

From: [Kat Snyder](#)
To: [Council, City](#)
Subject: public comment: opposition to the ALPR program
Date: Monday, April 3, 2023 11:37:43 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear City Council,

I am writing to express my concern and opposition to the proposed Automatic License Plate Reader program for the police department. While I understand the desire to improve public safety, expanded surveillance does not improve public safety, and often leads to violations of privacy and civil liberties. History has shown us that once personal information is collected, it can be used for purposes beyond its original intention, often to the detriment of vulnerable populations.

If you choose to move forward with this project, I ask that you send it for policy consideration to the HRC to best protect our most vulnerable folks from the harms of surveillance.

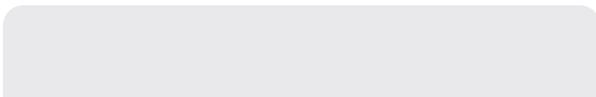
Take care,
~Kat Snyder

From: [Aram James](#)
To: [Jethroe Moore](#); [Sean Allen](#); [Binder, Andrew](#); [Reifschneider, James](#); [Wagner, April](#); [Perron, Zachary](#); [Stump, Molly](#); [Josh Becker](#); bryan.gobin@uncbusiness.net; [Joe Simitian](#); [Council, City](#); [Stump, Molly](#); [DuJuan Green](#); [Jeff Rosen](#); [Human Relations Commission](#); [dennis burns](#); [DuJuan Green](#); [Kevin Jensen](#); [Shikada, Ed](#); [Figueroa, Eric](#); [Michael Gennaco](#); [Foley, Michael](#); [chuck jagoda](#); [Rebecca Eisenberg](#)
Subject: License plate readers -quotes from- BRENNAN CENTER Report
Date: Sunday, April 2, 2023 9:02:58 PM

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Impact on protected First Amendment rights: Law enforcement agencies have a history of misusing license plate surveillance to monitor First Amendment–protected activity. During the 2008 presidential election, the Virginia State Police recorded the license plate numbers of attendees at political rallies for Barack Obama and Sarah Palin — and subsequently at President Obama’s inauguration — and kept the data for more than three years until it was purged following an opinion from the Virginia Attorney General warning that ongoing retention would violate the state’s Government Data Collection and Dissemination Practices Act. ¹⁰⁰ Similarly, police in Denver spied on anti-logging activists and shared license plate information with the FBI’s Joint Terrorism Task Force when the activists held a training on nonviolence. ¹⁰¹

Such surveillance — whether it involves the locations of multiple cars that appear together in the same place, or of a single car at places like a mosque, synagogue, or rally — has a chilling effect on Americans’ First Amendment rights to freedoms of association, religion, and speech. ¹⁰² An investigation into an NYPD program that monitored mosque visitors’ license plates found that this surveillance “chilled constitutionally protected rights — curtailing religious practice, censoring speech and stunting political organizing.” ¹⁰³ The International Association of Chiefs of Police has noted that ALPRs can cause people to “become more cautious in the exercise of their protected rights of expression, protest, association, and political participation because they consider themselves under constant surveillance.” ¹⁰⁴ And there is always the specter of more flagrant abuse, such as putting a political opponent’s license plate on a hot list and using it to keep track of that person’s whereabouts. ■





Brennan Center for Justice | Home
brennancenter.org

Sent from my iPhone

From: [Aram James](#)
To: [Council, City](#); [Shikada, Ed](#); [Jethroe Moore](#); [Sean Allen](#); [Josh Becker](#); [Joe Simitian](#); [Binder, Andrew](#); [Reifschneider, James](#); [Wagner, April](#); [Kevin Jensen](#); [DuJuan Green](#); [dennis burns](#); [Jeff Rosen](#); [Human Relations Commission](#); [ladoris cordell](#); [Rebecca Eisenberg](#); [chuck jagoda](#); [Michael Gennaco](#); [Jay Boyarsky](#); [Enberg, Nicholas](#); [Shana Segal](#); [Angie Evans](#); [Perron, Zachary](#); [Cecilia Taylor](#); [Stump, Molly](#); [Shikada, Ed](#)
Subject: Automatic License Plate Readers: Legal Status and Policy Recommendations for Law Enforcement Use | Brennan Center for Justice
Date: Sunday, April 2, 2023 8:53:22 PM

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<https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>

Sent from my iPhone

From: [Aram James](#)
To: [Council, City](#)
Cc: [Human Relations Commission](#); [Binder, Andrew](#); [Reifschneider, James](#); [Wagner, April](#); [Stump, Molly](#); [Bryan Gobin](#); [Shikada, Ed](#); [Jethroe Moore](#); [Sean Allen](#); [DuJuan Green](#); [Kevin Jensen](#); [Foley, Michael](#); [Michael Gennaco](#)
Subject: License plate readers
Date: Sunday, April 2, 2023 8:49:56 PM

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In the wake of nationwide protests that followed the police killings of George Floyd and Breonna Taylor, public attention has increasingly focused on the ongoing instances of police brutality and racial bias in policing. However, there is a risk that police departments and legislators may incorrectly propose surveillance as a neutral alternative. Surveillance that disproportionately targets communities of color carries a distinct and cognizable equal protection harm: branding them with a badge of inferiority. As one appellate court wrote, “Our nation’s history teaches the uncomfortable lesson that those not on discrimination’s receiving end can all too easily gloss over the ‘badge of inferiority’ inflicted by unequal treatment itself. Closing our eyes to the real and ascertainable harms of discrimination inevitably leads to morning-after regret.” ■

Quote from:

Automatic License Plate Readers: Legal Status and Policy Recommendations for Law Enforcement Use



SUMMARY: The proliferation of ALPR technology raises serious civil

rights and civil liberties concerns. Courts, lawmakers, and technology vendors must take action.



Ángel Díaz



Rachel Levinson-Waldman

Sent from my iPhone

From: [Jeanne Fleming](#)
To: [Council, City](#)
Cc: [Clerk, City](#)
Subject: Principled surveillance use policy for Automated License Plate Recognition technology
Date: Sunday, April 2, 2023 3:29:39 PM

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Dear Mayor Kou, Vice-Mayor Stone and Councilmembers Burt, Lauing, Lythcott-Haims, Tanaka and Veenker,

I am writing to urge you to take steps to ensure that Palo Alto's use of Automated License Plate Recognition (ALPR) technology respects residents' rights.

Specifically, I urge to you to incorporate the following types of protections in the city's ALPR surveillance use policy:

1. The Palo Alto Police Department will not provide direct online access, or bulk data transfer, to any other government agencies, or to private entities other than Flock Safety, for the license plate data it collects;
2. Only a small number of Palo Alto Police Department personnel will be permitted to access the online ALPR System, and those who have been permitted access a) must be designated by name, and b) may only access the ALPR System for official purposes and in accordance with Palo Alto Police Department policies.
3. After one week, the license plate information of citizens who are not on the state or city's vehicle stop list, or who are not currently under investigation, must be permanently destroyed.
4. The license plate information of citizens who are not on the state or city's vehicle stop list, or who are not currently under investigation, may not be shared with other government agencies, or with private entities other than Flock Safety.
5. Flock Safety may not share any information collected in Palo Alto with any entity except the Palo Alto Police Department.

Thank you for your consideration.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD
JFleming@Metricus.net
650-325-5151

From: [Hamilton Hitchings](#)
To: [Council, City](#)
Cc: [Reifschneider, James](#); [Binder, Andrew](#)
Subject: ALPR Policy Input to City Council for the First Action Item on Monday April 3rd
Date: Tuesday, March 28, 2023 6:32:48 PM

Some people who received this message don't often get email from hitchingsh@yahoo.com. [Learn why this is important](#)

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Dear Council,

I appreciate the Police department's proposals to limit access and retention of Automatic License Plate Reader data beyond what many other departments in the Bay Area are doing and to hold our department to a higher standard. However, because of other California law enforcement agencies' poor ALPR privacy protections and some of them sharing with ICE and the FBI, I would suggest the following amendment to the PAPD's policy.

Proposed Amendment:

PAPD will not provide direct online access or bulk data transfer to any other agencies for the license plate data it collects.

While I appreciate the PAPD's idea of MOUs as an additional step in protection, I think other California law enforcement agencies are unlikely to effectively implement the privacy protections required in the MOU and thus it's a waste of PAPD time. For example,

The California State Auditor conducted an audit of ALPR data collected by the Fresno Police Department, Los Angeles Police Department, Marin County Sheriff's Office, and Sacramento County Sheriff's Office.

- The audit found none of the agencies fully implemented the practices required by law since 2016 in Senate Bill 34, which includes training of personnel on use of the system and restrictions on transfer of ALPR data
- Fresno, Marin and Sacramento all were unable to confirm who has access to the system, who is responsible for oversight, or how to delete ALPR data.
- LAPD did not even have a usage or privacy policy and the other agencies ones did not implement all the legally mandated requirements
- Sacramento shares their ALPR data with one thousand agencies.
- In Marin, a former employee retained access to the ALPR after resigning for over a

year.

- Marin was also forced to settle a lawsuit with three residents who alleged the Sheriff was sharing data with federal, state and local agencies in violation of SB34.

In addition:

- Milpitas does not even keep track of who accesses their ALPR database.
- Daly City shares its data via an MOU with fusion center and 15 northern California counties with no clear limit on what it can be used for.
- Pasadena, Long Beach and BART all shared their data with ICE despite all saying they would not.

Since only a small subset of the access to the PAPD ALPR database will be audited each year, it is unlikely misuse will be detected.

That is why I recommend not giving direct access to our ALPR database to other law enforcement agencies. This will increase accountability and privacy protection of Palo Alto residents, employees and visitors vehicles location and time data. PAPD will still be able to respond to queries from other California law enforcement agencies but it will be PAPD's personnel doing the queries. I thank the PAPD for their proactive approach on privacy and for engaging the community to solicit feedback.

Hamilton Hitchings

From: [Tom DuBois](#)
To: [Kou, Lydia](#); greer.stone@cityofpaloalto.com; [Tanaka, Greg](#); [Julie lythcott-Haims](#); [Vicki Veenker](#); [Burt, Patrick](#); [Ed Lauing](#)
Cc: [Clerk, City](#)
Subject: Item #11 for April 3 Meeting, Automated License Plate readers and surveillance technology policy
Date: Tuesday, March 28, 2023 11:06:55 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Council members,

Item #11 of the April 3 meeting on Automated License Plate Readers (ALPR) surveillance policy deserves your careful consideration. Please excuse the length of this email on this important topic.

As the result of an April 25, 2016 colleagues memo by Council Member Berman, Vice Mayor Scharff, Council Member Schmid, and Council Member Wolbach, the Policy and Services committee had an extensive discussion about surveillance technologies on Dec 14, 2016 ([Staff report here](#), [detailed minutes linked here](#) starting on page 53).

License plate readers were explicitly discussed in that meeting. Council Member Scharff asked about the potential loss of privacy due to someone searching ALPR data not for a crime but to monitor citizens. In response then City Manager Jim Keene was supportive of the Council having a key oversight role when such invasive technology was adopted saying *"I agree with you...I think partly the ordinance is also designed to inject more formality into our ...acquisition of technology because I will tell you, I wasn't aware initially, when...we received a grant...I said well, you know we don't have a policy for using license plate readers We can't be using this equipment... this policy would invert all of that sort of thing so that we have a sort of gatekeeper, override from the Council."* You have a key oversight role to play with this surveillance technology.

On Dec 14, 2016 the Palo Alto City Council unanimously adopted ordinance [2.3.640 The Surveillance Privacy Protection Ordinance](#)(link). The County of Santa Clara adopted a similar ordinance just prior to Palo Alto (the county ordinance is linked further down in this letter).

Here's the Key provisions from the Palo Alto ordinance

"Surveillance Use Policy" means a stand-alone policy or a section in a comprehensive policy that is approved by Council and contains:

(1) The intended purpose of the Surveillance Technology.

(2) Uses that are authorized, any conditions on uses, and uses that are prohibited.

(3) The information that can be collected by the Surveillance Technology.

(4) The safeguards that protect information from unauthorized access, including, but not limited to, encryption, access-control, and access-oversight mechanisms.

(5) The time period for which information collected by the Surveillance Technology will be routinely retained; the process by which the information is regularly deleted after that period lapses; and conditions and procedures for retaining information beyond that period.

(6) If and how non-City entities can access or use the information, including conditions and rationales for sharing information, and any obligations imposed on the recipient of the information.

(7) A description of compliance procedures, including functions and roles of City officials, internal recordkeeping, measures to monitor for errors or misuse, and corrective procedures that may apply.

Installing twenty(20) Automated License Plate Readers around town is the first **major** use of this ordinance. In your oversight role, you need to ensure that these seven key provisions are truly addressed.

In this case, particularly provisions #4, #5 and #6 should be spelled out in more detail.

The intent of the adoption of the ordinance was to protect privacy, protect the city from data misuse and ensure our policies strike the right balance.

For item #4, “Ensuring Against Unauthorized Access”, Council should ensure it knows who specifically has access and that it is limited to a strong “need to know” basis. Good privacy management practices would lean towards a limited number of users able to access, with unalterable logging and regular reporting for oversight. Login credentials should be tied to single individuals and not shared. Having a limited number of PAPD officers with access to the system would ensure the city can enforce this policy overall, rather than giving access to the entire police force. Council should consider access restrictions. Please also verify that all data will be encrypted both during transit and at rest, and protections will be in place to prevent a hacker from extracting large volumes of data.

For item #5, “The Data Retention Period”, Council should have a policy of “long

enough but no longer". Our residents have an inalienable right to privacy under the California Constitution. In the case of ALPR data, thirty days is an extremely long time period to retain data to search for active crimes. While the proposed policy says for example that data will not be shared with federal immigration enforcement (ICE), the longer the data is retained, the more it is susceptible to unforeseen uses in the future by local, state or federal authorities. If we do not retain it, it can't be abused. Datamining the travel patterns of residents or visitors who were not apriori suspected of any crime, would violate our right to privacy and enable other potential abuses. Why not start with a 24 or 48 hour data retention policy and see if that is sufficient?

The goal should be to resolve crimes as they are happening or soon after. If 90% of the cases can be caught using data retained for 24 hours, then the impact on our privacy rights will be minimized while still achieving a huge benefit in public safety. If the Council thinks about a scale that balances personal privacy with public safety, asking for 30 days is putting a heavy thumb on the public safety side of that scale. While it may be understandable why someone responsible for public safety would want this, it is up to Council to act as a counterweight for privacy rights.

For item #6, "If and How Non-City Entities Can Access" an MOU is mentioned with **no** details on what obligations will be imposed on those non-city entities in order to access the system.

Will these entities take liability for any data leaks, legal violations, or any other issues that arise from their use of the data? Will they ensure they comply with all the conditions of our use policy? How will it be enforced?

Santa Clara County had an answer with explicit enforcement provisions. [Santa Clara County's Ordinance relating to surveillance technology and community safety \(link\)](#) is very much worth reading. Page 9 of the ordinance includes

- a. Monetary fines
- b. Grounds for discipline of employees
- c. Misdemeanor charges for misuse of surveillance data.

Council should require a Data Sharing Contract - not an MOU - and adopt similar language that applies to Palo Alto staff and to any agency that signs a contract if Council decides that moving forward with data sharing from the start is desirable.

For item #7, "Description of Oversight and Compliance", Council would do well to

adopt provisions similar to the County Ordinance as part of its oversight responsibility. Paraphrasing the language in the county ordinance:

Council should receive an annual ALPR report in order for council to determine whether the benefits to the impacted department(s) and the community of the surveillance technology outweigh the costs and whether reasonable safeguards exist to address reasonable concerns regarding privacy, civil liberties, and civil rights impacted by deployment of the surveillance technology. If the benefits or reasonably anticipated benefits do not outweigh the costs or civil liberties or civil rights are not reasonably safeguarded, the Council shall consider (1) directing that the use of the surveillance technology cease; (2) requiring modifications to the Surveillance Use Policy that are designed to address the Council's concerns; and/or (3) directing a report-back from the department regarding steps taken to address the Council's concerns.

The Council shall hold a public meeting, with Annual Surveillance Reports agendized on the regular (non-consent) calendar.

Annual Surveillance Report means a written report concerning ALPR technology that includes all of the following:

- (1) A description of how the surveillance technology was used, including whether it captured images, sound, or information regarding members of the public who are not suspected of engaging in unlawful conduct;*
- (2) Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure;*
- (3) A summary of community complaints or concerns about the surveillance technology;*
- (4) The results of any non-privileged internal audits, any information about violations of the Surveillance Use Policy, and any actions taken in response;*
- (5) Whether the surveillance technology has been effective at achieving its identified purpose;*
- (6) Statistics and information about public records act requests;*
- (7) Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the*

coming year.

There is an opportunity to do this well, apprehending more crimes committed with cars within Palo Alto, while at the same time respecting our citizens rights to privacy and protecting the City from a scandal caused by a data leak or the illicit use of surveillance data. Please consider:

1. Limiting access to a few individuals
2. Retaining data for 48 hours (with exceptions for data tied to a crime)
3. Require a strong data sharing Contract with other police agencies before providing access.
4. Require an annual review by Council

Thanks for your consideration,

Tom DuBois

Public Input on ALPR Technology

Submission date: **9 March 2023, 9:37AM**

Receipt number: **7**

Related form version: **2**

Ask a question about ALPR technology...

Thank you for reaching out to the community and providing a detailed FAQ with valuable information.

Are we using the same ALPR vendor as surrounding agencies?

Can PAPD and other agencies retrieve and share information in real time?

Will PAPD roll out a test ALPR deployment to get the bugs worked out?

Do SB 1421 and AB 748 apply to ALPR images? If so, how does the 30 retention limit comport with the 45 day release deadline in California law?

What are the proposed changes to PAPD Policy 462 with this new technology?

Please share your thoughts with us!

I support the Palo Alto Police Department's deployment of static ALPR technology in our city. This technology is an important crime fighting tool that is inexpensive, has already shown value for neighboring police agencies and is a force multiplier for law enforcement.

I encourage council to work with the police department in updating the PAPD's Policy Manual to cover static ALPR deployments and clarifying the use and release of ALPR images under California law.

Optional contact information...

Joe Landers
Barron Avenue
Palo Alto

Public Input on ALPR Technology

Submission date: **6 March 2023, 10:16AM**

Receipt number: **6**

Related form version: **2**

Ask a question about ALPR technology...

Please share your thoughts with us!

Seems like an easy decision for helping our Police Department. Please approve the ALPR.

Optional contact information...

Public Input on ALPR Technology

Submission date: **3 March 2023, 6:40AM**

Receipt number: **5**

Related form version: **2**

Ask a question about ALPR technology...

Please share your thoughts with us!

I am in favor of adding ALPR technology to our streets. Crime seems to have increased lately and with the limitations in place (no facial recognition and short storage period) this seems like a useful tool with limited downside.

Optional contact information...

Public Input on ALPR Technology

Submission date: 28 February 2023, 11:53AM

Receipt number: 4

Related form version: 2

Ask a question about ALPR technology...

Dear Chief Binder,

As I am sure you can all see, we have a tremendous retail vacay in downtown Palo Alto. You can't pick up a newspaper or turn on the news station without seeing something about how bad the crime rate has grown.

In the last 5 years when a new merchant is interested in moving to Palo Alto, they ask me how safe the city is and how bad the theft problem is. It is a hard question to answer as both of these things have been increasing over the years and so has crime, so I bite my tongue if I can.

I am writing this letter because I have been in the retail business for the last 50 years, owning apparel and shoe stores. I truly understand the hardship it is for someone going into business in our city. In order to start a business you have to get a city permit to build out your store front, which the cost has gone up. You have to hire an architect, which the cost has gone up. You have to hire a contractor, which the cost has gone up, and then the operating expenses (taxes, salaries, insurance, etc.) has gone up. The only thing that hasn't gone up is the margins of profits, which

has gone down for the independent retailer. This is why it is so tough to stay in business when your store is robbed after all of the hard work that is put in. I feel that anything the city and police department can do that is safer is a great idea. I am supporting the ALPR technology in order to help catch the thieves. I believe it will be a big deterrent and a step in the right direction in helping the retailers.

In ending, we would all like to see a clean and safe city like it used to be.

Roxy Rapp
265 Lytton Ave., Suite 303
650 575 9488

Please share your thoughts with us!

Dear Chief Binder and P.A. City Council,

As I am sure you can all see, we have a tremendous retail vacancy in downtown Palo Alto. You can't pick up a newspaper or turn on the news station without seeing something about how bad the crime rate has grown.

In the last 5 years when a new merchant is interested in moving to Palo Alto, they ask me how safe the city is and how bad the theft problem is. It is a hard question to answer as both of these things have been increasing over the years and so has crime, so I bite my tongue if I can.

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In ending, we would all like to see a clean and safe city like it used to be.

Roxy Rapp
265 Lytton Ave., Suite 303
650 575 9488

Optional contact information...

Public Input on ALPR Technology

Submission date: 24 February 2023, 12:35AM

Receipt number: 3

Related form version: 2

Ask a question about ALPR technology...

Hi

May i ask who needs this information so badly that our city needs to be collecting it.

This information is not going to make it safer to live. Isn't this information already being collected via a private company in palo Alto

Please share your thoughts with us!

Hi

I want to know why the City needs to collect information on who owns what car on the roads of Palo Alto.

.if you don't know who or what is driving a car, what does it matter ?

If it's a registered car, can't that car go Anywhere it wants?

Optional contact information...

Jeff Kolence@gmail..com

Cubberley

High school

Graduate

And Palo Alto Resident

Public Input on ALPR Technology

Submission date: **20 February 2023, 8:12PM**

Receipt number: **2**

Related form version: **2**

Ask a question about ALPR technology...

Please share your thoughts with us!

Please approve ALPR. I am a card carrying member of the ACLU. I do not believe this is an invasion of privacy. This will reduce crime, and it will make it easier to solve crimes.

Optional contact information...

**Eddie Gornish
3694 South Court
Palo Alto, CA 94306**

Public Input on ALPR Technology

Submission date: **14 February 2023, 10:16AM**

Receipt number: **1**

Related form version: **2**

Ask a question about ALPR technology...

Hi, my name is Morgan Sin. I am a Sales and Marketing Analyst here at Route1 Inc. We specialize in ALPR technology as well as professional services to support the technology after implementation. We have a contract with the state of California to provide LPR technology for the least expensive price in the state. One of our largest customers in California is the California Highway Patrol (CHP). I would appreciate some time to discuss our LPR offerings as well as hear more about how Palo Alto Police Department plans to use the technology. We also provide a full suite of police technology, such as rugged devices, printers, scanners, and more.

Please reach out to me at morgan.sin@route1.com or call me at 602-558-9355. Thank you!

Please share your thoughts with us!

Hi, my name is Morgan Sin. I am a Sales and Marketing Analyst here at Route1 Inc. We specialize in ALPR technology as well as professional services to support the technology after implementation. We have a contract with the State of California to provide LPR technology for the least expensive price in the State. One of our largest customers in California is the California Highway Patrol (CHP). I would appreciate some time to discuss our LPR offerings as well as hear more about how Palo Alto Police Department plans to use the technology. We also provide a full suite of police technology, such as rugged devices, printers, scanners, and more. Please reach out to me at morgan.sin@route1.com or call me at 602-558-9355. Thank you!

Optional contact information...

Morgan Sin
morgan.sin@route1.com
602-558-9355
<https://www.route1.com/>