



Yamhill County's News-Register

Friday March 19, 2021 \$2

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McMinnville, Oregon 156th year, No. 22

BOARD OF COMMISSIONERS

County moves toward gun sanctuary

Ordinance passes on split vote; second vote needed before it becomes law

By NICOLE MONTESANO
Of the News-Register

Yamhill County Commissioners held a first vote on a proposed gun "sanctuary" ordinance on Thursday, passing it on a split vote.

Commissioner Lindsay Berschauer added back a provision objected to by both Sheriff Tim Svenson and District Attorney Brad Berry, on a day when neither could be available to comment to the board, despite protests from Commissioner Casey Kulla.

"I don't think this is respecting their comments as elected officials," Kulla said.

County Counsel Christian Boenisch also asked the board to wait another week to hear from the sheriff and district attorney, but both Berschauer and Chair Mary Starrett said they were unwilling to do so.

The provision in question states the sheriff and district attorney "retain all prosecutorial, enforcement, or administrative discretion and authority that the Sheriff or District Attorney would otherwise have under federal, state, or local laws so long as said discretion and authority is exercised consistent with the legislative directives of

this ordinance."

Both Berry and Svenson argued previously that essentially gives them no discretion, and asked to have the last phrase removed. Berschauer had agreed to remove it, but in a last-minute revision submitted to the county Wednesday afternoon, she added back.

She insisted she is not removing all discretion from the two elected offices, but merely giving commissioners and voters a way to help control it by "putting sideboards on."

Starrett said she agreed.

"Leaving it up to the discre-

See **SANCTUARY, A2**

State begins seeking trail grant repayment

By NICOLE MONTESANO
Of the News-Register

The Oregon Department of Transportation has notified Yamhill County it wants to begin negotiations of the repayment of \$687,000 in grant funds used on the now-discontinued Yamhill Westside Trail.

Meanwhile, County Administrator Ken Huffer told commissioners during a Thursday work session

the county has incurred another \$282,192.76 worth of work it now will not be reimbursed for, and that the state Parks Department sent an invoice demanding immediate repayment of another \$56,250.

Commissioners discussed various issues still pending regarding the trail, but took no action Thursday, other than to agree to

See **TRAIL, A2**

McMinnville man charged with attempted murder of his elderly mother

By PAUL DAQUILANTE
Of the News-Register

John Anderson allegedly asked his 83-year-old mother if she wanted to die, according to court records. Then, over a period of time, he sat on her chest, covered her face with a pillow and held a plastic bag over her face and mouth.

The 47-year-old McMinnville man was arraigned on one count each of attempted murder, first-degree criminal mistreatment, fourth-degree assault, domestic menacing, unlawful use of a weapon and four counts of domestic strangulation Tuesday in Yamhill County Circuit Court before Judge Ladd Wiles.

Police took a report last Sunday from his mother who said she was assaulted by her son two days earlier at her Southwest McMinnville residence, according to a probable cause statement.

She said he stays with her, accompanies her to doctor appointments and picks up medications for her at the pharmacy.

He was angry with her the day of the incident about caregivers coming over to assist her, she states. He started throwing items around, including bottled water and eggs, and removed the batteries from her cell phone so she couldn't call anyone for help.

She said her son pushed her down onto a bed, holding her

See **CHARGED, A6**

Mac School Board chooses a finalist, starts negotiations

By STARLA POINTER
Of the News-Register

After 15 hours of in-person interviews and discussion last week, the McMinnville School Board narrowed its search for a new superintendent to one finalist.

Board members are negotiating with the finalist in an effort to agree on a contract. When negotiations are finished, they expect to call a special meeting to finalize the new superintendent's hiring.

Larry Vollmer, board chair, said that probably won't be until the end of March, at least. He doubts the announcement will be made during spring break, March 22 to 26.

The school board spent more than four months looking for a

See **FINALIST, A5**



The historic Yamhill Hotel, built in 1886 on the corner of what is now Third and Evans streets, is for sale along with the Mack Theater and the Macy Building, which houses retail shops along Evans and Second streets. Marcus Larson/News-Register

ICONIC THIRD STREET BUILDINGS UP FOR SALE

By STARLA POINTER
Of the News-Register

Third Street icons the Mack Theater and historic Yamhill Hotel are for sale, according to Gary Kerwood, who has been one of the managers of the properties since 1999.

The 6,500-square-foot theater, 11,365-square-foot hotel and adjacent, 5,352-square-foot Macy

Building, which houses several smaller businesses, make up the west end of the 500 block of Third and Second streets, bordering Evans Street.

Asking price is \$2.3 million for all three, with an April 15 deadline for offers.

"It would be wonderful to see something happen there," said Dave Rucklows, manager of the McMinn-

ville Downtown Association. "What an asset it could be to the downtown."

The 134-year old hotel could eventually offer a glimpse into what life was like in McMinnville at the turn of the century, he said. "That's exciting."

The buildings are owned by Anderland LLC. The firm's principal partner, Gary Anderson, died

Sept. 25.

The long-closed hotel, which is on the National Register of Historic Places, was built by L.H. Cook in 1886, Kerwood said. It includes two floors of rooms upstairs and two retail spaces below that house the Serendipity ice cream shop and Thistle Restaurant.

See **BUILDINGS, A6**

City reaches settlement in case against police, DHS

By DORA TOTOUAN
Of the News-Register

The McMinnville City Council authorized the city manager last week to carry out a settlement in the case of a young survivor of sexual abuse who sued the city and state for what her lawsuit described as their failure to protect her from her sexually abusive father.

Councilors approved the settlement after discussing the matter in executive session.

QM, a pseudonym for the survivor, sued the Oregon Department of Human Services (DHS) and the McMinnville Police Department through a guardian ad litem in 2018. The lawsuit sought \$3.35 million in damages.

The settlement amount is \$825,000, Steve Kraemer, the attorney retained by the city's insurance carrier, said in an email Wednesday. The state will pay \$475,000 and the city, through its insur-

ance, will pay \$350,000, Kraemer said.

A conservatorship was established to manage the money on behalf of the child, said Travis Mayor, one of QM's lawyers.

In 2018, QM's father pleaded guilty to sexual abuse and sodomy in the first degree and two counts of encouraging child sexual abuse in the first degree and is serving 10 years in prison. The child was 9 at the time of the crimes her father pleaded guilty to; however, allegations of abuse were first reported many years earlier.

In 2009, QM's mother reported to DHS and the police her concern that QM's father had or would sexually abuse the child. She later made other complaints to DHS about the danger the father posed to his daughter. QM was around two years

See **CASE, A3**

CORONAVIRUS (COVID-19)

Below are a number of resources to help educate you and your family.

Oregon Health Authority - Oregon.gov/OHA
Our Health Oregon - OurHealthOregon.org
Yamhill County Public Health - hhs.co.yamhill.or.us/publichealth
Centers for Disease Control and Prevention - CDC.gov
World Health Organization - WHO.int

For general information on coronavirus, call 211
Additional resources are also available at
WillametteValleyMedical.com

Maya Son
County of Yamhill
President

Today's editorial
Sunshine best disinfectant for insidious government secrecy
See **Viewpoints, B2**



KEEPING YOU CONNECTED

HOW TO REACH US

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INDEX

Arrests	A4	Marketplace	B5-7
Crossword	B5	Obituaries	A4
Horoscope	B7	Sports	A8-10
Kid Scoop	B8	Viewpoints	B1-3

WEATHER

McMinnville area

TODAY

 **H 51**
L 41
Light rain,
S winds 10 to 20 mph

SATURDAY

 **H 53**
L 37
Light rain,
WSW winds 10 to 15 mph

SUNDAY

 **H 50**
L 40
Light rain,
SSW winds 5 to 10 mph

MONDAY

 **H 53**
L 37
Light rain,
WSW winds 5 to 10 mph

TUESDAY

 **H 56**
L 40
Partly cloudy,
winds light and variable

The sun

	Sunrise	Sunset
Fri.	7:16 a.m.	7:24 p.m.
Sat.	7:14 a.m.	7:25 p.m.
Sun.	7:13 a.m.	7:26 p.m.
Mon.	7:11 a.m.	7:28 p.m.

Local climate, past 7 days

	High	Low	Precip.
Thursday	62	32	-
Friday	62	32	-
Saturday	63	32	-
Sunday	51	40	.17
Monday	49	29	trace
Tuesday	54	29	-
Wednesday	60	31	-
Actual March to date			0.96
Average March 1-31			4.03
Actual year to date			14.18
Average year to date			12.99
Average Jan.1-Dec. 31			39.74

Recorded at McMinnville Airport at 5:30 a.m. daily. M=missing data.

Historical temperatures
March
Average 56 34 4.03
Extreme 87 14 11.93
From records 1894 to present

Temperature extremes

Oregon extremes for the 24 hours ending at 5:30 a.m. Thursday:
High temp: Roseburg.....52
Low temp: Burns.....20
High precip: Newport.....0.03
Source: National Weather Service

Local warnings

No advisories are in effect for Yamhill, Lincoln, Tillamook counties. Source: Weathering.

Tides at Yaquina Bay

	High tide	Low tide
Friday	4:10 a.m. (7.6)	11:12 a.m. (1.1)
Saturday	5:49 p.m. (5.6)	10:31 p.m. (3.6)
Sunday	4:49 a.m. (7.4)	12:12 p.m. (1.2)
Monday	5:39 a.m. (5.4)	11:20 p.m. (4.1)
Tuesday	5:39 a.m. (7.2)	-
Wednesday	8:46 p.m. (5.4)	1:22 p.m. (1.2)
Thursday	6:47 a.m. (7.1)	12:37 p.m. (4.3)
Friday	9:54 p.m. (5.7)	2:32 p.m. (0.9)

GOVERNMENT CALENDAR

Listed are meetings involving city government, county government and school district agencies in Yamhill County. To update information, email events@newsregister.com.

MONDAY, MARCH 22

McMinnville School Board: 7:30 p.m., via Zoom, administration building, 800 N.E. Lafayette Avenue, 503-565-4000.

TUESDAY, MARCH 23

Housing Authority of Yamhill County: 6 p.m., conference call/HAYC office, 135 N. E. Dunn Place, McMinnville, 503-434-6571.

McMinnville City Council: 5:30 p.m. via Zoom, civic hall, 200 N.E. Second St., 503-434-7502.

THURSDAY, MARCH 25

Yamhill County Board of Commissioners: 10 a.m., Room 32, county courthouse, 535 N.E. Fifth St., McMinnville, 503-434-7501. Formal session.

THURSDAY, APRIL 1

Yamhill County Board of Commissioners: 10 a.m., Room 32, county courthouse, 535 N.E. Fifth St., McMinnville, 503-434-7501. Formal session.

Yamhill Fire Protection District: 7 p.m., fire hall, 275 S. Olive St., 503-662-3511.

Yamhill County Planning Commission: 7 p.m., Room 32, county courthouse, 535 N.E. Fifth St., McMinnville, 503-434-7516.

MONDAY, APRIL 5

Dayton City Council: 6:30 p.m., city hall annex, 408 Ferry St., 503-864-2221.

Newberg City Council: 6 p.m. work session, 7 p.m. business, Public Safety Building, 401 E. Third St., 503-537-1283, www.newbergoregon.gov/meetings.

TUESDAY, APRIL 6

Carlton City Council: 7 p.m., city hall, 191 E. Main St., 503-852-7575.
Dundee City Council: 7 p.m., fire hall 801 HWY 99W, 503-538-3922.



Marcus Larson/News-Register

Owner Forrest Babcock inspects his telescope named Jupiter's Inspiration, which was recovered Thursday morning after being stolen March 11. There was relatively little damage, but the thieves did steal an attached finder scope and took part of the machine apart. Luckily the most precious part of the telescope, its large mirror, was not installed at the time.

Trailer, damaged scopes found

By STARLA POINTER
Of the News-Register

The Carlton Observatory trailer and parts of two telescopes have been found.

Yamhill County Sheriff's deputies located the forest-green, Wells Cargo trailer after receiving a call from a citizen. It was on a gravel road in the Peavine/Gopher Valley area, said Janet Juelke, who started the Carlton Observatory Project with her husband, Forrest Babcock.

The huge "Big Blue" tele-

scope, which Babcock built, and a smaller Unitron scope were stored in the trailer on Bald Peak Road near the Yamhill/Washington county line. The trailer was reported missing March 11.

Both scopes were missing pieces when they were found, Juelke said. The white tube from the Unitron is gone, she said, as is a box of electronics from Big Blue. But most of the parts are there, including the mount for the Unitron. "It's a very important part. You can't use

the telescope without it," she said. Babcock said he would need to remake other "intricate little pieces."

He's glad to have the chance to do that, since the telescopes have been found. Inspecting Big Blue, he said, "I'd like to make it better than it was."

The trailer had scrapes, nicks and a hole in its back door ramp, but the couple was able to tow it back to Carlton Thursday morning. "I'm grateful" that some-

one reported seeing the trailer, leading to its discovery, Zuelke said. "But now I'm angry."

She said the Carlton Observatory Project, an effort to build an observatory for educational purposes in or near Carlton, will continue.

Community members have been helping with the effort to raise funds for several years. The stolen telescopes were among those used at fundraisers and free public star viewing parties.

Trail

Continued from A1

discuss the issues further next week. They asked staff to invite an ODOT representative to that meeting.

None of that money was budgeted for, Huffer said, because the county had grants for all the work done to date. It is now responsible for the amounts since commissioners voted to withdraw the county's application for a conditional land use permit to build an initial segment of the trail.

Commissioners must determine which fund to pull money from to cover the demands, Huffer said.

Another issue is whether to complete a Master Plan for the trail that is currently stalled, awaiting the commissioners' decision. Grants Manager Carrie Martin said the county received a \$120,000 grant for that work, but it will not require repayment, even if the county decides to stop the work.

She said Carlton wine-maker Ken Wright, who donated \$16,000 in required matching funds for the Master Plan grant, has told the county he expects to be refunded for the donation if it stops the process.

Furthermore, she said, if the master planning process ceased, the federal highway

administration could react by demanding reimbursement of the more than \$1 million grant it provided to purchase the trail corridor.

County attorneys Todd Sado and Christian Boenisch acknowledged they don't know exactly what the federal government might do, but argued that, given the decades-long timelines for the trail to be completed, they don't think it's a high risk.

Huffer said the county also has to decide what to do about the half-completed bridge across Stag Hollow Creek, noting they cannot simply walk away from the project. The county must either complete the bridge or remove much of the existing construction work and do additional work to replant the disturbed area and control erosion. Either option will be expensive, Huffer said.

County staff and Commissioner Casey Kulla also pointed out the bridge is needed for the county to access the railway corridor for maintenance and fire control.

That argument upset Commissioner Lindsay Berschauer, stating it was intended for use as part of the trail, and the county obtained the grants to build it for that purpose.

She termed discussion

Sanctuary

Continued from A1

tion of the sheriff really does defeat the purpose of this ordinance," she said.

Boenisch said that relates to the question at the heart of the entire debate.

"Therein lies the whole question, whether or not, constitutionally, the board of commissioners has the ability to put those sidebars on," he told commissioners. Berschauer and Starrett argued no other counties have faced legal challenges over similar ordinances, but Boenisch said he believes none has tried to actually enforce them.

The ordinance states it does not apply to any state or federal law in effect as of February of this year. Rather, it tries to ban enforcement of any future gun regulations.

Because the vote was not unanimous, the board must hold a second vote and reading at least 14 days after the first, and the ordinance cannot go into effect for 90 days after the second vote.

That could change, Boenisch noted, if Kulla decided to vote in favor of the ordinance for the second reading.

With a unanimous vote, the board could decide to declare an emergency, in order to have the ordinance take effect immediately.

"I think it's important for our Sheriff and DA to have discretion as duly elected officials of YC, and I think we can support them in that and I don't think this does that," Kulla said.

Starrett said the board is acting in support of all legal gun owners.

"The commissioners have received about 1,200 e-mails in favor of supporting the Second Amendment ordinance," Starrett said. Many of the letters in support originated from a statewide campaign organized and promoted by the Oregon Firearms Federation, which is headed by Starrett's brother Kevin.

"There were a number that said, 'I don't live in your county, but this gives me hope, and it gives me an affinity for your county,'" Starrett acknowledged.

The county also received more than 100 letters in opposition to the ordinance. However, Starrett said, "this is for all of the law-abiding people" who own guns. "I am really looking forward to being able to pass this in Yamhill County."

We're seeking applicants.

Rental Housing Inspection Committee

The City of McMinnville Code Compliance team is seeking applicants for a committee that will assist in the development of a Rental Housing Inspection Program. This committee will make recommendations to the McMinnville City Council on the development of a program that protects basic living, safety, and welfare standards for rental housing in McMinnville.

Applications may be found at:
<https://www.mcminnvilleoregon.gov/planning/page/rental-housing-inspection-committee>



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Legal News Today

Full text of today's legal notices appears on B6.

News-Register

(ISSN 1081-6633)

The News-Register is published every Tuesday and Friday by The News-Register Publishing Company

611 N.E. Third Street P.O. Box 727 McMinnville, Oregon 97128

(503) 472-5194 | news@newsregister.com

newsregister.com

©2020 News-Register Publishing Co. Periodicals Postage paid at McMinnville, OR POSTMASTER: SEND ADDRESS CHANGES TO News-Register, 611 N.E. Third Street / P.O. Box 727 McMinnville, Oregon 97128

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Case

Continued from A1

old at the time.

The News-Register is not identifying the child and her parents to protect the identity of the victim.

DHS was "unable to determine" if the father had abused the child, according to a 2020 lawsuit the state filed against QM's mother.

In that lawsuit, which was filed but never served to the mother, the state and city argued she was negligent in caring for her daughter and should help pay the \$3.35 million to QM. The state and city had previously tried unsuccessfully to file a third-party complaint against QM's mother in the original lawsuit, according to court records.

The state and city didn't serve the lawsuit to QM's mother because the mediation at which the case was settled occurred soon after filing it, Kraemer said. Part of the settlement is that the state's lawsuit will be dismissed, Mayor said.

The state's lawsuit against QM's mother faulted her for, among other things, allegedly not upholding a no-contact order between QM and her father and not reporting her concerns in a timely fashion.

Mayor described the lawsuit against QM's mother as a tactic to deflect from the state's own negligence. In his opinion, Oregon law precludes blaming the mother, as he said her behavior did not meet the "palpably unreasonable" or "grossly negligent" standard.

"It was QM's mom who was the one...raising a red flag and blowing a whistle and trying to alert the state and the City of McMinnville Police Department, and to turn around and blame her for what happened is offensive, in my view," Mayor said Wednesday.

In 2011, the police learned through a then-girlfriend of the father that he had child pornography on his computer and that he had admitted to abusing QM, according to records, McMinnville Police obtained the computer but said the department lacked probable cause for a search warrant because the computer had been handled by people besides the father, according to the state's lawsuit.

Two days later, about 2:30 a.m., the building partially collapsed.

Brick by brick, walls on the Bridge Street and south side of the building were taken down. With safety of pedestrian and vehicular traffic of great importance, the site needed to be cleared.

The J.A. Art Hebert Memorial Plaza, a wooden structure, is located next to where the lodge once stood. Bargero and Edmondson arrived the weekend of March 6-7 to do some work on the property, according to City Manager Frank Sheridan.

"Two walls, one facing South Bridge and one facing the plaza, were unstable," Sheridan said. "Those walls are made of brick and hollow wall tile."

Fencing prevented anyone from parking and/or walking in front of the building site or accessing the plaza. But the walls still needed to come down.

A Gradall, an industrial piece of equipment, was moved into the plaza on Sunday to assist with demolition. The weight of the equipment broke through the plaza's wooden flooring.

"One of the owners asked me about using the plaza to remove the unstable bricks (on the south side)," Sheridan said. "He was getting a scissor lift, and city workers have used one at times in the plaza. It can lift one person about 10 feet off the ground."

"I told him a light machine like a scissor lift would probably work, but the deck was not designed to support heavy equipment or heavy loads like a dumpster. A third party drove his Gradall onto the plaza to assist the owners with the project."

That individual was identified as Dick Paay, who owns property throughout the West Valley, including the old Willamina High School site that was transformed into the popular West Valley Community Campus.

"It (the Gradall) probably weighs 20,000 pounds, and that model is rated to lift about 10,000 pounds," Sheridan said. "It was knocking down the south wall when it broke through the decking boards."

Paay exited the Gradall without being injured.

"The owners took responsibility for what happened," Sheridan said.

Early last week, a crane was brought in and used to lift the machine out of the hole, off the plaza and onto Bridge Street.

"That piece of machinery (the Gradall) causes a lot of vibration," Sheridan said. "It looked like he got between two (deck) supports. He was backing up and finishing when it went down."

He continued, "I had told the owners they could not put anything heavier than a scissor lift, or maybe a dumpster (on the plaza). It's not designed for a piece of heavy duty equipment."

The hole was repaired earlier this week. Craig Quimby, a licensed contractor living in Sheridan, did the work. The cost is expected to be about \$2,000, according to the city manager.

Sheridan said he will bill

SHERIDAN



The historic Sheridan Masonic Lodge site on South Bridge Street is being cleared. The structure partially collapsed earlier this year.

'An interesting project'

Plaza collapses under heavy equipment as Masonic Lodge building site cleared

By PAUL DAQUILANTE
Of the News-Register

A piece of heavy equipment fell through the plaza planks next to the ruined Masonic Lodge building earlier this month in downtown Sheridan, adding another destructive turn to the ongoing saga.

Sheridan Bridge Investments LLC and owners John Bargero and Curt Edmondson purchased the building just south of the city's historic bridge from Rich Mathis on Thursday, Jan. 28.

The deed was recorded the following day and utilities were switched to the new ownership.

Two days later, about 2:30 a.m., the building partially collapsed.

Brick by brick, walls on the Bridge Street and south side of the building were taken down. With safety of pedestrian and vehicular traffic of great importance, the site needed to be cleared.

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The Gradall, a piece of heavy equipment, proved too heavy for the wooden J.A. Art Hebert Memorial Plaza in Sheridan. A crane was brought in to lift the Gradall off the plaza and onto Bridge Street.

Submitted photo

Bargero and Edmondson, and if need be, let the city's insurance carrier — City-county Insurance Services — work with the pair on a settlement.

He said he's not concerned with "assigning blame" for what happened. He just wanted the damage repaired and does not believe the city is responsible for the work that was done.

Edmondson was on site early last week, and said he and Bargero hope to have the cleanup work completed by this summer.

A structural engineer will be able to determine how much of what remains of the building is salvageable. There are concrete walls still standing.

Edmondson said he won't even speculate what the future holds for the property. "It's an interesting project," he said.



Lafayette mayor calls it quits

The News-Register staff

Lafayette Mayor Wade Witherspoon has resigned, effective immediately, after a dispute occurred over social media over his decision to nominate a replacement for a vacancy on the city council.

Last May, a large number of candidates ran for council. Lee Gilgan won over Hilary Malcomson by just one vote, triggering an automatic recount that increased his lead by a single vote, leaving the outcome the same. Candidate Gregory Goularte finished third in that race.

Last week, Witherspoon nominated Goularte to fill the council vacancy, and Gilgan questioned why he hadn't nominated Malcomson instead. Gilgan said he supported Goularte's

nomination, but thought Malcomson's supporters would be upset by the failure to heed their votes.

They were, and so was Malcomson.

Although the council voted unanimously to appoint Goularte, an argument began over the issue on social media. Malcomson argued Witherspoon never provided a reason for his choice, and seemed to suggest it was because he personally disliked her.

She argued that last time a similar issue had arisen, the council had appointed the candidate who had received the next-largest number of votes. At least one of her supporters suggested recalling Witherspoon.

A few days later, Witherspoon resigned, effective immediately.

"I feel I do not have the level of support from the community or the Council at this point to provide effective leadership. So, it is best I step aside. I wish you all the best going forward," he said in a press release.

Malcomson said on Facebook she was "shocked by the news and had also asked many individually to consider a different course of action besides a recall."

Council president Christine Brungardt is serving as acting mayor. She said on Facebook she regretted the entire situation.

"This is not the way any of this had to go, and it's a very sad day for Lafayette," she wrote.

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Laughing Bean Bistro	\$30.00	\$15.00
Golden Girls Pottery Paint a Mug	\$16.00	\$8.00

GOT SOMETHING TO SAY?
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