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## MOTOR VEHICLE DEALER BOARD



### Lost or Stolen Dealer Plates

If any of your dealer plates (D-tag) or decals are lost, stolen, destroyed or mutilated you may receive replacement plate(s) or decals for a fee. To apply for reissue, you should submit to MVDB the following:

**a.** MVDB 9, "DEALER PLATE APPLICATION".

**b.** The appropriate fee(s). Once a replacement plate is issued, the (lost or stolen) original plate becomes invalid. If you happen to recover an original dealer plate that you have reported lost or stolen, you may

NOT use it nor request a second reissue on it. You must return it to MVDB.

**c.** If the plate has been stolen, please submit a police report with your MVDB 9 application.

Lastly, don't forget to update your dealer records and insurance so the MVDB Field Inspector can verify the new dealer plate inventory, and verify that EACH dealer plate is insured.



***Come visit us at  
our office!***

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### Internet and Email Reminder

Much of MVDB's communication with dealers is in the form of email. As a reminder, please be sure the Board has an email address for your company that is current, and valid. In addition, be sure to put MVDB in your "safe sender" list to ensure the Board's correspondence does not end up in your

"junk mail". The following is excerpts from our guidance document regarding email and internet requirements for all dealers: All Virginia Motor Vehicle Dealers are required to have an Internet connection and email address at their established place of business during business hours. The Deal-

er must establish the Internet & email account in the official Business or Trade Name of the Dealership.

When Dealers have this Internet service established, they may use devices to connect to the internet as a way of communicating to MVDB and DMV using a computer,



## Upcoming EVENTS

### BOARD MEETINGS

All Meetings are held at DMV Headquarters

2300 W. Broad Street, Room 702 Richmond, VA

Monday, January 9, 2017

Time: 9:00 a.m.

#### Dealer Practices Committee Meeting

Monday, January 9, 2017

Time: Immediately following Dealer Practices

#### Licensing Committee Meeting

Monday, January 9, 2017

Time: Immediately following Licensing

#### Advertising Committee Meeting

Monday, January 9, 2017

Time: Immediately following Advertising

#### Transaction Recovery Fund Committee Meeting

Monday, January 9, 2017

Time: 10:00 a.m.

#### Full Board Meeting

**NOTE:** Meetings may begin later, but not earlier than scheduled.

## MVDB will be closed



### CLOSED:

Friday, December 23, 2016

Monday, December 26, 2016

Monday, January 2, 2017

Friday, January 13, 2017

Monday, January 16, 2017

*Cont. from pg. 1*

## Internet and Email

laptop, tablet, Smartphone (mobile) devices, modem, and other wireless networking devices.

Dealers are required to have a valid official email address for receiving and sending email communications to the Board and DMV on a consistent basis.

The Board **recommends** the email address name NOT be identified to a specific individual such as Jane.Doe@example.net at the dealership but rather the email address is general to the dealership. For example, MountainValleyCars@aol.com is a general email address and if that named individual leaves the dealership, the dealership would not have to establish a new email address. It is up to the Dealer who shall have access to this email box for receiving and sending emails to the Board and DMV.

In summary there are three important keynotes:

The internet connection must be at the dealer's established place of business and operating during your normal business hours.

If a smart phone (mobile device) is how the dealer will be communicating to the Board and DMV via the internet, the Smartphone must be **present (onsite)** at the established place of business during normal business hours.

### **The Smartphone account must be in the name of the Dealership.**

Internet and email authentication

The Board has the responsibility to verify the dealer's internet connection and your email address. This will normally be done by the field representative in your area. In general this will be a simple process by having the dealership send and receive an email from/to the established place of business during inspections. The dealer will need to have the internet connection established with an ISP and a valid email address as part of the opening inspection process prior to the field representative inspection.

Use the MVDB-10 form during license renewal, or for any changes, to transmit to the Board the Dealer's "official" email, information changes/updates.

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## *FTC Deal or No Deal?*

Not many kids play with yo-yos these days, but an FTC complaint against nine related Los Angeles-area car dealers charges that the companies engaged in (among other things) illegal yo-yo financing practices – and for affected consumers, it was no game. Even if you don't have clients in the auto industry, this case merits your attention. Additional allegations regarding phony online reviews, misleading add-ons, and deceptive advertising illustrate key consumer protection principles applicable to all marketers.

First, a bit about auto financing. Many dealers regularly offer financing as part of the transaction, particularly to consumers who may not have the cash or a pre-arranged loan to pay for the car. Although the dealer may be the creditor, it doesn't usually service the financing contract and instead looks to assign it to a bank, credit union, or finance company. Sometimes the consumer drives the car off the lot before that assignment happens, and the dealer reserves the right to cancel the deal within a few days in case it can't assign the loan. If the dealer cancels and asks the consumer to return the car, it generally has to give the consumer back his or her down payment, trade-in, and any other consideration.

So what is yo-yo financing? It's a practice that often targets people struggling to make ends meet. Suppose the third-party financing falls through. Rather than handling the financing themselves or returning the consumer's down payment and trade-in, some unscrupulous dealers use deceptive or unfair tactics to pressure consumers into a different deal

so the dealer doesn't lose the sale. According to the FTC complaint against Sage Auto Group and affiliates, that's what happened to some people doing business with the defendants. The dealer would sign a contract with a consumer that included financing terms and then let the person drive off the lot. But if the dealer couldn't (or didn't) assign the financing contract, in some instances it wouldn't just cancel the transaction. Instead, according to the complaint, the dealer would call the consumer back to say that financing fell through and then falsely claim that the consumer *must* sign a new financing contract, often with less advantageous terms. The FTC alleges that in some cases, the defendants falsely told buyers that if they refused to agree to the new terms, they would lose their down payment or trade-in. In other instances, the defendants didn't even cancel the transaction and when consumers resisted demands to sign a different deal, the company allegedly said

it would report the car as stolen or repossessed – and even threatened to have their own customers arrested and prosecuted.

You'll want to read the complaint for the details of the defendants' alleged yo-yo financing practices and why the FTC is challenging them as deceptive and unfair.

The complaint also charges that without consumers' consent, the defendants packed some people's financing with pricey add-ons like extended warranties, Guaranteed Auto Protection (GAP), auto maintenance, and VIN etching. The FTC says dealers falsely told some consumers that the add-ons were required or would improve their chances of getting financing. Additional counts challenge "what the headline giveth, the footnote taketh away" tactics the FTC has alleged as deceptive in numerous other cases. For example, in Eng-





*Cont'd from pg. 3*

## FTC

lish and Spanish ads, the defendants prominently touted a Nissan Versa for “\$38 a month” and “\$38 down.” Buried in the fine print was the statement “\$2695 Due at signing.” What’s more, that “\$38 a month” payment applied only for the first six months. After that, consumers had to fork over \$179 per month for the remaining years. And only in the fine print did the ad disclose that the deal was for a lease, not a purchase. What about that 2014 Nissan Altima one of the defendants advertised in Spanish for “\$99 al mes” (\$99 per month)? Only in the fine print did the company disclose that the deal came with major strings attached – for example, a 740 credit score, a five-year credit history, and qualifying for a college graduate discount. To top it off, the Spanish-language ad included those tiny “disclaimers” in English.

Not surprisingly, consumers took to social media to complain about the defendants’ sales practices. According to the FTC, the defendants responded by having their employees or others deceptively pose as satisfied customers to post positive reviews.

For example, according to the complaint, following a number of negative Yelp reviews, one dealership’s internet manager pretended to be a consumer, posted a

five-star review, and commented that “a salesman told me when customers don’t get there price one way they want to get revenge is to put a bad review to taint the reputation of the place.” The lawsuit alleges that the internet manager’s wife got into the act, too. Without disclosing her connection to the company, she posted a five-star review and added, “auto dealers have a bad rep and most dealers have bad yelp reviews, I will not let it bother, go inn and ask for Internet department and they will take good car[e] of you.”

The FTC says the defendants also included bogus reviews on their own websites. As one purported “customer” claimed, “I would like to update my review to state that this dealership is truly exceptional and I really appreciate the way they treat their clients.” Would it be material to consumers to know that the glowing accolade came from an employee? We think so, which is why the complaint challenges the independence of the reviews.

In addition to charging that the companies’ practices violated the FTC Act, the lawsuit alleges violations of the Truth in Lending Act, the Consumer Leasing Act, Reg M, and Reg Z. Filed in federal court in California, the complaint names Universal City Nissan, Kia of Downtown Los Angeles, Glendale Nissan/Infiniti, Mercedes-Benz of Valencia, West Covina Toyota/Scion, West Covina Nissan, Sage Covina Chevrolet, Sage Pre-Owned, and Sage Hyundai. The complaint also named brothers Joseph, Leonard, and Michael Schrage (also known as Sage), Sage Holding Company Inc., and Sage Management Company.

## Reminders...

As of January 1, 2011, ALL IDO’s of independent dealerships must at some point in time, recertify their IDO qualification every three years by either taking an online course, classroom course, or by passing a DMV test. Click [HERE](#) for more information and [HERE](#) to determine your recertification deadline. Please note that dealers with **Franchise** endorsements are exempt from recertification. If you are unclear on your recertification deadline, or any other recertification questions, please contact Ann Majors at the MVDB. She may be reached at 804-367-1100 x 3016, or email at [ann.majors@mvdb.virginia.gov](mailto:ann.majors@mvdb.virginia.gov)

## Links to FTC Dealer Resources

### As a Dealer, What are your responsibilities?

Keep up to date on the [rules and laws](#) that could affect your dealership. Topics include the [FTC Buyers Guide](#), the [Dealer’s Guide to the Used Car Rule](#), the [Business Person’s Guide to Federal Warranty Law](#), and the [FTC’s Privacy Rule and Auto Dealers: FAQs](#)

# Board Actions

## Dealer Practices

**Remanded Issue from the September Board Meeting: JJ Imports, LLC and Jahanzaib Raja** - On August 11, 2016, an informal fact-finding conference was conducted to address the alleged violations of failure to maintain dealer records, failure to safety inspect vehicles prior to retail sale, failure to insure each D-tag, and material misstatement. Based on the information provided at the informal fact finding conference, the hearing officer recommended assessing a civil penalty of \$2,500 and a satisfactory inspection within 6 months. The hearing officer further stated that any other lapse of insurance coverage should be considered for a revocation of all licenses and certificates. At the September 12, 2016 Board meeting Mr. Raja presented some additional information that was not available to him at the time of his informal fact finding conference. His case was remanded back to the hearing officer. On October 17, 2016 the hearing officer conducted the conference and considered the new information previously unavailable. Based on the newly submitted information the Board issued a \$1,000 civil penalty and a satisfactory inspection within 6 months.

**JBBM Auto Sales and Luis M. Munayco** - On September 13, 2016, an informal fact-finding conference was conducted to address the alleged violations of failure to maintain dealer records, odometer disclosure, failure to provide title within 30 days, failure to insure each D-tag, misuse of temporary plates, failure to comply with previous warnings, and failure to submit fees to DMV within 30 days. Based on the information provided at the conference, the Board assessed a civil penalty of \$7,750, a satisfactory inspection within 6 months, and successful completion of the 2-day dealer-operator course.

**Select Imports, LLC and William J. Gurdin** - On September 15, 2016, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections failure to comply subsequent to receipt of a written warning, failure to have established place of business, having used deceptive acts or practices, and knowingly advertising by any assertion, representation or statement of act which is untrue, misleading means which are misleading or deceptive in any particular relating to the conduct of the business. Based on the information provided at the conference, Board assessed a civil penalty of \$27,650 and revocation of all licenses and certificates.

**Auto Bank II and Afshin Moalem** - On March 4, 2016, an informal fact-finding conference was conducted to address the alleged violations of VA Code license required, failure to maintain dealer record, prohibited solicitation and compensation, safety inspection of vehicles required, misuse of PoD tags, misuse of PoD temporary plates, acts of officers, material misstatement, and deceptive acts and practices. Based on the information provided at the conference, the hearing officer recommended a formal warning, assess a civil penalty of \$8,000 with a reduction of \$250 should he provide proof of taking the Dealer-Operator course and a satisfactory inspection within 6 months. On June 16, 2016, the Board received Mr. Moalem's appeal for a formal hearing. On August 25, 2016, a formal hearing was conducted to address the above alleged violations. Based on the information provided at the formal hearing, the Board assessed a civil penalty of \$6,500 and a satisfactory inspection within 6 months.

**17 Auto Sales & Repair, and Derrick Washington.** Paid a \$3,000 civil penalty for failure to provide proof of W-2, failure to provide proof of safety inspections prior to retail sale, failure to notify the Board of a change in location, and failure to insure each D-tag.

**High Performance Motors, Inc., and Rudolph Marroum.** Paid a \$1,250 civil penalty for unlicensed salespersons.

**International Auto Discount, and Olga Y. Marroquin.** Paid a \$250 civil penalty for misuse of D-tags.

**Manassas Chevrolet, and Michael Bates.** Paid a \$500 civil penalty for an unlicensed salesperson.

**Tesla Motors, Inc., and Cody Arnett.** Paid a \$3,000 civil penalty for inadequate dealer

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## Board Actions

records, failure to provide proof of safety inspection prior to retail sale, and failure to have records available for field inspection.

**Dennis Auto Sales, and Dennis Kappatos.** Paid a \$2,000 civil penalty for an unlicensed salesperson.

**Blue Automotive Group, and Maurice Jennings.** Paid a \$250 civil penalty for failure to provide proof of safety inspection prior to retail sale.

**High Quality Motors, and Mohammad Kabiri.** Paid a \$500 civil penalty for failure to insure each D-tag.

**Blue Ridge Auto Group, LLC, and Michael R. Mathesius.** Paid a \$1,750 civil penalty for failure to provide proof of safety inspection prior to retail sale.

**Beverage Tractor & Equipment, Inc., and Charles Beverage, Jr.** Paid a \$250 civil penalty for failure to provide proof of safety inspection prior to retail sale.

**Horn's Auto Sales, and Oliver Horn, Jr.** Paid a \$250 civil penalty for failure to maintain business hours.

**Fahad Auto Sales, LLC, and Jassam M. Sarhan.** Paid a \$250 civil penalty for failure to maintain business hours.

**Alexandria Automotives, Inc., and Fahad Saidi.** Paid a \$250 civil penalty for failure to maintain business hours.

**Harman Motors, and Charles Harman.** Paid a \$250 civil penalty for failure to maintain business hours.

**Keys Motor Co., and Thomas Keys, Jr.** Paid a \$250 civil penalty for failure to maintain business hours.

**Duke Auto LLC, and Chris McAll.** Paid a \$500 civil penalty for failure to maintain business hours.

**S & F Auto Sales, Inc., and Aseel Alkhalisi.** Paid a \$250 civil penalty for failure to maintain business hours.

**Select Imports, LLC, and William J. Gurdin.** Paid a \$500 civil penalty for failure to maintain business hours.

**Auto Imports, and Maranna Krauze.** Paid a \$250 civil penalty for failure to maintain business hours.

**CMF Remarketing, LLC, and Christopher Farag.** Paid a \$250 civil penalty for failure to maintain business hours.

**Del Male Motors, Inc., and Rehailiah D. Booth.** Paid a \$500 civil penalty for failure to maintain business hours.

## Licensing

**James E. Dameron, Jr., Salesperson** - On July 5, 2016, an informal fact-finding conference was conducted to address the alleged violations of having made a material misstatement on an application, and having been convicted of any criminal act involving the business of selling vehicles. Based on the information provided at the conference, the Board issued a civil penalty of \$600 and approved allowing Mr. Dameron to apply for a salesperson license.

**Jeremy C. Churchill, Salesperson Applicant** - On September 14, 2016, an informal fact-finding conference was conducted to address the alleged violations of having used deceptive acts or practices, and having been convicted of a felony. Based on the information provided at the conference, the Board approved allowing Mr. Churchill to apply for a salesperson license.

**Leonard W. Mosley, Jr., Salesperson Applicant** - On September 30, 2016, an informal fact-finding conference was conducted to address the alleged violations of having used deceptive acts or practices, having been convicted of a criminal act involving the business of selling vehicles, and having been convicted of a felony. Based on the information provided at the conference, the Board denied the sales license.

**Christopher J. Burruss, Salesperson Applicant** - On September 21, 2016, an informal fact-finding conference was conducted to address the alleged violations of having been convicted of a felony. Based on the information provided at the conference, the Board approved allowing Mr. Burruss to apply for a salesperson license.

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# Board Actions

## Advertising

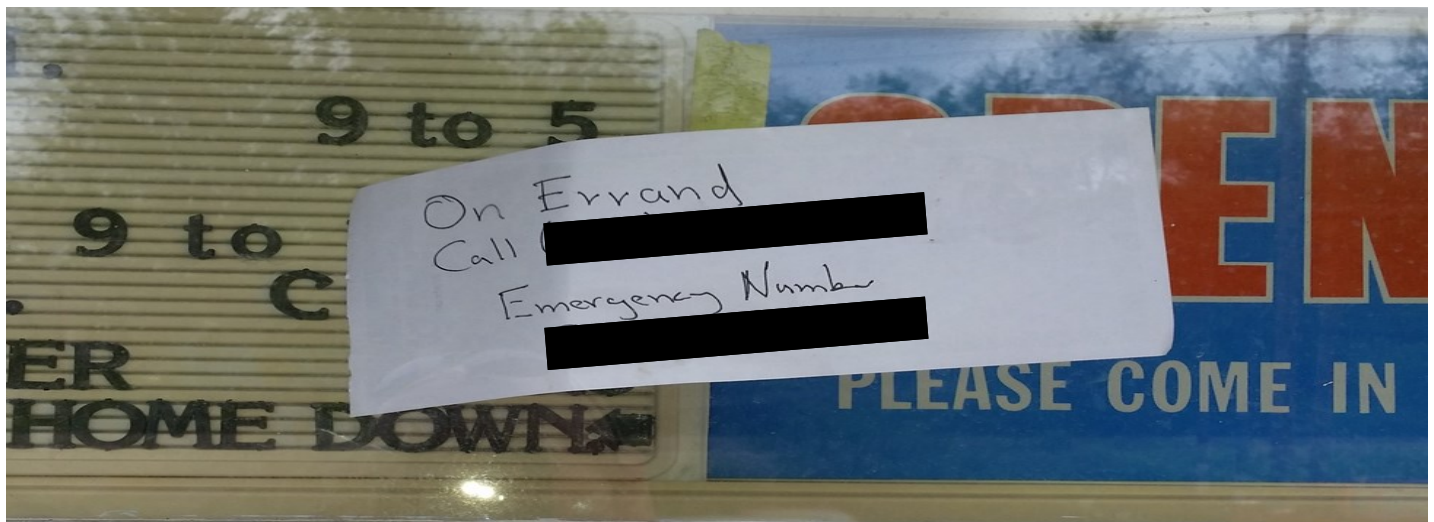
**National Motors Dealer, Inc. and Lida N. Barekzi and Amin Barek** - On August 8, 2016, an informal fact-finding conference was conducted to address the alleged violations of failure to disclose the processing fee, failure to advertise VA Dlr or the dealership name, and deceptive acts and practices. Based on the information provided at the conference, the Board assessed a civil penalty of \$1,500 and a satisfactory inspection within 6 months.

**Lifestyle Motor Group, and Douglas Jarvis.** Paid a \$1,000 civil penalty for advertising on Craigslist under the category "owner" instead of category "dealer" which is considered to be misleading, the advertisement failed to disclose the processing fee, and the dealer failed to comply with a previous advertising warning.

**NOTE: Depending on the circumstances, all Board Actions may be appealed to Circuit Court, or for an administrative hearing.**

For prior issues of Dealer Talk click [HERE](#)

## *What's Wrong With This Picture?*



This dealer did not post the [MVDB 40](#) on his door for a temporary closure and did not let the Board know they were closing for the entire day.

If you need to close for a portion of the day (less than 2 hours) during your normal posted business hours, (for lunch, go to the bank, etc.) please post a [MVDB 40](#) temporary closing notice, (click on the underlined text) to let customers know the time you left, and the time you will return.

If you are closing for the full day during your normal posted business hours, you must notify the Board by sending an email or fax, or mail. Be sure to include your dealer number, and name of your dealership. To notify the Board of your closure, please email [dboard@mvdb.virginia.gov](mailto:dboard@mvdb.virginia.gov), **be sure to include your dealership name, license number**, and the dates you will be closed.

# IMPORTANT NOTICE TO PROSPECTIVE DEALERS

The path to a Dealer-Operator license begins with a required two-day course of study each month at various community colleges in Virginia with the curriculum and instruction provided by VIADA.

The course takes the attendee from establishing the dealership under local zoning and Dealer Board requirements, through the sales process with its multitude of forms, laws and regulations, in to a sampling of opening and operating expenses, and ending with a discussion on ethics.

The course is open to all existing dealers and their employees.

Date	College	Contact Information
<b>2016</b>		
Dec 06-07	Lord Fairfax Community College in Middletown	Registration 540-868-7021 <a href="http://www.lfccworkforce.com">www.lfccworkforce.com</a>
<b>2017</b>		
Jan 10-11	Germanna Community College , Fredericksburg	Registration 540-937-2913 <a href="http://www.germanna.edu/workforce">www.germanna.edu/workforce</a>
Jan 24-25	Patrick Henry Community College , Martinsville	Registration 265-656-0260 <a href="http://www.ph.vccs.edu">www.ph.vccs.edu</a>
Feb 07-08	Paul D. Camp Community College , Franklin	Renee Brown 757-569-3984 <a href="http://www.pdc.edu/workforce-development">www.pdc.edu/workforce-development</a>
Feb 21-22	Virginia Western Community College, Greenville Center, Daleville	Registration 540-966-3984 <a href="http://www.virginiawestern.edu">www.virginiawestern.edu</a>
Mar 07-08	Northern Virginia Community College, Woodbridge	Claire Wynn 703-450-2551 <a href="http://www.nvcc.edu/workforce">www.nvcc.edu/workforce</a>
Mar 21-22	Thomas Nelson Community College, Hampton	Registration 757-825-2937 <a href="http://www.tncc.edu/workforce">www.tncc.edu/workforce</a>
Apr 04-05	Lord Fairfax Community College, Middletown	Registration 540-868-7021 <a href="http://www.lfccworkforce.com">www.lfccworkforce.com</a>



## 35 States to Increase Electric Charging Network



In October, the White House said it will establish 48 national electric-vehicle (EV) charging networks on nearly 25,000 miles of highways in 35 U.S. states.

The Obama administration said 28 states, utilities and vehicle manufacturers, including General Motors Co (GM.N), BMW AG (BMWG.DE) and Nissan Motor Co (7201.T), and EV charging firms have also agreed to work together to jump-start additional charging stations on the corridors.

The corridors were required to be established by December under a 2015 highway law.

The Federal Highway Administration unveiled new roadside signs to help motorists find charging stations. The White House said drivers can expect either existing or planned charging stations within every 50 miles.

It also said 24 state and local governments have agreed to buy hun-

dreds of additional electric vehicles for government fleets and add new EV charging stations. Overall, the number of U.S. charging stations has grown from 500 in 2008 to more than 16,000, the White House said. California will buy at least 150 zero-emission vehicles and provide EV charging at a minimum of 5 percent of state-owned parking spaces by 2020.

The city of Atlanta will add 300 charging stations at Hartsfield-Jackson International Airport by the end of 2017.

Los Angeles agreed to nearly triple the city's current plug-in electric fleet to 555 vehicles from about 200 by the end of 2017. Of those, 200 will be for the police department. The city is also adding another 500 charging stations by 2017.

One hurdle to the mass adoption of EVs has been the difficulty in finding places to recharge vehicles. In July, the White House said it was expand-

ing a federal loan guarantee program to include companies building EV charging stations.

The Energy Department issued a notice clarifying that charging facilities, including hardware and software, are an eligible technology for the \$4.5 billion loan program. But no loans have been made for EV charging projects yet, officials said on Thursday.

Administration efforts come as U.S. EV sales have not met early expectations. Sales have fallen well below President Barack Obama's goal of 1 million by 2015.

U.S. Energy Secretary Ernest Moniz told Reuters in January that the country may hit the figure in three to four years with continuing improvements in battery technology, but he acknowledged low gasoline prices have hurt EV sales.

In August 2008, Obama set a goal of getting 1 million plug-in electric vehicles on the roads by 2015. Only about 520,000 electric cars have been sold in the United States since 2008, out of about 250 million cars and trucks on U.S. roads.

The White House has repeatedly tried to boost EV sales, including hiking the EV tax credit and converting it to a point-of-sale rebate, but the proposals have yet to pass Congress.

Electric vehicle infrastructure will also get a boost from Volkswagen AG's (VOWG\_p.DE) diesel emissions settlement. The German automaker must spend \$2 billion over 10 years to improve infrastructure and other efforts to advance zero emission vehicles.

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# MOTOR VEHICLE DEALER BOARD

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DISCLAIMER: We make every effort to ensure information in Dealer Talk is accurate, but it is not a substitute for legal advice.



## ***MVDB Mission Statement***

The Motor Vehicle Dealer Board will administer sections of the Commonwealth's Motor Vehicle Dealer Laws and regulations as charged; while providing a high level of customer service for the automotive consumer and dealer community.

## ***Uber Self-Driving Truck Hauls Beer in Maiden Voyage***



A self-driving big rig created by an Uber subsidiary hauled a trailer full of Budweiser beer, marking the first commercial shipment without a driver behind the wheel.

Anheuser-Busch and automotive technology company Otto announced on Tuesday that a self-driving truck traveled more than 120 miles on I-25 from Fort Collins to Colorado Springs, Colo. The truck went exit-to-exit entirely by itself, although a professional driver monitored the truck's status and took control for the final delivery.

Uber acquired Otto in August. The Silicon Valley startup focuses on developing autonomous heavy-duty trucks.

**Beyond trucks, Uber is testing a fleet of self-driving taxis in Pittsburgh and working with Volvo to develop autonomous SUVs.**

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