0535103 22CT1690658 185

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest 3. Request for Warrant
2. N.T.A. 4. Request for Capias

1 Juvenile N

ADMINISTRATION

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number
	FL0500300	BOYNTON BEACH POLICE DEPT.	34-22-011427

Charge Type: Check as many as Apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

If Weapon Seized Enter Type | Multiple Clearance Indicator

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
140 Buffet Key Boynton Beach, FL	W Ocean Dr & Sw 8th St, Boynton Beach, FL

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
10/07/2022	2249					

DEFENDANT

Name (Last, First, Middle): Albury, James, Connor — Alias (Name, DOB, Soc. Sec. #, Etc)

W - White I - American Indian B - Black O - Oriental / Asian	Race	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
	W	M	10/24/1998	5'11	150	Brown	Black	Fair	Small

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) | Marital Status: Single | Religion: Unk | Indication of: Alcohol Influence ☐ Y ☒ N ☐ Unk. Drug Influence ☒ ☐ ☐

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Residence Type (1. City 2. County 3. Florida 4. Out of State)
140 Buffet Key, Boynton Beach	Florida,	33426		(561)460-6850	1

Permanent Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source
				( ) -	FL DL

Business Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Occupation
				( ) -	Self Employed

D/L Number, State	INS Number	Place of Birth	Citizenship
A416443983840 FL	[redacted]	Boynton Beach, FL	USA

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

JUVENILE

☐ Parent ☐ Legal Custodian ☐ Other | Name (Last) | (First) | (Middle) | Residence Phone

1. OR
2. OR
3. OR

Address (Street, Apt. Number) | (City) | (State) | (Zip) | Business Phone

Notified by: (Name) | Date | Time | Juvenile Disposition: 1. Handled/Processed within Dept. and Released 2. TOT HRS/DYS 3. Incarcerated

Released To. (Name) | Relationship | Date | Time

The above address was provided by ☐ defendant and/or ☐ defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 561-355-2526) informed of any change of address. ☐ Yes, By: (Name) ☐ No (Reason) | School Attended | Grade

Property Crime? Yes ☐ No ☐ | Description of Property | Value of Property

CODE

Drug Activity: N. N/A B. Buy P. Possess S. Sell T. Traffic R. Smuggle D. Deliver E. Use K. Dispense/ Distribute M. Manufacture Produce/ Cultivate Z. Other

Drug Type: N. N/A A. Amphetamine B. Barbituate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/ Equipment S. Synthetic U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
DUI	1	☐Yes ☒No	316.193.1A	

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	22-011427		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
Failure to Obey		☐Yes ☐No	[redacted] 316.072	

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-		22-011427		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
Refuse to Sign/ Criminal Citation	1	☐Yes ☐No	318.14(3)	

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	22-011427		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
		☐Yes ☐No		

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond

NOTICE TO APPEAR

☐ Instruction No. 1 Mandatory Appearance in Court
☐ Instruction No. 2 You need not appear in Court but must Comply with instruction on reverse side.

Location (Court, Room Number, Address): South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444

Court Date and Time: Month November Day 7th Year 2022 Time 8:30 ☒ A.M. ☐ P.M.

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS **NOTICE TO APPEAR**, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

Signature of Defendant (or Juvenile and Parent/Custodian) — Date Signed: 10/7/22

ADMIN.

HOLD for other Agency Name: | Signature of Arresting Officer | Name Verification (Printed by Arrestee) (PRINT)

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Intake Deputy I.D. #	Pouch #	Name of Arresting Officer (Print) I.D. #	Transporting Officer I.D. # Agency	Witness here is subject Signed with an "X".
		L.Nalerio 982	L.Nalerio 982 BBPD	BU#

Page 1 OF 1

OCT 8 AM 2:22

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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 7th **DAY OF** October **2022 AT** 2235 ☐ **A.M** ☒ **P.M.**

CASE #: 22-011427 **DEFENDANT:** Albury, James, Connor

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On 10/8/22 at around 2235 hours, I responded to 140 Buffet Key to back up officer Hickman on his traffic stop. Ofc. Hickman conducted a traffic stop on a White Volkswagen Tijuan FL tag SYN10 for several traffic contractions. Officer Hickman made contact with the driver James Albury, who was the sole occupant of the vehicle. Upon my arrival, Officer Hickman told me that he could smell the strong odor of an unknown alcoholic beverage coming from Albury's' mouth area.

Officer Hickmans' supplement as follows; "On October 7th, 2022 at approximately 22:35 hours, I was conducting selective trafficking at the intersection of Ocean Dr and SW 18th St, Boynton Beach, FL 33426 in reference to people running the stop sign. At which point, I observed a white SUV, later identified as a Volkswagen Tiguan bearing FL tag SYN10, travelling eastbound at high rate of speed failing to stop at the stop sign. I activated my emergency lights and siren and attempted to conduct a traffic stop with my marked unit (4737).
Once behind the vehicle, the driver of the SUV began to pick up speed and proceed to run pass two more stop signs (Ocean Dr. and Leisureville Blvd. and Ocean Dr. and SW 13th St).
I followed the vehicle which proceeded to turn south onto SW 8th St. At which time, the driver of a vehicle threw out a dark liquid substance from his vehicle. Part of the liquid landed on my windshield. The driver continued to drive and finally stopped in front of his address, 140 Buffett Way, Boynton Beach, FL 33426.
I ordered the driver of the vehicle to place his hands outside of the driver window. Making contact with the driver, I ordered him to turn off the vehicle and step outside. Once the outside, I noticed the driver, later identified as James Connor Albury, had his shirt and shorts soaked wet. There was liquid all on the floor and driver seat. I smelt and unknown alcoholic odor exhibiting from the vehicle and Albury's person. Albury was slurring in speech and exhibited glassy eyes.
I order Albury to seat down on the curb and contacted Ofc. Nalerio to conduct a DUI investigation. Ofc. Nalerio arrived on the scene.
Upon inventory to tow, I observed an empty Oktoberfest beer mug lying on the passenger floorboard and recorded it with my department issued BWC.
Nothing further."

I made contact with Albury to conduct a possible DUI investigation, I advised Albury of the reason for the stop. While speaking to Albury I noticed a strong odor of an unknown alcoholic beverage coming from his mouth. Albury also had slurred speech and glassy eyes. I asked Albury if he consumed any alcoholic beverages tonight, which he stated he did. Albury advised he was at Oktoberfest in West Palm Beach and he had been consuming alcoholic beverages. Albury told me that he had two beers. Albury told me that he did not have any speech impairments, disabilities or injuries. Albury's shirt and short were all wet from an unknown substance. Albury then started to become argumentative on scene and kept repeating the same thing. Albury speech was thick and slurred. Albury reeked of an unknown alcoholic substance, which intensified when he got closer to me and the more that he spoke. Albury almost lost balance one time during my interaction. I asked Albury if he would conduct to Field Sobriety Exercise's, which he replied with no. I then advised Albury of his Taylor warnings and asked him once again if he

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would submit, he stated no. I asked him one additional time which he said yes and then became uncooperative. I provided Albury ample opportunities to conduct the Field Sobriety Exercise's and he was being uncooperative. I then placed Albury under arrest for DUI and Failure to Obey, as he travelled several blocks without stopping while Police was attempting a traffic stop with blue/red lights and sirens activated. Upon arrival to the BAT, Albury completed the 20 Minute observation. I asked Albury for a sample of his breath, which he refused. Albury understood implied consent and then refused once again. Albury refused questions and answers. Albury refused to sign criminal citations and was additionally charged with 318.13(3). Albury's vehicle was left secured and legally parked.

HORIZONTAL GAZE NYSTAGMUS:

- ☐ Left eye does not follow smoothly
- ☐ Left eye prior to 45 degrees
- ☐ Distinct jerking in left eye at maximum deviation
- ☐ Vertical Nystagmus in left eye
- ☐ Right eye does not follow smoothly
- ☐ Right eye prior to 45 degrees
- ☐ Distinct jerking in right eye at maximum deviation
- ☐ Vertical Nystagmus in right eye

WALK AND TURN:

ONE LEG STAND:

FINGER TO NOSE:

ROMBERG/ALPHABET:

The following instrument was sworn to before me this 7t day of October 2022

By: Ofc.Nalerio

Notary Public State of Florida
Renee Ragin
My Commission GG 966418
Expires 03/05/2024

Notary/Police Officer (F.S.S. 117.10)

98c

Signature of Arresting Officer

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PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 22-116747 PBSO ZONE 6-12

AGENCY CASE # 22-011427 CRASH CASE #

TIME OF STOP/CRASH 2235 DATE 10-7-22 DAY Friday

SUBJECT'S NAME Albury, James, Connor RACE W SEX M

HGT 5'11 WGT 150 DOB 10/24/98

LOCATION SW 8th St & W Ocean Dr, Boynton Beach, FL

ARRESTING OFFICER'S NAME & ID Nalerio 982 AGENCY BBPD

DIVISION: Patrol

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 2310

Arrest Time 2249

BREATH RESULTS:

1.
2. REFUSED
3.
4.

TESTING OFFICER'S ID 16877

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TESTING FACILITY TASK REPORT

AGENCY: BBPD

SUBJECT: Albury, James C.

CASE NUMBER: 22 -116747

DATE: Oct 7, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 23:34

ENDING TIME: 23:37

BREATH TESTS RESULTS: 1) Refusal TIME 23:36 A.M.☐ P.M.☒ 2) N/A TIME ---------- A.M.☐ P.M.☐

3) N/A TIME ---------- A.M.☐ P.M.☐ 4) N/A TIME ---------- A.M.☐ P.M.☐

BREATH OPERATOR: R. Ragin #16877

MAINTENANCE TECHNICAN: Jason Karlecke #6467

REFUSED

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Talkative, agitated, uncooperative

CLOTHING: Black shorts, yellow shirts, black sneakers

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER:

Eyes are glassy & bloodshot
Odor of unknown alcoholic beverage on breath

REFUSED

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COMMENTS:

Arrived at center A/O started 20 minute observation period at 23:10 hrs.

Subject refused to perform breath test with out counsel.

A/O read I/C and subject stated he understood I/C.

Subject refused to perform breath test with out counsel again.

A/O called refusal.

A/O read rights.

Subject invoked the right to counsel.

NO Q&A conducted.

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, Patrolman JAMES ALBURY, a duly certified Law Enforcement Officer or Correctional Officer,
(Person reading Implied Consent Warning)

am a member of Boynton Beach Police Department, and I do swear
(Name of enforcement agency)

or affirm that on or about the SEVENTH day of October, 2022, at 11:16 PM

DRIVER (Type or Print) JAMES (FIRST) CONNOR (MIDDLE OR MAIDEN) ALBURY (LAST),

DL # A416443983840, state of FL, was placed under lawful arrest for

the offense of DUI by Patrolman JAMES ALBURY and
(Name of Arresting Officer)

issued Citation # AE157XE.

That on or about the SEVENTH day of October, 2022, at 11:36 PM

in Palm Beach County,

I requested that the driver submit to a **BREATH** test for the purpose of determining its alcohol content. I informed the driver that the refusal to submit to such test would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended, or if he or she had been previously fined under s. 327.35215, F.S., for refusing to submit to a breath, urine, or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended, or if he or she has been previously fined under s. 327.35215, F.S., for refusal to submit to a lawful test of his or her breath, urine, or blood. Nonetheless, the driver refused to submit to the test requested.

Signature of Law Enforcement Officer or Corrctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (s. 117.10, F.S.)

Notary Public State of Florida
Renee Ragin
My Commission GG 966418
Expires 03/05/2024

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 7th day of October, 2022, by Ofc. Naleris who is personally known to me or who has produced LEO as identification.

Notary Public

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title

Date

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.

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****EFFECTIVE OCTOBER 1, 2021****

SUBJECT: _____ CASE NUMBER: _____

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:
- EPILEPSY? _____
- GLASS EYE? _____
- FALSE TEETH? _____
- EAR INFECTION? _____
- INNER EAR TROUBLE? _____
- DIABETES? _____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: _____

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SUBJECT: Henry, [illegible] C. CASE NUMBER: _____

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

I am now requesting that you submit to a lawful test of your ***BREATH*** for the purpose of determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your ***URINE*** for the purpose of determining the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am _____ of the _____

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and if your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a refusal to submit to a lawful test of your ***breath, urine*** or blood, you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law.

Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING,

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

SUBJECTS SIGNATURE: (X) _____

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X) _____

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WHITE: STATE ATTY. YELLOW: DHSMV PINK: CENTRAL RECORDS GOLD: JAIL

PALM BEACH COUNTY
SHERIFF'S OFFICE
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2022026342	**Date:** 10/08/2022
	Specialist Name/ID: C. Smith/39657