. Faxes to former members or new recruits are not exempt and can cause problems. Damages (up to \$500 per fax) and attorneys fees can be awarded for violations. There are now attorneys specializing in this type of law and there have already been demands for damages made

against trade and professional associations for sending unsolicited faxes.

What's a poor marketing department to do? Obtain evidence from your members of either permission to fax or of an established business relationship. Membership applications, directory sign ups and communication update requests are all ideal places for getting the member's agreement to receive faxes and other forms of communication. You should also provide for an "opt out" either return fax, e-mail or telephone (toll-free). Make sure each page of your fax includes your association's identity, fax number and the date and time of the fax.

What about e-mails? There is no federal law—yet. Although there is proposed legislation in Congress for a "do not spam" law similar to the "do not call" list. This bill would include criminal penalties as well as fines for unauthorized spam. Colorado, on the other hand, is already in the game. Since 2000, Colorado has prohibited unsolicited e-mails and requires certain minimum disclosures on advertising (the mysterious "ADV" you sometimes see in the header line). Violations are \$10 for each e-mail plus attorneys fees. Once again, if you have "an established business relationship" you can e-mail the sender without violating the Colorado law. Prevention should follow the same advice for unsolicited faxes.

Consumers continue to grow more and more frustrated at the barrage of unsolicited faxes and e-mails. The prediction is for more, rather than less, legislation and regulation in this area. You should get permission from your members and don't send to those with whom you do not have an established business relationship. ♦

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For Whom the Economy Tolls

by Jeffrey Cufaude

The correct answer is:
It's the economy.

That is the correct answer to which of the following questions?

1. What was the campaign internal tagline of Bill Clinton's first presidential campaign?
2. What is the reason for declining attendance at conventions and workshops?
3. Why are companies and associations seeing some product sales drop off in volume?
4. What is causing many people to seem more despondent or lacking in enthusiasm?

If you believe questions 1 through 4 can all be explained away by the economy, than you would mirror the responses I've heard from many at a variety of committee meetings, planning sessions and informal conversations. Seems the old economy is now the fail-safe scapegoat for anything that isn't working in corporations or associations.

I have no doubt that economic uncertainty is indeed a major factor in why we are seeing drops in attendance, purchases and involvement. My concern is that it is all too plausible as an explanation. Say "the economy" when

asked any of the above questions and everyone nods their head in knowing agreement. And then the questioning stops.

That Is the Problem

The economy may be a factor in the challenges many organizations are confronting, but it is not necessarily the only factor, the most important factor in all situations, or the factor that will most powerfully affect the long-term relevance or viability of the organization's products or services. But, it is such a logical explanation that it causes smart people to quit thinking about the other factors, to dig deeper and peel back the surface layer of financial considerations.

Perhaps conference attendance is off and product sales are down because members and customers don't see enough value in what is being offered, when push comes to shove, and the bill hits their desk. Perhaps what organizations need to be talking about is this question: Given that many people are experiencing significant economic constraints, what additional value could we provide that might encourage them to make a purchase or attend a meeting they would otherwise opt to skip?

Or take the opposite angle. Maybe the level of attendance and sales cur-

rently being experienced reflects the true value individuals associate with what an organization is offering. When the economy was stronger and discretionary dollars more plentiful, maybe people were purchasing products they didn't really need and attending conferences that were not essential to their professional development.

Their choices then may have been icing on the cake or value-added decisions, not ones made because of an enduring or essential need. Companies and associations, however, began to use these stronger sales and higher levels of attendance as their new benchmark for success, falsely believing they had really earned a longer-term commitment and loyalty from members and customers. And now they are trying desperately to implement strategies to regain a volume level that might not be an appropriate target to pursue. Do you really know if your more successful sales days accurately reflect the value your target markets associated with your efforts? Or maybe a little truth can be found in both of these perspectives.

The important thing is to not let "it's the economy" be a response that sounds the death knoll for continued strategic thinking and

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CSAE Honors 2003 Award Winners



Ralph Johnson: Association Professional of the Year

ence with other association executives, and (4) demonstrate an active role in civic and community affairs.

Ralph Johnson, executive director of the Colorado Veterinary Medical Association, the Denver Area Veterinary Medical Society and the newly formed Colorado Veterinary Medical Foundation, was honored as a model association executive that we are proud to have as a member and officer of CSAE.

During the year, Johnson has taken an active role in organizing and facilitating the *CSAE Executive Circle* program, a forum of peer-direct-

ed learning where association management executives share their expertise and insights in order to expand the knowledge base of the association management professional.

Recognizing the need for a month-by-month calendar, complete with procedures

and forms that outline CSAE's leadership process, Johnson agreed to chair the task force that diligently completed this task two weeks ahead of schedule.

Johnson is a seasoned executive with 20 years of

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This award is presented annually to an exceptional chief executive.

The recipient of this award must have demonstrated exceptional leadership as an association executive in advancing the welfare of the association he represents, (2) must contribute significantly and consistently to the advancement of the association profession, (3) must be willing to share their experi-

"When opportunity knocks, he is right there to take advantage of it and, by golly, he can even find an opportunity when it's not knocking! Just when you think you are beginning to see the light at the end of the tunnel—you find you are mistaken—it's just the twinkle in his eye. He is a 'great man' that does 'great things' whom his 'great staff' has a 'great deal' of respect for!"

—Colorado Veterinary Medical Association staff

Dick Bruso: Associate Member of the Year

This award is presented annually to an exceptional associate member in recognition for exemplary service and support to the association profession and CSAE.

The recipient must have contributed significantly and consistently to the advancement and recognition of the association profession through service to CSAE and be active in civic and community service.

Dick Bruso of Heard Above the Noise is a member

all association executives wish they had in their organization. He has worked enthusiastically to obtain recognition for CSAE and assist the association with its ongoing branding efforts.

Many CSAE members originally met Dick when he agreed to fill in as a luncheon speaker when CSAE's regularly scheduled presenter cancelled with less than 24 hours notice. Received warmly by the membership, he joined our association, chaired the "Noice Makers Task Force" which developed the tagline printed on each issue of the *Executive Memo* which spells out the meaning of C - S - A - E as *Creating Networking Opportunities;*

Serving Educational Needs; Advancing Your Profession and Enhancing the Community.

When CSAE joined forces with the Denver Metro Convention & Visitors Bureau (CVB) and other community groups to host the ASAE Annual Meeting last August, Dick stepped up and worked diligently to secure a proclamation from both the governor's and mayor's offices declaring the week of the conference as CSAE week. Working with various press groups, he provided the media with information on how *Associations Do Advance the Community* and that CSAE is, and has been,

the voice for associations in Colorado for over 50 years.

At the ASAE Coors Field Dine-Around event, Dick worked with both ASAE and Denver CVB staff to coordinate CSAE's Anniversary Celebration at home plate before over 5,000 ASAE attendees. He truly was the voice behind the microphone welcoming all to the Mile High City and serving as CSAE's advocate to the community.

An accomplished speaker and branding expert, Dick has shown CSAE and other associations what can be done to be "heard above the noise" through strategic net-

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Medical Group Management Association is Honored with the Association Membership Program Achievement Award

This award recognizes the most innovative and successful membership development and retention campaign. Creativity of concept, quality of program execution and overall program results are all considered.

Medical Group Management Association (MGMA) was honored for three separate, yet coordinated efforts to enhance membership and leadership within their organization. CSAE judges viewed each campaign separately from one another and found each to be outstanding. However, together as a group, these programs have truly propelled the organization to a new level.

The first was called the *leadership development initiative*. This association is committed to building strong

volunteer leadership, but—like all associations—has limited resources to dedicate to the goal. Using a “train the trainer” approach in which volunteer leaders participating in a training module would go forth to be presenters at other association meetings, this program expanded the reach of information to both current leadership and individuals who might desire to develop their leadership skills in anticipation of moving into a leadership role in the future.

The second endeavor of this association was a *Get-A-Member Campaign*. It was a year-long promotion using multiple in-house channels including direct mail pieces, a reward program, a first-time referral gift, ads, announcements, recruiter



packets and an annual conference promotion piece.

The third campaign submitted was called a “dual” campaign—*MGMA Up Sell to ACMPE*. This campaign was designed to up sell current members on the benefits of joining ACMPE for board certification and fellowship. The CSAE panel of judges were very impressed with the cre-

ativity and unique features of this program.

Each of these programs are different and separate from one another. However, together, they are making MGMA a leader for today. Their thought and insight into these campaigns was superb. Therefore, CSAE recognized all those at the conference who worked on these various campaigns. ♦

Medical Group Management Honored as the Association Publications—Serial Award Winner



In the category of Serial Publication over \$500,000, Medical Group Management Association was recognized as an association that has completely revamped its journal, giving it a professional look for today and a feel that is consistent from issue to issue. This “signature” piece is identifiable within the association brand and is a great example of how a mainstay publication can make a transition from the old to the new.

The review committee was very impressed with the thought and effort that went into making this a publication for today’s professional. ♦

ACEC Named Recipient of the Program Achievement Award: Association Publications—Special

In the category of Special Publication under \$500,000, CSAE recognized the American Council of Engineering Companies of Colorado (ACEC) for their *Problem Solvers, 1st Annual Magazine* publication, a supplement to the *Colorado Construction* magazine. This piece focused on solutions to today’s water issue. The slogan *Think. Reach. Make it Happen* was nicely carried throughout the entire piece.



The design element, presentation of content and use of color was impressive to the review committee. They were excited about the easy-to-read layout and felt it was a model in which other associations, large and small, could benefit by seeing the aspects of this publication. ♦

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What Does Your Desk Say About You?

by *Melly Kinnard*,
Get Organized!



My desk is a clear indication of my life. When it is a mess, my life is a mess. Organizing your desk reduces stress. Do you have so much clutter on your desk that you have little or no room to work? Look critically at every item on your desk and reduce to the basics needed—phone and rolodex. Does the stacking tray need to be on your desk? Can you move it to your credenza or bookcase? Now you have space to work.

Preserve your desk as a place to work and nothing else. A break means just that. Go somewhere else to eat. Walk around your building to get some fresh air or socialize in the break room. You need relaxation time. If you can move your desk away from the pattern of traffic and out of eye contact with co-workers you can focus more easily. Dividers, screens and file cabinets can be used to establish territorial boundaries to create a feeling of privacy.

Empty all contents of your desk into cardboard boxes. Do you need so many pens and pencils? The business cards need to be integrated into your rolodex or database or tossed. Look at each item critically. Should it be returned to your desk, home, the storeroom or tossed? Put back the minimum. If you've left items in the box for a month, do you really need them? Recycle

them by putting what you don't need in the storeroom or donate to a school.

We should be forced to move out of our office and homes every five years whether we want to or not. If forces us to clean out. If you move into a house or office that needs to be repaired and recarpeted, but due to lack of foresight, time or money haven't done the necessary repairs, you grow used to shabby surroundings. Efficient packing allows you to evaluate each item before you spend the effort and money to pack it. When you move into a clean, freshly painted, recarpeted area, you reevaluate every item. Does each item enhance or detract from your surroundings?

Team up with a co-worker to clean up your desk, if you don't like working on a project like this on your own.

You will be more productive with a well-organized desk. ♦

Melly Kinnard is a speaker, author and professional organizer. Melly is the author of Get Organized!, I Need A Wife! and Gifts From The Heart. For more information go to Melly's Web site at www.MellyKinnard.com or call (303) 762-9920.

Tech Tip: Create A Windows Boot Disk

Quick tips to improve your day-to-day work and increase the efficiency of your organization. E-mail your tips to Tim Blum at timblum@rmel.org.

Computers crash. Even if it's infrequent, you need to prepare yourself for potential disaster and total data loss. Just as you would back up your files, you should have a boot disk available for emergency situations. A boot disk is what you start your computer with in the event your computer crashes. Important system information is stored on the disk, which allows your

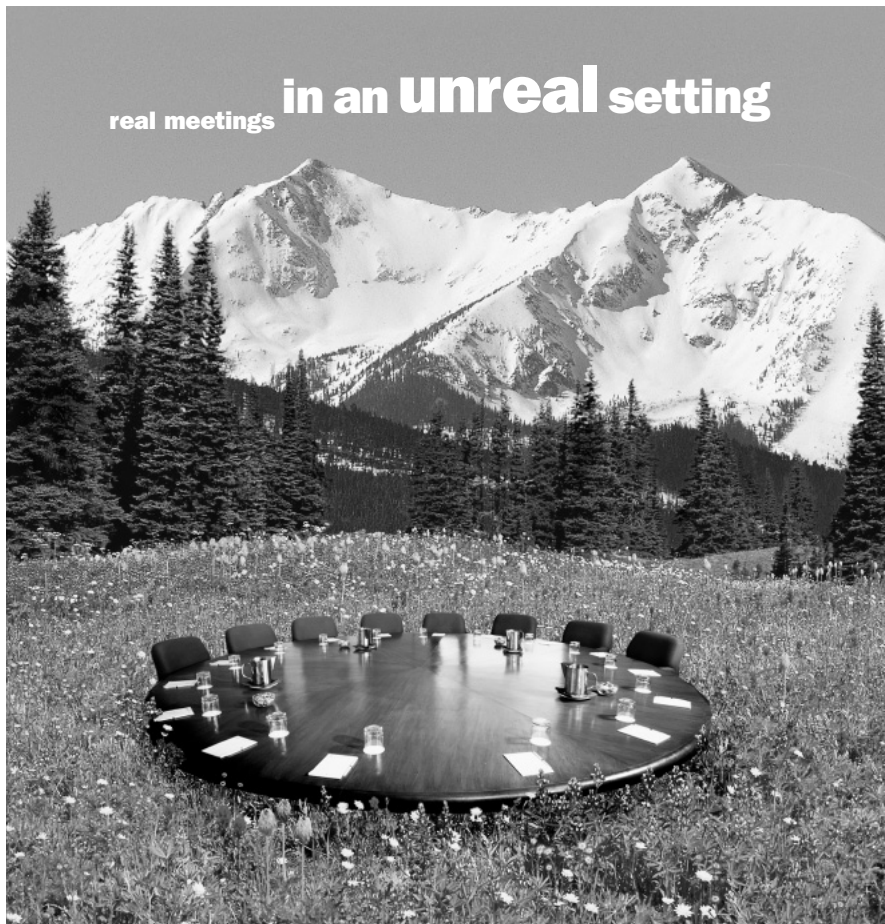
computer to "boot up" from the disk instead of the hard drive. You should re-create a boot disk whenever you make system changes such as installing a new operating system or drivers for your printer, scanner, etc. Keep the boot disk in a safe place to use in the event your computer malfunctions. ♦

To create a boot disk in Windows 98

1. Insert a formatted floppy disk into your floppy drive
2. Click on *start-settings-control* panel—*add/remove* programs
3. Click on the *startup disk* tab on the far right
4. Click the *create a startup disk* button

To create a boot disk in Windows 2000/XP

1. Open Windows Explorer
2. Insert a floppy disk into the floppy drive
3. Right-click on your floppy drive and choose *Format*
4. Under *Format* option, place a check mark next to *Create an MS-DOS startup disk* and hit start



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Here's the CAE question of the month...

When entering into an affinity agreement, which of the following activities may make the association liable for UBIT?

- A. Endorsement of the program by the association
- B. Permission granted to the affinity partner to use the association's trademark
- C. Payment for and handling of promotional mailings in-house
- D. Receipt of royalties amounting to more than 15 percent of the association's total revenue

Answer at bottom.

Interested in finding out more about the CAE certification? Call ASAE at 202-626-2772.

Correct answer is C.

Six Truths About Marketing Your Services... And Why They Are Wrong

by Vince Crew, REACH Development Services

1 Your services are in great demand. At the very least, you're probably 25 percent too optimistic. Realize competition, economic and world incidents impact the psyche of your customers. Be realistic in acknowledging you're not "the only game in town" and that "timing is everything."

2 The market understands what you do and how it benefits them. No matter how well you think you're doing conveying the overall value of your services, generally people only hear and remember them when they're in the market for them. Constant and consistent marketing, advertising and/or publicity is crucial to maintaining "top of mind awareness."

3 You have a Web site, so customers will find you. It may sound strange but "everybody's got a Web site"—the novelty has worn off. You have to develop a strategy to constantly bring people to your site with information, tips, etc. You have to pull them back with constant updates and freshness.

4 Your services and credentials are worth more than a 30 second explanation. No matter how valuable, educated or credentialed you and your organization are, taking more than half a minute to convey

a strong selling message doesn't work. People are too distracted and too bombarded with glitz, sizzle and real pressures to spend a lot of time figuring out who you are, what you do and why they should do business with your organization.

5 NEVER give away a thing. Don't reduce your margin to where you may go out of existence; however, consider giving things away *if* it will bring people back with a checkbook. Brief educational and "how to" information can establish your position as a resource worth spending more time and money with. Those kinds of freebies are

like red flowers to the hummingbirds of the marketplace.

6 A one-shot blast of creativity can save you. One glitzy ad, brochure or campaign does not a marketing plan make! The keys to solid return on any investment are constancy and consistency to the right audience. Branding is a cumulative process of reach, frequency and message. ♦

Reprinted with permission from Vince Crew. He operates REACH Development Services. He is a conference speaker and adviser who works with business owners, healthcare and nonprofit executives on critical issues of leading people and organizations.

For Whom the Economy Tolls

Continued from page 4

conversation in our organizations. When times are tough, most organizations retrench and stop trying new things. Business literature is filled with case studies demonstrating that this approach easily cedes competitive advantage to those who take, what seems like, the riskier position. Those organizations ramp up their efforts, albeit in more thoughtful and strategic ways.

You have to decide what is the right approach for your efforts. But, do it only after vibrant conversation about what might be the underlying reasons for your current condi-

tions. Have passionate debates about alternatives you might implement to advance your mission and vision in this more difficult financial environment.

Remember, organizational success is rarely a multiple-choice test like the one that started this essay. ♦

Jeff Cufaude writes, speaks and consults on various strategic and organizational development issues relevant to associations and the businesses that serve them. He can be reached at jeffrey@ideaarchitects.org.

Ralph Johnson

Continued from page 6

senior-level experience in both corporate and not-for-profit settings. Managing staffs ranging from nine to 40 employees, he has dealt with all types of personalities while cultivating high-performance teams. Being facilitative by nature, John-

son builds consensus and fosters cooperation. He is an effective leader and is known for cultivating dynamic relationships with elected leaders, volunteers and staff. He has the ability to adjust priorities while maintaining flexibility and perspective. Growing up on a small grain and stock farm

in North Dakota's Red River Valley he was raised to pursue tasks with energy and care, be a good and ethical steward, persist through

uncontrollable circumstance and be thankful for bountiful rewards—even as small as having your “own” voice-mail box. ♦

Dick Brusio

Continued from page 6

working. He is an active member of the National Speakers Association (NSA) and NSA/Colorado. He has also served on the board of directors for NSA/Colorado, and is a member of both the NSA National PR Advisory Task Force and the Biola University Studio Task Force.

An experienced broadcaster, Dick has managed

three radio stations and served as host and producer of a syndicated radio feature heard on over 300 stations nationwide. In addition, Dick has been executive producer for a variety of talk shows, has hosted several radio programs, and produces nationally syndicated radio features and specials, as well as CD projects for speakers, authors and other professionals. ♦

“He is the heart and soul of our organization and has contributed more than any other single person in the 25 years that I have been involved. He is a tireless worker that constantly shows every member that he cares about them and their association. He has brought professionalism, ethics, and good natured management to an association that was in crisis when he stepped in.”

—Colorado Veterinary Medical Association leadership

Colorado Associations Provide Community Services

We asked, and members responded—what are Colorado associations doing to advance America? We are proud!

Jay Lower, Colorado Contractors Association (CCA)—Colorado Contractors Association was named Volunteer of the Year 2002 by Wilderness on Wheels, which operates a model wilderness-access facility located near Grant, Colorado, on Kenosha Pass. The project involved road grading, construction of an amphitheater access area, installation of culvert drainage pipe, recycled

asphalt parking area overlay and re-construction of approximately 200 feet of boardwalk used as wilderness access for wheelchairs and the disabled.

CCA also helps Easter Seals' Rocky Mountain Village in Empire, Colorado, continue their infrastructure development efforts. CCA replaced potable waterline, replaced aging concrete sidewalk and structures and resurfaced wheelchair trails with recycled asphalt. ♦

Update us on your association community service projects. E-mail Joan Tezak at joant@csaenet.org.

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November 14, 2003

*Membership Luncheon
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