

CITY OF SPOKANE ETHICS COMMISSION

ETHICS COMPLAINT FORM

Please review the City of Spokane's Code of Ethics – Chapter 1.04A SMC – before completing this complaint form. When you have completed this form, submit it to:

City of Spokane Ethics Commission
Attention: Rebecca Riedinger
Office of the City Attorney
5th Floor Municipal Building
W. 808 Spokane Falls Blvd.
Spokane, WA 99201

RECEIVED

JUL 20 2016

OFFICE OF THE CITY ATTORNEY

or at: riedinger@spokanecity.org

Pursuant to the City of Spokane's Code of Ethics, I am filing a complaint regarding conduct which I believe constitutes a violation of the City's Code of Ethics.

Name, position, and department of person(s) I believe to have violated the Code of Ethics:

Name: Bryan Schertz, Lynn Anderson, "Sgt Yamada" & Rick McCord

Position/Title: City of Spokane Parking Services

Nature of Code of Ethics violation:

What specific provision of SMC 1.04A.030 do you believe has been violated?

N Commission of Acts of Moral Turpitude or Dishonesty Prohibited

M. Aiding others prohibited

Describe in as much detail as possible the alleged Code of Ethics violation conduct. Attach additional sheets of paper, if necessary. Please include all documentation you believe demonstrates a violation. Your description should include the date, location and frequency of the alleged violation.

Details Attached.

Names and positions of the persons who may have witnessed the event:

Toby Bryer (City of Spokane)

John Ashwood (City Of Spokane)

Eric Bramel (City Of Spokane) Officer Casey Jones (Spokane Police Department)

Evidence or documentation

Please list any evidence or documentation that would support your allegation of a Code of Ethics violation. Indicate whether you can personally provide that information.

In the complaint details attached we have listed exhibits that refer to emails by number that we have also provided in this complaint.

We also have video of Officer Brian Schertz continued bias targeting of Spokane

Daiquiri Factory the day it moved back in March 2016 by ticketing it's Uhaul Truck on Arrival

Complainant Declaration

I declare under penalty of perjury of the laws of the State of Washington that to the best of my knowledge, information, and belief formed after reasonable reflection, the information in the complaint is true and correct.


Complainant's Signature

7/14/2016

Date

Date and Place (e.g. City, State)

Spokane, Wa 99201

Name (please print): Jamie Pendleton

Address: 15202 E Sprague Ave #1888 Veradale, Wa 99201

Phone Number(s): 208-918-1045

E-Mail Address: jpendleton@spokanedaiquirifactory.com

In 2014 **SGT Yamada** in his/her Official Capacity authorized a Weekend Special Emphasis Patrol to target 2 locally owned Minority Businesses in Downtown Spokane.

On **2/7 and 2/8** Officers **Bryan Schertz, Lynn Anderson, Rick McCord**, and others all conspired to participate in the Boycott of **Spokane Daiquiri Factory** under the direction of **SGT Yamada** who scheduled a "**Special Emphasis Patrol**" on the day before the public protest on 2/7 and again on 2/8.

See Exhibit 1 (email describing events written by Bryan Schertz & Lynn Anderson account of events).

Bryan Schertz, Lynn Anderson, Rick McCord and others targeted a media broadcast vehicle 1045 Jamz outside broadcasting at the business. 104.5 Jamz was owned by Pendleton Broadcasting which at that time was the same owner of Pendleton Enterprises who owned and operated Spokane Downtown Daiquiri Factory.

104.5 Jamz has broadcasted from several City locations including Spokane Arena, and several Nightclub Locations over the 4 years of operations April 2010 through April 2014. 104.5 Jamz has always been offered the same courtesy while broadcasting as all other Radio and Tv stations in City Of Spokane.

Public records show that No other Media Broadcast Vehicles were ticketed on 2/7 and 2/8, No protestors vehicles that were clearly parked were ticketed that night. Employees of The Vault at 120 N Wall Street directly across the street have enjoyed unlimited privilege for months and months have never been targeted or ticketed. The owner of the building who continuously parks his BMW on wall street has never been ticketed for parking after hours. Several Police Reports obtained by Spokane Public Record reports confirm this.

On 2/7/14 – 2/8/14 Officers Bryan Schertz, Lynn Anderson, Rick McCord wrote 7 tickets targeting the business intentionally. Some tickets being written only a minute apart for the same vehicle. Public records of the citations state the ticket citation numbers as:

Citation 16136, 16133, 16134 on 2/7/2014 (tickets 16133 and 16134 are written 1 minute apart)

Citation 16690, 11692, 11693, 11709 on 2/8 (tickets 11692 at 20:20 report a vehicle on North Wall street then a ticket for the same vehicle written at 20:22 reporting it in the alley North of Riverside.

Great effort was done by these officers on a "Special Patrol" scheduled by a SGT to target the business for during it's month of operations January 2014 Thru June 2014 Parking enforcement officers only issued a grand total of 24 tickets on N Wall Street (according to PRR) 9 times out of those 24 times Pendleton Enterprises 1045 JAMZ broadcast vehicle a commercial radio broadcast vehicle was targeted and ticketed. There are no records of any TV news station vehicle being targeted at any time during our operations in 2014. We have picture documentation of tv broadcast vehicles who have parked in 2014 and in 2016 and have never been cited. Only a minority owned radio station commercial vehicle broadcasting at a minority owned bar that is owned by the same person was targeted. A vehicle owned by a radio station that has been operating since 2010 in Spokane that had no prior history of being cited and has parked and broadcasted from various locations over the years and had not been ticketed prior to this "Special Emphasis Patrol" initiated by SGT Yamada in which the participating officers wrote warnings to the privileged and multiple citations to the targeted. There are no public records of any "Written Warnings" provided to Pendleton.

We have documented the targeting of the officers in their efforts to participate and target the business at the same time as a demonstration of protest was going on by the public. This blatant racial targeting of a minority business owners two business at the same time is unprecedented and is a violation of City Of Spokane Ethics:

N. Commission of Acts of Moral Turpitude or Dishonesty Prohibited.

No City officer or employee shall commit any act of moral turpitude or dishonesty relating to his or her duties or position as a City officer or employee or arising from business with the City. Conviction of a felony or a misdemeanor involving moral turpitude or dishonesty, the nature of which demonstrates lack of fitness for the position held, shall be considered conclusive evidence of a violation of this Code of Ethics. Demonstrated acts of moral turpitude or dishonesty are not limited to felony or misdemeanor criminal convictions.

M. Aiding others prohibited.

No City officer or employee may knowingly aid or assist any City officer or employee in the violation of any provision of this Code of Ethics.

The City Of Spokane is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair and equitable manner. (Section 03.10.040 SMC)

Spokane Police department shall be prohibited from engaging in bias-based profiling. (Section 03.10.040 SMC).

The acts of all the officers above to target Spokane minority business owners directed by a Spokane City SGT and carried out by parking enforcements officers has been allowed to breed since 2014. This disciplineless environment has been allowed to continue and as a result on 3/7/2016 Officer Schertz feels that it is still ok to continue to target the business and cite the business UHAUL truck as the business begins to move back in after winning a 2 year wrongful eviction battle with its landlord. (Public record Citation 143941 where the officer signed under the penalty of perjury that states "Obstruction of Hydrant Danger to Vehicle Travel" and further notes "Parked Blocking Travel Lane"

1. There is no hydrant in front of Spokane Downtown Daiquiri Factory
2. Wall Street has no travel lanes. It is a pedestrian/bus transit only street.
3. U-haul is backed up to the front door. Street traffic is clear to pass
4. We have picture and video documentation of several other business commercial vehicles that clearly are allowed to load and unload on North Wall street day and night, daily. Spokane Parking enforcement has refused time and time again to not allow this for anyone doing the same for Spokane Downtown Daiquiri Factory.

Video of this event proves these points. Video also clearly shows other noncommercial vehicles were parked on the street at the time he wrote the citation but Schertz did not cite them with citations. (public records confirm that). Officer Schertz specifically came minutes after the U-haul pulled up to the business to continue the targeting he participated in in 2014, for he seen no problem with targeting the business blatantly then, and clearly willfully continues to participate in his bias targeting today.

We have recorded video of this 3/17/16 event that we will present at a hearing later scheduled by the Spokane Ethics Commission on this matter in the future.

1A

From: Schertz, Bryan
Sent: Monday, February 10, 2014 10:51 AM
To: Bryer, Toby
Cc: Ashwood, John; Bramel, Eric
Subject: Weekend Special Emphasis Patrol

Follow Up Flag: Follow up
Flag Status: Flagged

Toby

Here are the comments from our patrol efforts for Friday and Saturday evening.

On Friday Officer Good and myself went with Officers Jones & Prim. We met up at about 8:30 and headed over to the alley ways on Wall Street.

At about 8:00pm Officer good made contact with a Manager or employee that is responsible for the "105" van. He told the individual that his vehicle was parked illegally and he needed to move it because we would be back in a few minutes to cite any vehicle that were illegally parked in the area.

We returned to the area about 8:40 pm and wrote all the vehicles that were in the area. We wrote alley violation tickets to three vehicles that were parked in the alley between Wall and Howard. A female driver came out as we were writing those vehicles and we informed her that she could not park in that area unless she was actively loading/unloading.

We wrote one vehicle in the alley between Wall and Post.

We also wrote two tickets on the "105" van that was parked in the alley and also blocking the sidewalk in the area.

We were accompanied to this area with Officers Jones and Prim. Their presences was a good thing on this occasion. We had several people come out and complain about getting citations. We explained to them the reason for the citations and what to do if they wanted to contest the tickets. The overall impression we received is that the individuals who received the tickets felt they were being singled out unfairly.

Before (and after) going to the area of Wall St Officer Good and myself patrolled different parts of the downtown area writing various citations for CLZ, PLZ, Taxi Zones and a few other creative parking situations.

Officer Good and myself each wrote 17 tickets after 7:00 pm

Here are the comments from Officer Andersen and her efforts on Saturday night.

Saturday February 8, 2014

As I drove to the Cop shop at 700 pm I patrolled 100 N. Wall Street to see what we were up against. There were 3 vehicles a Q105 Honda Element on the sidewalk in front of the Daiquiri Factory. A Q105 van in the alley that was also blocking the pedestrian walk way and a White Jeep Cherokee. I annotated that so I was prepared when we returned. Rick McCord and I joined up with Officer Casey Jones at the COP shop on Riverside at about 715pm. We walked down to the Alley North of 700 w. Riverside. It was approximately 743pm when we got there and so I immediately wrote the Van in the Alley for Alley infraction and the Honda for SW infraction. Rick McCord went and

marked a sedan in the alley farther down. As I was writing the citation on the Honda Element there was a gentleman who was video taping our infraction and proceeded to state on video we were selective enforcing since we did not write the sedan in the alley farther down. The video is posted on the Daiquiri Factory Facebook page. All the other alleys in that area did not have any infractions or vehicles at all. We walked back towards the COP shop and Officer Jones gave back his cell phone and said if we needed anything to give him a call.

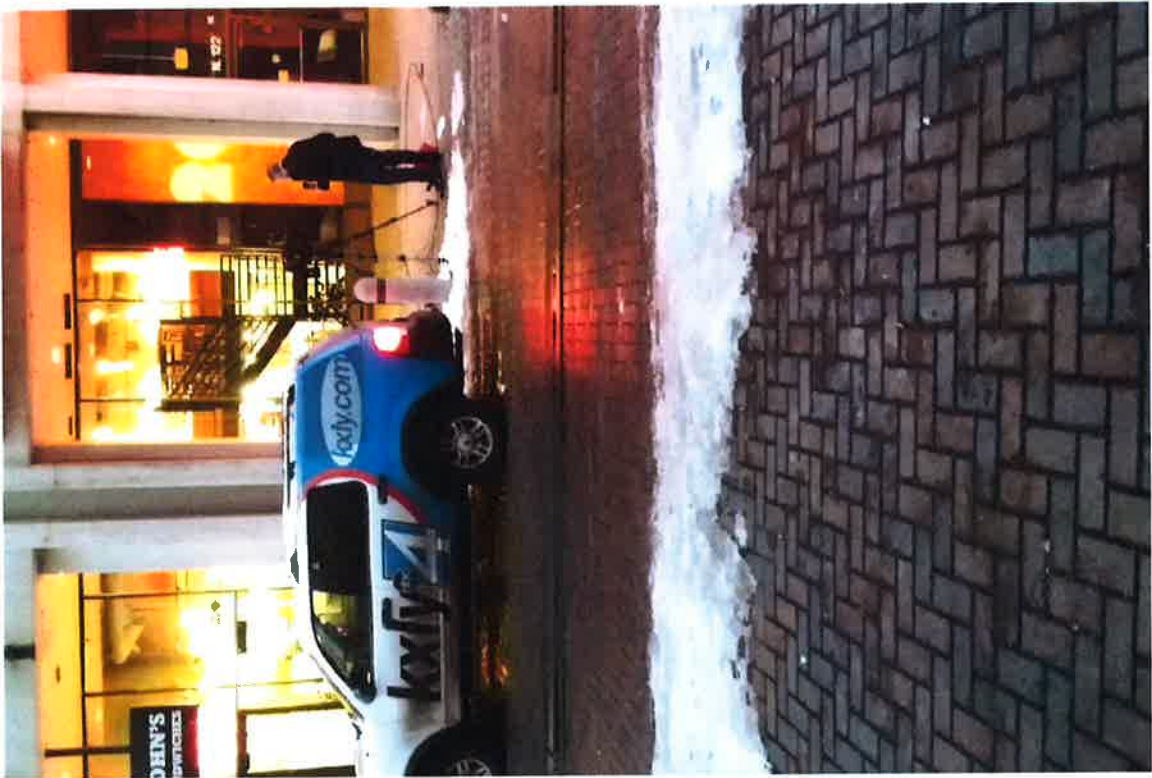
Rick and I patrolled on foot Riverside, Post and Main. We returned to the the alleyway and wrote another Alley citation on the Van along with a SW infraction approximately 45 minutes after the first citation. No other vehicles were in the alley. There was a group of 30 people picketing the Daiquiri Factory. We continue patrolling taxi zones and 10 minute zones and returned to the alleyway one last time at approximately 930pm. When we got the Alley there was a Black and White patrol car on Wall Street in front of the alley. The Van was still in the same location so I wrote it a third Alley citation and proceeded to a sedan in the alley next to the Vault. Rick and I talked and I asked how he felt about us writing a Warning on the sedan since we wouldn't be returning the alley. He said that would be a great idea. As I was taking the photo. The Officer in the passenger seat of the patrol car called me over and asked what we were doing. I explained that we were on special project for Sgt Yamada enforcing the downtown area. He asked me what I was doing with the sedan in the alley. I explained that I was giving him a written warning about parking in the alleyway. He stated that I had to go into the Vault and tell them what I was doing. Because they had been told already that there was no one in the downtown area after 930pm to enforce parking in the alleyway and that it was okay to be there. I was a little tipped over by this Officers statement considering it was giving them permission to go against the City Ordinance. I turned around and looked at Rick hoping he would say something to the Officer. From his look he also was caught off guard in my opinion. I asked Rick if he would go into the vault and explain what the police officer asked us to so that I could write the citation so we could go home. We wrote a total of 28 citations.

Lynn Andersen
Parking Enforcement Officer

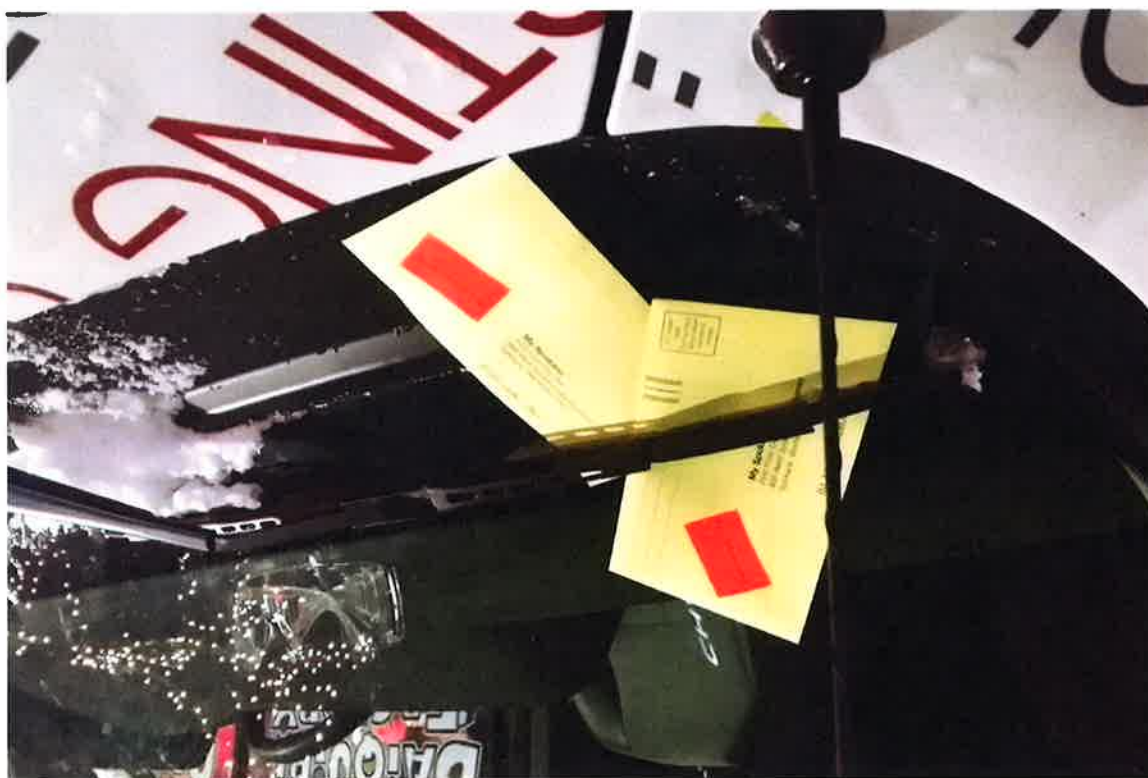


Bryan Schertz | City of Spokane | Parking Services
509.232-8836 | fax 509.232-8830 | bschertz@spokanecity.org | spokanecity.org









IF NO RESPONSE IS RECEIVED WITHIN 15 DAYS, AN ADDITIONAL PENALTY OF \$25.00 WILL BE ASSESSED.

State of Washington - County of Spokane

Andersen, badge #2863

1. Spokane Parking Enforcement Officer, under the laws of the State of Washington do hereby certify that the vehicle and driver information entered on the ticket was accurate and correct.

Vehicle License: B86388X

Make: NISS

Style: VAN

Infraction: 16A.61.570 A.1.B

Penalty Amount: \$30.00

Officer Remarks: PHOTO AS EVIDENCE

Ticket No: 000011692

Date Time Occurred/Issued: 02/08/14 21:39

Meter No: 000011709

Location: 700 W RIVERSIDE AVE

Alley: ALLEY NORTH OF

VIN: B86388X

Model: UNK

State: WA

Notice of Parking Infraction

In the Municipal Court of Spokane, County of Spokane, State of Washington.

Ticket will be filed at: SPOKANE MUNICIPAL COURT PARKING VIOLATIONS

1100 W WALLON AVE, SPOKANE WA 99201

PHONE 509.625.4409

HOURS: 8:00AM - 5:00PM, MONDAY THRU FRIDAY EXCLUDING HOLIDAYS

000011709 03000

IF NO RESPONSE IS RECEIVED WITHIN 15 DAYS, AN ADDITIONAL PENALTY OF \$25.00 WILL BE ASSESSED.

State of Washington - County of Spokane

Andersen, badge #2863

1. Spokane Parking Enforcement Officer, under the laws of the State of Washington do hereby certify that the vehicle and driver information entered on the ticket was accurate and correct.

Vehicle License: B86388X

Make: NISS

Style: VAN

Infraction: 16A.61.570 A.1.B

Penalty Amount: \$30.00

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PHONE 509.625.4409

HOURS: 8:00AM - 5:00PM, MONDAY THRU FRIDAY EXCLUDING HOLIDAYS

000011709 03000

IF NO RESPONSE IS RECEIVED WITHIN 15 DAYS, AN ADDITIONAL PENALTY OF \$25.00 WILL BE ASSESSED.

State of Washington - County of Spokane

Andersen, badge #2863

1. Spokane Parking Enforcement Officer, under the laws of the State of Washington do hereby certify that the vehicle and driver information entered on the ticket was accurate and correct.

Vehicle License: AGM7857

Make: HONDA

Style: SEDAN

Infraction: 16A.61.570 A.1.B

Penalty Amount: \$30.00

Officer Remarks: PHOTO AS EVIDENCE

Ticket No: 000016690

Date Time Occurred/Issued: 02/08/14 19:41

Meter No: 000016690

Location: 100 N WALL ST

Alley:

VIN:

Model: ELEMENT

State: WA

Notice of Parking Infraction

In the Municipal Court of Spokane, County of Spokane, State of Washington.

Ticket will be filed at: SPOKANE MUNICIPAL COURT PARKING VIOLATIONS

1100 W WALLON AVE, SPOKANE WA 99201

PHONE 509.625.4409

HOURS: 8:00AM - 5:00PM, MONDAY THRU FRIDAY EXCLUDING HOLIDAYS

000016690 03000

IF NO RESPONSE IS RECEIVED WITHIN 15 DAYS, AN ADDITIONAL PENALTY OF \$25.00 WILL BE ASSESSED.

State of Washington - County of Spokane

Andersen, badge #2863

1. Spokane Parking Enforcement Officer, under the laws of the State of Washington do hereby certify that the vehicle and driver information entered on the ticket was accurate and correct.

Vehicle License: B86388X

Make: NISS

Style: VAN

Infraction: 16A.61.570 A.1.B

Penalty Amount: \$30.00

Officer Remarks: PHOTO AS EVIDENCE

Ticket No: 000011692

Date Time Occurred/Issued: 02/08/14 20:20

Meter No: 000011692

Location: 100 N WALL ST

Alley:

VIN:

Model: UNK

State: WA

Notice of Parking Infraction

In the Municipal Court of Spokane, County of Spokane, State of Washington.

Ticket will be filed at: SPOKANE MUNICIPAL COURT PARKING VIOLATIONS

1100 W WALLON AVE, SPOKANE WA 99201

PHONE 509.625.4409

HOURS: 8:00AM - 5:00PM, MONDAY THRU FRIDAY EXCLUDING HOLIDAYS

000011692 03000

NOTICE OF PARKING INFRACTION
In the Municipal Court of Spokane
County of Spokane, State of Washington



THIS WILL BE FILED AT: SPOKANE MUNICIPAL COURT PARKING VIOLATIONS
1100 W. WALTON AVE., SPOKANE, WA 99201
PHONE: 509-325-4400
HOURS: 9:00AM - 5:00PM, MONDAY THROUGH FRIDAY EXCLUDING HOLIDAYS

Ticket No: 000016133
Date Time Occurred/Issued: 02/07/14 21:06
Meter No: 100 N WALL ST
Location: 100 N WALL ST
Vehicle License: B86388X
VIN: B86388X
Make: NISS
Style: VAN
Infraction: 16A.61.570 A.1.B
Penalty Amount: \$30.00
Officer Remarks: PHOTO AS EVIDENCE

IF NO RESPONSE IS RECEIVED WITHIN 15 DAYS, AN
ADDITIONAL PENALTY OF \$25.00 WILL BE ASSESSED.
State of Washington - County of Spokane
Good, badge #2834
I, Spokane Parking Enforcement Officer
do hereby certify that the vehicle described above is the same vehicle that was
observed by the officer on the date of the infraction, and that the
vehicle and surrounding circumstances on the date of the infraction, that I
observed the additional notes below into AutoPROCESS and the factual
statements on the notice of infraction hereby incorporated, and that any
discrepancies, additional notes and factual statements made by me are true and
accurate and provide probable cause that the parking violation cited in parking
ticket number 000016133 has been committed.

NOTICE OF PARKING INFRACTION
In the Municipal Court of Spokane
County of Spokane, State of Washington



THIS WILL BE FILED AT: SPOKANE MUNICIPAL COURT PARKING VIOLATIONS
1100 W. WALTON AVE., SPOKANE, WA 99201
PHONE: 509-325-4400
HOURS: 9:00AM - 5:00PM, MONDAY THROUGH FRIDAY EXCLUDING HOLIDAYS

Ticket No: 000016134
Date Time Occurred/Issued: 02/07/14 21:07
Meter No: 100 N WALL ST
Location: 100 N WALL ST
Vehicle License: B86388X
VIN: B86388X
Make: NISS
Style: VAN
Infraction: 16A.61.563
Penalty Amount: \$30.00
Officer Remarks: PHOTO AS EVIDENCE

IF NO RESPONSE IS RECEIVED WITHIN 15 DAYS, AN
ADDITIONAL PENALTY OF \$25.00 WILL BE ASSESSED.
State of Washington - County of Spokane
Good, badge #2834
I, Spokane Parking Enforcement Officer
do hereby certify that the vehicle described above is the same vehicle that was
observed by the officer on the date of the infraction, and that the
vehicle and surrounding circumstances on the date of the infraction, that I
observed the additional notes below into AutoPROCESS and the factual
statements on the notice of infraction hereby incorporated, and that any
discrepancies, additional notes and factual statements made by me are true and
accurate and provide probable cause that the parking violation cited in parking
ticket number 000016134 has been committed.

NOTICE OF PARKING INFRACTION
In the Municipal Court of Spokane
County of Spokane, State of Washington

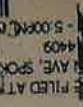


THIS WILL BE FILED AT: SPOKANE MUNICIPAL COURT PARKING VIOLATIONS
1100 W. WALTON AVE., SPOKANE, WA 99201
PHONE: 509-325-4400
HOURS: 9:00AM - 5:00PM, MONDAY THROUGH FRIDAY EXCLUDING HOLIDAYS

Ticket No: 000012085
Date Time Occurred/Issued: 01/28/14 15:51
Meter No: 100 N WALL ST
Location: 100 N WALL ST
Vehicle License: B86388X
VIN: B86388X
Make: NISS
Style: VAN
Infraction: 16A.61.570 A.1.B
Penalty Amount: \$30.00
Officer Remarks: PHOTO AS EVIDENCE

IF NO RESPONSE IS RECEIVED WITHIN 15 DAYS, AN
ADDITIONAL PENALTY OF \$25.00 WILL BE ASSESSED.
State of Washington - County of Spokane
Kridler, badge #42145
I, Spokane Parking Enforcement Officer
do hereby certify that the vehicle described above is the same vehicle that was
observed by the officer on the date of the infraction, and that the
vehicle and surrounding circumstances on the date of the infraction, that I
observed the additional notes below into AutoPROCESS and the factual
statements on the notice of infraction hereby incorporated, and that any
discrepancies, additional notes and factual statements made by me are true and
accurate and provide probable cause that the parking violation cited in parking
ticket number 000012085 has been committed.

NOTICE OF PARKING INFRACTION
In the Municipal Court of Spokane
County of Spokane, State of Washington



THIS WILL BE FILED AT: SPOKANE MUNICIPAL COURT PARKING VIOLATIONS
1100 W. WALTON AVE., SPOKANE, WA 99201
PHONE: 509-325-4400
HOURS: 9:00AM - 5:00PM, MONDAY THROUGH FRIDAY EXCLUDING HOLIDAYS

Ticket No: 000143941
Date Time Occurred/Issued: 03/07/16 18:30
Meter No: 100 N WALL ST
Location: 100 N WALL ST
Vehicle License: AB22932
VIN: UNKN
Make: UNKN
Style: UNKN
Infraction: 16A.61.565
Penalty Amount: \$30.00
Officer Remarks: PHOTO AS EVIDENCE

IF NO RESPONSE IS RECEIVED WITHIN 15 DAYS, AN
ADDITIONAL PENALTY OF \$25.00 WILL BE ASSESSED.
State of Washington - County of Spokane
Schultz, badge #2833
I, Spokane Parking Enforcement Officer
do hereby certify that the vehicle described above is the same vehicle that was
observed by the officer on the date of the infraction, and that the
vehicle and surrounding circumstances on the date of the infraction, that I
observed the additional notes below into AutoPROCESS and the factual
statements on the notice of infraction hereby incorporated, and that any
discrepancies, additional notes and factual statements made by me are true and
accurate and provide probable cause that the parking violation cited in parking
ticket number 000143941 has been committed by vehicle described above.

TICKET ONLINE FILED AT THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF SPOKANE, IDAHO
100 N WALL ST, SPOKANE, WA 99201
PH: 509-325-4409 In the Municipal Court of Spokane,
ID 83200 - 50000, MEMORANDUM OF DECISION, EXAMINATION, and
HONORABLE JUDICIAL OFFICER



Ticket No: 000143941

Date Time Occurred/Issued: 03/07/16 18:30

Meter No:

Location: 100 N WALL ST

Vehicle License: AB22932

State: AZ

Make: UNKN

Model:

Year:

Infraction: 16A.61.565

Obstruction: BLOCKING HYDRANT/DANGER TO VEHICLE TRAVEL

Penalty Amount: \$30.00

Officer Remarks:

PAIRED BLOCKING TRAVEL LANE

IF NO RESPONSE IS RECEIVED WITHIN 15 DAYS, AN
ADDITIONAL PENALTY OF \$25.00 WILL BE ASSESSED.

State of Washington - County of Spokane

I, Spokane Parking Enforcement Officer, Schertz, badge #2833,
do hereby certify under penalty of perjury, under the laws of the State of Washington
pursuant to RCW 9A.72.065 and RCW 2.20b(1) that any photograph I entered
into The AutoISSUE system, for this case, fairly and accurately depicts the cited
vehicle and surrounding circumstances on the date of the infraction, that I
generated the additional notes below into AutoPROCESS and the factual
statements on the notice of infraction hereby incorporated, and that any
photograph, additional notes and factual statements made by me are true and
accurate and provide probable cause that the parking violation cited in parking
ticket number 000143941 has been committed by vehicle described above.

Signed By

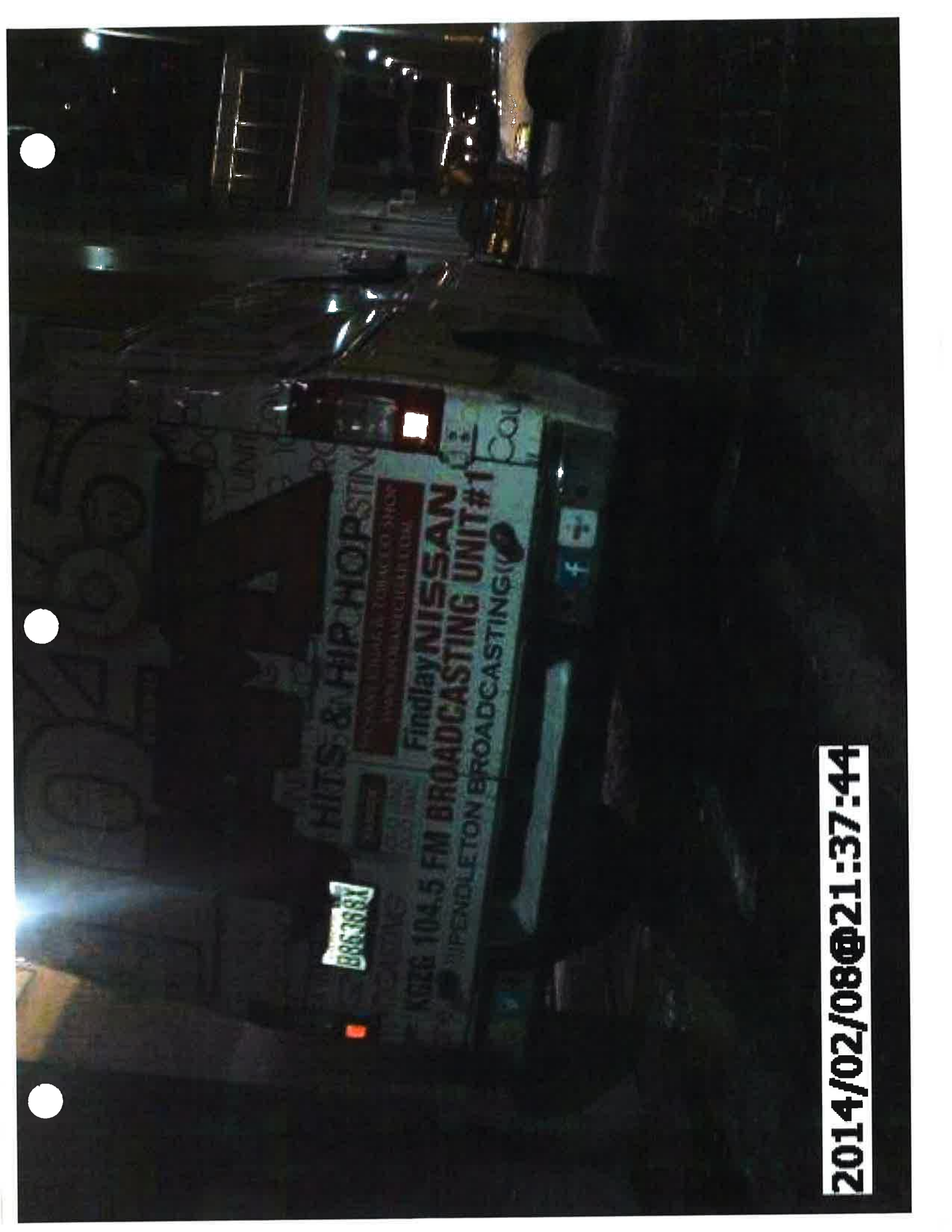
Date signed/executed: 03/07/16 18:30

Location signed/executed: 100 N WALL ST

READ REVERSE SIDE AND RESPOND WITHIN 15 DAYS

000000 143941 0000





2014/02/08@21:37:44



2014/02/08@21:37:44