

THE OFFICIAL PUBLICATION OF THE FLORIDA ASSOCIATION OF ELECTRICAL CONTRATORS

Volume 8 Number 2

Spring 2012



## ARE YOUR CUSTOMERS ASKING...



May 3, 2012 Hilton DoubleTree Orlando, FL

ECLB Sponsor # 0000857

Stay on top of industry trends... Know your marketplace... oin FAEC for this 1-day CE Symposium

#### INSIDE:

FAEC Presidents Report
FAEC Spring C E Symposium
FAEC Annual Golf Tournament
FAEC Annual BBQ, Tabl e Top
& Volley Ball Tournament
Tampa Lunch'n Learn
The Many Faces of Apprenticeship
Florida Electrial Construction Defect Statute

## Drug and Alcohol Free Workplace

## Where do substance SATS WOLK

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#### Substance abusers are:

- 10 times more likely to miss work\*
- 3.6 times more likely to be involved in on-the-job accidents\*
- 5 times more likely to injure themselves or another in the process\*
- 33% less productive\*

#### Protect your company from becoming part of these statistics!

Federated offers a program with the tools and resources you need to help make your business one that is drug- and alcohol-free. For more information, contact your local Federated representative or call

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\* American Council for Drug Education (Printed in EHS Today 10-6-2009)

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#### INDEX

#### TABLE OF CONTENTS

President's Message4
Executive Report5
FAEC BBQ Committee Report6
Florida Construction Defect Statute Chapter 5587-8
New Products9
Apprenticeship in the Early 1800's10
FEAT Report - The Many Faces of Apprenticeship11
FAEC - Spring Symposium Schedule12
Tampa Lunch 'n Learn - Indemnity Basics For Construction14
FAEC Annual BBQ -Central Florida Fair Grounds15-16
FAEC Annual Golf Tournament - Windermere17

#### ADVERTISERS INDEX

Critical Components, Inc	5
FAEC Business Card Page	
Federated Insurance	
Mike Holt	13
Rams	9
Solar Source Institute	Back Outside Cover
Southern Electrical Resources	Inside Back Cover





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> Published four times a year by the Florida Association of Electrical Contractors PO Box 4304, Enterprise, FL 32725-0304 407-260-1511

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For Advertising Information Cheryl Hardy FAEC - 407-260-1511 Email: faec@iag.net

### PRESIDENT'S MESSAGE





By Chris Jensen Del-Air Electrical Services, Inc. Sanford, Florida

t's full speed ahead as we continue to take on this challenging and exciting year. The new state board has been working very hard with the support of Cheryl Hardy and I am proud of the results. April 5th our first Lunch and learn of the year in Tampa followed quickly with the spring symposium, golf tourney and annual BBQ, May 3rd-4th. I encourage everyone to take advantage of these wonderful events and interact with your trade & industry friends.

March 15th, 2012 started the new changes to the Florida Energy Code and we will be challenged in new ways. The IECC 2009 International Energy Conservation Code largest change other than the reorganization is the stringency, 20% more than 2006 IECC.

I look forward to seeing you at our upcoming events and appreciate each and every one of our members. Remember, it is never too late to join and I promise that the experience, resources and partnerships will far outweigh any cost. Thank you for your time!

Partners Matter,

~Chris

#### **FAEC Calendar of Events 2012**

April 5	FAEC Lunch 'n Learn, Tampa, FL
May 3	FAEC 1-Day CE Symposium, DoubleTree
	Hilton, 60 S. Ivanhoe Blvd., Orlando, FL
May 4	FAEC Annual Golf Tournament, Winder-
	mere Country Club, Windermere, FL
May 4	FAEC Annual BBQ, Central Florida Fair
	Grounds, Orlando, FL
June 21	FAEC Lunch 'n Learn, Jacksonville, FL
August 9	FAEC Lunch 'n Learn, Orlando, FL
Sept. 27-29	FAEC Annual Convention,
	St. Augustine, FL
October 11	FAEC Lunch 'n Learn, Miami, FL
Nov. TBD	FAEC Edison Award & Casino Night

#### FAEC BENEFITS OF MEMBERSHIP INCLUDE:

- A Voice in the Legislative Process through a lobbyist in Tallahassee.
- An Annual 'Spring Conference" & "Fall Convention" offering Continuing Education classes relative to license renewal.
- The official publication of FAEC The "Contactor" bringing you up-to-date on association information
- A Group Major Medical Insurance Program.

- A General Liability Insurance Program.
- An Annual Membership Directory.
- "Legislative Alerts" distributed throughout the session to keep you abreast of industry concerns.
- The opportunity to interact with fellow contractors to share industry concerns and discuss industry news.

Your Invitation to Membership In FAEC!

and industry news.

Join With An Elite Group...



## **EXECUTIVE REPORT by Cheryl Hardy**

To our FAEC Members:

WOW... is all I can say... what a great team you have with this year's FAEC Board of Directors.

They hit the ground running and are working to bring you membership benefits and opportunities to help keep you up to speed in this ever changing marketplace.

Be sure to register for upcoming events. We want to see and hear from you. FAEC events avail you the opportunity to network with fellow contractors and industry allies.

Now ... more than ever... it is key that you stay in the loop talking with your peers to keep abreast with the industry.

Be looking for some new member benefits to be announced soon and remember to check the website for current events so you don't miss out.

Our next stop will be in Tampa for a Lunch 'n Learn on April 5th with a great program

presented by FAEC Counsel, Tim Moorhead, Wright, Fulford, Moorhead and Brown, PA.

We are eager to have you join us the beginning of May for the Annual Spring Symposium offering a full day of CE opportunities on May 3rd. Then stick around because on May 4th you will want to join us for a great day of golf at the Annual Spring Tournament at Windermere Country Club followed by the BBQ at the Central Florida Fair Grounds.

The BBQ is time for employees and family to join in for the Annual Volley Ball and Tug 'o War Tournaments, Table Top Exhibits, Bounce House for the kids. We will provide the great BBQ, Beer and music but it is up to you to kick back and iust unwind and relax.

Best Regards to everyone...

~ Cheryl



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## FAEC Report BBQ Committee 2012

## By Joe Bell Territo Electric, Inc. FAEC BBQ Committee Chairman

With less than two months left until our annual BBQ at the Central Florida Fairgrounds, the committee members are excited about this year's event. With table top displays, bounce house for the children, "Wheel of Code Questions", volleyball tournament, Tug-of-War and good ole' BBQ, this year's event promises to be the best ever!! Earn the right to be called the Volleyball Champions or the strongest team in Tug-of-War! Register now to attend the FAEC Annual BBQ on Friday, May 4th at the Central Florida Fairgrounds.

Here are some photos from last years event!

















### FAEC ASSOCIATION COUNSEL LEGAL REVIEW

## Florida's Construction Defect Statute: Florida Statutes Chapter 558

By Timothy R. Moorhead, Esq., and Edward M. Baird, Esq. Wright, Fulford, Moorhead & Brown, P.A.

Chapter 558 of the Florida Statutes, also known as the Florida Construction Defect Statute, is intended to provide an alternative method for the resolution of construction defect disputes to reduce the need for litigation of construction defect claims and protect the rights of property owners. As a practical matter, this means that the statute is envisioned to permit both property owners and those involved in design and construction to resolve alleged defects and deficiencies before expending a great deal of time (and money) on extended litigation.

In essence, Chapter 558 sets up procedural "hoops" which a property owner must jump through before he is permitted to file a formal lawsuit. These "hoops" are intended to give the allegedly responsible party (including contractors, subcontractors, design professionals, and suppliers) notice of the claimed defect and an opportunity to cure it and/or make payment to do so. Chapter 558 applies only to construction defect claims, and does not apply to personal injury claims arising from a construction defect. The deadlines under Chapter 558 differ depending upon whether the property at issue is 1) less than 20 parcels (shorter deadlines) or 2) 20 parcels or more (longer deadlines).

The initial "hoop" for a claimant to jump through under Chapter 558 is to provide written notice to the party which it believes is responsible for the alleged defect(s). The notice must describe the claim in reasonable detail sufficient to determine the general nature of the alleged defect and state any known resulting damage or loss. The property owner must issue the written notice 60 days prior to filing an action for property less than 20 parcels, and 120 days prior to filing an action for property 20 parcels or more. Upon the request of the claimant, the parties to the claim can engage in an exchange of various plans, specifications, photographs, videos, contracts, expert reports, and other documents relative to the alleged defect.

A party which receives a 558 notice has the right to a reasonable inspection of the property within 30 days after service of the notice for property less than 20 parcels, and within 50 days after service of the notice for property 20 parcels or more. Destructive testing may be permitted with mutual agreement of the parties, subject to certain terms and conditions. If the claimant refuses to agree to permit reasonable destructive testing, he cannot pursue his claim for any damages which could have been avoided or mitigated had destructive testing been allowed when requested and had a feasible remedy been promptly implemented.

The party receiving a 558 notice may provide copies to other parties which



Timothy Moorhead, Esq.

## FAEC ASSOCIATION COUNSEL LEGAL REVIEW

it believes may be responsible, and must note the particular defect for which it believes each such "downstream" party is responsible. The party receiving the initial notice from the owner must provide copies to these downstream parties, should it choose to do so, within 10 days of after service of the initial notice for property less than 20 parcels, and within 30 for property 20 parcels or more. Each of the downstream parties has the same right to inspect the property as the recipient of the initial 558 notice.

Each of the downstream parties must provide a written response to the party which provided copies of the initial notice within 15 days after service of the copy of the notice for property less than 20 parcels, and within 30 days after service of the copy of the notice for property 20 parcels or more. This response must include the scope, findings, and results of any inspection of the property, a statement as to whether the party is willing to make repairs or disputes the claim, and a de- ever, if the property owner receives scription and timetable for any repairs the party may be willing to make.

The initial recipient of the owner's 558 notice must serve a written response to the claimant within 45 days of service of the notice for property less than 20 parcels, and within 75 days of service of the notice for property 20 parcels or more.

The response must provide one of the following:

A. An offer to repair the alleged defects at no cost to the property owner, along with a description and timetable for the repairs.

B. An offer to compromise and settle the claim by monetary payment that will not obligate the offering party's

insurer, along with a timetable for payment.

C. An offer to compromise settlement by a combination of repairs and monetary payment that will not obligate the offering party's insurer, along with a description and timetable for the repairs.

D. A written statement to dispute the claim and refuse to remedy the aldays after service of the original notice leged defect or compromise and settle the claim.

> E. A written statement that monetary payment and/or a combination of monetary payment and repairs is to be determined by the offering party's insurer to be made within 30 days of notification to the insurer.\*

\*There are additional requirements and deadlines for the offering party and its insurer when taking this approach.

When the recipient of a 558 notice responds by disputing the owner's claim (or fails to respond), the owner may proceed to file a formal action. Howa timely settlement offer (which may address only a portion of the claim), he ers. WFMB's clients range in size from must accept or reject the offer in writing within 45 days after receiving it. If the owner accepts an offer to repair, he must provide reasonable access to the property for the party making the repairs. If the party that agreed to make repairs and/or payment fails to do so as set forth in its response (except due to reasonable delays beyond its control) the owner may, without further notice, file a formal action.

Chapter 558 can be a useful tool for contractors receiving notice of claimed construction defects by property owners. By being well versed with the reguirements and deadlines of Chapter 558, the responding contractor may

take advantage of its framework for a reasonable description of the claim, the exchange of relevant documents and information, inspection and testing of the alleged defect, notice to and involvement of other potentially responsible parties, and potential early resolution of the claim. When implemented effectively, Chapter 558 can help to avoid lengthy, timeconsuming, and expensive litigation. If you receive a 558 notice from an owner, or any claim for that matter, you should strongly consider consulting a qualified attorney.

This article is provided for informational purposes only as a courtesy to FAEC and its members, and does not constitute the rendering of legal advice.

Wright, Fulford, Moorhead & Brown concentrates its practice on construction industry claims and litigation, representing clients that include architects, engineers, general contractors, subcontractors, material and equipment suppliers, and both commercial and institutional ownsole proprietorships to multi-national corporations. For their clients, the attorneys of WFMB perform up-front contract review, construction progress monitoring and administration, claims preparation, analysis and presentation, mediation and arbitration of disputes, as well as trial and appellate litigation of construction-related matters. From its offices in Orlando and San Diego, and with affiliated offices throughout the United States, WFMB provides these and other legal services to its clients. For more information call us at (407) 425-0234, or visit our website: www.wfmblaw.com.

### Do They Make Something For This?

#### **NEW PRODUCTS**

Have you ever sat at your desk, looking for a convenient outlet to plug your latest purchase into? If you're like me, you have to move the desk or bookcase to get to that "convenient" outlet. Coresential recently sent me information on the "Retractable Work Surface Receptacle" – a new product from Thomas&Betts. The receptacle

recessed below the desktop surface - you only pop it up when you need it. It comes with a 6-foot cord that you would plug in when installing, so you will have to move your desk one last time to find that wall outlet.

Contact Chuck Baur or James Yore for more information.

> cbaur@coresential.com iyore@coresential.com





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## APPRENTICESHIP FEAT Report

#### **Apprenticeship in the Early 1800s**

In 1818, 10-year old John Anderson sailed with his father from Dundee, Scotland to Canada. They then crossed the border into northern Vermont and settled in Highgate – a tiny town of 500 people.

In 1824, when John was 16, his father bound him to William Cookman, a master carpenter. John was to serve a 5-year apprenticeship as a carpenter and a joiner.

How has apprenticeship changed in the last 188 years?

In his indenture agreement, John pledged to "comit no Matremony Contract, during sade time, tavins or House of Gambling he shall not frequent". In apprenticeship today, what an employee does in his own time is his own business. John was to "dwell with and serve William Cookman". Imagine requiring your apprentices to live with you...

On his part, Cookman agreed to "titch the Sade Apprintis or Cose him to be tought in the business aforesade and also to send the sade Apprintis to school which is tought by an able instructor at least sevin months and a half and shall well and faithfully find and provide for sade Apprintis good and sufficient foode and good lodgins and all the other nesseserers sutable for sutch an Apprintis in sickness and in helth providing a physition if needed".

John Anderson completed his apprenticeship and according to his grandson, was a very capable carpenter and builder. One of John's earlier jobs was building a house for my great great great great Grandfather. John was paid \$128.50 for his labor. Part of his payment was a colt, worth \$50.

Apprenticeship is a form of training that has been practiced for thousands of years. When Europeans arrived in this country in the 1600s and 1700s, they brought the concept of craft apprenticeships with them. Although the way apprenticeship is conducted has evolved over the years, the basic premise has not changed – a master craft-sperson teaches a helper their trade. It is an efficient way to learn the hands-on skills that are important in our industry.



#### FLORIDA ELECTRICAL APPRENTICESHIP TRAINING









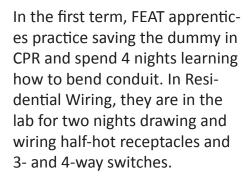




#### By Jamie Fugate, FEAT Coordinator

#### The Many Faces of Apprenticeship

Many think of apprentices as sitting in class two nights a week studying Ohm's Law, parallel circuits, Table 310.15(b)(16), Article 250... Often that's what apprentices are doing in class, but there's another side of apprenticeship training you may not have seen - the labs.



In Structured Cabling, about ¼ of the class time is held in the lowvoltage lab with coax connections, CAT5 and fiber terminations. Fourth year Motor Control students are in the lab for half the semester wiring control circuits: stop-start stations, lift stations, ansul systems, reversing starters and time-delay relays.

Would you like to see more images of Central Florida apprentices in school? Please visit www. facebook.com/featschool to see some of the things that your apprentices are learning.









#### FAEC - Spring Symposium MAY 3, 2012

FAEC SPRING CONFERENCE MAY 3, 2012 ECLB SPONSOR #0000857 - HILTON DOUBLETREE, ORLANDO, FL.

#### THURSDAY, MAY 3, 2012

7:30am REGISTRATION & CONTINENTAL BREAKFAST For all attendees and presenters.

#### **FAEC CLASS SCHEDULE**

8:00-9:00am CLASS I ECLB# 0800676 "INDEMNITY BASICS FOR CONSTRUCTION CONTRACTS" 1 HR Business CE. Presented by Tim Moorhead, Wright Fulford, Moorhead and Brown, PA, FAEC Counsel.

Tim's presentation will educate Electrical Contractor business owners on the important indemnity provisions in their contracts. He will guide you on how to spot an enforceable provision and a unenforceable or void provision and how this is affected by common law indemnity

9:15-10:15am CLASS II ECLB Provider SESCO Lighting "THE FLORIDA ENERGY CODE" 1 HR Technical CE. Presented by Allen Weiss, PE, LC, MIES of SESCO Lighting. Allen brings years of experience in lighting design as an educator and lecturer.

Allen's presentation will provide a working knowledge of the current Florida Energy Code Chapter 13-415 of the Florida Building Code pertaining to lighting power consumption and controls for Commercial Buildings.

A discussion on the types of spaces included and exempted from the code. Review the mandatory interior and exterior lighting power consumption as well as the mandatory lighting control requirements. Followed by a discussion of the space-by-space method for calculating power density.

10:30am-12:15pm CLASS III –ECLB# 0800675 "PREPARING YOUR COMPANY FOR FUTURE CHALLENGES" 2 HR Business CE. Presented by Joe Bell, Jr., Vice President, Territo Electric, Inc.

Joe will present an in-depth program and discussion on how to prepare your company for low growth periods and upcoming business challenges.

He will provide participants with suggestions regarding business diversification, building customer relations, training and preparing your workforce, dealing with conflicts in the workplace and retaining key management.

12:30-1:30pm LUNCH PRESENTATION CLASS IV - ECLB# 0800674 "TAKING CONTROL OF DISTRACTIVE DRIVING, A CONTRACTOR'S WORK PLACE SAFETY ISSUE" 1 HR Safety CE. By Jeff Reed, Senior Marketing Representative, Federated Mutual Insurance.

Jeff's presentation will provide a look at What constitutes driving distractions?, How distraction affect the driver and putting controls in place. Find out how your employees can be affected with distractions while driving a company vehicle. How will you implement controls and avoid disaster?

1:45-2:45pm CLASS V ECLB# 0800673 "INTO THE MARKET WE GO...HOW PRODUCTS AND SERVICES GET BOUGHT AND SOLD FOR CONSTRUCTION" 1 HR Business CE. Presented by Steve Cullipher, Manager of Barbizon Lighting's Systems Integration and Technical Services Divisions for Florida, Latin America and the Caribbean. He is also a LEED Accredited Professional.

Steve's presentation will be an introduction to how and why particular equipment is specified for a project. He will give electrical contractors an understanding of why they are being asked to install a particular product and how/when it is appropriate to suggest alternatives.

3:00-4:00pm CLASS VI –ECLB Provider SESCO Lighting- "HEALTHCARE LIGHTING" 1 HR Technical CE. Presented by Allen Weiss, PE, LC, MIES of SESCO Lighting. Allen brings years of experience in lighting design as an educator and lecturer.

Allen's presentation will provide an overview of the current Healthcare lighting issues and criteria. A general overview of lighting terminology related to Healthcare lighting. A discussion of the various Healthcare spaces and lighting techniques for each.

4:15-5:30PM FAEC QUARTERLY BOARD OF DIRECTORS MEETING





## Mike Holt's

Electrical Exam Preparation www.mikeholt.com





## FLORIDA ASSOCIATION OF **ELECTRICAL CONTRACTORS** Lunch 'n Learn Meeting **Presents**

## "Indemnity Basics for Construction Contracts"

by Tim Moorhead, Esq. Wright, Fulford, Moorhead & Brown, P.A. Board Certified in Construction Law, FAEC Counsel

> 1 Hr Business CE ECLB # 0800676 FAEC ECLB Provider #0000857

What is Indemnity? **Review of Common Law Indemnity Contractual Indemnity** Q and A

April 5, 2012

Rams/RPG, 12902 Commodity Place, Tampa, FL 33626 11:30am Registration - Lunch Served at 12:00 noon Program will Begin after Lunch Service

Cost: \$30.00 Per Person

Thanks to our Program Sponsors for this event...





Registration Deadline is April 2, 2012

Company Name:				
Address:				
City:	ST:	Zip:	Phone:	
Attendee Names:				
_				



Annual Volley Bah

Years Champs

Friday, May 4, 2012 ~ 5:00pm-8:30pm \$15.00 Per Ticket Purchased by April 27, 2012! Central Florida Fair Grounds 4603 West Colonial Drive, Orlando

TABLE TOP EXHIBIT OF INDUSTRY VENDORS

GREAT BBQ! ... DJ... DOOR PRIZES... BOUNCE HOUSE FOR THE KIDS!!!

ALL INDUSTRY ALLIES ARE CORDIALLY INVITED TO ATTEND..

ELECTRICAL CONTRACTORS & PERSONNEL, ELECTRICAL
INSPECTORS, ELECTRICAL ENGINEERS, MANUFACTURERS REPS,
DISTRIBUTORS, WHOLESALE SUPPLY PERSONNEL...

**Thanks to our FAEC/CF Trustees:** 

Royal Electric of Central Florida Territo Electric, Inc. RAMS/RPG GRAYBAR

# DUE TO MEAL ARRANGEMENTS, ADVANCE TICKET PURCHASES ARE A MUST!!! TICKET PURCHASES MUST BE MADE NO LATER THAN APRIL 27, 2012! TICKETS PURCHASED AFTER APRIL 27TH WILL BE \$25.00 PER TICKET. TICKETS WILL NOT BE SOLD AT THE DOOR!

(407) 260-1511 ~ Email: faec@iag.net

00000	
PLEASE SEND ME TICKETS AT \$15.00 EACH (IF PURCHASED BY APRIL 27TH)	
TOTAL \$ FOR THE FAEC 2012 ANNUAL BBQ TO BE HELD AT THE	
CENTRAL FLORIDA FAIR GROUNDS MAY 4, 2012.	
CENTRAL FLORIDA FAIR GROUNDS WAT 4, 2012.	
ENCLOSED PLEASE FIND MY CHECK # TO COVER TICKET COSTS.	
<b>■ VOLLEYBALL (6-MAN TEAM) REGISTRATION DEADLINE - APRIL 27, 2012</b>	
■ TUG OF WAR (5-MAN TEAM) REGISTRATION DEADLINE - APRIL 27, 2012	
YES, PLEASE SIGN UP A (CHECK BOX ABOVE) TEAM REPRESENTING MY COMPANY.	
I UNDERSTAND THAT ALL TEAM PLAYERS MUST WORK FOR THE COMPANY AND BE AT	
THE FAIR GROUNDS READY FOR PLAY BY 4:30 PM ON MAY 4TH.	
COMPANY NAME:	
YOUR NAME:	
VOLLEY BALL TEAM CONTACT NAME:	
TUG OF WAR TEAM CONTACT NAME:	
ADDRESS:	
ADDRESS: CITY: ST: ZIP: PHONE:	
DETUDN TO: FACO DO DOY 4204 ENTERDRICE EL 20726 0204	
RETURN TO: FAEC, PO BOX 4304, ENTERPRISE, FL 32725-0304	

FAEC PO BOX 4304 ENTERPRISE, FL 32725-0304

#### IFLORIDA ASSOCIATION OF ELECTRICALCONTRACTORS



"If I hit it right, it's a slice. If I hit it left, it's a hook. If I hit it straight, it's a miracle"

#### FAEC Annual Golf Tournament May 4, 2012

## WINDERMERE COUNTRY CLUB

2710 Butler Bay Drive North, Windermere, FL 34786

\$75.00 Per Golfer ( Included Greens Fees, Cart and Lunch) (Tournament is prior to the FAEC BBQ at the Central Florida Fair Grounds) 8:00am Registration - 8:30am Shotgun Start

Tournament Format is a Best Ball Scramble. Lunch and Awards to follow golf!

#### RSVP Return by April 27, 2012

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v	ST	Zip	Phone	

FAEC, PO Box 4304, Enterprise, FL 32725-0304 - 407-260-1511 - Email: faec@iag.net Reservations not canceled by April 27, 2012 must be paid for!

## 3338 Prigint Future

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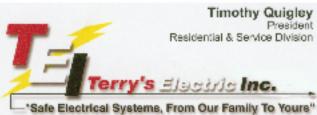
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