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ALSO PRESENT:

CANDACE FITCH, Licensee's Attorney

IAN HILTON, Licensee

1 P-R-O-C-E-E-D-I-N-G-S

2 11:17 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're back on the record. Our next case is a  
5 Fact-Finding Hearing, Case No. 17-251-00136, The  
6 Brixton, License No. 82871.

7 Will the parties, please, approach and  
8 identify themselves for the record, please?

9 MR. HILTON: Ian Hilton from The  
10 Brixton. That's I-A-N last name H-I-L-T-O-N.

11 CHAIRPERSON ANDERSON: Mr. Hilton,  
12 good morning.

13 MR. HILTON: Good morning.

14 MS. FITCH: Candace Fitch, attorney  
15 for The Brixton.

16 CHAIRPERSON ANDERSON: Good morning,  
17 Ms. Fitch.

18 MS. FITCH: Good morning.

19 CHAIRPERSON ANDERSON: All right.

20 This is a Fact-Finding Hearing and the purpose of  
21 this Fact-Finding Hearing is that there was an  
22 allegation that on Saturday, June 17th, which is  
23 over a year, almost a year and a half ago, that  
24 at probably about, approximately, 2:12 a.m. a  
25 patron was in line to enter your establishment

1 and apparently a glass bottle fell from the --  
2 from somewhere off the rooftop of the  
3 establishment and the person was injured.

4 I know that -- I have been on the  
5 Board, this is going to be my third year that I  
6 have been on the Board and at least this is the  
7 second time that we have had you here regarding  
8 something falling off your rooftop. And I think  
9 I need to find out from The Brixton what is it  
10 that is being done to prevent this.

11 I think that there are liabilities all  
12 over and you can either -- the ABC Board can take  
13 action against you for future events or someone  
14 can sue you because they were seriously injured  
15 based on what is going on. So can you -- this  
16 has been a year and a half ago, in June of 2017.  
17 So can you updated the Board on this incident and  
18 what is it that what steps or measures have you  
19 put in place to prevent incidents like these from  
20 occurring?

21 MR. HILTON: Sure. Yeah, I think that  
22 is the described incident perfectly. We had  
23 taken steps prior to that and I'll just go  
24 through the ones that we have gone through since  
25 this particular incident.

1                   Just to clarify, it wasn't a bottle.  
2                   It was a glass. It wasn't a glass bottle. We  
3                   had removed glass bottles from the roof long  
4                   before and we had --

5                   MEMBER SHORT: Forgive me for a  
6                   minute. Can you clarify, you said it wasn't a  
7                   glass bottle, it was a glass?

8                   MR. HILTON: It was a glass. So it  
9                   was a glass that you would drink a drink out of.  
10                  It wasn't a bottle. Like it wasn't like an empty  
11                  beer bottle, which would be -- they are equally  
12                  problematic. I just wanted to clarify because --

13                  MEMBER SHORT: So could we call it a  
14                  beer mug?

15                  MR. HILTON: That's fair, a fair  
16                  statement.

17                  MEMBER SHORT: So not a beer bottle,  
18                  a beer mug?

19                  MR. HILTON: Yes, a pint glass.

20                  MEMBER SHORT: I just wanted it for  
21                  the record.

22                  MR. HILTON: Yep. So since then and  
23                  now, we removed all glassware from both. We had  
24                  -- at the original incident, we removed all  
25                  glassware and replaced it with acrylic on the

1 second floor and we also changed from all bottles  
2 to cans on the roof deck.

3 Subsequent to this incident, we now  
4 have -- we only have acrylic on the second floor  
5 and the roof deck, so you can't now take a glass  
6 from the second floor and go up to the roof deck.  
7 If you do, the people that monitor occupancy, our  
8 security staff, who monitor occupancy, they take  
9 that glass, they pour your drink into an acrylic  
10 and they return that glass to the first floor of  
11 the establishment.

12 In addition, we placed additional  
13 cameras and we have put roving security to  
14 basically spot check if a glass does get through  
15 from say the first floor now, we have a three-  
16 story bar/restaurant, if -- they will roam  
17 through and, basically, make sure that nothing  
18 has gotten by our checkpoint to go to the deck  
19 with anything in their hand other than acrylic.

20 In addition, the cameras, yes, they  
21 are certainly preventative. I mean, obviously, I  
22 want to catch somebody attempting or thinking  
23 about doing this, because what is next? I mean,  
24 they could literally throw anything off of the  
25 top of a building with intent to injure somebody

1 and that's obviously unacceptable behavior.

2 But these are the steps that we have  
3 taken. We did a lot of training with our  
4 security staff on how to, you know, basically  
5 line the perimeter more, so that, you know, they  
6 deter. They are in very clearly marked shirts,  
7 so that people know that they are basically being  
8 monitored.

9 The cameras are very obvious to them.  
10 We have increased our capacity on recording on  
11 our cameras, so that we will have better footage,  
12 so that we -- and I think it was even  
13 inconclusive on whether it was thrown or it was  
14 fallen. In my opinion, it had to have been  
15 thrown, based on just our setback and our  
16 parapet. It's almost impossible to knock a glass  
17 over 7 feet onto the street.

18 The main thing is, you know, I'm not  
19 saying acrylic couldn't hurt somebody, maybe  
20 bruise somebody, but it certainly is safer than  
21 glassware. I did a -- I worked with -- Nellie's  
22 did, they made that switch approximately the same  
23 time we did, we kind of followed their lead. It  
24 just made sense. They have less of a parapet, so  
25 I think they were more concerned about things

1 being knocked over. We went ahead and just  
2 changed over to acrylic.

3 CHAIRPERSON ANDERSON: All right.

4 MR. HILTON: It's not a great look,  
5 you know, when you go in on a Tuesday night and  
6 you want to have a nice glass of wine and it's in  
7 a plastic cup, but we've got to do what we've got  
8 to do to make sure that that doesn't happen  
9 again.

10 CHAIRPERSON ANDERSON: All right. Do  
11 you have any further representations to make  
12 prior to the Board asking questions?

13 MR. HILTON: I don't think so.

14 CHAIRPERSON ANDERSON: Questions by  
15 the Board? Mr. Short?

16 MEMBER SHORT: Well, first of all,  
17 thank you for coming in again today. And when  
18 was the last time you were here?

19 MR. HILTON: Oh, boy, for The Brixton,  
20 because I have appeared for other things.

21 MEMBER SHORT: No, the last time you  
22 were here for The Brixton.

23 MS. FITCH: February 17, 2016.

24 MR. HILTON: February 2016.

25 MEMBER SHORT: Why were you here then?



1 MR. HILTON: It may have been the  
2 same. It may have been the same type of  
3 incident.

4 MS. FITCH: That one was a bottle.

5 MEMBER SHORT: If I'm not mistaken, a  
6 lot of the same testimony you just gave about the  
7 roamers and the other things, and I think we  
8 talked then about public safety. And I told you  
9 I, as a Board Member, have an affinity that we  
10 should be able to walk 9th and U Street without  
11 something coming off the top.

12 And you agreed that you -- and  
13 apparently, I guess, from what you are saying,  
14 you have done -- we haven't had any more since  
15 last year this time, correct?

16 MR. HILTON: That's right.

17 MEMBER SHORT: And I think the Chair  
18 said it very plain to you that pretty much there  
19 are a lot of liabilities and the city would hold  
20 this Board, the Mayor's Office, and I couldn't  
21 blame them, to say to us you have had them there  
22 twice for the same thing and what happened?

23 No punitive action was taken against  
24 you the last time, correct?

25 MR. HILTON: Correct.

1                   MEMBER SHORT: And you did say you  
2 found out that the measures you took the first  
3 time didn't work as well as you thought they  
4 would have.

5                   MR. HILTON: They obviously weren't --  
6 obviously, there was a hole in the system that,  
7 obviously, didn't prevent 100 percent of that  
8 from happening. It did happen. You know,  
9 clearly, we have had once instance since  
10 February.

11                   MEMBER SHORT: I would just like to go  
12 on the public record and say this to you. A beer  
13 mug/beer bottle, whatever, if someone really  
14 wanted to do some harm on 9th and U Street as  
15 crowded as it gets there and you know it gets  
16 quite crowded and we also know this, a lot of  
17 people don't like to talk about it, but people in  
18 Homeland Security are saying not if, when  
19 something terrible could happen here.

20                   So if persons like yourself who have  
21 a good business establishment were to take every  
22 measure they could take and work aggressively to  
23 make sure that anyone who came to your  
24 establishment who even thought about it or  
25 indicated that some action would be taken, I

1 think you would go a long way to make things a  
2 lot better for yourself and for 9th and U Street.

3 But again, we haven't had any more  
4 problems with that since this time last year and  
5 I hope we don't see you again for it. So  
6 hopefully the measures this time will work, but  
7 I, as a Board Member, just want to go on record  
8 stating that public safety is something that we  
9 have to be quite aware of when we have an  
10 establishment with people drinking alcohol on the  
11 second and third stories of buildings.

12 It could be a catastrophe and I think  
13 we talked about netting or wiring or something  
14 like that the last time. Have you thought about  
15 that?

16 MR. HILTON: Yes. I just -- I  
17 remember when we had that discussion and I don't  
18 know -- I know that my problem at the time was  
19 that, you know, it certainly -- well, one, I know  
20 that HPRB would have an issue with it, because I  
21 even thought of just, basically, enclosing more  
22 of the roof deck to kind of just get ahead of the  
23 problem, rather than having a net which seems --  
24 it seems kind of like a chicken wire at a country  
25 music bar or something.

1                   It seems like it's a deterrent for --  
2                   it almost would encourage people --

3                   MEMBER SHORT: I understand --

4                   MR. HILTON: -- to throw things over  
5                   a net.

6                   MEMBER SHORT: -- chicken wire versus  
7                   a couple million or a multi-million dollar  
8                   lawsuit or versus the city taking your liquor  
9                   license.

10                  MR. HILTON: Yeah.

11                  MEMBER SHORT: Because there has got  
12                  to be something that is going to happen. Maybe  
13                  nothing that drastic --

14                  MR. HILTON: Um-hum.

15                  MEMBER SHORT: -- but there has got to  
16                  be something done to ensure that we are not  
17                  sitting here another 18 months from now with the  
18                  same kind of discussion.

19                  MR. HILTON: Agreed. I don't -- you  
20                  know, I'm certainly open for -- you know, to  
21                  exploring all possibilities to help us improve  
22                  overall, you know, public safety. I mean, it is  
23                  in my best interest to not come and appear in  
24                  front of you in 18 months and say well, okay, now  
25                  I have dropped capacity down to nothing and I'm

1 giving people --

2 MEMBER SHORT: Your name again?

3 MR. HILTON: -- baby bottles to drink  
4 out of.

5 MEMBER SILVERSTEIN: Mr. Hilton.

6 MR. HILTON: It's Ian.

7 MEMBER SHORT: Your name again?

8 MR. HILTON: Ian, sir.

9 MEMBER SHORT: Mr. Ian?

10 MR. HILTON: Yes.

11 MEMBER SHORT: Mr. Ian, let me ask you  
12 this. Have you done maybe like a best practices  
13 of other establishments that have rooftops in the  
14 city? And the reason why we don't -- and since I  
15 have been here on the Board, we haven't had --  
16 your establishment is probably the only one I can  
17 remember in the whole town where this has  
18 happened. Maybe another Board could correct me,  
19 but so under best practices, what are other  
20 people doing that they don't have the problems  
21 that you are having down there?

22 MR. HILTON: I know that a lot of  
23 places -- we never fancied ourselves as a  
24 nightclub. If you go to nightclubs, they  
25 typically don't have glass anywhere in their

1 establishment.

2 We are trying to be a neighborhood pub  
3 and that is a little bit counter to having all  
4 acrylic in your establishment. Now, on Fridays  
5 and Saturdays when people like to turn our nice  
6 neighborhood pub into a bit of a nightclub, which  
7 by the way we control the best we can by going  
8 way under our allowable capacity, it's -- the  
9 unfortunate thing is we have to operate a  
10 different business on Friday and Saturday than we  
11 do the rest of the week.

12 And if that means having to take all  
13 of our glassware off the shelves for those two  
14 nights, that's what we will do. That's basically  
15 what I have asked -- I have asked -- you know,  
16 there is no real great sharing of information  
17 among operators. Some are friends with other  
18 operators and they will have just sidebar  
19 conversations about how do you handle this? How  
20 do you handle that?

21 But in terms of like, you know, best  
22 practices that are disseminated for people like  
23 me, I don't believe it is out there, but I  
24 certainly out of curiosity am wanting to run a  
25 better business and a safer business. I

1 certainly do reach out to people when I have  
2 something like this, which is like I explained, I  
3 basically got some help from Nellie's on how they  
4 handle it. And they were helpful.

5 And I think we have -- that was part  
6 of -- they helped us with the recommendation of  
7 listen, you've got to just eliminate capacity.

8 MEMBER SHORT: Mr. Ian, I really hope  
9 this will be the very, very last time that we  
10 will see you in here for this type of incident.  
11 I'm very familiar with the region and night life  
12 and so we're very happy that your business is  
13 there and it's really kind of transformed the  
14 community. So it's a model.

15 And unfortunately, they -- this  
16 problem with objects coming off of our rooftop  
17 has put a damper on that, but I would just like  
18 to -- for you to just think deeply of if you have  
19 to do best practices around the country. There  
20 has got to be some way that we can help Homeland  
21 Security and help the people walking past your  
22 establishment.

23 Just know -- I know nothing is going  
24 to come off that rooftop, because Nellie's has  
25 got the best practice of any night spot with

1 people on the rooftop. That's all I have, Mr.  
2 Chair. Thank you very much. Thank you.

3 MR. HILTON: Thank you.

4 CHAIRPERSON ANDERSON: All right. Mr.  
5 Silverstein?

6 MEMBER SILVERSTEIN: I would like to  
7 associate myself with the remarks of my colleague  
8 and friend, Mr. Short.

9 And I would remind you that this is  
10 perhaps the first beautiful weekend coming up of  
11 the year, that this is the first time that you  
12 are going to really have the spring and outdoor  
13 situation. You are going to be full up there.  
14 And this would be a very good time for you to go  
15 over your security plans and all of that with  
16 your people, because this is your first test.

17 And being that this isn't your first  
18 rodeo here with this particular problem, the  
19 concern that you need to have is that you have  
20 established here or your patrons have what could  
21 be considered a continuous course of conduct.  
22 And the repetition of this puts an onus on us to  
23 guarantee public safety.

24 There is no legal obligation we have  
25 to keep that roof open if, in fact, we believe



1 down the road -- if this Board feels and can  
2 prove that public safety is at risk, no one wants  
3 to go that. I'm speaking as a single Board  
4 Member, no one wants to go there and we hope that  
5 you work very closely with your people right now,  
6 because this is the change of weather. This is  
7 the time when you have to drill into them that  
8 this is something that is hanging over your head  
9 and we want to all make it go away.

10 That's all, Mr. Chairman.

11 CHAIRPERSON ANDERSON: Any other  
12 questions by any other Board Members?

13 Just let me ask you another question,  
14 a follow-up in reviewing the Board, the -- I'm  
15 sorry, the Board -- the report by the  
16 Investigator. He said the video was inconclusive  
17 and I know you said that you have added cameras  
18 and change. So just elaborate for us on the  
19 changes you have made to your camera system,  
20 please.

21 MR. HILTON: So we had a number -- I  
22 don't want to give you the incorrect numbers. I  
23 know we have increased the amount of cameras,  
24 just so that we have coverage over, really better  
25 coverage over, that area. If someone is intent

1 on causing harm to somebody by throwing an object  
2 off of a roof, that is not a person I, you know,  
3 want basically walking the street. So we have  
4 increased that coverage considerably. I don't  
5 know the exact number of cameras. I can get that  
6 for you.

7 We also made a significant investment  
8 in the recording device, so that we can have more  
9 hours of usable footage, should we be able to  
10 assist MPD with finding somebody who does this  
11 sort of action.

12 CHAIRPERSON ANDERSON: Now, I guess I  
13 was asking for a perspective. It says that it  
14 was inconclusive. So was it that -- and this has  
15 been a while back, is it that it was fuzzy or the  
16 area wasn't covered or that's what I was trying  
17 to find out.

18 MR. HILTON: Well, this is where we  
19 get to the point where I don't want to become  
20 argumentative. I don't think there was any way  
21 to prove that this did not come from Nellie's.

22 CHAIRPERSON ANDERSON: No.

23 MR. HILTON: However -- no, that's  
24 what I'm saying.

25 CHAIRPERSON ANDERSON: Oh.

1 MR. HILTON: It wasn't -- so there  
2 wasn't -- you can't see somebody at The Brixton  
3 throwing an object off of the roof.

4 CHAIRPERSON ANDERSON: Now, let me ask  
5 you, so where is your establishment in comparison  
6 to Nellie's?

7 MR. HILTON: Across.

8 CHAIRPERSON ANDERSON: Is it next to  
9 it or across the street?

10 MR. HILTON: Across the street. And  
11 then we have another area -- excuse me, another  
12 bar that is next door, but they don't have  
13 operable windows, so I can't --

14 CHAIRPERSON ANDERSON: Okay.

15 MR. HILTON: -- I understand why the  
16 process of elimination would say, you know,  
17 unless you have Joe Namath over at Nellie's  
18 throwing something across the street, I would say  
19 that it's a reasonable conclusion to say that  
20 this came from Brixton, but we have pretty good  
21 coverage of the area where it probably came from  
22 and there is no evidence of anybody throwing an  
23 object from our roof deck.

24 CHAIRPERSON ANDERSON: No, but was the  
25 person -- were -- in the report, where were -- do

1 you recall where were they hit? Were they hit in  
2 the head? In the -- where?

3 MR. HILTON: I think it was in the  
4 head.

5 MS. FITCH: It was in the head.

6 CHAIRPERSON ANDERSON: So it would  
7 have to come from -- it can't come --

8 MR. HILTON: Well, it can't come  
9 straight down.

10 CHAIRPERSON ANDERSON: -- from across  
11 the street.

12 MR. HILTON: It's not possible with  
13 our parapet. It had to have come on some angle.  
14 Yeah, I don't -- I would, you know, sit and hear  
15 and tell you it probably came from The Brixton  
16 roof. I know that we looked through the footage.  
17 We, I believe, turned footage over. It was  
18 reviewed in real time and there was no -- we did  
19 not see the action of someone knocking anything  
20 over, which again would have fallen into the  
21 parapet and our setback and you did not see  
22 anybody throw anything.

23 But I -- it's hard to prove something  
24 didn't happen at your establishment. It would  
25 have been very easy to prove that it did, but we

1 had good footage. I didn't install these cameras  
2 so that I'll be able to prove hey, it didn't come  
3 from The Brixton. I did it to deter and to be  
4 able to provide, you know, better evidence to  
5 whatever -- whoever may be investigating this in  
6 the future and should it happen again, which it  
7 better not, but that's the only answer I can  
8 give.

9 CHAIRPERSON ANDERSON: All right.

10 MEMBER ALBERTI: Can I?

11 CHAIRPERSON ANDERSON: Go ahead, Mr.  
12 Alberti.

13 MEMBER ALBERTI: I'm sorry. Since we  
14 have opened that can of worms, were there glasses  
15 on the rooftop then?

16 MR. HILTON: There may have been.  
17 There are pictures of glasses behind the bar.  
18 Now, our --

19 MEMBER ALBERTI: Yeah, so that's what  
20 -- I mean, I --

21 MR. HILTON: No, but those glasses --  
22 Mr. Alberti, please, what they do with the  
23 glassware when they transfer a drink from one --  
24 from a glass to another one, they may not  
25 immediately take it down the stairs, right?

1 MEMBER ALBERTI: Okay. So --

2 MR. HILTON: They may accumulate them.

3 MEMBER ALBERTI: -- I'm going to stop  
4 you right there, Mr. Hilton.

5 MR. HILTON: Okay.

6 MEMBER ALBERTI: Please, don't dig  
7 yourself a hole.

8 MR. HILTON: I don't believe that that  
9 is what happened.

10 MEMBER ALBERTI: Because -- wait,  
11 wait, just --

12 MR. HILTON: I'm sorry.

13 MEMBER ALBERTI: Did you see the  
14 picture? That does not look like they stacked a  
15 few glasses because I mean, how would -- that  
16 doesn't look like they caught -- let me finish.

17 MR. HILTON: Yes.

18 MEMBER ALBERTI: That doesn't look  
19 like they caught one or two people up there with  
20 a glass. That looks -- you know, if they are  
21 stacking them like this, like this picture in  
22 Exhibit 2 of the report, you know, if that came  
23 from all in one night, then you are not stopping  
24 people from getting glasses.

25 If it came from several nights, I

1 wonder why you keep them up there for so long.  
2 This does not lead me to believe that these were  
3 up there just because you confiscated them.

4 MR. HILTON: No, they are not.

5 MEMBER ALBERTI: I'm sorry.

6 MR. HILTON: They are not.

7 MEMBER ALBERTI: All right.

8 MR. HILTON: Those -- as I stated, we  
9 use acrylic only on the weekends. We were using  
10 glassware other days of the week.

11 MEMBER ALBERTI: Oh, okay. So this is  
12 from other days of the week.

13 MR. HILTON: Yeah, if you go up there  
14 -- not any more.

15 MEMBER ALBERTI: All right.

16 MR. HILTON: We used to during the  
17 week. Between that incident and now, during the  
18 week now, we use acrylic all the time.

19 MEMBER ALBERTI: All the time. And  
20 you don't have any glasses up there?

21 MR. HILTON: Yeah, it would be  
22 extremely difficult to --

23 MEMBER ALBERTI: Okay.

24 MR. HILTON: -- you know --

25 MEMBER ALBERTI: All right.

1 MR. HILTON: -- to get away with  
2 throwing a glass off of there when it is not very  
3 busy during the week.

4 MEMBER ALBERTI: No, I understand.

5 MR. HILTON: Yeah, I was not trying to  
6 -- no, that --

7 MEMBER ALBERTI: All right. I  
8 misunderstood.

9 MR. HILTON: -- I'm certainly not  
10 saying --

11 MEMBER ALBERTI: And I was just like--

12 MR. HILTON: -- the glass certainly  
13 came from -- my point was, they weren't serving  
14 it at the bar. Somebody walked up the stairs.

15 MEMBER ALBERTI: Oh, that I can  
16 believe. That I can believe.

17 MR. HILTON: Yes.

18 MEMBER ALBERTI: Yeah. I mean, I  
19 trust you on that.

20 MR. HILTON: We had not -- yes.

21 MEMBER ALBERTI: All right.

22 MR. HILTON: We had -- our system is  
23 not fool-proof.

24 MEMBER ALBERTI: Okay. Thank you.

25 CHAIRPERSON ANDERSON: All right. Any



1 other questions by any other Board Members? Any  
2 final statements that you want to make?

3 MR. HILTON: Just to Mr. Silverstein's  
4 point. We have been working -- basically, the  
5 gentleman in the back of the room, he sort of  
6 runs operations for us. He has been elevated to  
7 the position. He is more familiar with security  
8 plans and best practices than I probably will  
9 ever be and he has been working non-stop with  
10 management in anticipation of another beautiful,  
11 hopefully, one month spring season in Washington,  
12 D.C.

13 So I am very sensitive to it. It is--  
14 the training that we can do to get ahead of this  
15 and it's not just our internal training. We  
16 have, you know, done -- we have attended all of  
17 the trainings that the Homeland Security folks  
18 had setup. We take it very seriously.

19 I can't -- I'm doing the best I can,  
20 but I apologize I was here twice in two years  
21 over something that I need to nip for sure.

22 CHAIRPERSON ANDERSON: All right.  
23 Thank you, sir. The Board will take this matter  
24 under advisement.

25 MR. HILTON: All right.

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CHAIRPERSON ANDERSON: Okay. Thank  
you. Have a good day.

MR. HILTON: Thanks very much.

(Whereupon, the Fact-Finding Hearing  
was concluded at 11:40 a.m.)

A	B		
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Brixton Pub, LLC

Before: Alcoholic Beverage Control Board

Date: 05-02-18

Place: Washington, D.C.

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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