

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF HEALTH

In the Matter of the Petition of the
Shakopee Mdewakanton Sioux
Community for a Declaration that the
Minnesota Gambling Control Board
Engaged in Unlawful Rulemaking

ORDER

This matter came before Administrative Law Judge Barbara J. Case pursuant to a Petition for a Declaration that the Minnesota Gambling Control Board Engaged in Unlawful Rulemaking.

Skip Durocher, Dorsey and Whitney LLP, and Phillip Brodeen, Brodeen and Paulsen, PLLP, represent the Shakopee Mdewakanton Sioux Community (Petitioner). Stephen Melchionne, Assistant Attorney General, represents the Minnesota Gambling Control Board (Board).

On December 3, 2019, Petitioner served and filed the Petition. The Administrative Law Judge held an oral argument on February 27, 2020. The parties simultaneously filed final briefs on March 27, 2020, and the record closed on that date.

Based on the filings and arguments of the parties, Minn. Stat. § 14.381 (2018), and for the reasons set forth in the accompanying Memorandum,

IT IS HEREBY ORDERED:

1. The Board's approval of electronic pull-tab games with open-all features, as defined in this proceeding, does not constitute an unadopted rule.
2. Petitioner's Petition is **DISMISSED**.

Dated: May 21, 2020



BARBARA J. CASE
Administrative Law Judge

NOTICE

This decision is the final administrative decision under Minn. Stat. § 14.381. It may be appealed to the Minnesota Court of Appeals pursuant to the authority of Minn. Stat. §§ 14.44-.45 (2018).

MEMORANDUM

The issue in this proceeding is whether the Board enforced an unadopted rule by approving various electronic pull-tab games with an open-all feature. Because the Administrative Law Judge concludes that the Board did not enforce an unadopted rule, the Petition is dismissed.

I. Statutory and Factual Background

The Minnesota Lawful Gambling and Gambling Devices Act (Act)¹ authorizes the Board “to regulate lawful gambling to ensure it is conducted in the public interest.”²The Act includes regulation of pull-tabs.³

“Pull-tab” means a single folded or banded paper ticket, multi-ply card with perforated break-open tabs, or a facsimile of a paper pull-tab ticket used in conjunction with an electronic pull-tab device, the face of which is initially covered to conceal one or more numbers or symbols, and where one or more of each set of tickets, cards, or facsimiles has been designated in advance as a winner.⁴

In 2012, as part of the legislative proposals related to funding a new National Football League Stadium in Minnesota, the legislature amended the Act to allow electronic pull-tabs at bars and restaurants across the state.⁵ Electronic pull-tab games are meant to be facsimiles of paper pull-tab tickets and must not contain “representations that mimic a video slot machine.”⁶

There are several different types of electronic pull-tab games: one window with one line or row of symbols revealed after opening the window; one window with multiple lines, rows, or columns of symbols revealed after opening the window, and multiple windows with one or more lines, rows, or columns of symbols under each window that may be opened by the player one window at a time, in any order, or all windows opened simultaneously.⁷ These various permutations of pull-tab games exist in both electronic

¹ Minn. Stat. §§ 349.01-.39 (2018).

² Minn. Stat. § 349.151, subd. 4(a)(1).

³ Minn. Stat. §§ 349.172, .1721.

⁴ Minn. Stat. § 349.12, subd. 32.

⁵ See 2012 Minn. Laws ch. 299, art. 4 §§ 13-31.

⁶ Minn. Stat. § 349.12, subd. 12b(5), c(9).

⁷ Affidavit of Thomas Barrett (Barrett Aff.) at ¶ 7.

pull-tab and paper pull-tab format.⁸ In this proceeding, the parties are concerned with multiple window, electronic pull-tabs, and, in particular, the way those pull-tabs are opened. For instance, some multi-row electronic pull-tab games require the player to touch each row or column of a game in order to play the entire game; so, a game that had 3 columns and 3 rows would need to be touched 3 times to completely play the game. On the other hand, some multi-row electronic pull-tab games allow a player to open all the rows with one touch or swipe. For purposes of this proceeding, this type of game is called an “open-all” game. On a paper pull-tab, the choice to open the windows on a ticket with multiple windows one at a time or, in the alternative, simultaneously, is a player decision.⁹

The legislature provided the Board with broad and ongoing authority to adopt necessary rules to ensure the integrity of electronic pull-tab devices.¹⁰ The Board must examine, or contract for the examination of, electronic pull-tab devices allowed under section 349.12, subdivision 12b before authorizing the lease or sale of any electronic pull-tab devices or electronic pull-tab game systems.¹¹ Since 2012, the Board has approved approximately 100 new electronic pull-tab games each year.¹²

A. Petitioner’s Involvement

The Minnesota Indian Gaming Association (MIGA) and Petitioner, through its participation in MIGA, were involved in negotiations regarding the electronic pull-tab legislation.¹³ MIGA was concerned that the introduction of electronic pull-tabs would negatively impact Indian gaming revenues.¹⁴

Petitioner now challenges the Board’s approval of electronic pull-tab games utilizing an open-all feature, based on its interpretation of Minn. Stat. § 349.12, subd. 12b. That statute provides:

Electronic pull-tab device: Electronic pull tab device means a handheld and portable electronic device that . . . (3) requires that a player must activate each electronic pull-tab ticket and each individual line, row, or column of each electronic pull-tab ticket

In 2012, the Board proposed the following language related to electronic pull tabs: “The device must allow a player the option to either activate the opening of all tabs of an electronic facsimile of a pull-tab ticket at the same time or activate the individual opening

⁸ Affidavit of Jon Weaver (Weaver Aff.) at ¶ 17.

⁹ Barrett Aff. at ¶ 8.

¹⁰ Minn. Stat. § 349.151, subd. 4d(a) (2018).

¹¹ *Id.*, subd. 4d(c).

¹² Affidavit of William Gary Danger (Danger Aff.) at ¶ 8.

¹³ Affidavit of William J. Hardacker (Hardacker Aff.) at ¶¶ 6-7.

¹⁴ See *id.* at ¶¶ 4-5.

of each tab of an electronic facsimile of a pull-tab ticket.”¹⁵ MIGA proposed language stating: “A player must manually open each electronic facsimile of a pull-tab ticket and each line, row or column of each electronic facsimile of a pull-tab ticket.”¹⁶

As first introduced, the relevant statute “allow[ed] a player the option to activate the opening of: (1) all tabs of a ticket at the same time; or (2) each tab of a ticket separately[.]”¹⁷ This language was later changed to its current form. There is no committee or floor testimony specifically regarding this language. Rather, the majority of testimony regarding the stadium funding bill and gaming concerned whether electronic gaming would provide a positive contribution to revenues.

The language MIGA proposed for the legislation is almost identical to the final statutory language except that the word “individual” was proposed by the Charitable Gaming Association.¹⁸ While the Board argues that it approves each game based on a myriad of factors and on a case-by-case basis, the weight of the evidence shows that operation of electronic pull-tab games was a concern when the legislation was under consideration. Similarly, the language in the bill as first introduced indicates that the legislature was aware that there were differing methods for opening the electronic pull-tab tickets. The final legislation shows that the legislature balanced various competing interests and set parameters to ensure that electronic pull-tab games would not operate like slot machines. To the extent that the Board approves games on a case-by-case basis, it must do so within those parameters.

B. Open-all Games

Petitioner asserts that the Board did not approve any multi-row games with an open-all feature between approximately May 2012 and May 2015.¹⁹ According to Petitioner, the Board approved *Wild Walleye*, the first multi-row game with an open-all feature in May 2015.²⁰ Between May 2015 and April 15, 2019, the Board approved 224 multi-row games with an open-all feature.²¹ Petitioner contends that the “Board’s ‘open-all’ policy was conveyed to electronic pull-tab vendors through individual game approvals beginning with approval” of *Wild Walleye*.²² Petitioner insists that it raised concerns about the open-all games to the Board after 2015 but the Board defended its interpretation.²³

¹⁵ Affidavit of Andrew Kozak (Kozak Aff.) at ¶ 6.

¹⁶ Kozak Aff. at ¶ 6

¹⁷ H.F. 2810, 87th Leg. (Mar. 12, 2012). On April 23, the House Ways and Means Committee amended the stadium language from H.F. 2810 into H.F. 1485.

¹⁸ Affidavit of Philip Brodeen (Brodeen Aff.) at ¶ 5, Ex.B

¹⁹ *Id.* at ¶ 6, Ex. C.

²⁰ *Id.* at ¶ 7.

²¹ *Id.* at ¶ 6, Ex. C.

²² Petition at 6 (Dec. 2, 2019).

²³ Brodeen Aff. at ¶ 11, Ex. E.

The Board concedes that it has never denied an electronic pull-tab game application based on the game having an open-all feature.²⁴ Contrary to Petitioner's assertion that *Wild Walleye* was the first game to allow the open-all feature, the Board approved games with open-all features as early as September 2012.²⁵ These games, *Treasures of the Jungle* and *Big Money Heist*, allowed players to open multiple lines of windows using a single touch to reveal all lines, rows, or columns underneath those windows.²⁶ In 2014, the Board approved *Bonus Blast*, a single window pull-tab game containing ten rows, with each row containing four symbols.²⁷ *Bonus Blast* allowed a player to hit one "play" button to reveal each of the ten rows, one at a time, until all ten rows had been displayed.²⁸ In 2014 and 2015, the Board approved *Bonus Blast II* and *Finnegan's Gold* both of which allowed the player to touch one "play" button to reveal all three rows sequentially on the screen. After all the rows had been displayed, the player could then hit "play" again to move on to the next ticket.²⁹

In March of 2019, at a public rulemaking hearing on the Board's proposed rules, Petitioner shared its concern that open-all games violated the Act.³⁰ After that public rule hearing, the Board informed game vendors, via email, that "[g]oing forward the Board will not authorize proposed games with tickets that have more than 1 line, row, or column of symbols without the player opening each line. The player must make a separate action to open each line (or row or column), to reveal the result of each line on a ticket. This is regardless of whether the ticket design is a 1 window tab game or otherwise."³¹ The Board lifted this prohibition nine days later.³²

II. Legal Framework

The Minnesota Administrative Procedure Act (MAPA) defines a "rule" as: "every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by that agency or to govern its organization or procedure."³³ There are three types of rules: procedural, legislative and interpretive.³⁴ Interpretations of existing statutes which "make specific the law enforced or administered by the agency," are deemed to be "interpretative rules."³⁵ An agency's interpretative rules

²⁴ Danger Aff. at ¶¶ 10, 12.

²⁵ Weaver Aff. at ¶¶ 19-21.

²⁶ *Id.* at ¶ 19.

²⁷ *Id.* at ¶ 20.

²⁸ *Id.* at ¶ 20.

²⁹ *Id.* at ¶ 21.

³⁰ Brodeen Aff. at ¶ 12.

³¹ *Id.* at ¶ 13, Ex. F.

³² *Id.* at ¶ 15, Ex. H.

³³ Minn. Stat. § 14.02, subd. 4 (2018).

³⁴ *Christian Nursing Ctr. v. Dep't of Human Servs.*, 419 N.W. 2d 86, 90 (Minn. Ct. App. 1988).

³⁵ See *St. Otto's Home v. Minn. Dep't of Human Servs.*, 437 N.W.2d 35, 43-44 (Minn. 1989); *White Bear Lake Care Ctr., Inc. v. Minn. Dep't of Pub. Welfare*, 319 N.W.2d 7, 9 (Minn. 1982); *Ebenezer Soc'y v. Minn.*

generally are valid only if they are promulgated in accordance with the rulemaking procedures of MAPA.³⁶ However, the state courts recognize, as exceptions to the formal rulemaking requirement, long-standing interpretations of ambiguous statutes and interpretations that follow from the “plain meaning” of clearly-worded statutes.³⁷

Minn. Stat. § 14.381, subd. 1(a) permits challenges to agency actions on the grounds that an agency is “enforcing or attempting to enforce a policy, guideline, bulletin, criterion, manual standard, or similar pronouncement as though it were a duly adopted rule.” If the Administrative Law Judge determines that the agency is enforcing an unadopted rule, the agency must be directed to cease such enforcement.³⁸

III. Parties Arguments

Petitioner argues that the statute requires a player to take a separate action to open each line, row, or column of an electronic pull-tab ticket.³⁹ Petitioner contends that the plain meaning of this sentence and the legislative history support its contention that the language was meant to convey that each row on a multi-line electronic pull-tab must be opened individually.⁴⁰ Therefore, according to Petitioner, the Board is enforcing an unpromulgated interpretive rule by permitting the sale of electronic pull-tab games that allow a player to open all the lines on the face of the game at once with a single touch or swipe. Petitioner claims that these game approvals are pronouncements equivalent to a rule.

The Board first argues that Petitioner lacks standing to bring a challenge under Minn. Stat. § 14.381.⁴¹ In addition, the Board insists that its game approvals are consistent with the relevant statutes and rules.⁴² That is, the Board asserts that Petitioner’s arguments fail because a single “play” button is not prohibited by the plain language of section 349.12, subdivision 12b. In the alternative, the Board argues that its interpretation is not an unpromulgated rule because it is applied on a case-by-case analysis or is a long-standing statutory interpretation entitled to deference.⁴³

Dep’t of Human Servs., 433 N.W.2d 436, 439 (Minn. Ct. App. 1988); *Benson v. Comm’r of Pub. Safety*, 356 N.W.2d 799, 801 (Minn. Ct. App. 1984).

³⁶ See Minn. Stat. § 14.03, subd. 3(b) (2018); *In re Application of Q Petroleum*, 498 N.W.2d 772, 780 (Minn. Ct. App. 1993), *review denied* (Minn. 1993).

³⁷ *In re PERA Determinations Affecting Retired and Active Employees*, 820 N.W.2d 563, 570 (Minn. Ct. App. 2012).

³⁸ Minn. Stat. § 14.381, subd. 2.

³⁹ Petition at 10-12.

⁴⁰ Petitioner’s Opening Post-Hearing Brief at 3 (Mar. 11, 2020).

⁴¹ Post-Hearing Reply Mem. of the Minn. Gambling Control Board at 1 (Mar. 27, 2020).

⁴² *Id.* at 8.

⁴³ *Id.* at 1-2.

IV. Analysis

A. Standing

The Board asserts that “[b]ecause Petitioner has no alleged injury-in-fact to itself, or members it represents, it is without standing and the Petition should be dismissed.”⁴⁴ The Board’s argument is misplaced.

“Standing is the requirement that a party has a sufficient stake in a justiciable controversy to seek relief from a court.”⁴⁵ Standing is essential to a court’s exercise of jurisdiction; absent standing a court does not have jurisdiction to hear a matter.⁴⁶ “A party has standing if (1) the legislature has conferred standing by statute, or (2) a party has suffered ‘injury-in-fact.’”⁴⁷

Under the law, “[a] person may petition the Office of Administrative Hearings seeking an order of an administrative law judge determining that an agency is enforcing or attempting to enforce a policy, guideline, bulletin, criterion, manual standard, or similar pronouncement as though it were a duly adopted rule.”⁴⁸ Chapter 14 (2018) does not define “person.” However, chapter 645 (2018), governing the interpretation of statutes and rules, states that the term “[p]erson may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.”⁴⁹ A “body politic” is defined as “a group of persons politically organized under a single governmental authority.”⁵⁰ Petitioner, a sovereign nation organized under its Constitution and tribal government, meets the description of a body politic. And, contrary to the Board’s assertion, the statute simply does not require an injury; any “person” may challenge an unpromulgated rule.⁵¹ Therefore, Petitioner, as a “person,” has standing to challenge the Board’s action.

B. Ambiguity

Both parties argue that the statute unambiguously supports its interpretation; for the Board that means allowing open-all games, for the Petitioner, prohibiting them. A court’s purpose in interpreting statutes “is to ascertain and effectuate the intention of the

⁴⁴ Post-Hearing Mem. of the Minn. Gambling Control Board at 3 (Mar. 11, 2020).

⁴⁵ *State by Humphrey v. Philip Morris Inc.*, 551 N.W.2d 490, 493 (Minn. 1996).

⁴⁶ *Annandale Advocate v. City of Annandale*, 435 N.W.2d 24, 27 (Minn. 1989).

⁴⁷ *Alliance for Metro. Stability v. Metro. Council*, 671 N.W.2d 905, 913 (Minn. Ct. App. 2003).

⁴⁸ Minn. Stat. § 14.381, subd. 1(a).

⁴⁹ Minn. Stat. § 645.44, subd. 7 (2018).

⁵⁰ Merriam-Webster Online Dictionary, *available at* <https://www.merriam-webster.com> (last accessed Apr. 10, 2020). A “body politic” may also be defined as “a people considered as a collective unit.” *Id.*

⁵¹ See *Johnson v. Grant Residents*, No. 6-6381-16267-CV (Minn. Office Admin. Hearings Feb. 22, 2005) (“Chapter 211B does not limit who may file a complaint and it does not require an injury in fact. This suggests that the Legislature favors a broad interpretation of standing. Chapter 211B protects the election process and does not focus exclusively on the individuals involved in the process.”).

legislature.”⁵² In doing so, we give the “statute’s words and phrases their plain and ordinary meaning.”⁵³ To determine the plain meaning of statutory language, we may refer to canons of interpretation, such as common usage, dictionary definitions, and grammatical rules.⁵⁴ If the “words of a law in their application to an existing situation are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.”⁵⁵ If, however, a statute is ambiguous, we will consider canons of construction to ascertain the legislature’s intent while construing the meaning of the statute. A statute is ambiguous if it is subject to more than one reasonable interpretation.⁵⁶

The ambiguity of the relevant statute is key to this analysis; if the language of section 349.12, subdivision 12b is unambiguous then it is unnecessary to consider the parties’ remaining arguments. If the statute unambiguously means that a player must first open a pull-tab game and then, separately, open each and every line or column in the game, then the Board is not only enforcing an unpromulgated rule, it is enforcing a rule that is contrary to the legislature’s intent and Petitioner prevails. If the statute merely means, as the Board asserts, that the entire pull-tab game must be played before another game can be purchased, then the Board has done nothing more than applied the plain meaning of the statute.

At first glance, Petitioner’s assertion that a player must “activate each electronic pull-tab ticket” and then take a separate action to activate each line seems reasonable. However, taking a closer grammatical view, the statute does not say that separate actions are required; had the legislature meant to convey that multiple actions were required it could have modified the verb “activate” with the adverb “separately” or “individually.” In the alternative, adding the words “then” or “next” after “and” would have also meant that separate actions were required. Instead, because nothing modifies the word “action” and because the words “each, individual” modify the words “line, row or column” the sentence does not mean, as Petitioner urges, that separate actions are required. Rather, the Board’s interpretation is most closely aligned with the grammatical meaning of the sentence. As written, the statute indicates that the “electronic pull-tab device” must ensure that a player activates the pull tab ticket and each portion of the ticket. It does not state that multiple actions are required to effectuate that result.

Although unnecessary to consider, the legislative record nonetheless fails to illuminate why this language was included. However, the Board’s concern that an entire electronic pull-tab be played before another one is sold to the player is reasonable; this would alleviate difficulties arising from unplayed, and, therefore unpaid, winning tickets.

⁵² Minn. Stat. § 645.16 (2016); see also *State v. Struzyk*, 869 N.W.2d 280, 284 (Minn. 2015).

⁵³ *State v. Peck*, 773 N.W.2d 768, 772 (Minn. 2009).

⁵⁴ Minn. Stat. § 645.08 (2016); see also *Struzyk*, 869 N.W.2d at 287 (applying rules of grammar to interpret plain language of statute).

⁵⁵ Minn. Stat. § 645.16; *State v. Riggs*, 865 N.W.2d 679, 682 (Minn. 2015).

⁵⁶ *State v. Mauer*, 741 N.W.2d 107, 111 (Minn. 2007).

One might also suppose that the concern was that the player, whether through one-step or multiple steps, control the opening of the game rather than giving control to the device which is the subject of the statutory section. Some players might prefer the efficiency of all parts of the game opening at once and some might enjoy the anticipation of opening one tab at a time. The language as first proposed, and the language of the statute, allows game makers to create games appealing to either preference. In addition, the fact that the over-arching purpose of the Act is that electronic pull-tabs mimic paper pull-tabs also favors the Board's interpretation because paper pull-tabs can be opened one line at a time or all together.⁵⁷

Moreover, if the language had remained as first introduced, it would undoubtedly support the Board's current application of the statutory language: a player may open the entire game at once *or* one line at a time. But had that language been used it would not have clearly communicated, as the Board argues is intended, that the entire game must be opened before moving onto the next game. The current language better clarifies that point.

Nonetheless, Petitioner argues that its reading is favored, stating that "inclusion of the adjective 'individual' conveys the idea that an electronic pull-tab device must require the player to take some unique action to open or activate each individual row."⁵⁸ The Board contends that Petitioner's argument is unavailing because giving meaning to both "individual" and "each" does not change that fact that neither is an adverb modifying "activate." The Administrative Law Judge agrees; it is reasonable to conclude that the redundancy was meant to emphasize the importance of the fact that every single line must be opened.⁵⁹ In sum, the language of the statute is not grammatically ambiguous.

Moreover, the Administrative Law Judge notes that Petitioner is challenging a feature of electronic pull-tab *games*, whereas the challenged statutory language defines an electronic pull-tab *device*. As noted previously, the statute indicates that the device must allow a player to activate the pull-tab game and "each individual line, row or column of an electronic facsimile of a pull-tab ticket." But there is no corresponding limitation found in the statutory definition of pull-tab game. This fact supports the Board's contention that the purpose of the relevant statute is to ensure that each game is played completely, rather than a dictation of *how* that game is played. And the Administrative Law Judge notes that Petitioner has only challenged the approval of electronic pull-tab games, not the approval of electronic pull-tab devices.

⁵⁷ See Minn. Stat. § 349.12, subd. 12c; Barrett Aff. at ¶ 8.

⁵⁸ Petitioner's Reply Brief at 11.

⁵⁹ See Justice Paul Thissen, *When Rules Get in the Way of Reason*, 76 Bench & B. Minn. 24, 29 (Nov. 2019) (stating that three-quarters of legislators responded to a survey that "in their experience, words with similar or overlapping meaning are added to a statute to make certain the meaning is clear even though the words mean pretty much the same thing." Justice Thissen advises that "judges should have a very good reason – from context, legislative history, or otherwise – before using the surplusage cannon as a decisive basis for reading a statute one way instead of another.").

Petitioner further argues that open-all games are statutorily prohibited because they mimic the features of a video slot machine.⁶⁰ The relevant statute prohibits electronic pull-tab games from having “spinning reels or other representations that mimic a video slot machine.”⁶¹ According to Petitioner,

multi-row electronic pull-tabs with “open all” features mimic how video slot machines operate. A video slot machine is played by pushing a single button that causes “reels” on the screen to spin eventually landing on a particular result. Similarly, a multi-row electronic pull-tab game with an “open all” feature operates the same way. A player pushes a button to reveal all rows of symbols simultaneously.

The Administrative Law Judge fails to see the similarity. The relevant feature is the spinning reels, which are per se prohibited; the mere push of a button is too far attenuated to constitute “mimicking” of a slot machine. Petitioner, who bears the burden of proof, failed to present compelling evidence to show that open-all electronic pull-tabs mimic a video slot machine in violation of section 349.12, subd. 12c.

D. Conclusion

While deciding this matter in favor of the Board, the Administrative Law Judge finds that Petitioner offered reasonable arguments such that the petition was brought in good faith. The Administrative Law Judge concludes that the challenged language in Minn. Stat. § 349.12, subd. 12b is unambiguous, and the Board applies the plain language of the statute to the games submitted for approval. Thus, the Board has not been enforcing an unadopted rule.⁶² The Petition is denied, and this matter is dismissed.

B. J. C.

⁶⁰ Petitioner’s Reply Brief at 12 (Jan. 17, 2020); see also Minn. Stat. § 349.12, subd. 12c.

⁶¹ Minn. Stat. § 349.12, subd. 12c.

⁶² The Administrative Law Judge notes that, under Minn. Stat. § 14.381, subd. 2, the Administrative Law Judge is only empowered to “direct the agency to cease enforcement of the unadopted rule that is the subject of the petition.” Thus, even if the Administrative Law Judge agreed that the Board were enforcing an unadopted rule, she could require only that the Board stop relying on that rule when reviewing submitted electronic pull-tab games. The Administrative Law Judge does not have the authority, as requested by Petitioner, to “revoke the approvals of any games using ‘open-all’ video game features.”