

In re the Class "B" Tavern license and Public Entertainment Premises license of:

J. JESUS GAMEZ

as the Licensee for the licensed premises
known as Palomas Place, located at
1905 S. 6th Street, Milwaukee, Wisconsin

SWORN CHARGES BY CHIEF OF POLICE FOR REVOCATION OF LICENSES

Pursuant to Wisconsin Statutes Section 125.12 and Sections 90-12, 108-11 and 85-4, Milwaukee Code of Ordinances ("MCO"), Chief of Police Edward Flynn, a City of Milwaukee resident and interested party, by Captain Heather Wurth, Commander of Police District 2, City of Milwaukee resident and interested party, being first duly sworn and upon her oath, respectfully charges the following based upon review of official Milwaukee Police Department ("MPD") reports drafted in the ordinary course of business, review of documents received by MPD District 2 and communication with other police, law enforcement and municipal officials:

1. J. Jesus Gamez (DOB 2/25/1959) (hereinafter, the "Licensee") is the holder of a Class "B" Tavern license and a Public Entertainment Premises ("PEP") license for the licensed premises known as Palomas Place located at 1905 S. 6th Street, Milwaukee, Wisconsin. Mr. Gamez is also the sole owner of the building at 1905 S. 6th Street and the building next door located at 1901 S. 6th Street. Upon information and belief, the Licensee resides at 1901 S. 6th Street.

2. Upon information and belief, Hector Martinez (DOB 10/19/67) is an employee of the Licensee who bartends and assists the Licensee on maintenance projects at Palomas Place.

3. Upon information and belief, Reyes Munoz (DOB 1/6/81) is an employee of the Licensee who bartends at Palomas Place.

4. Upon information and belief, Silvino Martinez (DOB 7/10/50) is an employee of the Licensee who bartends at Palomas Place and assists with day-to-day operations when the Licensee is unavailable. Silvino Martinez has a Class "D" Operator's license, with a mailing address of 1905 S. 6th Street. Upon information and belief, he resides at 1901 S. 6th Street.

5. On January 22, 2015, Hector Martinez sold two (2) corner cut baggies of cocaine, weighing .221 grams and .303 grams, for a total of \$40 to a confidential informant and an undercover MPD officer inside Palomas Place. After the confidential informant asked Hector Martinez to purchase cocaine, Hector Martinez walked over to a small room along the north wall of the bar and entered the room for about a minute. After returning, he approached the confidential informant and undercover MPD officer and sold to the confidential informant the two corner cut baggies of cocaine in exchange for \$40. The purchased substance tested positive for cocaine. For pictures of the cocaine purchased, see attached **Exhibit A**.

6. On January 30, 2015, Hector Martinez sold three (3) corner cut baggies of cocaine, weighing .253 grams, .266 grams and .238 grams, for a total of \$60 to a confidential informant and an undercover MPD officer inside Palomas Place. Upon their entry, Hector Martinez approached the confidential informant and undercover MPD officer to offer to sell cocaine. Upon the confidential informant agreeing to buy cocaine, Hector Martinez walked over to a small room along the north wall of the bar and entered the room for a couple minutes. After returning, he approached the confidential informant and undercover MPD officer and sold to the confidential informant the three (3) corner cut baggies of cocaine in exchange for \$60. The purchased substance tested positive for cocaine. For pictures of the cocaine purchased, see attached **Exhibit B**.

7. On February 12, 2015, Hector Martinez sold three (3) corner cut baggies of

cocaine, weighing .303 grams, .308 grams and .313 grams, for a total of \$60 to a confidential informant and an undercover MPD officer inside Palomas Place. Upon entry, Hector Martinez stopped playing pool with Silvino Martinez and approached the confidential informant and undercover MPD officer. The confidential informant asked Hector Martinez to purchase cocaine. Upon agreeing to sell cocaine, Hector Martinez reached into the pocket of the jacket he was wearing and withdrew a matchbox. Upon opening the matchbox, Hector Martinez took out three (3) clear plastic corner cut baggies of cocaine. There were three (3) additional corner cut baggies of cocaine inside the matchbox. Hector Martinez sold to the confidential informant the three (3) corner cut baggies of cocaine in exchange for \$60 and then returned to playing pool. The purchased substance tested positive for cocaine. For pictures of the cocaine purchased, see attached **Exhibit C**.

8. On March 2, 2015, Hector Martinez sold five (5) corner cut baggies of cocaine, weighing .323 grams, .310 grams, .316 grams, .257 grams and .306 grams, for a total of \$100 to a confidential informant and an undercover MPD officer inside Palomas Place. Upon entry, Hector Martinez approached the confidential informant and undercover MPD officer to offer to sell cocaine. Upon agreeing to buy cocaine, Hector Martinez walked over to a small room along the north wall of the bar and entered the room for a couple minutes. After returning, he approached the confidential informant and undercover MPD officer and sold to the confidential informant the five (5) corner cut baggies of cocaine in exchange for \$100. The purchased substance tested positive for cocaine. For pictures of the cocaine purchased, see attached **Exhibit D**.

9. On March 20, 2015, MPD and the Department of Neighborhood Services (“DNS”) conducted a licensed premises investigation at Palomas Place. MPD observed an

expired State of Wisconsin Seller's Permit. MPD spoke with Reyes Munoz, who stated he was a bartender at the location. Upon request, Mr. Munoz failed to provide a bartender's license, stating that he also works at the Little Whiskey Bar. MPD made contact with the Little Whiskey Bar licensee, Luis Garcia, and Mr. Garcia stated he did not recognize Reyes Munoz and was fairly certain he did not employ anyone by that name. Upon information and belief, Reyes Munoz did not have a Class "D" Operators license at the time of the inspection nor does he have one at the time of the filing of this sworn complaint. In addition, MPD observed five (5) amusement machines, whereas the PEP license only permits three (3) amusement machines. The Licensee was not available because, according to Mr. Munoz, he was in Mexico. The Licensee was cited for responsible person upon premises required (MCO 90-8-1). On September 8, 2015, the Licensee was found guilty (Case # 15036380).

10. During the March 20, 2015 licensed premises inspection, Reyes Munoz stated that Silvino Martinez was assisting with the day-to-day operations until the Licensee returned.

11. On April 13, 2015, Silvino Martinez sold five (5) corner cut baggies of cocaine, weighing .237 grams, .255 grams, .250 grams, .231 grams and .195 grams, for a total of \$100 to a confidential informant and an undercover MPD officer inside Palomas Place. Upon entry, Silvino Martinez approached the confidential informant and undercover MPD officer and revealed a matchbox in his hand. From the matchbox, Silvino Martinez withdrew five (5) corner cut baggies of cocaine and sold them to the confidential informant in exchange for \$100. The purchased substance tested positive for cocaine. For pictures of the cocaine purchased, see attached **Exhibit E**.

12. On April 16, 2015, members of Wisconsin High Intensity Drug Trafficking Area (HIDTA), including the Wisconsin State Patrol and MPD, and the Department of Revenue

executed a search warrant at Palomas Place based on five (5) undercover buys of cocaine at Palomas Place. The Licensee, Hector Martinez and Silvino Martinez were present at the tavern along with four other individuals. Silvino Martinez admitted to MPD that he had “something” in his front left pants pocket. MPD obtained a matchbox in Silvino Martinez’s pants pocket and, upon opening the matchbox, observed five (5) corner cut baggies containing suspected cocaine weighing a total of 1.27 grams. Silvino Martinez was arrested for possession with intent to deliver cocaine. The Licensee stated that Hector Martinez assists him on maintenance projects at Palomas Place. Hector Martinez admitted that he did participate in the sale of cocaine and relayed that he was compensated by either being paid \$5-\$10 or given beer.

13. During the April 16, 2015 execution of the search warrant, the following drug-related evidence was found inside Palomas Place:

- a. One (1) small plastic bag found in the hall on the floor near stairs to the basement containing ten (10) baggies containing a white, powdery substance.
- b. Five (5) small plastic baggies containing a white, powdery substance found in a matchbox in Silvino Martinez’s front pants pocket.
- c. One (1) Coca-Cola “California safe” found on the east end of Palomas Place near a liquor shelf.¹
- d. One Bud Light (1) “California safe” containing ten (10) small plastic baggies containing a white, powdery substance found in the hall near stairs to the basement. The “California safe” was mixed with a stack of Bud Light beer cases and bottles.
- e. One (1) plastic baggie containing a white, powdery substance found in the

¹ “California safe” is a nickname for a common household object that can be used to conceal drugs and drug paraphernalia.

rafters on the east wall of Palomas Place.

- f. One (1) small piece of yellowish rock type material inside a sandwich baggie found in the rafters in the basement of Palomas Place.

For pictures of the cocaine seized in Palomas Place and “California safes”, see attached **Exhibit F**. For pictures of the cocaine and matchbox seized from Salvino Martinez, see attached **Exhibit G**.

14. The white, powdery substance and yellowish rock type material referenced in ¶ 13 above tested positive for cocaine and methamphetamine, respectively.

15. The baggie of cocaine found in the hall on the floor near stairs to the basement weighed .281 grams. The five (5) corner cut baggies of cocaine found on Silvino Martinez weighed .274 grams, .258 grams, .308 grams, .204 grams and .226 grams. The ten (10) small plastic baggies of cocaine found in the hall near stairs to the basement weighed .210 grams, .269 grams, .223 grams, .286 grams, .303 grams, .210 grams, .258 grams, .201 grams, .243 grams and .231 grams for a total net weight of 2.434 grams. The methamphetamine weighed 3.729 grams.

16. During the April 16, 2015 execution of the search warrant, the following US currency was found in Palomas Place and Silvino Martinez’s next door residence at 1901 S. 6th Street:

a. *At Palomas Place:*

- i. \$848 (found on the Licensee)
- ii. \$319 (found in the bottom drawer of an end table)

b. *At Silvino Martinez’s apartment at 1901 S. 6th St. #3:*

- i. \$3,560 (found in a cereal box in the pantry)
- ii. \$12,000 (found in a blue bag behind a dresser)

iii. \$266 (found in the top dresser drawer)

iv. \$36 (found in a wallet)

17. On April 17, 2015, MPD deployed a drug detection canine on the U.S. currency obtained during the execution of the search warrant, as described in ¶ 16 above. The canine gave a positive alert response to the odor of narcotics for the \$848 found on the Licensee, the \$319 found in the bottom drawer of an end table in Palomas Place, the \$3,560 found in a cereal box in the pantry at 1901 S. 6th St., the \$12,000 found in a blue bag behind a dresser at 1901 S. 6th St., the \$266 found in the top dresser drawer northeast bedroom at 1901 S. 6th St. and the \$36 found in a wallet in the northeast bedroom at 1901 S. 6th St.. The positive alert indicates that the currency had recently been intermingled with a substantial amount of narcotics in order to produce the level of odor necessary for the canine to alert to.

18. The individual corner cut baggies of cocaine found in Palomas Place during the execution of the search warrant and on Silvino Martinez were consistent with the way they were tied, their weight and their appearance when compared to the cocaine that was purchased during the five (5) controlled buys referenced above.

19. During the April 16, 2015 execution of the search warrant, DOR determined there were several 1.75 liter bottles of alcohol that were not accounted for with appropriate receipts. DOR confiscated twenty nine (29) bottles of liquor (opened and sealed) because there were no corresponding invoice to prove they were purchased legally.

20. By April 17, 2015, Palomas Place was engaged in the sale of cocaine once again.

21. On June 4, 2015, Hector Martinez sold five (5) corner cut baggies of cocaine, weighing .244 grams, .245 grams, .255 grams, .218 grams and .221 grams, for a total of \$100 to a confidential informant and an undercover MPD officer inside Palomas Place. Upon entry,

Hector Martinez approached the confidential informant and the confidential informant asked Hector Martinez for six (6) baggies of cocaine for \$100. Hector Martinez stated “no” and that he would sell *five* (5) baggies of cocaine for \$100. The confidential informant agreed and Hector Martinez walked towards the bartender and spoke to the bartender briefly. After a few moments, the bartender unlocked and opened the door located at the west end of Palomas Place along the southern wall. Both the bartender and Hector Martinez walked through that door. When Hector Martinez returned, he sold to the confidential informant five (5) corner cut baggies of cocaine in exchange for \$100. The purchased substance tested positive for cocaine. For pictures of the cocaine purchased, see attached **Exhibit H**.

22. On June 16, 2015, Reyes Munoz was cited for operating without a Class “D” Operators license. He has failed to appear for arraignment and the citation is in warrant status.

23. On July 2, 2015, Reyes Munoz sold five (5) corner cut baggies of cocaine, weighing .292 grams, .324 grams, .287 grams, .296 grams and .294 grams, for a total of \$100 to a confidential informant and an undercover MPD officer inside Palomas Place. Upon entry, the undercover MPD officer observed the Licensee walk behind the bar and grab a couple of beverages, take money from under the change tray in the cash register and count it, pull something out of his pocket, close the cash register drawer, retrieve the two beverages from the end of the bar and leave the immediate area. After ordering a drink from Reyes Munoz, who was bartending at the time, the confidential informant asked Reyes Munoz for “six for one hundred,” meaning six (6) twenty dollar bags of cocaine for one hundred dollars. Reyes Munoz stated he could not do that without the boss giving him the okay and that the boss had just left. Upon information and belief, the “boss” referenced is the Licensee. Reyes Munoz then walked over to the cash register, opened the cash drawer, took out the change tray and placed the change tray on

top of the register. He then grabbed what appeared to be five (5) \$20 dollar baggies of cocaine from the front left side of the drawer. Reyes Munoz then placed the baggies of cocaine into a white paper napkin and sold it to the undercover MPD officer in exchange for \$100. Reyes Munoz was also the bartender working during previous undercover purchases of cocaine detailed above. Upon information and belief, Reyes Munoz is a relative of the Licensee. The purchased substance tested positive for cocaine. For pictures of the cocaine purchased, see attached **Exhibit I**.

24. On September 25, 2015, Hector Martinez sold five (5) corner cut baggies of cocaine, weighing .320 grams, .234 grams, .241 grams, .276 grams and .245 grams, for a total of \$100 to a confidential informant and an undercover MPD officer inside Palomas Place. Upon entry, the undercover MPD officer observed Silvino Martinez working as a bartender and Hector Martinez sitting on the west end of the bar. After the confidential informant ordered beverages from Silvino Martinez, the confidential informant asked Silvino Martinez for some cocaine. Silvino Martinez told the confidential informant he does not do that because he had been arrested earlier in the year regarding. Silvino Martinez then directed the confidential informant to Hector Martinez, who was sitting at the end of the bar and that Hector Martinez could help the confidential informant out. The confidential informant approached Hector Martinez and asked for "six for one hundred." Hector Martinez stated he could not do that but he could do "five for one hundred." The confidential informant agreed and returned to sit next to the undercover MPD officer. Hector Martinez followed the confidential informant and sold to the confidential informant five (5) corner cut baggies of cocaine. The confidential informant gave the undercover MPD officer the suspected cocaine and the undercover MPD officer gave Hector Martinez \$100. As the confidential informant and undercover MPD officer walked toward the front door of

Palomas Place, the Licensee entered Palomas Place. The confidential informant greeted the Licensee asked the Licensee about getting “six for one hundred.” The Licensee replied “tomorrow.” The purchased substance tested positive for cocaine. For pictures of the cocaine purchased, see attached **Exhibit J**.

25. On October 1, 2015, HIDTA, MPD and DOR executed a second search warrant at Palomas Place based on the aforementioned three (3) undercover buys of cocaine at Palomas Place. An MPD officer made contact with a patron, Maria Nevajar (DOB 4/7/73), who was found in possession of .584 grams of cocaine. Ms. Nevajar admitted that she bought cocaine about three (3) days before from inside Palomas Place. During the execution of the search warrant, seventeen (17) small plastic baggies containing a white, powdery substance were recovered in a coat pocket in Palomas Place.

26. During the October 1, 2015 execution of the search warrant, the following drug-related evidence was found inside Palomas Place:

- a. Two (2) small plastic baggies containing a white, powdery substance found in the purse of Maria Nevajar.
- b. Seventeen (17) small plastic baggies containing a white, powdery substance found wrapped in a paper towel in the pocket of a coat.
- c. One (1) small plastic baggie containing a green leafy substance in Hector Martinez’s pants pocket.
- d. One (1) bottle of “Now” inositol powder.

27. Inositol powder is used to “cut” or manufacture cocaine for sale.

28. The white, powdery substance referenced found in the coat pocket as referenced above tested positive for the presence of cocaine and weighed a total of 5.216 grams. The

individual corner cut baggies of cocaine found in Palomas Place were consistent with the way they were tied, their weight and their appearance when compared to the cocaine that was purchased during the eight (8) controlled buys referenced above. The green leafy substance referenced above tested positive for the presence of tetrahydrocannabinol (“THC”, commonly known as marijuana) and weighed a total of 1.318 grams. For pictures of the seventeen (17) small plastic baggies of cocaine, the marijuana and the bottle of inositol powder obtained during the execution of the search warrant, see attached **Exhibit K**.

29. During the execution of the October 1, 2015 search warrant, Hector Martinez was detained and interviewed. Hector Martinez stated he has been employed at Palomas for two (2) to three (3) years and works as a bartender. He admitted to drug dealing and stated the cocaine is supplied to him to sell by Silvino Martinez. Hector Martinez further stated he typically works five to six days a week and sells approximately twenty (20) \$20 packets of cocaine daily between 1-9 pm. He also stated the Licensee has been present during some of these transactions.

30. During the execution of the October 1, 2015 search warrant, Reyes Munoz was detained and interviewed. He admitted he worked as a bartender at Palomas Place for approximately the past seven (7) months. He admitted he was a cocaine user and would sell cocaine to random people at the bar.

31. During the execution of the October 1, 2015 search warrant, the Licensee failed to provide DOR with any invoices for liquor purchased for the establishment. Therefore, a total of 99 bottles of various types of liquor was confiscated by DOR.

32. Palomas Place is a building or structure used to facilitate the delivery, distribution or manufacture of a controlled substance, via the Licensee and his agents, and is a location where those acts take place; therefore, it is a public nuisance.

33. Palomas Place has had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood.

BASED UPON the undercover purchases of cocaine from Palomas Place employees in Palomas Place on January 22, 2015, January 30, 2015, February 12, 2015, March 2, 2015, April 13, 2015, June 4, 2015, July 2, 2015 and September 25, 2015, the drugs and drug paraphernalia obtained, as well as DOR violations found, during the execution of search warrants on April 16, 2015 and October 1, 2015, and the licensing violations found during the March 20, 2015 licensed premises investigation, which has cumulatively had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood;

THE CHIEF OF POLICE, by his designee, respectfully requests the immediate revocation of the Class "B" Tavern license and Public Entertainment Premises license relative to the above-referenced Licensee and licensed premise, Palomas Place, because:

1. Pursuant to Wis. Stat. Sec. 125.12(2)(ag)1., the Licensee has violated Ch. 823, Wis. Stats. and municipal regulations;
2. Pursuant to Wis. Stat. Sec. 125.12(2)(ag)2., the Licensee keeps or maintains a disorderly or riotous, indecent or improper house;
3. Pursuant to Wis. Stat. Sec. 125.12(2)(ag)6., the Licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog;
4. Pursuant to MCO 90-12-1-d, the Licensee has violated the responsible person upon

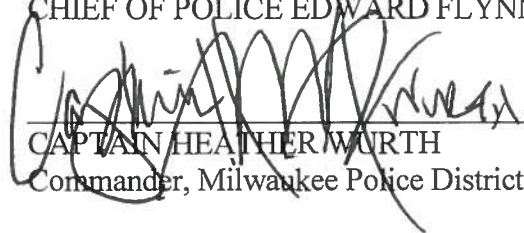
- licensed premises requirement (MCO 90-8-1);
5. Pursuant to MCO 90-12-1-e, the Licensee has operated in violation of excise laws of this state, including but not limited to Wis. Stat. Secs. 125.69(6) and 139.11(1);
 6. Pursuant to MCO 85-4-4-c, 90-12-1-f, and 108-11-3, Palomas Place is operated in such a manner that it constitutes a public or private nuisance and that conduct at Palomas Place, including but not limited to the repeated sale of cocaine inside Palomas Place by Palomas Place employees, the failure to have a responsible person on premises, and the violation of excise laws, has had a substantial adverse effect upon the health, safety or convenience and prosperity of the immediate neighborhood; and
 7. Pursuant to MCO 85-4-4-c-22, 90-12-1-i and 108-11-3, there are other reasonable causes which are in the best interests, public safety, welfare and good order of the City of Milwaukee, including:
 - a. **Failure to Abate Drug Activity:** By no later than April 16, 2015, the Licensee was aware of both the illegal drug activity and law enforcement's investigation into the illegal drug activity at Palomas Place. However, the Licensee maintained the same or similar staff, including Silvino Martinez who was arrested for possession with intent to deliver cocaine. The confidential informant and undercover MPD officer were able to successfully complete a purchase of five (5) corner cut baggies of cocaine forty-nine (49) days after the execution of the April 16, 2015 search warrant.
 - b. **Active Participation of the Licensee:** Based upon actions observed by and comments made to the undercover MPD officer, as well as statements made by Palomas Places employees to law enforcement during the execution of the search

warrants, the Licensee has actively participated in the drug activity.

- c. **Storage of Drugs:** Based on the location of drugs found throughout Palomas Place during the execution of the two search warrants and the practice of employees entering a side room or opening the cash register before selling cocaine to the confidential informant and undercover MPD officer, Palomas Place has been used as a location to conceal and store large quantities of drugs for the purpose of delivery, distribution or manufacture of a controlled substance.

Dated at Milwaukee, Wisconsin this 24th day of November, 2015.

CHIEF OF POLICE EDWARD FLYNN, by



CAPTAIN HEATHER WURTH
Commander, Milwaukee Police District 2

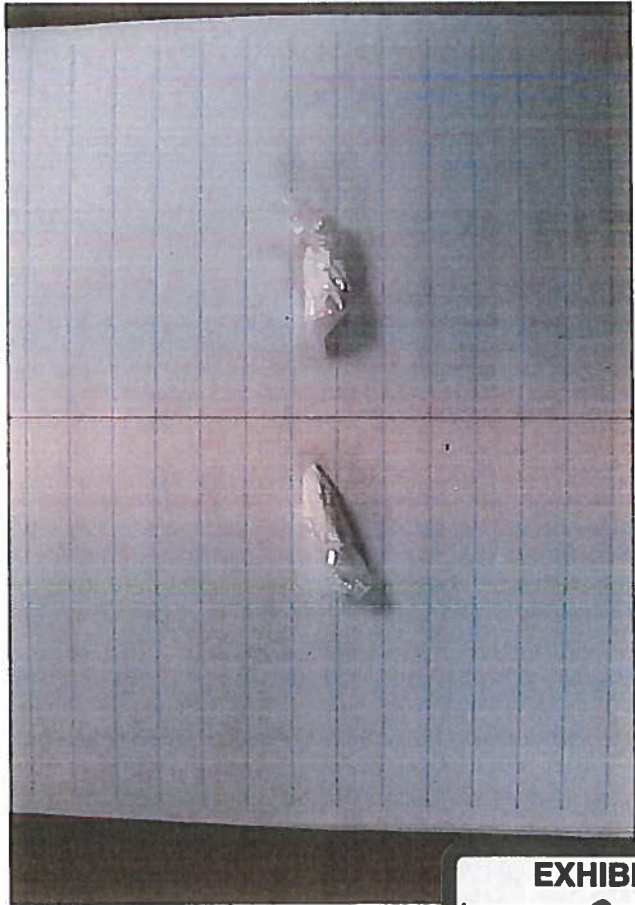
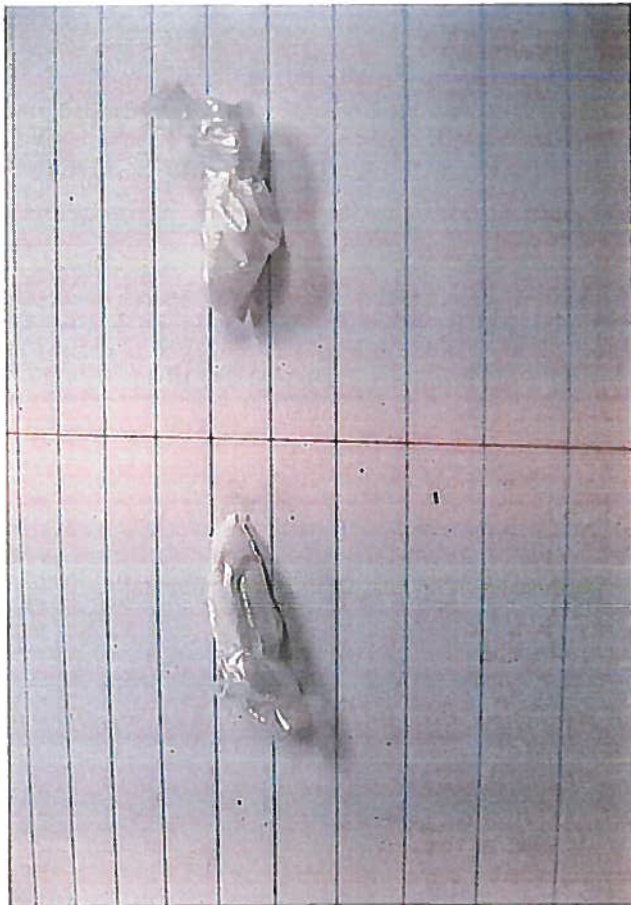
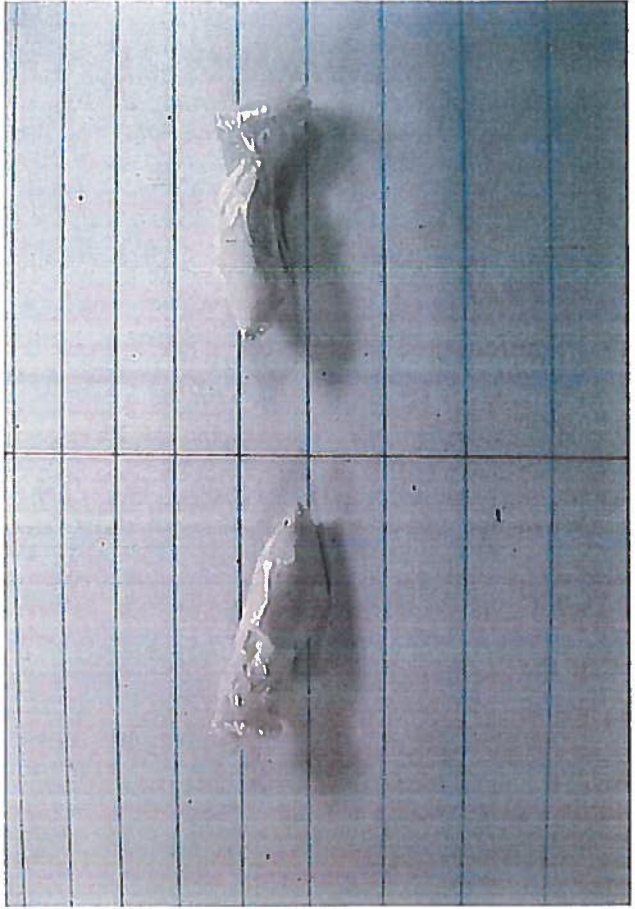
The foregoing complaint seeking revocation of the Class "B" Tavern license and Public Entertainment Premises license was subscribed and sworn to and before me this 24th day of November, 2015.



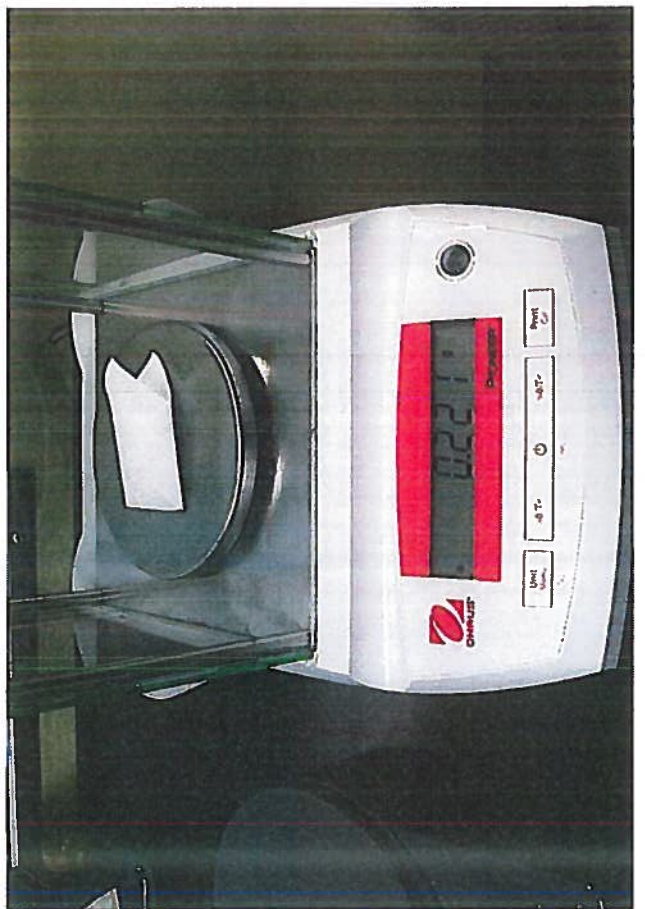
Notary Public, State of Wisconsin
My commission is permanent

Drafted by:
NICHOLAS P. DESIATO
Assistant City Attorney
SBN: 1068916





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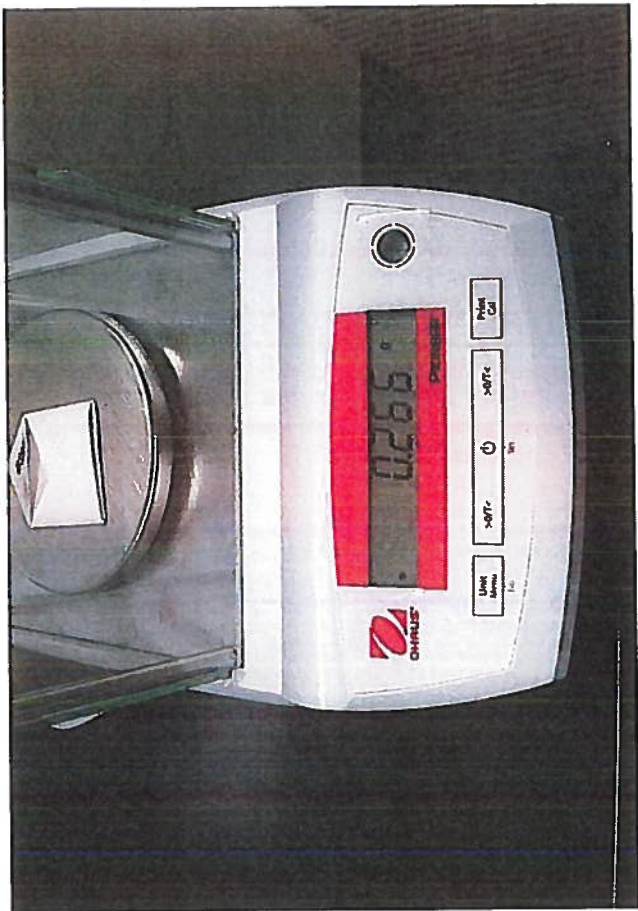
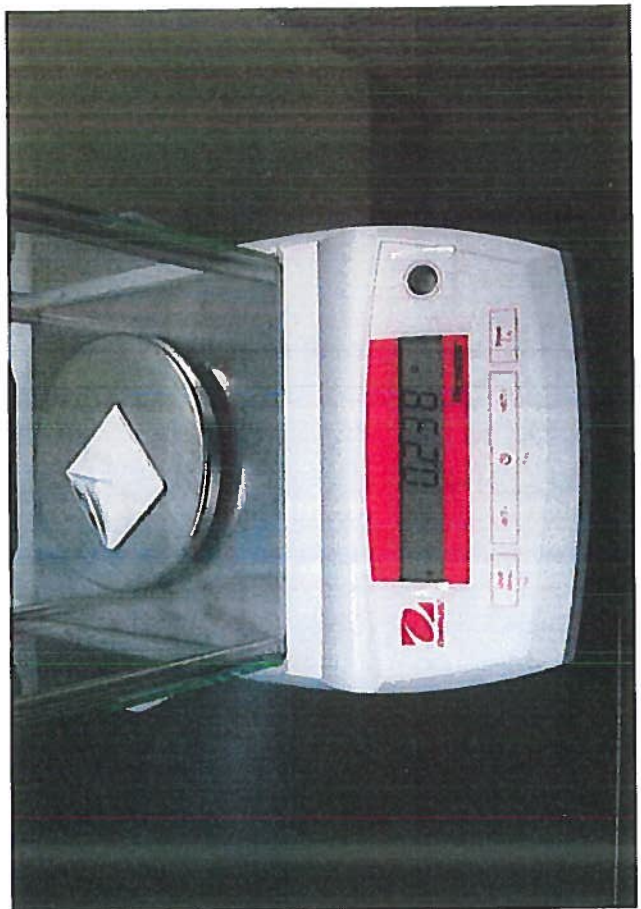


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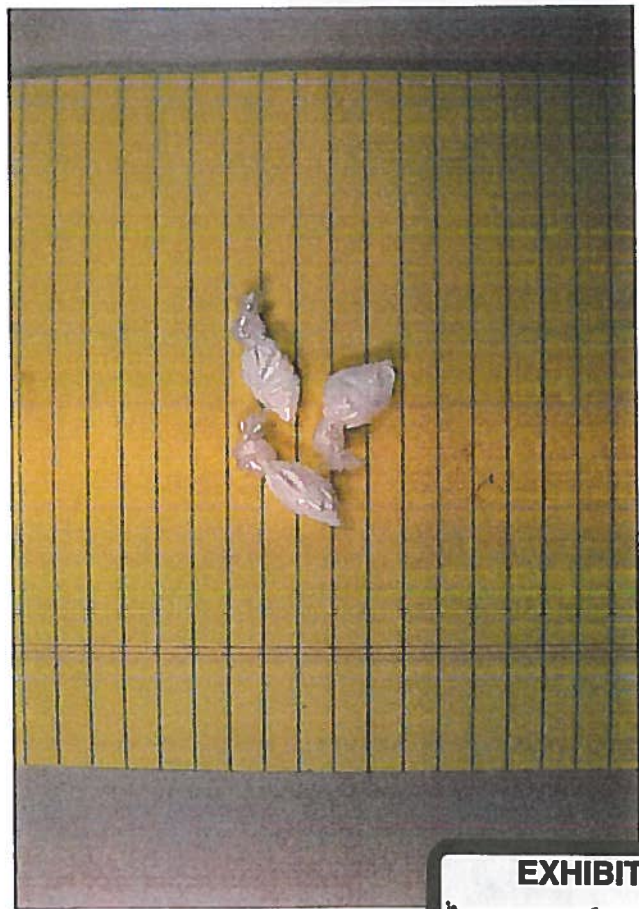
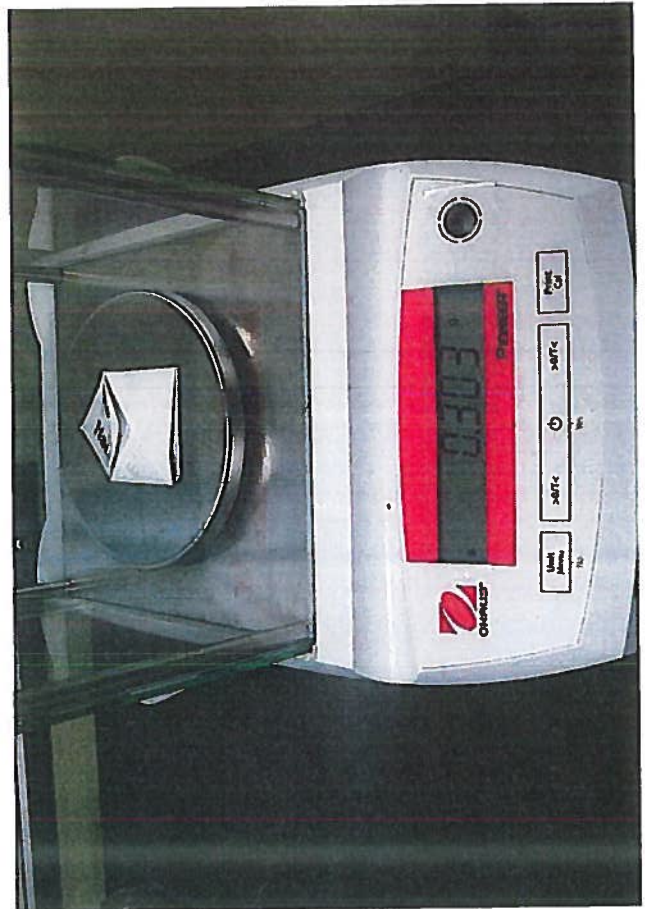
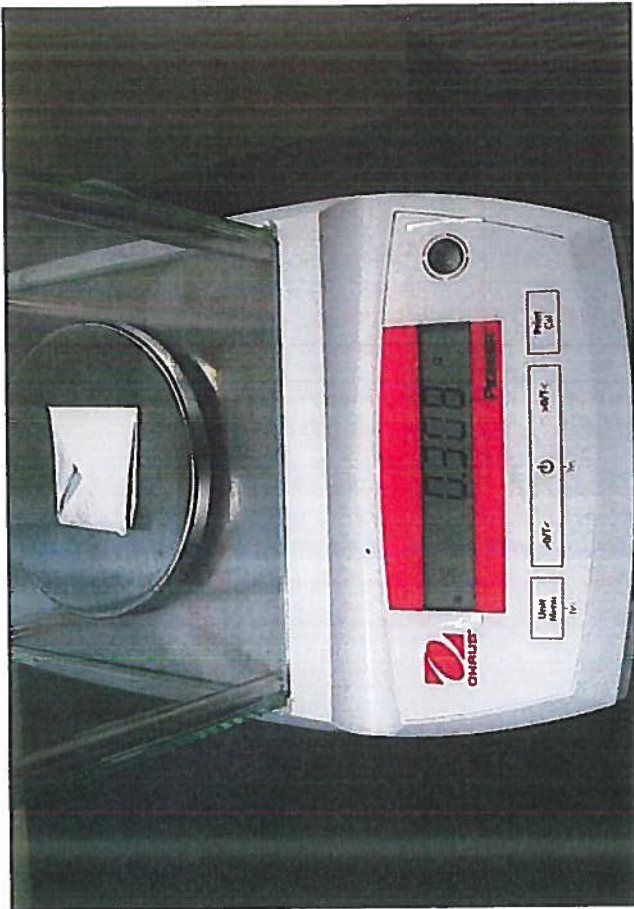
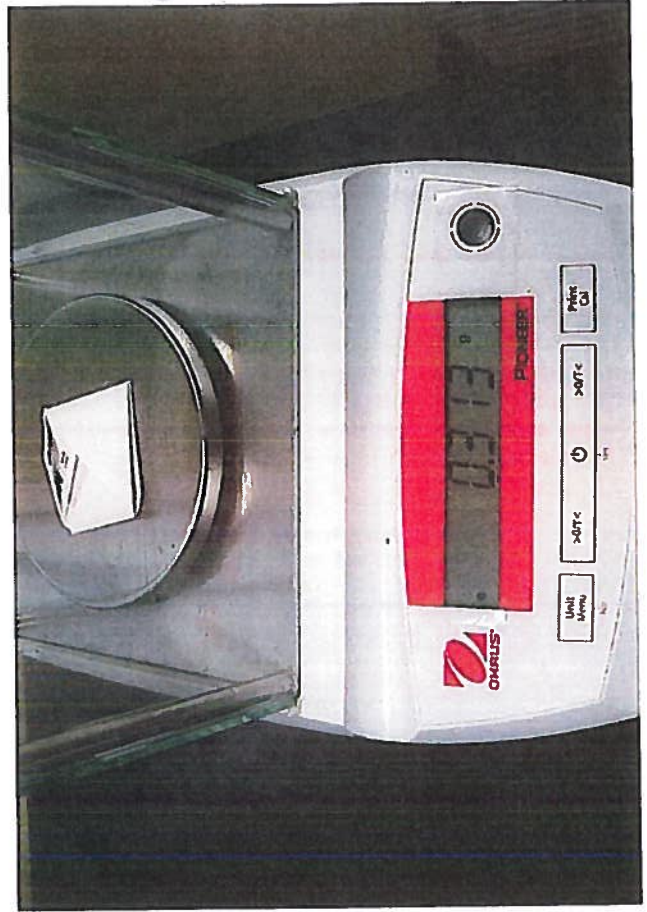
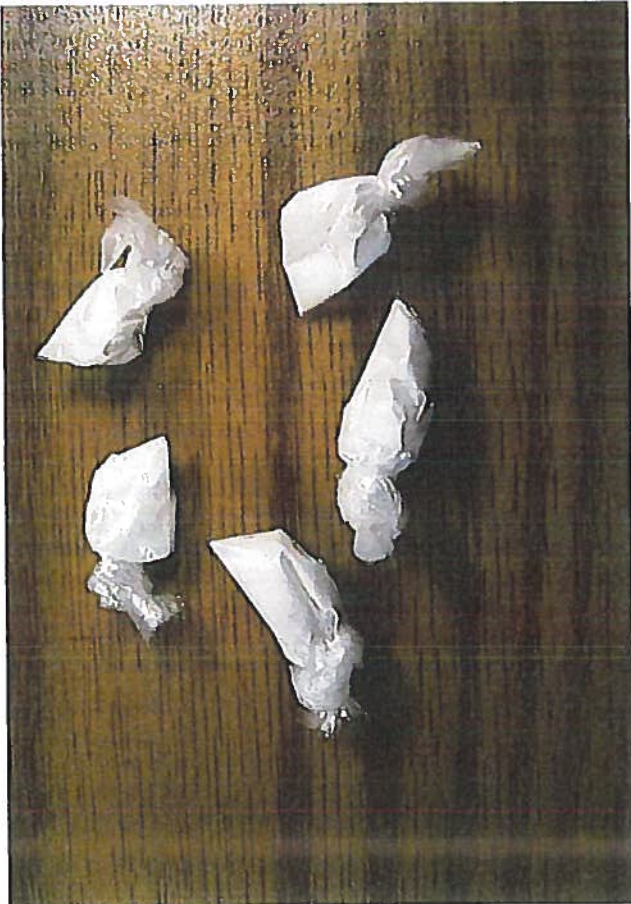
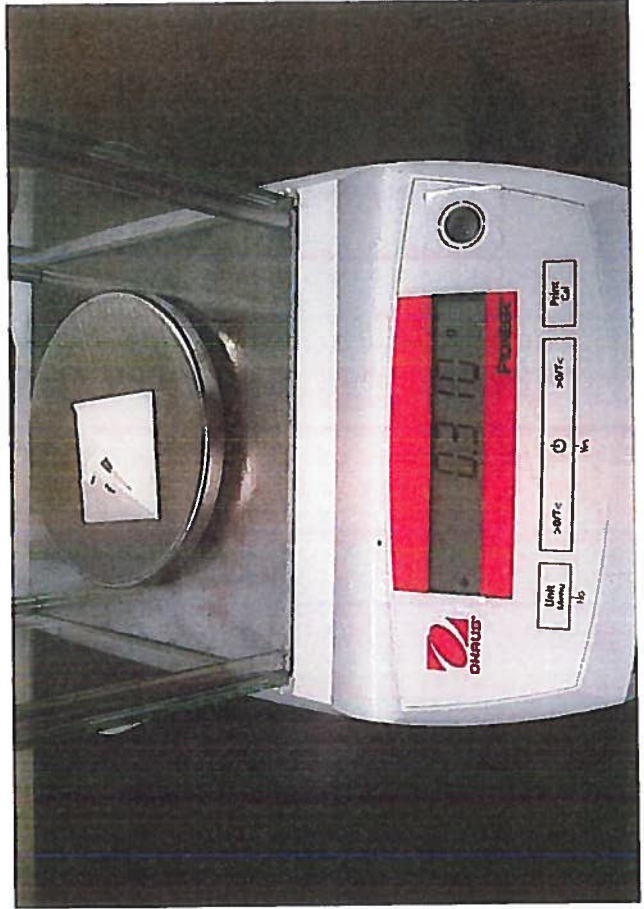
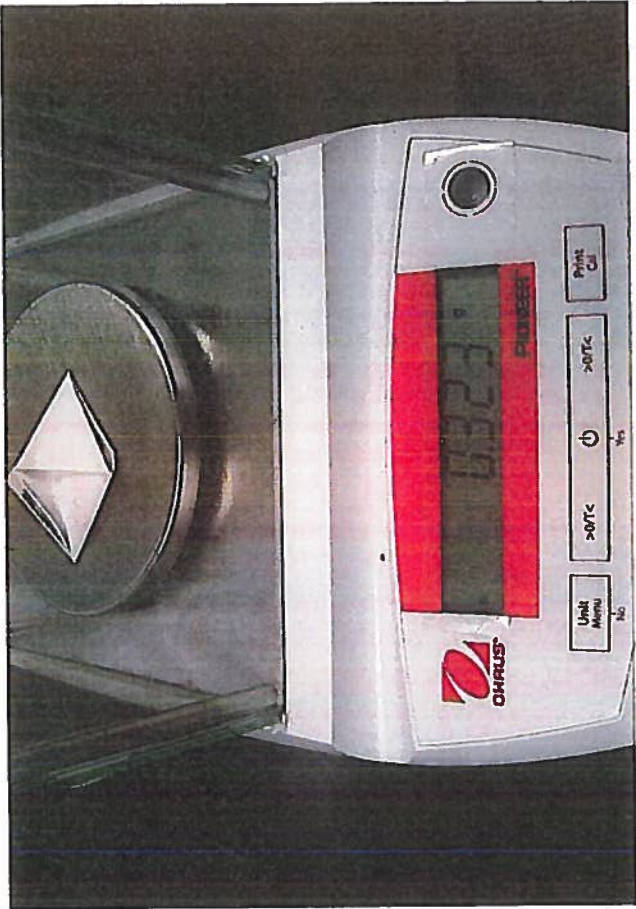
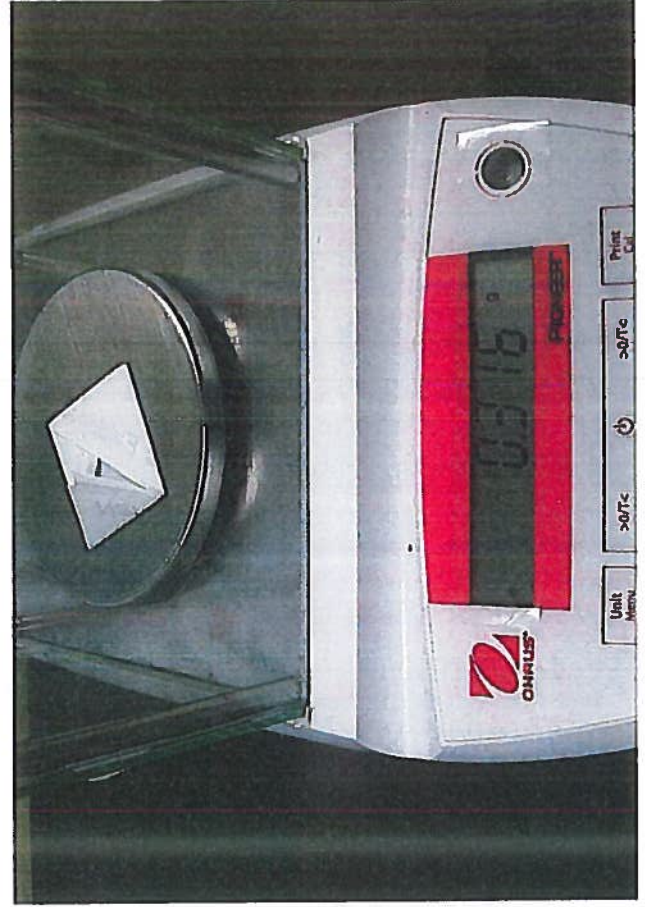
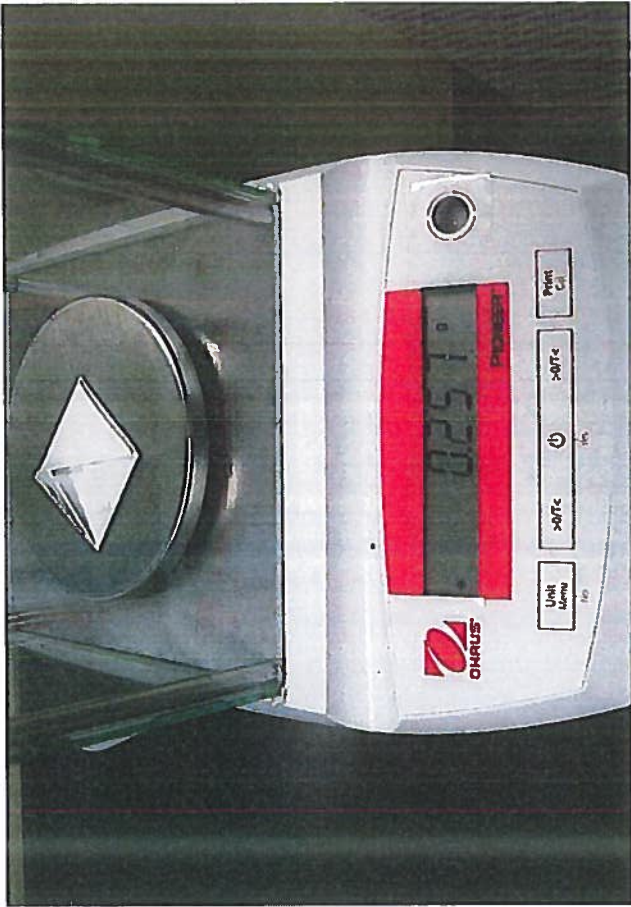


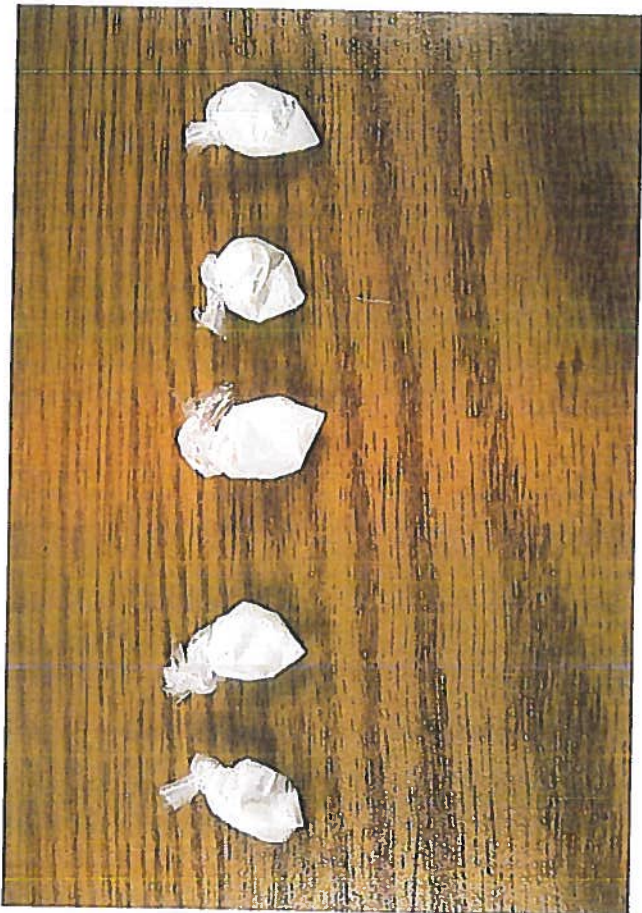
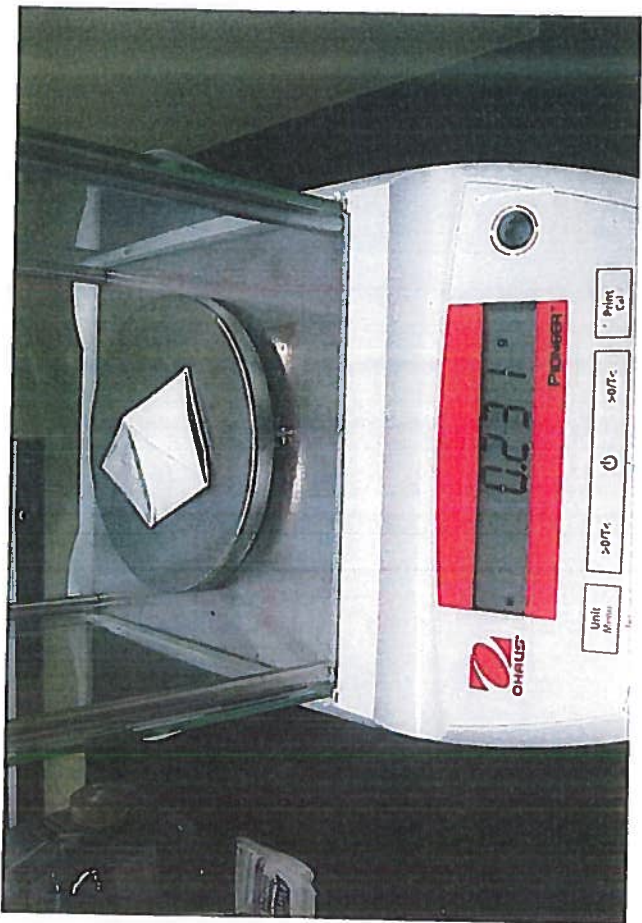
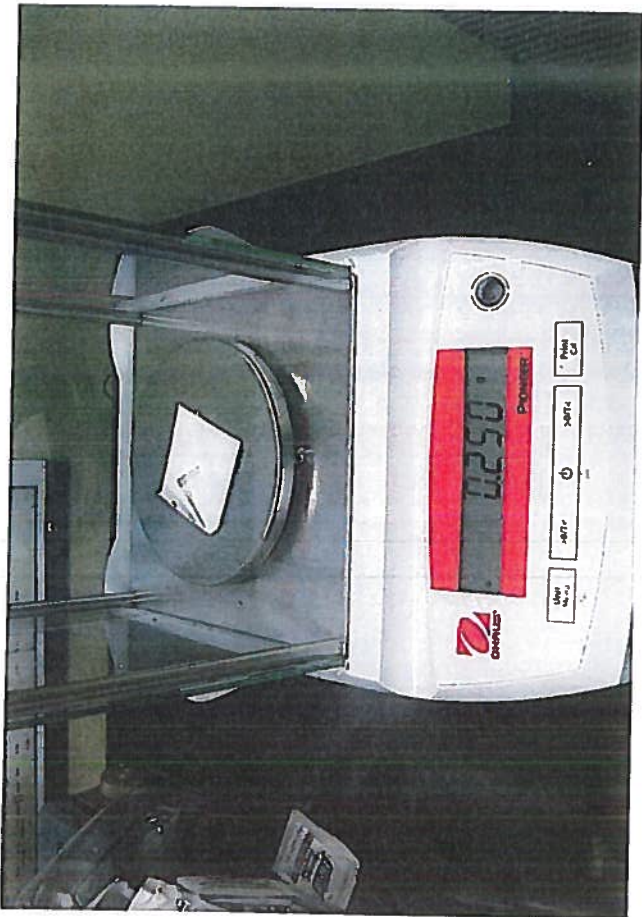
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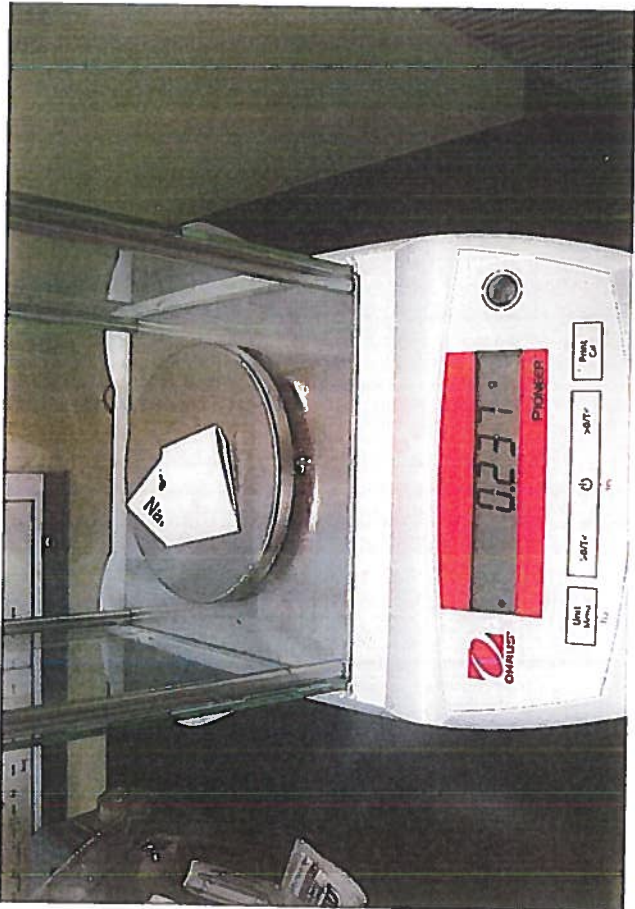


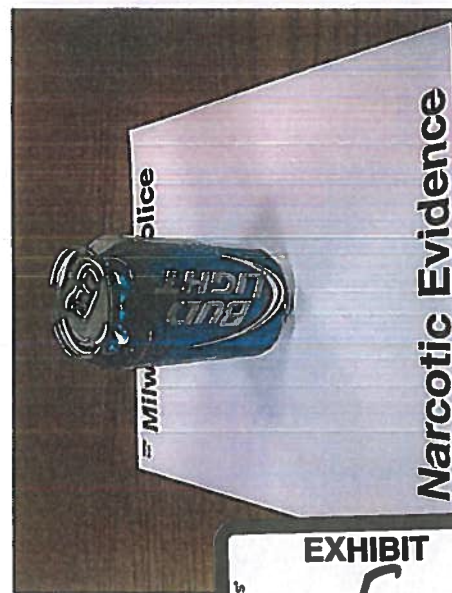
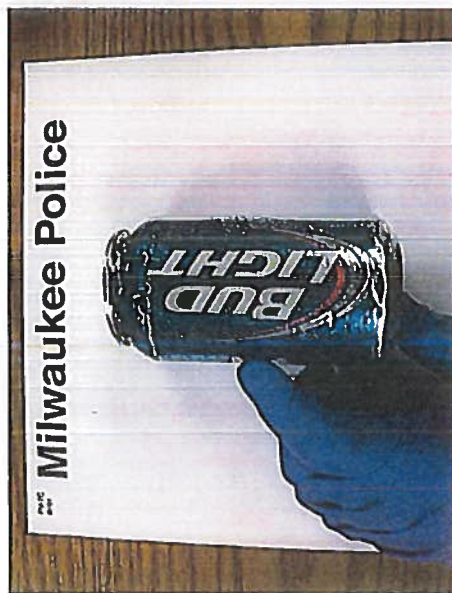
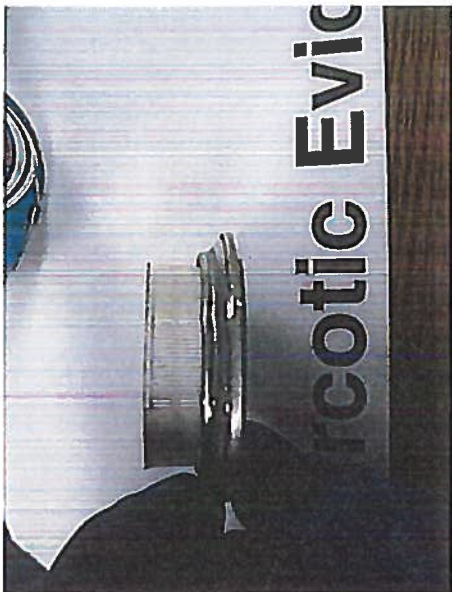
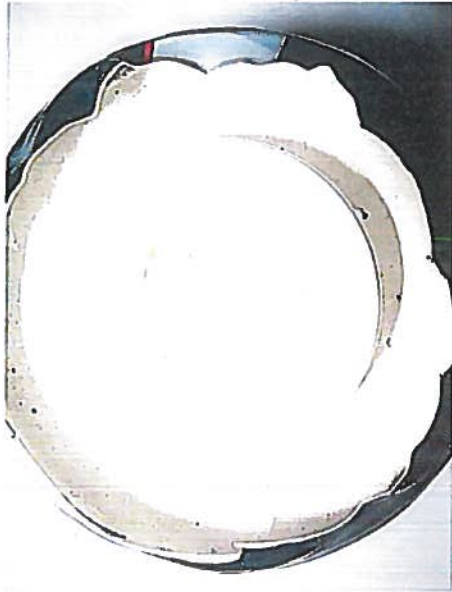
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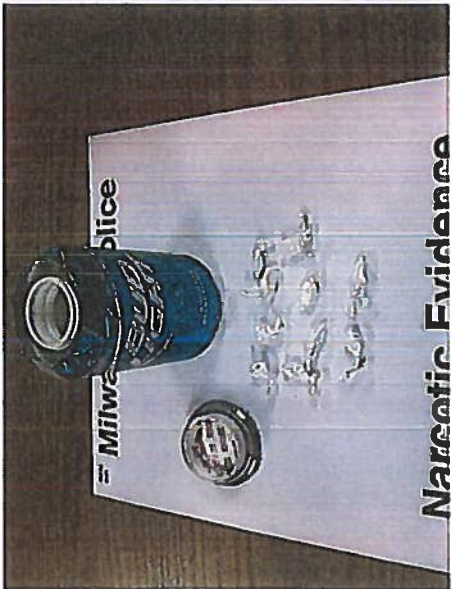
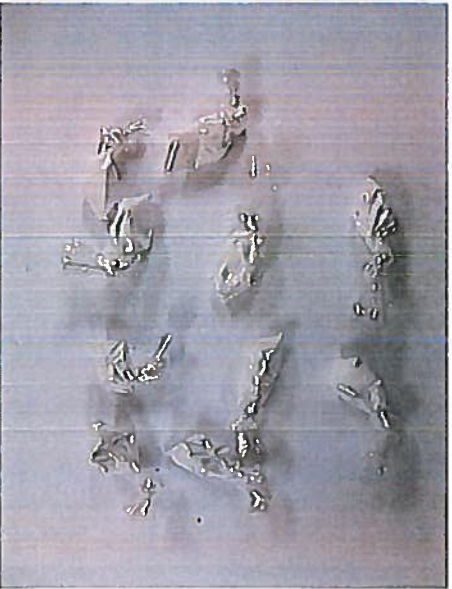
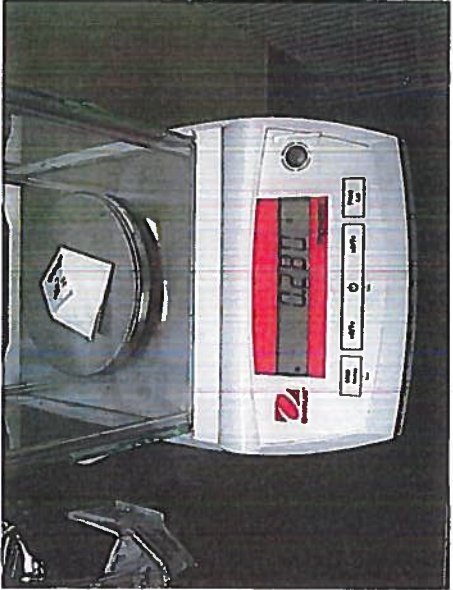
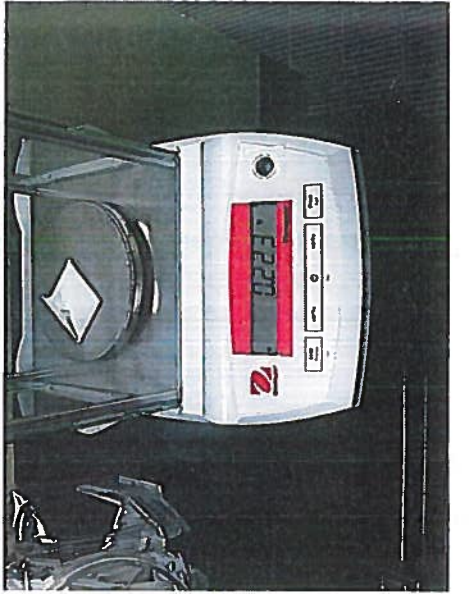
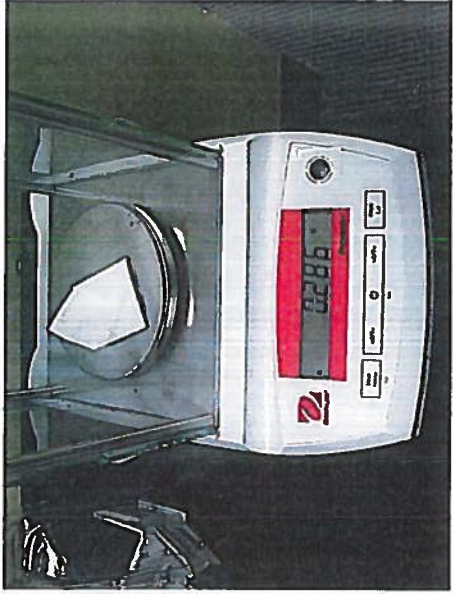


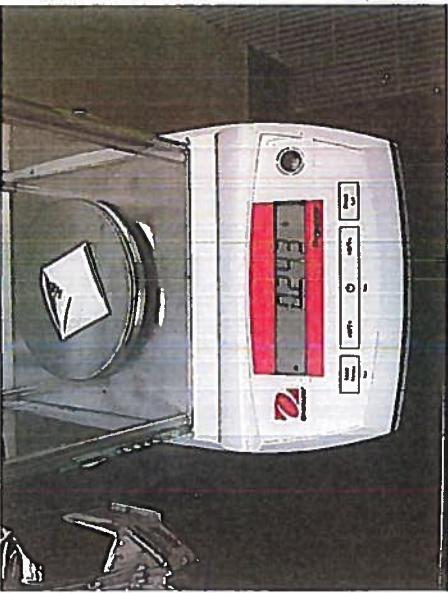
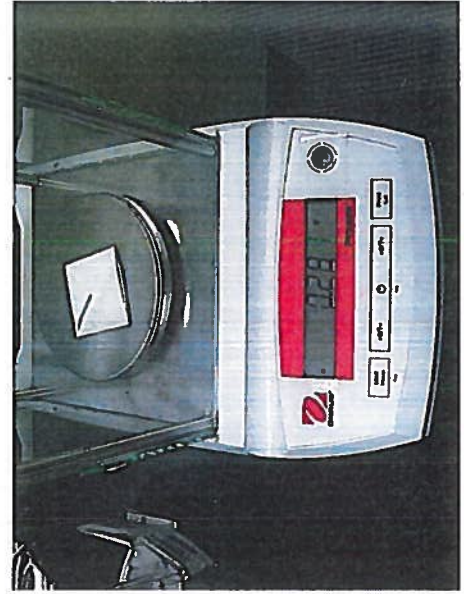
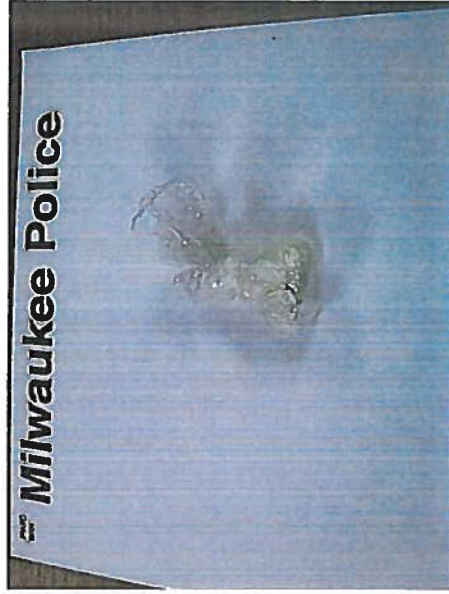
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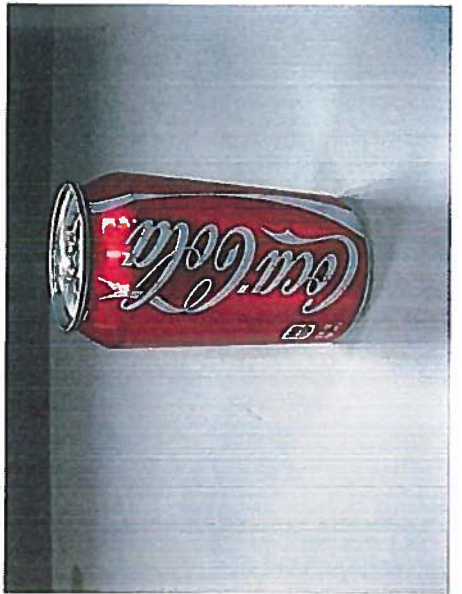
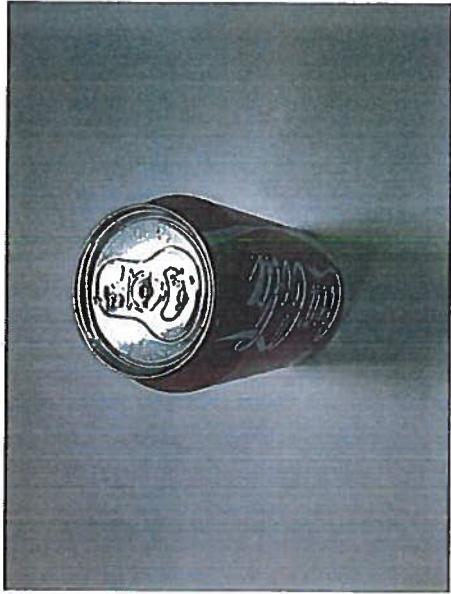
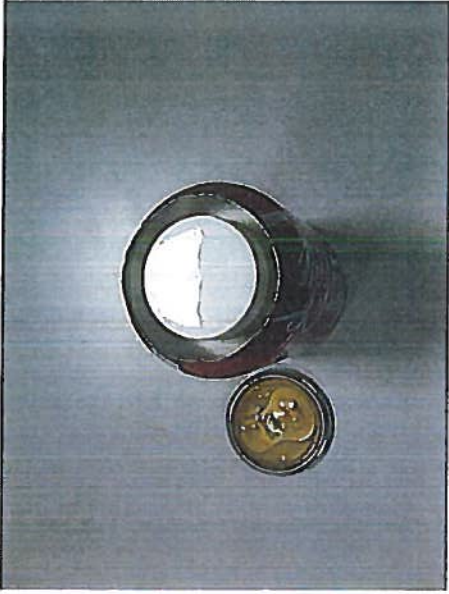


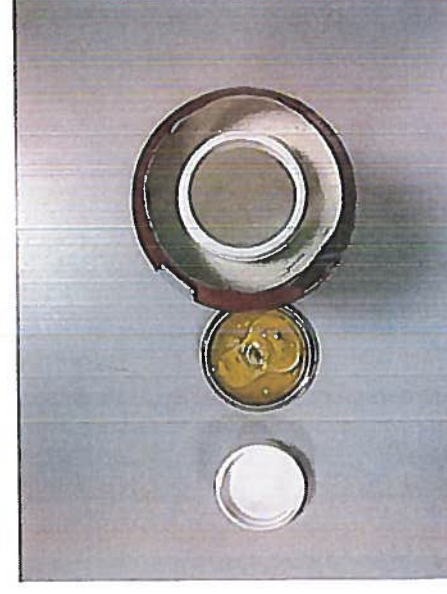
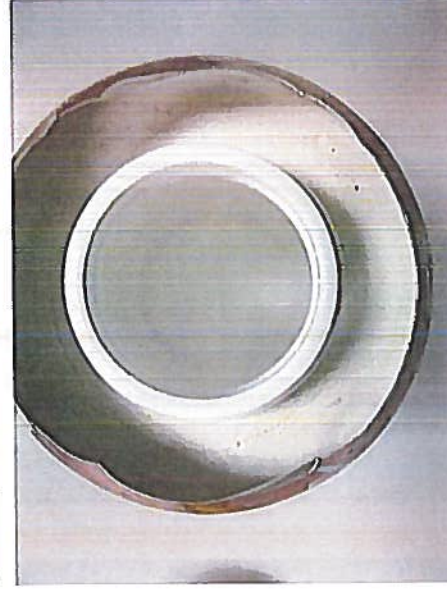
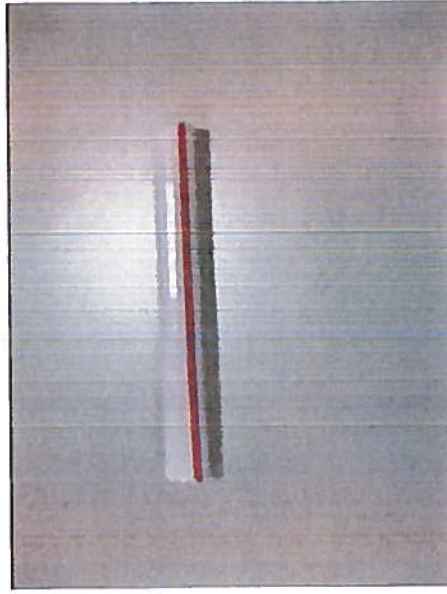
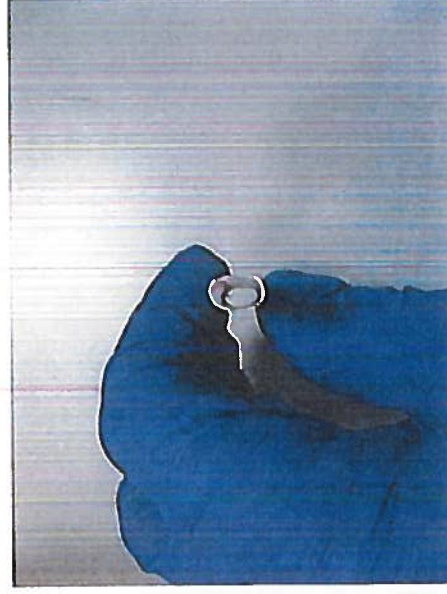
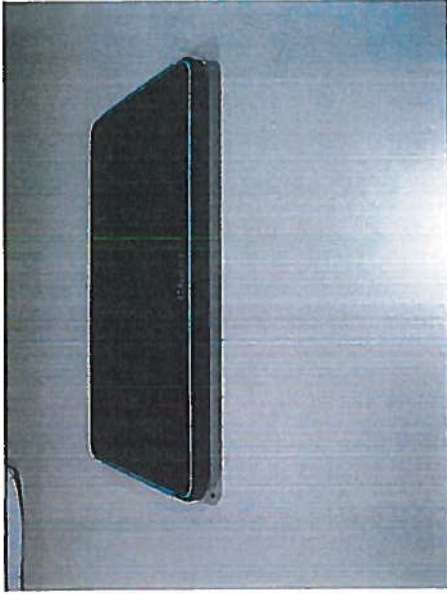


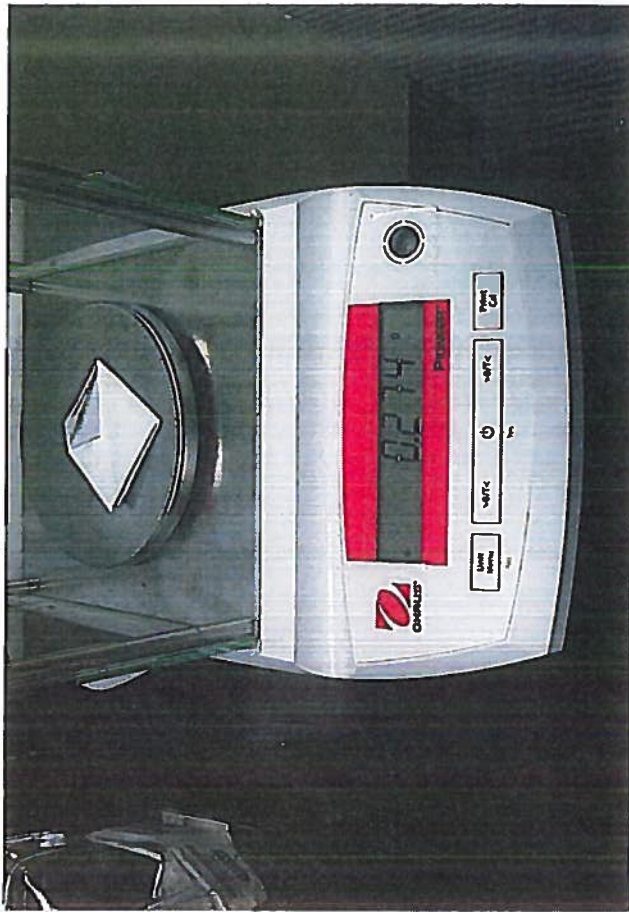
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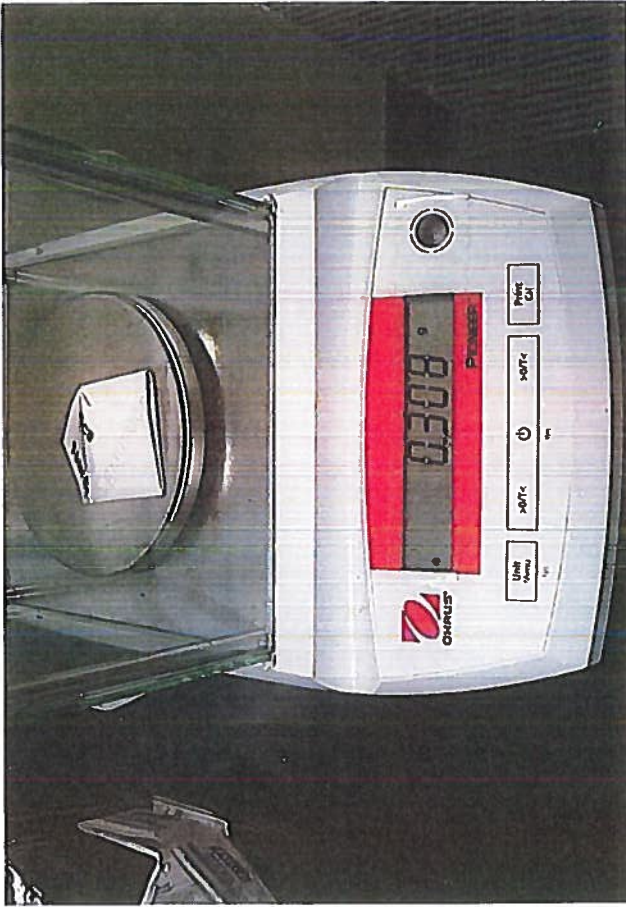
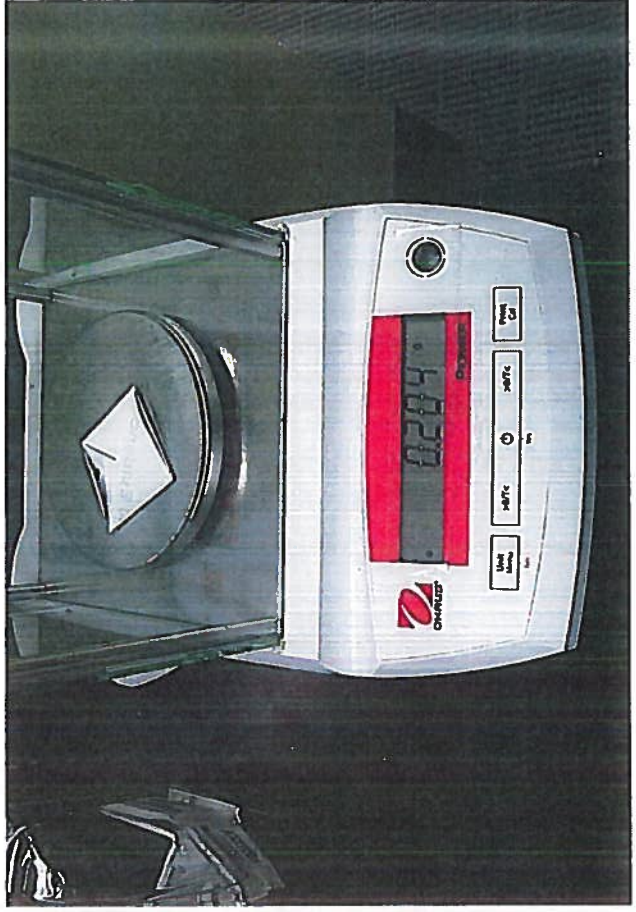
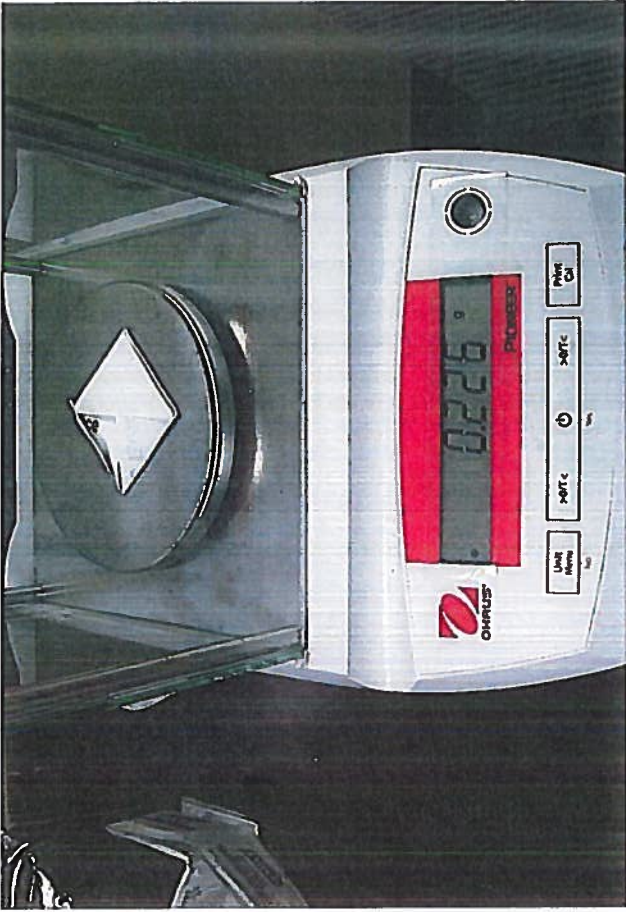








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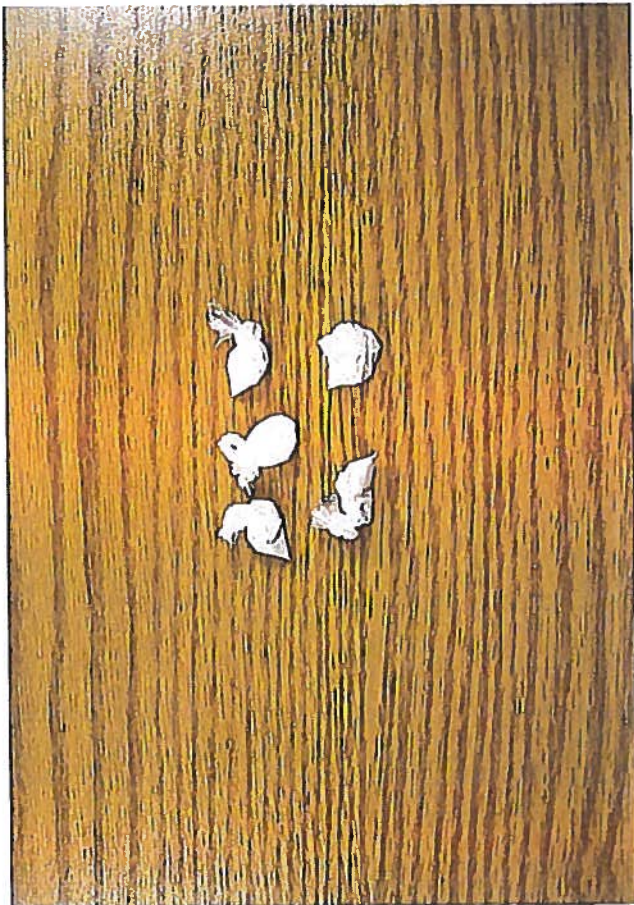
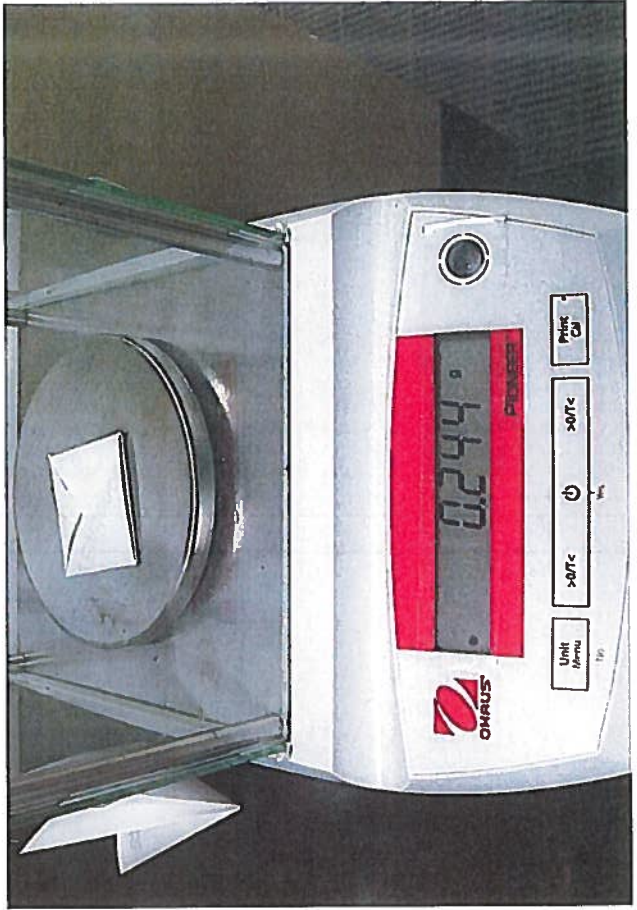
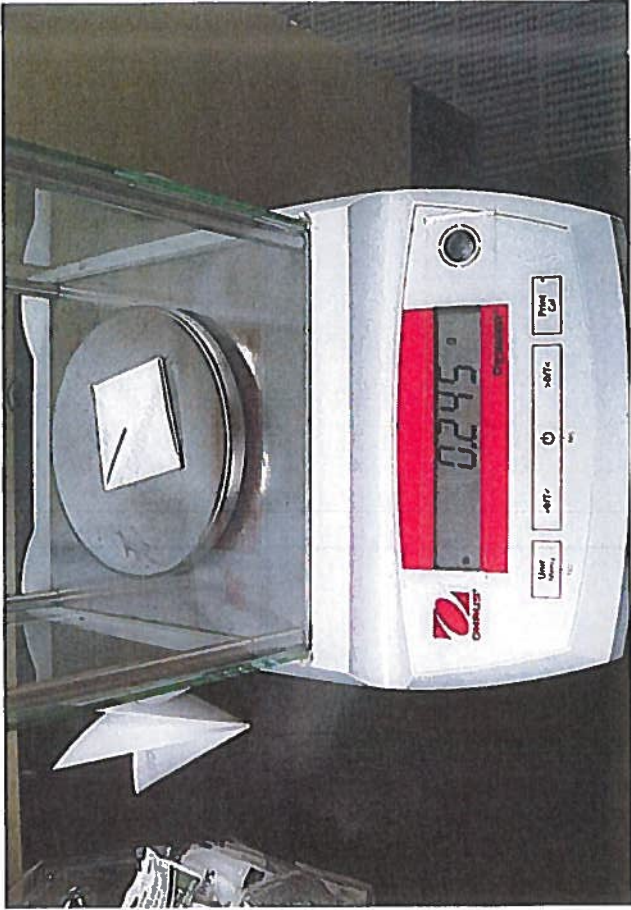
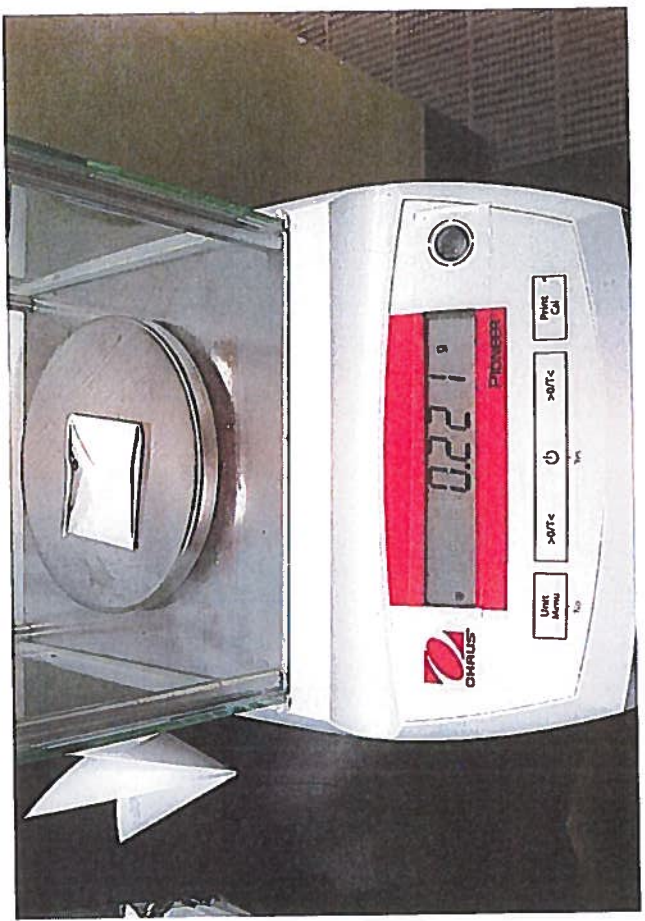
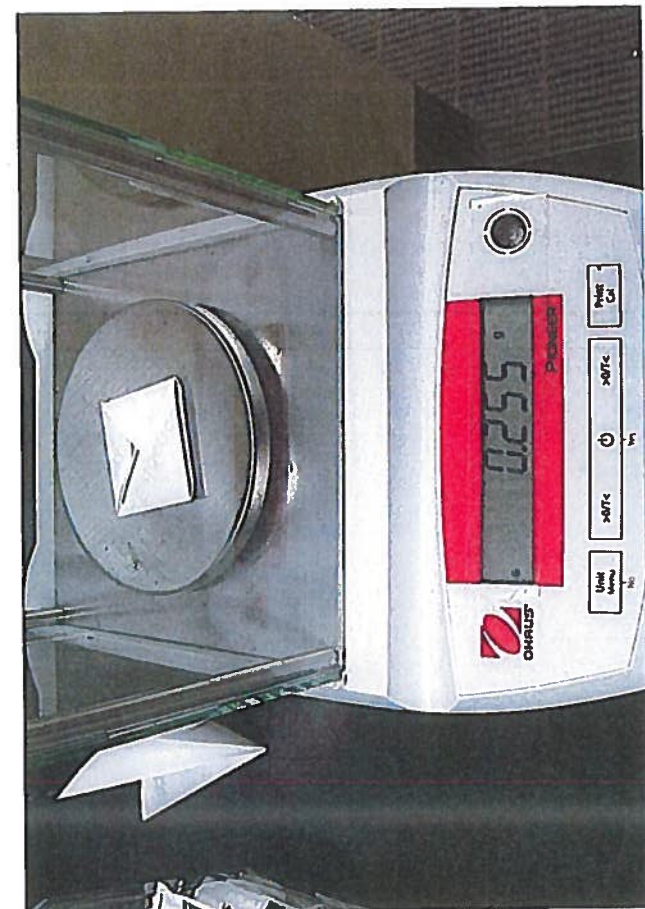
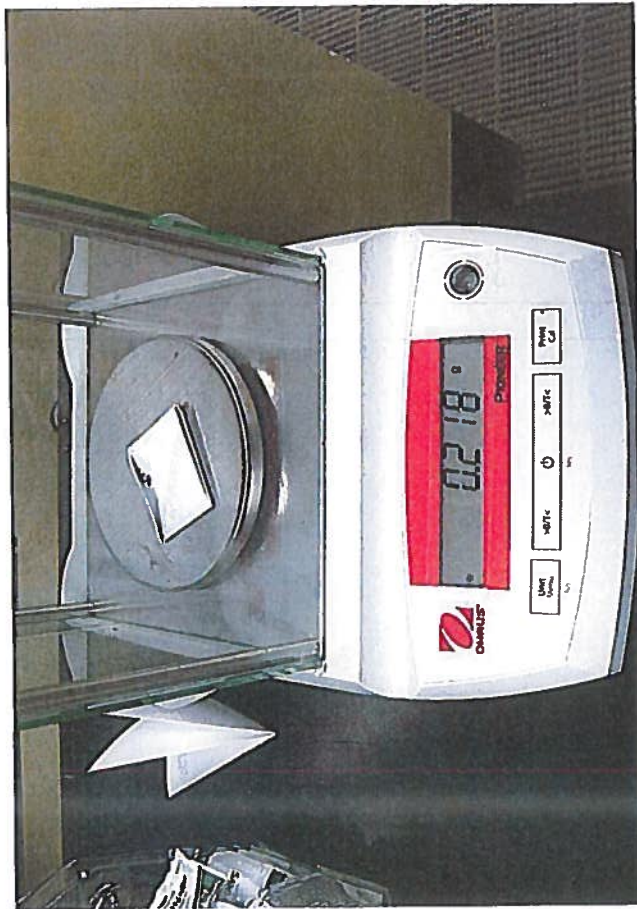
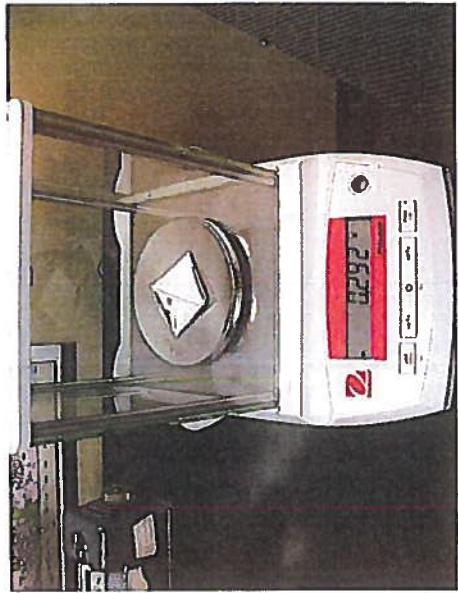
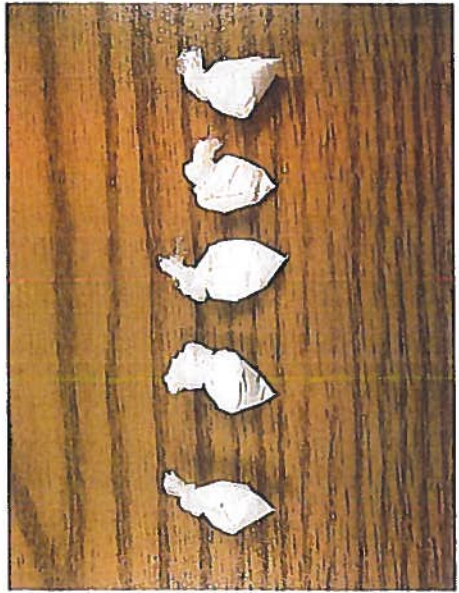
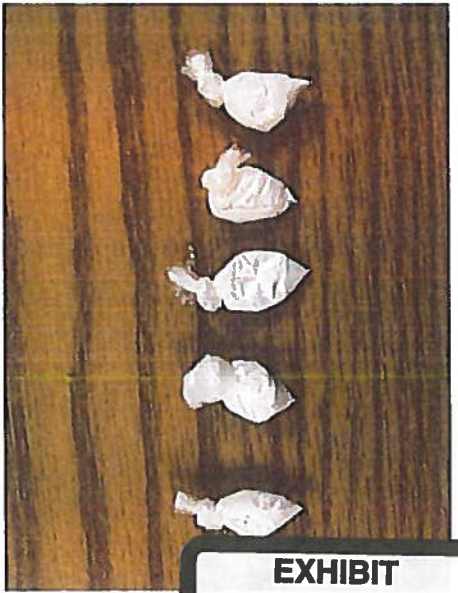
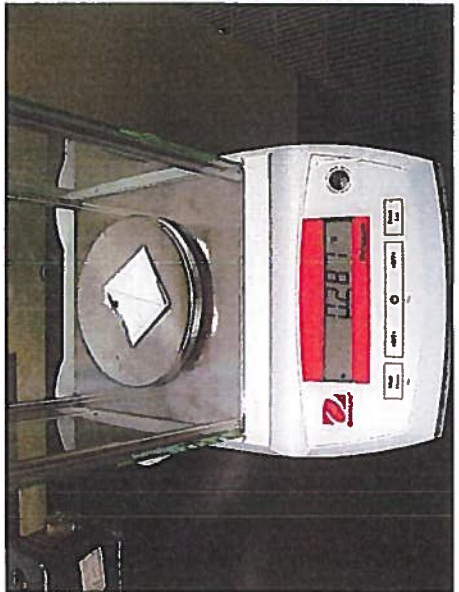
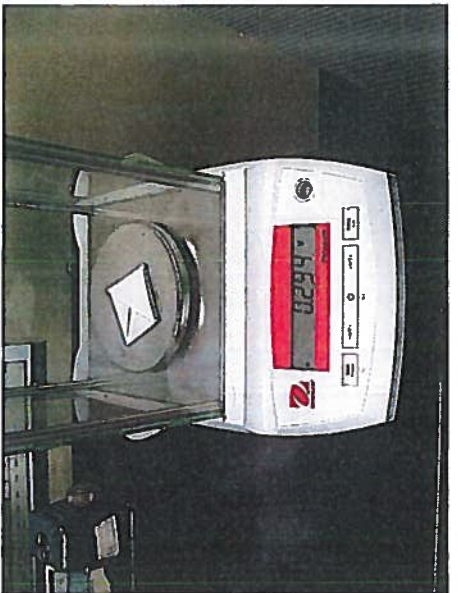
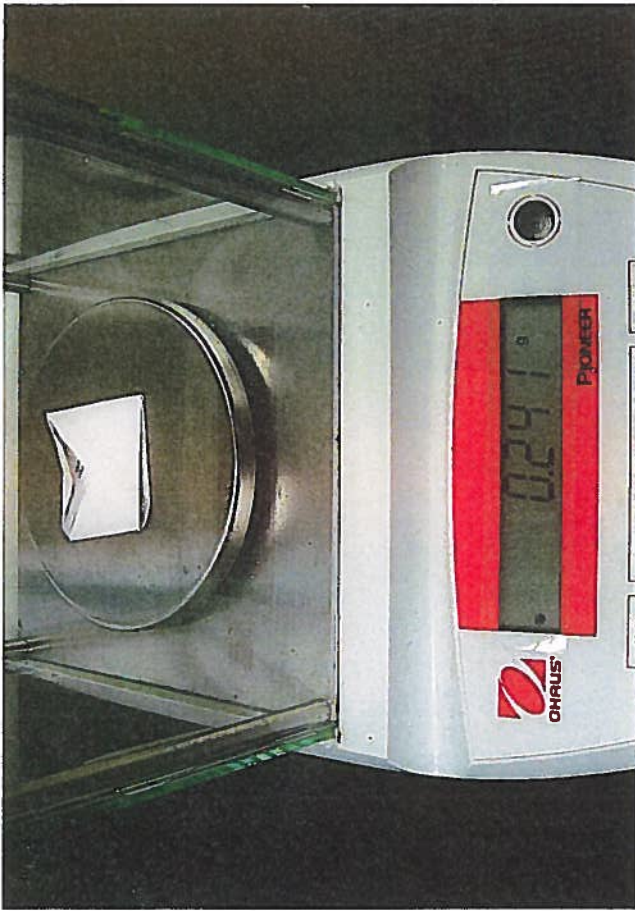


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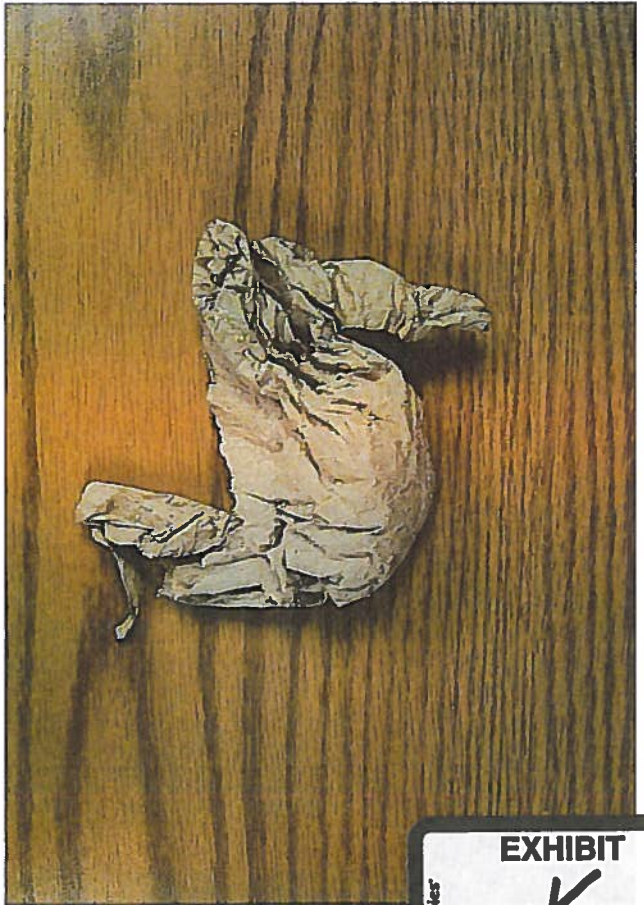
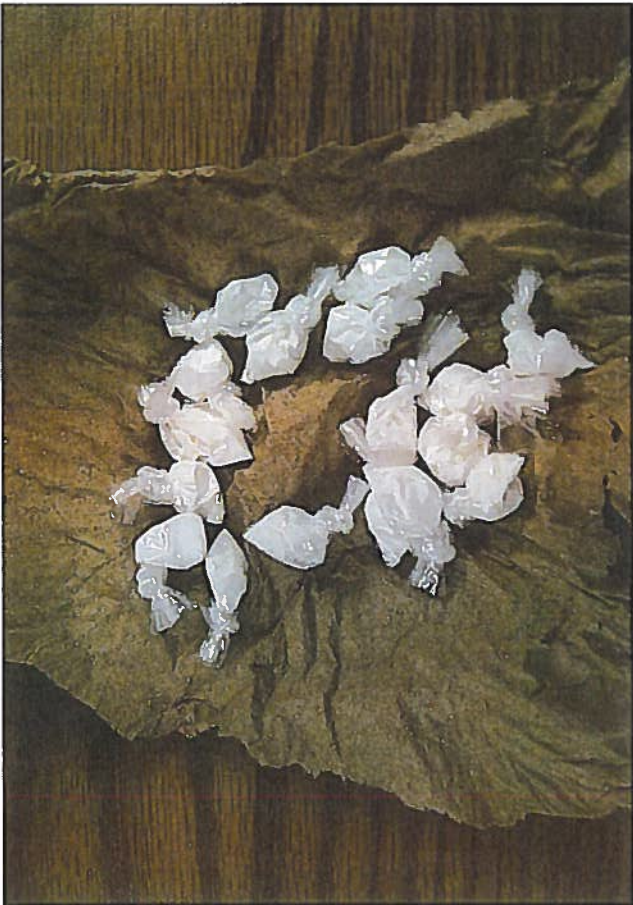


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