

Los Angeles Section

Monthly: Est. 1913

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PRESIDENT'S MESSAGE

John C. Hogan, P.E.
Los Angeles Section President



My, How Times Have Changed!

Many civil engineers today would be surprised to know that up until the early 1970s, it was considered unethical for an engineer (or architect, for that matter) to compete on the basis of price. Engineers were also prohibited from doing any "self-laudatory" advertising. It was even considered unethical for one engineer to try to replace another engineer on a project once steps had been taken to employ the first engineer. What a different world it must have been.

May 1, 2012 marks the 40th anniversary of a watershed moment in the modern history of the practice of civil engineering. It was on this date in 1972 that a civil antitrust suit and a proposed final judgment (or consent decree) were filed simultaneously in federal court in New York. The case was known as *United States v. American Society of Civil Engineers*. The Antitrust Division of the Department of Justice accused ASCE of violating the Sherman Antitrust Act. In those days, ASCE's Code of Ethics (the "Code") contained a provision which made it unethical "to invite or submit priced proposals under conditions that constitute price competition for professional services." ASCE voluntarily removed this provision from the code and entered into the consent decree and annotated the code to note that the submission of fee quotations was not unethical. Meanwhile, the American Institute of Architects ("AIA") entered into a similar decree with respect to its ethics standards.

Interestingly, the National Society of Professional Engineers ("NSPE") was also investigated by the Justice Department. Unlike ASCE and AIA, NSPE decided not to settle the case, which went on to the U.S. Supreme Court. In 1978, the court ruled in favor of the Justice Department, finding that NSPE's competitive bidding provision violated the Sherman Antitrust Act.

Incidentally, two more investigations by the Justice Department brought further changes in the canons of ASCE's Code of Ethics. A 1975 investigation led to ASCE voluntarily revising Canon 3 of the code to delete a prohibition on attempts to "supplant" another engineer. Another investigation in 1992 resulted in voluntary revisions to the code to eliminate language which prohibited "self-laudatory" advertising.

It sure is a different world now. These days, civil engineers often must compete based on the lowest fee. Some clients, from both the public sector and the private sector, claim they cannot distinguish between the relative qualifications of the civil engineers whom they invite to propose, so they let price be a determining factor in the selection. Often this is purely a bid process. Personally, I think this practice cheapens our profession. I find it little wonder that we have difficulty instilling respect when we are forced to grovel for our engagements. If nothing else, it certainly lessens our self-respect. It is especially disconcerting that some of the organizations that solicit civil engineering services on a low-bid basis have civil engineers (ASCE members) on staff that prepare or oversee the "bid" process.

I am not advocating a return to the pre-1972 canons. Those were found to be unjust. However, I do advocate "qualifications-based selection" (QBS) no matter how routine the engagement may seem. Kudos to the organizations that follow this process and select

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Trust in a Noble Profession

It is with utmost sadness that we note that one of our Life Members, Roger Dames, P.E., passed away recently. A retiree of the Los Angeles County Metropolitan Transportation Authority, where he was my co-worker and mentor, Roger taught me the value of integrity and it shows in all the things that he did.

At our agency, he was the epitome of fiscal responsibility, making sure that projects were completed on time, within budget, and by considering the health and safety of all staff and employees. He showed this during the early stages of one of our major capital projects, wherein after the discovery of hazardous soils that potentially cost multi-million dollars to remediate, Roger lent his ear to staff. In the end, an acceptable compromise among all stakeholders was reached and the project continued on to become one of the most successful that Metro had ever built.

This story circles back to our Los Angeles Section President John Hogan, P.E.'s story regarding integrity, ethics, and the treatment of our profession as a commodity. To some respect, the story of the Citicorp Tower building that John contributed to this issue parallels the actions of Roger Dames. William J. LeMessurier, P.E., could have kept quiet about his predicament and let the issue be. But I think engineers think alike and act alike. Integrity trumps all personal gain.

I could also relate to John Hogan's statement. Often, those who can provide the service at the lowest price get the contract—though not necessarily in my projects. Here at Metro we still follow the age-old principle of selecting the best-qualified responsive service consultant, then negotiate a fair price for their services. We still believe in value-added propositions; and if allowed by the procurement rules, we may consider the value added of the service to the contract, although price is a criteria.

How do all of these relate to one another? Our profession has evolved over time, but specific individuals still live in the unwritten rules that make the engineering profession a truly noble one. Being one of the most trusted professions in the world should not compromise that integrity, although the profession has been seen as commodity. We know our worth, and not all of it can be measured by economics.

Enjoy this issue of your newsletter!

—Dr. Cris B. Liban, P.E.

National ASCE (800) 548-2723 (ASCE)
Access National ASCE at: www.asce.org
L.A. Section web site at:
www.ascelasection.org

American Society of Civil Engineers' Code of Ethics¹

Adopted in 1914; last amended in 2006

Fundamental Principles²

Engineers uphold and advance the integrity, honor and dignity of the engineering profession by:

1. using their knowledge and skill for the enhancement of human welfare and the environment;
2. being honest and impartial and serving with fidelity the public, their employers and clients;
3. striving to increase the competence and prestige of the engineering profession; and
4. supporting the professional and technical societies of their disciplines.

Fundamental Canons

1. Engineers shall hold paramount the safety, health and welfare of the public and shall strive to comply with the principles of sustainable development³ in the performance of their professional duties.
2. Engineers shall perform services only in areas of their competence.
3. Engineers shall issue public statements only in an objective and truthful manner.
4. Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.
5. Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.
6. Engineers shall act in such a manner as to uphold and enhance the honor, integrity, and dignity of the engineering profession and shall act with zero-tolerance for bribery, fraud, and corruption.
7. Engineers shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those engineers under their supervision.

Footnotes:

¹ The Society's Code of Ethics was adopted on September 2, 1914 and was most recently amended on July 23, 2006. Pursuant to the Society's Bylaws, it is the duty of every Society member to report promptly to the Committee on Professional Conduct any observed violation of the Code of Ethics.

² In April 1975, the ASCE Board of Direction adopted the fundamental principles of the Code of Ethics of Engineers as accepted by the Accreditation Board for Engineering and Technology, Inc. (ABET).

³ In October 2009, the ASCE Board of Direction adopted the following definition of Sustainable Development: "Sustainable Development is the process of applying natural, human, and economic resources to enhance the safety, welfare, and quality of life for all of society while maintaining the availability of the remaining natural resources."

based on qualifications, and then negotiate a fair fee with the selected engineer.

By the way, there have been more recent amendments to ASCE's code. In 1996, the code was amended to incorporate the principles of sustainable development. That's not a misprint—1996 is correct. ASCE was an early advocate for sustainable development, long before it became a buzzword. The most recent amendment occurred in 2006 when provisions confirming zero tolerance for bribery, fraud, and corruption were added to the code.

On the subject of ethics: Implicit in every ASCE undertaking is the paramount importance of maintaining the highest standards of ethical conduct. ASCE maintains and enforces its Code of Ethics for the purpose

of preserving the high ethical standards of the civil engineering profession. All ASCE members must subscribe to the code. It is therefore incumbent upon all ASCE members to be familiar with the Code of Ethics. For reference, the code is printed in this issue of the ASCE Section Newsletter.

Finally, one of my favorite stories on the subject of ethics also appears on page 4 in this issue of the Section Newsletter. If you are not familiar with the true story of William J. LeMessurier and the Citicorp Tower in New York, then this is a must-read. I know you will enjoy it. It gave me a fresh perspective, making my day-to-day problems seem trivial. I guess in the overall scheme of things, they really are. Mr. LeMessurier's reaction to his mistake, and how he handled it, was exemplary. It's the kind of story that makes me even prouder to be a civil engineer.

ARTICLE

Legislative Day for Region 9 Held in February

By Shahnawaz Ahmad
Chair, Government Relations Committee

ASCE Region 9 held its Annual Legislative Day in Sacramento on February 29, 2012. This followed the Region 9 Infrastructure Symposium and Awards Dinner on February 28. Approximately 84 appointments were scheduled and 37 attendees participated. It was a full day for the attendees going from one appointment to another. ASCE President-Elect Greg DiLoreto attended the Legislative Day and participated in some of the meetings.

The day started out with a briefing breakfast to discuss the talking points and "leave behinds" for the legislators. This was followed by the unveiling of the California Infrastructure Report Card. The event was supposed to be held on the Capitol steps, but due to inclement weather, the presentation was moved indoors. The unveiling was timely since we included the report card in the "leave behinds."

The talking points included:

- California Infrastructure Report Card
- Master Plan for Infrastructure
- Sustainability
- Project Delivery
- High Speed Rail
- Water Bond
- STEM (Science, Technology, Engineering, and Mathematics)
- Redevelopment
- Role of Engineers' Board.

The talking points were well received by the legislators and staff. We ended the day with a debriefing reception when people discussed their appointments and also filled out a feedback form that summarized the meetings with each legislator.

The Legislative Day was organized by the Region 9 Government Relations Committee. The members are as follows: Shahnawaz Ahmad (Chair), Clay Tanaka (Vice Chair), Philip Bordenave, Doug Fredericks,



ASCE participants at the 2012 Legislative Day in Sacramento.

Adam Gagnon, Alex Geyer, Mojgan Hashemi, Steven King, Anthony Lulich, Richard Markuson, Fareed Pittalwala, and Summer Renner. A special thanks to Mojgan (MJ) Hashemi (MWD of So. Calif.) who coordinated the Legislative Day activities and to Summer Renner (TKE Engineering) who scheduled the appointments. The appointments were a "moving target" since the legislators change their schedule frequently until the last minute.

Next year, in 2013, will be the Los Angeles Section Centennial Celebration. Normally, Legislative Day is held in conjunction with the Infrastructure Symposium and Awards Dinner. However, due to the Centennial Celebration, the Symposium and Awards will be held in Los Angeles. The Legislative Day will be a stand-alone event (date to be determined soon).

The Government Relations Committee would appreciate your feedback to make Legislative Day more effective. Please provide your comments and suggestions to Shahnawaz Ahmad, GRC Chair, at 626.821.3456, or sahmad@saassociates.net.

An Engineer's Worst Nightmare

By John C. Hogan, P.E.
Los Angeles Section President

What a predicament! What a test of morals, ethics, and character! This is a fascinating story of a nightmare faced by a prominent civil engineer. Although the incidents took place more than 30 years ago, it's a very timely story. I first ran across this story when it was published in *The Transit*, which is a Chi Epsilon publication. I was very impressed when I read it. With permission I am borrowing much of that article herein. The full article that appeared in *The New Yorker* magazine is an even more fascinating read. It, and other accounts of this story, can be found on the Internet. Here's the abbreviated story:

The Citicorp Tower building, designed by Hugh Stubbins, Jr., Architect, and William LeMessurier, Engineer, is truly a creation of "technical elegance and singular grace." This story is less about the building itself, but mainly about the character of an individual, tested under the most challenging conditions imaginable. He, William J. LeMessurier, P.E., passed the test of character and integrity with flying colors.

A story published in *The New Yorker* in May 1995, by Joe Morgenstern, tells about an engineer's worst nightmare—the discovery that his structural design of a major building, the Citicorp Tower, is flawed—and, worse, it is already completed and occupied.

In the summer of 1978, an engineering student in New Jersey called Mr. LeMessurier for information on the building for a term paper assigned by his professor. The professor claimed that the Tower's four main support columns were improperly placed. They were placed at the center of each of the building's sides rather than at the corners. LeMessurier dispensed with the student and explained the design rationale. Yet he found the claim intriguing. He decided to look into it further. The building had been designed to withstand hurricane force winds perpendicular to the rectangular surfaces. In normal situations, perpendicular forces are the most critical orientation. But this was not a normal case—here, the columns were located in the center of each side. In his investigation, he discovered that in this particular configuration, the non-perpendicular or quartering wind orientation was the most critical. The quartering winds did, in fact, increase the critical stresses by 40%.

LeMessurier's calculations showed the building could fail catastrophically under a quartering wind force produced by a storm that might



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occur once in 16 years. "To avert disaster, LeMessurier would have to blow the whistle quickly—on himself. That meant facing the pain of possible protracted litigation, probable bankruptcy, and professional disgrace. It also meant shock and dismay for Citicorp officers and shareholders when they learned that the bank's proud new corporate symbol, built at a cost of \$175 million was threatened with collapse." *

LeMessurier considered his options. He could remain silent and gamble the lives of many against the probability of a future storm of a critical magnitude. Suicide was another way out—but a cowardly way—one in which there were no winners. Then he realized, "I had the power in my hands to effect ordinary events that only I could initiate. I mean, sixteen years to failure—that was very simple, very clear cut. I almost said, 'Thank you, dear Lord, for making this problem so sharply defined that there is but one choice to make.'" *

LeMessurier knew what must be done. He prepared plans to fix the wind braces by welding 2-inch thick steel plates over each of the more than 200 bolted joints. Remedial action to strengthen the bracing of the structure was begun immediately, in August 1978, and was completed in approximately two months. The modified bracing of the structure now provided a building that would withstand a 700-year storm.

At times, LeMessurier has talked about the summer of 1978 to his classes at Harvard. The tale, as he tells it, is by terms painful, self-deprecating, and self-dramatizing—an engineer who did the right thing. But it also speaks to the larger question of how professional people should behave. "You have a social obligation," LeMessurier reminds his students. "In return for getting a license and being regarded with respect, you're supposed to be self-sacrificing and look beyond the interests of yourself and your client to society as a whole. And the most wonderful part of my story is that when I did it, nothing bad happened." *

William J. LeMessurier faced the challenge and rose to the occasion. We often speak of CHARACTER, but he has lived it!

*Excerpted from "The Fifty-Nine Story Crisis," by Joe Morgenstern, *The New Yorker*, May 1995.



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Reminder:

Copy deadline for the July 2012 issue is June 1, 2012; copy deadline for the August 2012 issue is July 1, 2012.

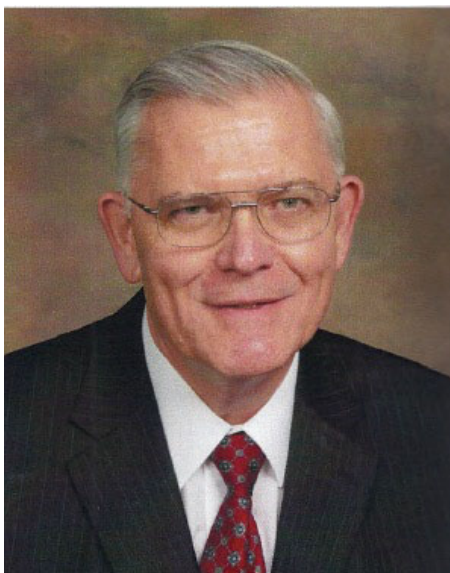
In Memoriam: Roger F. Dames, P.E.

Roger F. Dames, P.E., retired in 2010 from the Los Angeles County Metropolitan Transportation Authority (LACMTA). He was born in Pasadena, and passed away on April 10, 2012 at his home in Granada Hills, California.

Roger received his Bachelors of Science in Civil Engineering in 1968 from Cornell University, and his MBA in 1972 from University of California Los Angeles. His field specialty included construction management. His ASCE position held was being the President of the Cornell University Student Chapter.

Roger was employed by the U.S. Army, Bechtel Corporation, Dames & Moore, Southern California Rapid Transit District (SCRTD), Los Angeles County Transportation Commission (LACTC) and the Los Angeles County Metropolitan Transportation Authority. He was a member of the U.S. Army Corps of Engineers as a First Lieutenant. His most gratifying position included working on design and construction of the Metro Red Line subway in Los Angeles.

His most significant career achievement was at LACMTA (and predecessor agencies SCRTD and LACTC) advancing over a 20 year period from Contract Administrator to Deputy Executive Officer and Project



Manager while building the Red Line Subway and serving as Project Manager for the Orange Line Busway project.

Roger's other significant career achievements included:

- Design of the San Onofre Nuclear Generating Station Units 2 & 3;
- Construction of the Cholla coal-fired power plant in Joseph City, Arizona;
- Administering design contracts for the Jubail, Saudi Arabia Industrial Complex;
- Design of the Palo Verde Nuclear Generating Station Units 1, 2 & 3 in Arizona; and
- Working on the geotechnical investigation for the EPCOT Center expansion of Disney World, Florida.

His most significant lifetime achievement was his successful 39-year marriage to Mary Ann Dames (deceased 10/14/2011) and raising two wonderful and well-educated children, Christopher E. Dames and Molly Dames Sundar. Memorial services were held at Forest Lawn Hollywood Hills on April 21, 2012.

CONGRATULATIONS

Bechtel Pipeline Engineering Award to Be Awarded to Dr. Andrew Romer

The Los Angeles Section would like to congratulate Dr. Andrew Romer, P.E., MASCE, of the Orange County Branch, for being selected to receive the Stephen D. Bechtel Pipeline Engineering Award from ASCE Headquarters. This award recognizes outstanding achievements by a member of ASCE who, through research, planning, design or construction, has advanced the art, science and technology of pipeline engineering. The award will be presented at the Pipelines Conference in Miami, Fla., from August 19–22, 2012. Additional information and recipient photographs are available at www.asce.org/awards.

ANNOUNCEMENT

Connect With Your Colleagues with myASCE (asce.org/myasce)

ASCE's new online community will connect you to your fellow Section members and professional engineers from around the world. Section, Branch and Committee groups are already set up for you to voice your opinion, enter discussions, post blogs, and share photos and documents.

ANNOUNCEMENT

Take Advantage of New Member Benefits from ASCE's Civil Engineering

It's easier than ever to enjoy the magazine's enlightening news and features anywhere you go with the new Civil Engineering app. It's available for ASCE members who use Apple's iPhone, iPod touch and iPad, users of Android phones and tablets, and the recently added Kindle Fire.

Also, more great articles are available via Civil Engineering's other recent online additions: new Web-exclusive articles posted weekly (28 new articles are added each month) to asce.org/cemagazine. Read recent (and archived) articles that will keep you current on the profession's most recent activities.

Among recent articles was "Research Examines Tunnels, Towers in Earthquakes." A research project will investigate the interaction between tall buildings and underground tunnels during an earthquake and develop tools and guidelines to minimize the impacts.

Legislative Update: This Month in Sacramento

By Richard Markuson

License Bill Amended

Region 9 is supporting Senate Bill 975 that clarifies that, in the case of engineers, the Board for Professional Engineers, Land Surveyors and Geologists is the only entity that can prescribe by regulation the experience and education required to practice engineering. The bill was recently amended to make it clear that local agencies are also prohibited from enacting specific requirements for the qualifications of engineers.

Temporary License

Business and Professions Code §6760 allows for the State to grant a temporary, 180-day license to an engineer not licensed in California if he/she meets a variety of criteria. ASCE Region 9 has been asked if this authority should be modified or sunset. If you have an opinion, please contact Region 9 Government Relations Committee Chairman Shahn Ahmad.

Spring 2012 Board Bulletin

The Board for Professional Engineers, Land Surveyors, and Geologists Spring 2012 Board Bulletin is now available on the board's website.

Well Report Bill Re-introduced

After Governor Brown, citing security concerns, vetoed a similar bill last year, the same author has introduced SB 1146 that would require the Department of Water Resources to make well reports available to the public. The bill would require the department to provide specified disclaimers when providing the reports to the public. The bill would also allow the department to charge a fee for the provision of a report, and would require the release of a report to comply with the Information Practices Act of 1977. The bill would also require a person who requests a report to provide his or her name, address, and reason for making the request.

CEQA Experts Wanted

The Region 9 Water and Environment Committee is looking for a couple of engineers with an interest in reviewing CEQA legislation and participating in the Committee conference calls. If you are interested, contact Mark Norton, committee chair or Region 9 lobbyist Richard Markuson.

May is Water Awareness Month

To dispel suggestions the Legislature can't accomplish important tasks, ACR 20 would designate May 2012 as Water Awareness Month, and would urge the citizens of California, homeowners, businesses, farms, ranches, and governmental and nongovernmental entities to learn effective ways to conserve and reuse water. ACR 20 should not be confused with ACA 20 that would create a part-time legislature.

Recent Reports

The Legislative Analyst's Office (LAO) released its analysis of "Stop the \$100 Billion Bullet Train to Nowhere Act," a proposed initiative that would prevent selling additional Prop. 1A bonds to fund high-speed rail. Among its findings is that the measure would save the state up to \$709 million annually from not using state bonds to support high-speed rail. They have also reviewed legal spending for the HSR Authority Department of Transportation.

The LAO has released its hearing handout, "Local Economic Development Tools," which was presented to the Joint Oversight Hearing on Land Use and Community Development, the Assembly Housing and Community Development Committee, and the Assembly Local Government Committee. It says Redevelopment Oversight Boards are "reviewing the spending decisions of redevelopment agencies and will make decisions regarding the continuation of certain economic development projects throughout the state."

The Legislative Analyst's Office has released its budget recommendation regarding the Governor's 2012-13 budget proposal to add 18 permanent positions in the Division of Oil, Gas, and Geothermal Resources with the Dept. of Conservation. LAO recommends rejecting the plan because of a "lack of workload justification" and "existing vacant positions."

Controller John Chiang has released the financial statement and summary analysis of the state's cash flow for February, showing monthly revenues came in "\$146.3 million (-3.2%) below projections contained in the Governor's proposed 2012-13 Budget," and finding that cash conservation measures adopted in January "will ensure that the state will be able to pay its bills for the remainder of this fiscal year."

The Dept. of Finance releases March Finance Bulletin; its findings include: "revenues were \$22 million below the month's forecast; for the fiscal year to date, they're \$676 million below forecast."

Environment California released its report, "Wasting Our Waterways," that ranks the state's rivers, lakes and streams according to amount of toxic chemicals released into them by "polluters."

The Toll Bridge Program Oversight Committee has released findings by the independent Seismic Safety Peer Review Panel, which "confirms the integrity and seismic safety of the new East Span of the San Francisco-Oakland Bay Bridge," and says an evaluation of the foundation of the main tower for the self-anchored suspension portion of the new East Span "concluded that no data falsifications occurred at the tower foundations and that the structure is safe."

Disaster Training

Classes are being organized for volunteers to help in the event of a major disaster under the auspicious of the State of California Emergency Management Agency (Cal EMA). Classes will be held in ASCE Branch areas when there are sufficient requests. Qualified individuals are California Registered Civil, Structural, Geotechnical, Certified engineering Geologists, or Architects. If you are interested in attending a class, or are interested in arranging a class, please contact the ASCE Disaster Preparedness Committee Chairman.

There is no charge for the class.

The class lasts 4 or 5 hours

The class can commence as early as 8 AM or after work.

Monday through Friday or on Saturday

Classes will be given for VOLUNTEERS from professional organizations to assess damage, and COORDINATORS from City or County to direct

Volunteers for their area. Coordinators may act as Volunteers outside of their area of expertise.

To register for the class submit your name along with your telephone number and e-mail address. You will be contacted when 10 or more request a class. The maximum number in the class should not exceed 20.

If your Branch, or Firm would like to offer the use of its facilities for a class, please register and provide the name of contact person, phone, and E-mail. You will be contacted to make arrangements.

Thank you for your support.

Jack W. Rolston, Chair

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ARTICLE

ASCE Members Push Transportation, Hazards Messages on Capitol Hill

More than 160 ASCE members gathered in Washington, D.C., March 20–22 for ASCE's Annual Legislative Fly-In. Participants brought the message of infrastructure renewal to their elected leaders, asking them to pass a transportation bill so states can get back on track to addressing deteriorating roads, bridges and transit systems across the country. They also shared with elected leaders the need to reauthorize natural hazards legislation that coordinates federal research efforts aimed at mitigating the effects of earthquakes and windstorms.

After training sessions on these legislative issues affecting the profession of civil engineering, participants made visits to more than 240 Congressional offices to share the civil engineering perspective.

Fly-In participants heard from U.S. Transportation Secretary Ray LaHood at a dinner address Tuesday evening, saying, "America is one giant pot-hole" and urging ASCE members to ask their elected leaders to "put partisan politics aside for one day and pass the transportation bill."

Lend your voice to these issues! Visit ASCE's Click & Connect with Congress advocacy website and send messages to your elected officials on the same issues Fly-In participants brought in person.

ANNOUNCEMENT

The Professional Practice Ethics and Leadership Award—Call for Nominations

Your nominations are invited for the 2012 Professional Practice Ethics and Leadership Award. The award recognizes an engineer leader for a specific accomplishment or for lifetime achievements that demonstrate to the public superior ethics and leadership while the individual participated in professional practice or service to the public. The individual must be a licensed professional engineer, may not currently (or within five years) serve on the ASCE Board of Direction or the ASFE Board of Directors, and may not have previously received the award. The recipient will be presented a certificate and honorarium. Take this opportunity to nationally recognize one of your local members or a colleague! Visit the official award page for additional award information and for the official award nomination form. Send nominations to awards@asce.org by June 1. Paper submissions may also be made by sending one original to Honors and Awards Program, ASCE headquarters, 1801 Alexander Bell Drive, Reston, VA 20191-4400 by June 1.

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