0226615 N/H 19CT-B421 3421

ARREST / NOTICE TO APPEAR

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias 5. Juvenile Referral

1 JUVENILE N

ADMINISTRATION

OBTS Number:

Agency ORI Number: 0500200

Agency Name: Boca Raton Police Department

Agency Report Number (N.T.A.'s only): 3 2 2019-004575

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: None/not Applicable

Multiple Clearance Indicator:

Location of Arrest (Including Name of Business): 1255 W PALMETTO PARK RD, BOCA RATON

Location of Offense (Business Name, Address): 1255 W PALMETTO PARK RD, BOCA RATON, FL 33486

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
03/30/2019	02:08	03/30/2019	02:18			EMERALD

DEFENDANT

Name (Last, First, Middle): LOPEZ, MELISSA MICHELLE

Alias (Name, DOB, Soc. Sec. #, Etc.): Alias:

Race (W - White, I - American Indian, B - Black, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	F	07/24/1993	5'03	190	HAZEL	BLONDE	LIGHT	Large

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description):

Marital Status: Religion:

Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. Drug Influence ☐ Yes ☒ No ☐ Unk.

Local Address (Street, Apt. Number) (City) (State) (Zip): 2201 NE 2ND AVE 1, BOCA RATON, FL 33431

Phone: (757) 289-7855

Residence Type: 1. City 2. County 3. Florida 4. Out of State

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 2201 NE 2ND AVE 1, BOCA RATON, FL 33431

Phone: (757) 289-7855

Address Source: SUBJECT

Business Address (Name, Street) (City) (State) (Zip): PALM BEACH COUNTY SCHOOLS,

Phone:

Occupation: Teacher

D/L Number, State: L120553937640 / FL

Soc. Sec. Number: [redacted]

INS Number:

Place of Birth (City, State): CHESPEAKE, VA,

Citizenship: US

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 ☐ Other: ☐ Legal Custodian

Name (Last, First, Middle): Residence Phone:

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

Notified by: (Name): Date: Time: JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 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 355-2526) informed of any change of address.
☐ Yes, by: ☐ No:

School Attended: Grade:

Property Crime? ☐ Yes ☒ No Description of Property: Value of Property:

CODE

Drug Activity: N. N/A P. Possess S. Sell B. Buy 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. Barbiturate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/ Equipment S. Synthetic U. Unknown Z. Other

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #
DUI	316.193(1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/		1	☐ Y ☒ N		OR

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant: GOOD

Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries

Explain: NONE

Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☒ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health

PROPERTY - Received By: Released By: Released To:

Transported By: Date Transported: / / Time Transported: : Other:

NOTICE TO APPEAR

☒ INSTRUCTION NO. 1 - Mandatory appearance in court
☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): South County 200 W Atlantic Ave Delray Beach, FL 33444

Court Date and Time: 04/29/2019 08:30:00

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.

x [signature] 3-30-2019

Signature of Defendant (or Juvenile and Parent/Custodian) Date Signed

No Photo Available

ADMIN

HOLD for Other Agency:

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Signature of Arresting Officer:

Name of Arresting Officer (Print): MURPHY, B. J. I.D. # 751

Name Verification (Printed by Arrestee): (PRINT) x Melissa Lopez

Witness here if subject signed with an "X":

Intake Deputy: DS COLLINS I.D. # 7622 Pouch #

Transporting Officer: Renteria I.D. # 800 Agency: BRPD

PAGE 1 OF 1

[redacted]

Renteria #800

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PROBABLE CAUSE AFFIDAVIT

OBTS Number:

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

JUVENILE:

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL 0500200	BOCA RATON POLICE DEPARTMENT	3 | 2 2019-004575

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
LOPEZ, MELISSA MICHELLE		W	F	07/24/1993

CHARGES

Charge Description	Charge Description
316.193(1) DUI	

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
STATE OF FLORIDA,			

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
100 NW 2ND AVE, BOCA RATON, FL 33432	(561) -	
Business Address (Name, Street) (City) (State) (Zip)	**Phone**	**Occupation**
	(56) -	

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and resonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.

The Person taken into custody . . .

☒ committed the below acts in my presence.

☐ confessed to _____ admitting to the below facts.

☐ was observed by _____ who told _____ that he/she saw the arrested person committ the below acts.

☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 30 day of March, 2019 at 02:08 (Specifically include facts constituting cause for arrest.)

On 3/30/2019 at approximately 0145 hours, I was driving my marked unit EB in the area of 2400 W Palmetto Park Rd. I immediately observed a red Jeep bearing FL Tag#JRFC04 make a right hand turn on W Palmetto Park Rd from S Military Trl. The Jeep entered into our jurisdiction and crossed the right solid line on the right side of the road. The Jeep continued EB and at approximately 2000 W Palmetto Park Rd, switched to the middle lane where she was unable to maintain a single lane of travel by crossing over the dotted lines multiple times. She then changed to the inside lane where she again had trouble maintaining a single lane and her vehicle was going side to side in the lane. I then conducted a traffic stop on the vehicle in the area of 1400 W Palmetto Park Rd. The vehicle eventually stopped in the parking lot of the gas station located at 1255 W Palmetto Park Rd.

I approached the vehicle on the driver`s side and came into contact with W/F driver Melissa Lopez. I immediately could smell the strong odor of an alcoholic beverage emitting from her person. Her eyes were red and glassy and she was stumbling over her words while speaking to me. Lopez stated that she was at Hijinks, a bar located at 133 SE Mizner Blvd, Boca Raton earlier in the night and drank six Whiskey and Ginger Ale alcoholic drinks. She stated that she then went to her friend`s house in West Boca and drank a glass of Moscato wine. She then left her residence and then was stopped. Lopez stated that she was driving all over the roadway because she was changing her music. I then requested Lopez to step out of the vehicle and she complied. Lopez stated that she had no medical conditions and no injuries. Ofc Chrisweisser arrived on scene.

I then explained my observations to Lopez and asked her if she would be willing to submit to some road side exercises to dispel my alarm that she was driving under the influence and she stated she would.

The first task was the horizontal gaze nystagmus. I explained the instructions and she

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

WOLLSCHLAGER, ANTHONY J
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

03/30/2019
DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

MURPHY, BRITTANIE JEAN (751)
NAME OF OFFICER (PLEASE PRINT)

03/30/2019
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

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APR 01 2019

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ADMIN

OBTS Number

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

1

JUVENILE

Agency ORI Number	Agency Name	Agency Report Number
FL 0500200	BOCA RATON POLICE DEPARTMENT	3 | 2 | 2019-004575

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
LOPEZ, MELISSA MICHELLE		W	F	07/24/1993

PROBABLE CAUSE STATEMENT

stated she understood. She then began to complete the exercise. While observing her eyes I noticed a lack of smooth pursuit that was present in both eyes, each eye had a constant jerking while at maximum deviation and onset prior to 45 degrees was present in both eyes.

The second task was the walk and turn. I explained the instructions, demonstrated it, and she stated she understood. It should be noted that she did not maintain the starting position throughout the instructions. She did not keep her hands by her sides throughout the exercise. She didn't touch heel to toe on multiple steps. She did not take a series of small steps after her first nine steps, but instead took multiple large steps. Lopez did not watch her feet many times during the exercise.

The third task was the one leg stand. I explained the instructions, demonstrated it, and she stated she understood. She then began the task. She lifted her foot and began counting out loud. Lopez was swaying back and forth during the exercise. She did not watch her feet at all throughout the exercise. Lopez did not keep her hands completely down at her sides

The fourth task was the finger to nose. I explained the instructions and she stated she understood. She then began the task (L-R-L-R-R-L). The first L, she touched her nose and kept her finger there for a period of time before putting it back down to her side. She was reminded to put her hand right down. She then completed the rest of the exercise. Lopez was slightly swaying throughout the exercise.

The fifth task was the Romberg alphabet. I explained the instructions and she stated she understood. She then saying the alphabet. She slowly sang the alphabet. She was slightly swaying throughout the exercise. At the end she stated W-X-Y and T-G-Z, then stated again W-X-Y and Z.

The sixth task I instructed her to put her feet together and arms at her side. I explained to place her head back and eyes shut and count to 30 seconds in her head. When she shut her eyes, I would begin my timer and when she opened her eyes, I would end the timer. She counted to 30 seconds in about 27 seconds.

Lopez was then placed under arrest for DUI under FSS 316.193(1). Lopez was transported to BRPD booking for processing. Once inside booking, Ofc Bissoon conducted the observation period. Officer Bissoon conducted the intoxilyzer 8000. Lopez provided two breath samples of .164 and .163. She was then TOT CJ.

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

WOLLSCHLAGER, ANTHONY J
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

03/30/2019
DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

MURPHY, BRITTANIE JEAN (751)
NAME OF OFFICER (PLEASE PRINT)

03/30/2019
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

SCANNED
APR 01 2019

2019-4575

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Obser - 0222
begin

DUI INFLUENCE REPORT

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BOCA RATON POLICE SERVICES DEPARTMENT
100 NW 2nd Avenue
Boca Raton, FL 33432

SCANNED
APR 01 2019

Revised: July 9, 2018

ARRESTING OFFICER: Murphy, Brittanie

Name: Chrisswiser, Jaclyn Phone # _____ Work # _____

Address: _____

Can testify to: Back up

Name: Bissun, Stephen Phone # _____ Work # _____

Address: _____

Can testify to: Breath Test Operator

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

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-END OF PART ONE-

[redacted]

BOCA RATON POLICE SERVICES DEPARTMENT
DUI INFLUENCE REPORT – PART II

To be filled out at testing facility

Agency Case # 2019-4575

I. INTRODUCTION (Instrument Operator faces video camera)

A. The day is Saturday (day), March (month), 30 (date), 2019 (year).

B. The time is now approximately 0244 AM/PM.

C. The following is in reference to case number 2019-4575.

D. Present at this time is Ofc Murphy, Bissio of the Boca Raton Police Department. (Officer's Name)

E. Officer Murphy, have you arrested Melissa Lopez (Defendant's name) in violation of Florida State Statute 316.193?

F. Did this violation occur within the City of Boca Raton, Palm Beach County, Florida? Yes

G. Mr./Mrs./Ms. Lopez, I am required to inform you these proceedings are being video recorded.

Operator Note: *Video record breath request, breath sample, and interview.*

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APR 01 2019

II. AT THIS TIME THE ARRESTING OFFICER WILL REQUEST A BREATH SAMPLE.

Note: Read only the paragraph applicable to the type of test you are requesting.

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

B. 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.

C. I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of determining its alcohol content and the presence of chemical or controlled substances.

IMPLIED CONSENT WARNINGS

Note: Read only if the subject does not comply with your request.

I am Ofc Murphy of the Boca Raton PD.

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine, or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

Subject Signature: _____

Note: Also read for CDL holders:

IN ADDITION, your refusal to submit will result in the loss of your commercial privileges for one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from operating a commercial motor vehicle.

Note: After reading the implied consent warning, the arresting officer must request a breath sample again.

(IF REFUSAL THEN)

At this time Mr./Mrs./Ms. Loper has refused to submit to a breath test.

The date is March (month), 30 (day), 2019 (year), and the time is _____ AM/PM.

A refusal form will be completed by the arresting officer.

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APR 01 2019

[redacted]

BOCA RATON POLICE SERVICES DEPARTMENT

TESTING FACILITY TASK REPORT

SUBJECT: Lopez, Melissa

CASE #: 2019-4575 DATE: 03/30/19

BREATH TEST RESULTS

1) TIME .164/0248 (AM/PM) 2) TIME .163/0251 (AM/PM)

3) TIME _____ AM/PM 4) TIME _____ AM/PM

BREATH OPERATOR: Bissoon, Stephen

MAINTENANCE TECHNICIAN: Van Camp, Jeffery

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Good

CLOTHING: Orange flower top, blue jeans

MEDICAL CONDITION: None

OTHER:

COMMENTS: Lopez had blood shot glossy eyes, she had an odor of an alcoholic beverage emanating from her person. Lopez was also slurring her speech.

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Identify yourself and state:

I am required to warn you before you make any statement that you have the following Constitutional rights:

(1) You have the right to remain silent and not answer any questions.
(2) Any statement you make must be freely and voluntarily given.
(3) You have a right to the presence and representation 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 and representation of a court appointed lawyer before you make any statement 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 be and will be used against you in a court of law.
(8) Do you understand these rights as I have read them to you, and do you wish to speak to me?

Signed: on video Date: 3-30-19 Time: on video

QUESTIONS AND ANSWERS

Were you operating a motor vehicle at the time of the accident/stop? _____

Where were you going? _____

What street or highway were you on? _____

Direction of travel? _____

Where did you start driving from? _____

What city (county) were you stopped in? _____

What time did you start? _____ AM/PM What time is it now? _____

What is today's date? _____ What day of the week is it? _____

When did you last eat? _____ What did you eat? _____

What have you been doing the past three hours prior to this stop/accident? _____

How much do you weigh? _____ Have you been drinking? _____ What were you drinking? _____

_____

How much? _____ Where? _____ With whom were you drinking? _____

When did you have your first drink? _____ AM/PM When did you stop drinking? _____ AM/PM

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How did you consume your last two drinks? _____

Are you under the influence of alcohol now? ☐ Yes ☐ No

Can you feel the effects of alcohol? ☐ Yes ☐ No

Have you consumed alcohol since the accident? ☐ Yes ☐ No

Can you feel the effects of alcohol? ☐ Yes ☐ No

Have you consumed alcohol since the accident? ☐ Yes ☐ No How much? _____

What? _____ Where? _____

What line of work are you in? _____

When did you last work? _____

Do you have any physical defects or injuries? ☐ Yes ☐ No If yes, explain:

_____

Are you sick or injured? ☐ Yes ☐ No If yes, explain:

_____

Do you limp? ☐ Yes ☐ No Did you get a bump on the head? ☐ Yes ☐ No

Were you in an accident today? _____

Have you taken any drugs or smoked marijuana today? _____

What? _____ When? _____

Have you seen a doctor or dentist today? ☐ Yes ☐ No Who? _____

Are you taking any prescription medications? ☐ Yes ☐ No What? _____ When? _____

Do you have: Epilepsy? ☐ Yes ☐ No Inner ear trouble? ☐ Yes ☐ No

Glass eye? ☐ Yes ☐ No Ear infection? ☐ Yes ☐ No

False teeth? ☐ Yes ☐ No Diabetes? ☐ Yes ☐ No

Any problems not correctable by glasses or contact lenses? _____

Do you take insulin? ☐ Yes ☐ No If yes, when was your last injection? _____

Have you ever had a driver's license in any other state? _____

I am now ending this video recording. The time is now approximately _____ AM/PM.

The date is March (month), 30 (day), 2019 (year).

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APR 01 2019

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: 2019010639	**Date:** 03/31/2019
	Specialist Name/ID: AM/31562

SCANNED
APR 01 2019