Date: September 10th, 2020

Name of Employee: Police Officer Katirae Smith Address: 713 Morgan Road, Binghamton, NY 13903

Officer Smith:

In accordance with the provisions of Section 75 of the Civil Service Law, you are hereby notified that the following charges are preferred against you:

CHARGES

CHARGE: You have violated Vestal Police Department rules and regulations section 140.12 subsection 21, Rules of Conduct. Any Officer involved in a motor vehicle accident and found to be negligent will receive a two day suspension without pay. If there are extenuating circumstances this penalty may be increased at the discretion of the Chief of Police.

Specification: On September 2nd, 2020 you admitted to being involved in a one car motor vehicle accident that was not immediately reported to a supervisor while operating Patrol Vehicle 306. Patrol Vehicle 306 sustained damage to the hood as a result of this accident.

You are allowed until September 18th, 2020, within which you may make and file your answer in writing to these charges. Such answer should reach the office of the undersigned at 605 Vestal Parkway West at or before 11:00 pm on said date.

You are entitled to a hearing on the above charges and to be represented at such hearing by an attorney. You should be prepared at such hearing to present such witnesses and other proof as you may have in your defense against these charges.

If you are found guilty of any of the above charges the proposed penalty is three days off without pay.

All further notices and communications addressed to you in connection with these charges will be delivered to you.

Receipt of the aforesaid charges.

Of V 1 29
Officer Katirae Smith

Sincerely,

Sgt. Vincent Stavola

cc: HR Representative Town Supervisor Town Attorney Town of Vestal County of Broome State Of New York

Officer Katirae Smith being duly sworn, deposes and says:

- 1. That he or <u>she</u> is a police officer employed by the Town of Vestal Police Department.
- 2. That charges and specifications have been made against him or <u>her</u> for a violation of Vestal Police Department Rules and Regulations Section 140.12: Rules of Conduct. Said charges made by Sgt. Vincent Stavola of the Vestal Police Department and a copy of said charges and specifications were served upon Officer Smith on September 10th, 2020.
- 3. That the deponent fully understands that in accordance with Article 75 of the Civil Service Law of the State of New York that he or she is entitled to submit an answer to said charges, to obtain counsel to represent him or her in any proceeding that may result from said charges and that no disciplinary action may be taken against him or her without first having a right to a hearing on said charges.
- 4. That the deponent hereby makes an admission of guilt to said charges and hereby waives his or her right to answer said charges, to be represented by an attorney, his or her right to a hearing and any and all other rights which he or she may have in regards to said charges and any disciplinary action in connection therewith.
- 5. The deponent waives all rights in regards to the aforementioned charges and desires that any disciplinary action in connection therewith be made by John Butler, Chief of Police of the Vestal Police Department. The following disciplinary action is agreed to by all parties involved:

3 Days off without pay.

6. The deponent has read this affidavit and fully understands that by execution thereof, he or <u>she</u> waives the rights set forth herein, and accepts the punishment hereto set forth.

Officer Katirae Smith

Subscribed and sworn to before me this

1/ day of September, 2020

Notary Public

MARSHA E. FROST
Notary Public, State Of New York
No. 01FR6054495
Residing In Broome County
My Commission Expires February 5, 20

I, John Butler, Chief of Police, have r terms and conditions set forth.	ead the above agreement and hereby approve of the
John Butler Chief of Police	Subscribed and sworn to before me this

MARSHA E. FROST
Notary Public, State Of New York
No. 01FR6054495
Residing In Broome County
My Commission Expires February 5, 20

September 10 th , 2020 Date		
Police Officer <u>Katirae Smith</u> Vestal Police Department		
Officer Smith This letter is to inform you that this department we hicle accident involving patrol vehicle 3 and that as part of this investigation it will be not are further advised that anything that you say dur a criminal proceeding and that your refusal to an result in departmental charges for insubordination. Under New York State Civil Service Law	306 that was discovered on ecessary to conduct an intering this interview can not aswer questions relative to n.	September 2 nd 2020 erview with you. You be used against you in this investigation may
P.B.A. present during this interview. Please indicates the state Civil Service Law P.B.A. present during this interview.	cate your decision below.	
I will speak to you without PBA representation		
Oh W 188 Signature	9 10 20 Date	2300
Signature *********************	Date	Time *****
I wish to have a PBA representative with me duri	ing my interview	
Signature	Date	Time
***********	**********	*****

Witness

Witness

Vestal Police Department Affidavit of Service

To:

Chief Butler

From:

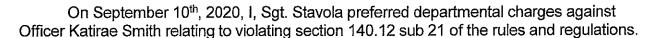
Sgt. Vincent Stavola

Subject:

Service of Departmental Charges

Date:

September 10th, 2020



On this date, September 10th, 2020 at 11:30 P.M., I personally served Officer Smith with a copy of the aforesaid charges preferred against her.

172 9/10/20

Sgt. Vincent Stavola

Vestal Police Department

Memorandum

To:

Officer Smith

From:

Sgt. Stavola

Date:

09/10/2020

Subject:

Time off agreement re: Motor Vehicle Collision

On this date at approximately 11:30PM, you and I agreed that the discipline for your Motor Vehicle Collision, would be 3 days off without pay.

Sgt. Stavola

Vestal Police Department Affidavit of Service

To:

Chief Butler

From:

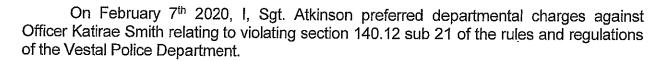
Sgt. Jon R. Atkinson

Subject:

Service of Departmental Charges

Date:

February 07, 2020



On this date, February 7th 2020, at 4:00 a.m., I personally served Officer Smith with a copy of the aforesaid charges preferred against her.

Sgt. Jon R. Atkinson

Date: February 07, 2020

Name of Employee: Police Officer Katirae Smith Address: 713 Morgan Rd Binghamton NY 13903

Officer Smith:

In accordance with the provisions of Section 75 of the Civil Service Law, you are hereby notified that the following charges are preferred against you:

CHARGES

CHARGE: You have violated Vestal Police Department rules and regulations section 140.12 subsection 21, Rules of Conduct. Any Officer involved in a motor vehicle accident and found to be negligent will receive a two day suspension without pay. If there are extenuating circumstances this penalty may be increased at the discretion of the Chief of Police.

Specification: On January 30th 2020 while attempting to investigate a suspicious vehicle in the parking lot of a car dealership, you operated patrol unit 306 in an unsafe manner. Your actions caused your patrol vehicle to collide with a light pole causing damage to the patrol vehicle.

You are allowed until February 17th, 2020, within which you may make and file your answer in writing to theses charges. Such answer should reach the office of the undersigned at 605 Vestal Parkway West at or before 12:00 pm on said date.

You are entitled to a hearing on the above charges and to be represented at such hearing by an attorney. You should be prepared at such hearing to present such witnesses and other proof as you may have in your defense against these charges.

If you are found guilty of any of the above charges the proposed penalty is two days off without pay.

All further notices and communications addressed to you in connection with these charges will be delivered to you.

Receipt of the aforesaid charges.

Officer Katirae Smith

cc: HR Representative Town Supervisor Town Attorney Sincerely, Sgt. Jon R. Atkinson

Vestal Police Department Memorandum

To:

Officer Smith

From:

Sgt. Atkinson

Date:

2/7/2020

Subject:

Time off agreement re: Motor Vehicle Collision

On this date at approximately 4:00am, you and I agreed that the discipline for your Motor Vehicle Collision on January 30th, 2020, would be two days of unpaid leave. The dates for your unpaid leave were determined to be the loss of two vacation days. We also agreed that all documents pertaining to this incident will be expunged from your personnel file after 24 months if no other incidents of this nature take place.

Officer Smith

Sgt. Atkinson

Town of Vestal County of Broome State Of New York

Officer Katirae Smith being duly sworn, deposes and says:

- 1. That she is a police officer employed by the Town of Vestal Police Department.
- 2. That charges and specifications have been made against her for a violation of Vestal Police Department Rules and Regulations Section 140.12: Rules of Conduct. Said charges made by Sgt. Jon R. Atkinson of the Vestal Police Department and a copy of said charges and specifications were served upon Officer Smith on February 7, 2020.
- 3. That the deponent fully understands that in accordance with Article 75 of the Civil Service Law of the State of New York that she is entitled to submit an answer to said charges, to obtain counsel to represent her in any proceeding that may result from said charges and that no disciplinary action may be taken against her without first having a right to a hearing on said charges.
- 4. That the deponent hereby makes an admission of guilt to said charges and hereby waives her right to answer said charges, to be represented by an attorney, her right to a hearing and any and all other rights which she may have in regards to said charges and any disciplinary action in connection therewith.
- 5. The deponent waives all rights in regards to the aforementioned charges and desires that any disciplinary action in connection therewith be made by John Butler, Chief of Police of the Vestal Police Department. The following disciplinary action is agreed to by all parties involved:

Two days off without pay (loss of 2 Vacation days).

6. The deponent has read this affidavit and fully understands that by execution thereof, she waives the rights set forth herein, and accepts the punishment hereto set forth.

Officer Katirae Smith

Subscribed and sworn to before me this 7th day of February, 2020

marsha & Frost

Notary Public

MARSHA E. FROST
Notary Public, State Of New York
No. 01FR6054495
Residing In Broome County
My Commission Expires February 5, 20 23

	Subsi	cribed and sw	orn to befor	e me 1
John Butler Chief of Police	Sabs			
		day of	, ,	
	~··	Nota	ry Public	
		·		

Vestal Police Department Affidavit of Service

To:

Chief Butler

From:

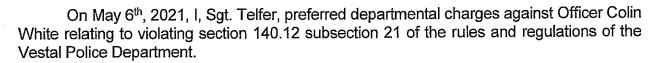
Sgt. Telfer

Subject:

Service of Departmental Charges

Date:

May 6, 2021



On this date, May 6th, 2021, at 6:30 a.m., I personally served Officer White with a copy of the aforesaid charges preferred against him.

Vestal Police Department

Memorandum

To:

PO. White

From:

Sgt. Telfer

Date:

5/12/2021

MM 183

Subject:

Time off agreement re: motor vehicle accident

On this date at approximately 6:30 am, you and I agreed that the discipline for your motor vehicle accident in vehicle 305 on April 24th, 2021, would be forfeiture of one vacation day.

PO. White

Sgt. Telfer

05/06/2021		
Date		·
Police Officer Colin White Vestal Police Department		
Officer White		
This letter is to inform you that this demotor vehicle accident involving patrol vehicle investigation it will be necessary to conduct a anything that you say during this interview cannot that your refusal to answer questions related the results of the results	cle 305 on April 24 th , 2021 an an interview with you. You are an not be used against you in a	d that as part of this e further advised that criminal proceeding
Under New York State Civil Service I P.B.A. present during this interview. Please is		presentation from the
*****************	**********	*****
I will speak to you without PBA representation	n	
P6. [10] 183 Signature	5/6/2021 Date	C:SO Time
****************	*********	*****
I wish to have a PBA representative with me of	luring my interview	
Signature	Date	Time
***************	*********	******
5.t. 1/ w/ 1-11		
/ Witness	Witness	

Date: May 6, 2021

Name of Employee: Officer Colin J. White Address: 208 Elizabeth Street, Vestal NY 13850

Officer White:

In accordance with the provisions of Section 75 of the Civil Service Law, you are hereby notified that the following charges are preferred against you:

CHARGES

CHARGE: You have violated Vestal Police Department rules and regulations section **140.12 subsection 21, Rules of Conduct.** Any Officer involved in a motor vehicle accident and found to be negligent will receive a two day suspension without pay. If there are extenuating circumstances this penalty may be increased at the discretion of the Chief of Police.

Specification: On April 24th 2021 while turning around at Middendorf Park to respond to a call for a Burglary in progress you struck the end of a guard rail with your assigned marked patrol vehicle. This caused damage to the passenger side running board.

The General Orders for the department state that officers shall exercise judgment and care with due regard for life and property when responding to an emergency call or when in pursuit of a suspected or actual violator of the law. Officers shall stop, or be able to stop, for all traffic control devices.

See attached General Orders regarding specific violations.

• General Order Number 213, Section 3-N, subsection 1 – Use of caution in response.

You are allowed until May 20th, 2021, within which you may make and file your answer in writing to these charges. Such answer should reach the office of the undersigned at 605 Vestal Parkway West at or before 6:30 am on said date.

You are entitled to a hearing on the above charges and to be represented at such hearing by an attorney. You should be prepared at such hearing to present such witnesses and other proof as you may have in your defense against these charges.

If you are found guilty of any of the above charges the proposed penalty is one day off without pay.

Any Further notices and communications addressed to you in connection with these charges will be delivered to you.

Receipt of the aforesaid charges.

P.O. Colla White

PO. Colin White

Sincerely,

Sgt. Kyle Telfer

cc: HR Representative Town Supervisor Town Attorney

Town of Vestal: County of Broome: State Of New York

PO. Colin White being duly sworn, deposes and says:

- 1. That he is a police officer employed by the Town of Vestal Police Department.
- 2. That charges and specifications have been made against him for a violation of Vestal Police Department Rules and Regulations Section 140.12: Rules of Conduct. Said charges made by Sgt. Kyle Telfer of the Vestal Police Department and a copy of said charges and specifications were served upon PO. White on May 6th, 2021.
- 3. That the deponent fully understands that in accordance with Article 75 of the Civil Service Law of the State of New York that he is entitled to submit an answer to said charges, to obtain counsel to represent him in any proceeding that may result from said charges and that no disciplinary action may be taken against him without first having a right to a hearing on said charges.
- 4. That the deponent hereby makes an admission of guilt to said charges and hereby waives his right to answer said charges, to be represented by an attorney, his right to a hearing and any and all other rights which he may have in regards to said charges and any disciplinary action in connection therewith.
- 5. The deponent waives all rights in regards to the aforementioned charges and desires that any disciplinary action in connection therewith be made by John Butler, Chief of Police of the Vestal Police Department. The following disciplinary action is agreed to by all parties involved:

One vacation day returned to the Town in lieu off one day off without pay.

6. The deponent has read this affidavit and fully understands that by execution thereof, he waives the rights set forth herein, and accepts the punishment hereto set forth.

PO. Colin White	Subscribed and sworn to before me this
MARSHA E. FROST Notary Public, State Of New York No. 01FR6054495 Residing In Broome County My Commission Expires February 5, 20 23	Marsha E-Frest Notary Public
John Butler, Chief of Police, have read them and conditions set forth.	e above agreement and hereby approve of t
John Putlor	Subscribed and sworn to before me this
John Butler Chief of Police	Subscribed and sworn to before me this day of,

Vestal Police Department

Memorandum

To:

Officer Kyle Post

From:

Sgt. D. Burch

Date:

05/14/2021

Subject:

Time off agreement re: Motor Vehicle Collision (306)

On this date at approximately 6:00 PM, you and I agreed that the discipline for your motor vehicle collision in patrol vehicle 306 on May 7th, 2021, will be three days of unpaid leave. In lieu of unpaid leave you have agreed to the forfeiture of three vacation days.

Officer K. Post

Sgt. D. Burch

05/14/2021		
Date		
• '		
Police Officer Kyle Post		
Vestal Police Department		
Officer Post,		
This letter is to inform you that this department motor vehicle accident involving patrol vehicle 306 w part of this investigation it will be necessary to conduct advised that anything that you say during this interview proceeding and that your refusal to answer questions departmental charges for insubordination. Under New York State Civil Service Law your P.B.A. present during this interview. Please indicate y	hich occurred on May 7 th ct an interview with you we can not be used against relative to this investigate are entitled to have represedur decision below.	2, 2021 and that as You are further you in a criminal tion may result in sentation from the
I will speak to you without PBA representation		
win speak to you without TBA tepresentation	I	
Chifo 191	5/14/21	11.28
Signature	Date	16:48 Time
Signaturo	Date	Time
******************	*******	****
I wish to have a PBA representative with me during my	interview	

Sg1. Switness Witness

Date

Time

Signature

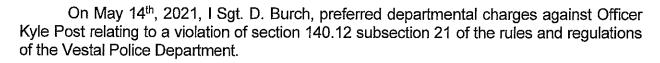
Vestal Police Department Affidavit of Service

To: Chief John Butler

From: Sgt. D. Burch

Subject: Service of Departmental Charges Upon Officer Kyle Post

Date: May 14th, 2021



On this date, May 14th, 2021, at 6:00 PM I personally served Officer Kyle Post with a copy of the aforesaid charges preferred against him.

Sergeant Daniel J. Burch

Date: May 14th, 2021

Name of Employee: Police Officer Kyle Post Address: 413 Prentice Road Vestal, NY 13850

Officer Post:

In accordance with the provisions of Section 75 of the Civil Service Law, you are hereby notified that the following charges are preferred against you:

CHARGES

CHARGE: You have violated Vestal Police Department rules and regulations section **140.12 subsection 21, Rules of Conduct.** Negligence in the operation of an emergency vehicle.

Specification: On May 7^{th,} 2021 while on routine patrol on Vestal Road in the area of Pinecrest Road, you operated patrol unit 306 in an unsafe manner when you looked away from the roadway briefly, and failed to recognize that traffic in front of you had stopped. Your actions caused your patrol vehicle to collide with the rear end of another vehicle, causing damage to both vehicles involved.

You are allowed until May 29th, 2021, within which you may make and file your answer in writing to these charges. Such answer should reach the office of the undersigned at 605 Vestal Parkway West at or before 6:00 PM on said date.

You are entitled to a hearing on the above charges and to be represented at such hearing by an attorney. You should be prepared at such hearing to present such witnesses and other proof as you may have in your defense against these charges.

If you are found guilty of any of the above charges, the proposed penalty is three days off without pay.

All further notices and communications addressed to you in connection with these charges will be delivered to you.

Receipt of the aforesaid charges.

Officer Kyle Post

Sincerely,

Sgf. Daniel J. Burch

cc: HR Representative Town Supervisor Town Attorney

Town of Vestal: County of Broome: State Of New York

Officer	·Kyle	Post Post	being	duly	sworn,	deposes	and:	says:
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- 1. That he is a police officer employed by the Town of Vestal Police Department.
- 2. That charges and specifications have been made against him for a violation of Vestal Police Department Rules and Regulations Section 140.12: Rules of Conduct. Said charges made by Sgt. Daniel J. Burch of the Vestal Police Department and a copy of said charges and specifications were served upon Officer Kyle Post on May 14th, 2021.
- 3. That the deponent fully understands that in accordance with Article 75 of the Civil Service Law of the State of New York that he is entitled to submit an answer to said charges, to obtain counsel to represent him in any proceeding that may result from said charges and that no disciplinary action may be taken against him without first having a right to a hearing on said charges.
- 4. That the deponent hereby makes an admission of guilt to said charges and hereby waives his right to answer said charges, to be represented by an attorney, his right to a hearing, any and all other rights which he may have in regards to said charges, and any disciplinary action in connection therewith.
- 5. The deponent waives all rights in regards to the aforementioned charges and desires that any disciplinary action in connection therewith be made by John Butler, Chief of Police of the Vestal Police Department. The following disciplinary action is agreed to by all parties involved:

Three vacation days returned to the Town of Vestal in lieu off three days off without pay.

	davit and fully understands that by execution forth herein, and accepts the punishment hereto
Officer Kyle Post	Subscribed and sworn to before me this
MARSHA E. FROST Notary Public, State Of New York No. 01FR6054495 Residing In Broome County My Commission Expires February 5, 20 23	Marsha & Frost Notary Public
I, John Butler, Chief of Police, have read the terms and conditions set forth.	above agreement and hereby approve of the
	Subscribed and sworn to before me this
John Butler Chief of Police	day of,
	Notary Public

Vestal Police Department Memorandum

To:

Officer Franz

From:

Sgt. Stavola

Date:

7/15/2020

Subject:

Time off agreement re: Motor Vehicle Collision

On this date at approximately 11:00PM, you and I agreed that the discipline for your Motor Vehicle Collision on July 10th, 2020, would be surrendering five vacation days.

PO R Fra 188

Officer Franz

Sgt. Stavola

Date: July 15th, 2020

Name of Employee: Police Officer Ryan Franz Address: 633 Harvard Street, Vestal, NY 13850

Officer Franz:

In accordance with the provisions of Section 75 of the Civil Service Law, you are hereby notified that the following charges are preferred against you:

CHARGES

CHARGE: You have violated Vestal Police Department rules and regulations section 140.12 subsection 21, Rules of Conduct. Any Officer involved in a motor vehicle accident and found to be negligent will receive a two day suspension without pay. If there are extenuating circumstances this penalty may be increased at the discretion of the Chief of Police.

Specification: On July 10th, 2020 you were assigned to patrol vehicle 326 as the early car for the midnight shift. At approximately 10:49 PM you were involved in a motor vehicle accident on SR 434 east bound at the intersection of N. Meadowbrook Lane while in route to a priority one complaint. The accident resulted in physical injury to a civilian as well as yourself. Patrol vehicle 326 and a civilian vehicle were also both heavily damaged and totaled as a result of the motor vehicle accident.

The intersection in question is governed by a stop sign which you admittedly disregarded while entering traffic without the use of your emergency lights and sirens. It was also determined by your own admission that you were not wearing your seatbelt at the time of the incident.

The General Orders for the department state that Officers shall operate patrol vehicles during emergency situations or responses with emergency lights and sirens to incidents involving an imminent threat of death or serious injury and officer shall exercise judgement and care with due regard for life and property when responding to an emergency call. Officers shall stop, or be able to stop, for all traffic control devices, i.e stop signs. Officers are also required to wear seatbelts in department vehicles at all times.

See attached General Orders regarding specific violations.

- General Order Number 213, Section 3-D, Subsection 4 Emergency Operation
- General Order Number 213 Section 3-J- Seat Belts
- General Order Number 213 Section 3-N, Subsection 1- Use of Caution in Response

You are allowed until July 23rd, 2020, within which you may make and file your answer in writing to these charges. Such answer should reach the office of the undersigned at 605 Vestal Parkway West at or before 11:00 pm on said date.

You are entitled to a hearing on the above charges and to be represented at such hearing by an attorney. You should be prepared at such hearing to present such witnesses and other proof as you may have in your defense against these charges.

If you are found guilty of any of the above charges the proposed penalty is five days off without pay.

All further notices and communications addressed to you in connection with these charges will be delivered to you.

Receipt of the aforesaid charges.

Officer Ryan Franz

Sincerely,

Sgt. Vincent Stavola

cc: HR Representative Town Supervisor Town Attorney

WHITE

Town of Vestal County of Broome State Of New York

PO. Colin White being duly sworn, deposes and says:

- 1. That he is a police officer employed by the Town of Vestal Police Department.
- 2. That charges and specifications have been made against him for a violation of Vestal Police Department Rules and Regulations Section 140.12: Rules of Conduct. Said charges made by Sgt. Kyle Telfer of the Vestal Police Department and a copy of said charges and specifications were served upon PO. White on August 21st, 2020.
- 3. That the deponent fully understands that in accordance with Article 75 of the Civil Service Law of the State of New York that he is entitled to submit an answer to said charges, to obtain counsel to represent him in any proceeding that may result from said charges and that no disciplinary action may be taken against him without first having a right to a hearing on said charges.
- 4. That the deponent hereby makes an admission of guilt to said charges and hereby waives his right to answer said charges, to be represented by an attorney, his right to a hearing and any and all other rights which he may have in regards to said charges and any disciplinary action in connection therewith.
- 5. The deponent waives all rights in regards to the aforementioned charges and desires that any disciplinary action in connection therewith be made by John Butler, Chief of Police of the Vestal Police Department. The following disciplinary action is agreed to by all parties involved:

Two vacation days returned to the Town in lieu off two days off without pay.

6. The deponent has read this affidavit and fully understands that by execution thereof, he waives the rights set forth herein, and accepts the punishment hereto set forth.

PO. Colin White

Subscribed and sworn to before me this 25 day of August, 2020

MARSHA E. FROST Notary Public, State Of New York No. 01FR6054495 Residing In Broome County My Commission Expires February 5, 2023

terms and conditions set forth.	\$ V 11
John Butler Chief of Police	Subscribed and sworn to before me this 25 day of August, 2020
	Marsha E First Notary Public

I, John Butler, Chief of Police, have read the above agreement and hereby approve of the

MARSHA E. FROST Notary Public, State Of New York No. 01FR6054495 Residing In Broome County My Commission Expires February 5, 20 23

Witness	Witness	
*****************	**********	*****
Signature	Date	Time
I wish to have a PBA representative with me	during my interview	
****************	*********	******
Signature	<u>8/21/202ム</u> Date	Time
7.0. Cal Malas 183	8/21/2020	23:26
I will speak to you without PBA representation	on	
****************	**********	*****
Under New York State Civil Service P.B.A. present during this interview. Please	Law you are entitled to have re indicate your decision below.	epresentation from the
proceeding and that your refusal to answer departmental charges for insubordination.	questions relative to this inves	stigation may result in
that anything that you say during this into	erview can not be used again	ist vou in a crimina
motor vehicle accident involving patrol vehicle this investigation it will be necessary to condition	cle 307 on August 15 th , 2020 duct an interview with you. V	and that as part of
This letter is to inform you that this d	lepartment is conducting an inv	vestigation regarding a
Officer White		
,		
Vestal Police Department		
Police Officer Colin White		
Date		
08/21/2020		