SENATE FINANCE COMMITTEE MINUTES OF MEETING FEBRUARY 24, 1977

The meeting was called to order at 8:00 A. M.

Senator Floyd R. Lamb was in the chair.

PRESENT:

Senator Floyd R. Lamb, Chairman

Senator James I. Gibson, Vice-Chairman

Senator Eugene V. Echols Senator Norman D. Glaser Senator Norman Ty Hilbrecht Senator Thomas R. C. Wilson Senator C. Clifton Young

OTHERS:

Ronald Sparks, Chief Deputy, Fiscal Analyst

Howard Barrett, Budget Director

Cy Ryan, UPI

Vernon Bennett, Exec. Officer, Retirement System Elbert B. Edward, Chairman, Retirement Board

L. Ross Culbertson, Vice-Chairman

Charles H. Collins, Member

Boyd Manning, Member Donald L. Ream, Member Glendon F. Walther, Member Robert E. Weems, Member

Ken Buck, Retired

Tom Eck, Nevada Peace Officers

Bob Gagnier, SNEA

Frank Carmen, Juvenile Probation Parole Officer Harvey Pinkerton, Juvenile Probation Parole Officer

Senator Lamb stated that <u>S. B. 173</u> would be read page by page and questions discussed. He asked that just one person from each organization speak on a measure so there would not be a duplication of testimony in the interests of saving time.

Mr. Vernon Bennett presented <u>S. B. 173</u>, an omnibus bill. A memo was distributed, containing the amendments to <u>Senate Bill 173</u>, first reprint, in order to clarify areas under discussion. He stated the bill represented the wishes of most of the employee and employer and retiree groups. However there are, in some instances, cases where one group may particularly oppose one area of the bill, but favor the rest of it, or have a particular interest which is not reflected in the bill.

In Section 2. (a), line 7, with reference to an interim retirement committee of the legislature composed of: (a) three members of the senate, one of whom is the chairman of the committee on finance during the preceding session and two of whom shall be appointed by the president of the senate, Senator Hilbrecht moved that the words "president of the senate" be deleted and the words "majority floor leader" be inserted. Senator Echols seconded the motion and it passed. In Section 2 (b) line 10, Senator Hilbrecht moved that the words "by the speaker" be deleted and replaced with "by the Majority Floor Leader." Senator Echols seconded and the motion passed.

In Section 2.5 creating a police and firemen's retirement fund advisory committee, and subsequent sections referring to this fund, Senator Echols asked if the police and firemen were happy with this agreement and he was advised that they were satisfied with the provisions.

Mr. Bennett referred to the handout with the amendments listed: 2 A. and 2 B. and asked the committee to reconsider the provision of 2 1/2% for every year of service over 30 years until the person actually earned full retirement eligibility. If the committee was not agreeable to this, they asked them to consider Amendment 2 B., which would be a clarification of Section 7 to spell out this section

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SENATE FINANCE COMMITTEE MINUTES OF MEETING FEBRUARY 24, 1977 PAGE TWO

shall not entitle a smember to begin drawing monthly benefits until he has earned full retirement eligibility and terminated public employment He stated that some people had felt that you could possibly read into section 7, in its present wording, that a person who ceased to contribute could immediately begin drawing the benefits even though he was still working and not terminated.

Senator Gibson indicated his concern that many retirement plans give a retiree a higher income than he had when he was working.

Senator Lamb recognized Bob Gagnier. Mr. Gagnier spoke in favor of the amendment for 2.5 percent for every year of service and said an amendment to read that no one may make more than the salary last received, or somethin to that effect, would be agreeable. He said this was a compromise and they agreed reluctantly. They would still rather have "30 years at any age" but if this is a costly factor they will go with this amendment.

Mr. Bennett explained that Section 8, line 45, was intended to make sure that any income from N.I.C. combined with benefits from the Retirement Fund would not exceed a deceased member's average compensation.

In section 11 (e), page 4, line 38, there was discussion on the use of the word "frequent". Mr. Bennett said they were agreeable to tightening this terminology up. Senator Lamb suggested that the Committee talk about it when they reviewed the bill in its entirety. Section 11 defining those who are classified as "peace officers" came under discussion. Bob Gagnier stated that every two years additional people want to be considered officers. He suggested that they use NRS 125 as the definition and save the discussions that occur regularly.

Mr. Bennett stated that the Retirement Board would be opposed to a broad classification of enrolling peace officers. They felt they should be evaluated on an individual basis.

Tom Eck of the Nevada Peace Officers said he was in agreement with Mr. Gagnier on the problems in defining peace officers. He suggested that this authority be delegated to the Police and Firemen's Advisory Board subject to the approval of the Retirement Board as to what positions are going to be included and have the testimony and hearings all before this committee. The primary concern, he felt, is whether their primary duties are enforcing the law and if they are involved in hazardous duty. Senator Lamb added that it should also have confirmation of this Legislature.

Ken Buck stated that he had understood that any comments would be made after Mr. Bennett finished his presentation. He had wished to speak on Section IV on page 2 regarding individual records. His group felt there was nothing secret or confidential in any of those records. They approved of all public records being open; they did not want any of their records to be closed and they did not wish any others to be closed.

Frank Carman, Juvenile Probation and Parole officer requested that the Senate reconsider the deletion of the juvenile probation parole officers from the early retirement act simply because of what has already been said. Statutorily the juvenile probation and parole officers are given the responsibility of enforcing the laws of the State of Nevada and this is hazardous duty. He had just learned they had been excluded and asked for a reconsideration.

Senator Lamb stated that they would take it under advisement. Mr. Bennett stated that two other groups were removed from the earlier bill and these were the municipal court bailiffs and the brand inspectors. The brand

SENATE FINANCE COMMITTEE MINUTES OF MEETING FEBRUARY 24, 1977 PAGE THREE

inspectors wanted to testify and were not aware that the time for the hearing had been set back to 8:00 A. M. but they would be there at 4:00 P. M. this afternoon.

Mr. Eck said there were a number of probation parole officers present at the meeting who would be willing to speak on the dangers involved in the position. He said he understood that virtually every judge in the state wrote the Retirement Board explaining the hazardous duties in the enforcement area and, based upon their job descriptions and even some indications that the federal law includes juvenile probation and parole officers under certain hazardous duty benefits, particularly life insurance, there is a recommendation that these officers be included under early retirement.

Senator Lamb asked if they could say anything that he or Mr. Carmen had not said. Mr. Eck gave copies of the letters to the secretary so they could be made a part of the minutes.

Senator Lamb asked if one of the probation and parole officers would state an area where one had been injured in an incident involving a juvenile.

Harvey Pinkerton from Yerington, Lyon County, said his deputy had been injured two years ago by a 15 year old girl and he had been held with a shot gun on him for 2 and one half hours. Also there has been a threat by a man in the Fernley area, with a rifle, just last fall. He said this happens often in the rural counties. He felt this was hazardous duty almost daily, transporting prisoners to and from the institutions and other prisoners who had committed serious crimes.

Mr. Carmen said that they had had an attempted break out recently. He felt these were a hardened group of juveniles, with much more sophistication than they used to have.

Mr. Bennett continued his discussion of the bill and stated that the provisions and the recommendations of the Harris Kerr Foster report had benefitted the Retirement Board. Some of these included providing extra members to the Board (which was done in 1973); removing the Board's investment program from the State Board of Finance to provide to the system and to the Board the autonomy to operate. He stated that the one recommendation in the Harris Kerr Foster study that has not been approved in total concept is to determine that the Retirement Board is an autonomous body. Section 13 would establish that the retirement system is a public agency. Section 2 of the bill creates a new Legislative Interim Retirement Committee that will work regularly with the system. The system is, in effect, receiving more supervision by this Act than less but they are establishing the autonomy of the Retirement Board to act on their own behalf.

He cited one problem (See Suggested Amendment No. 5). Since the Harris Kerr Foster study, it has been clearly understood that this should be an actuarially funded system. There is now a new group of retired persons who have indicated in their Newsletter that this retirement system never was intended to be funded. This is giving the Board some concern as they felt that a system should be anactuarially funded system.

Senator Lamb interrupted to ask if anyone had any questions or comments on the autonomy section of the bill. Senator Echols asked about the work "regularly" on line 29 of page 5. Mr. Bennett said that this was a word of the bill drafter and the Board would be receptive to any suggestion for tighter wording.

SENATE FINANCE COMMITTEE MINUTES OF MEETING FEBRUARY 24, 1977 PAGE FOUR

Senator Wilson cited Section 13, line 36 on page 5. He wondered if there was a conflict in this with Section 14 on page 1. Also was there any response to Mr. Buck's observation with respect to keeping all records available to the public.

Mr. Bennett stated that the minutes and the books in the system are public records. The Board is concerned about having a group of researchers or members or someone who wants to work on a University project for a paper come in and go through the records. They felt the retirement system and the Board are responsible for the records and documents that are in the individual member's files. These are the key as to whether people are entitled to certain services or whether they are denied it. Senator Wilson said he would be interested in hearing Mr. Bennett's reply to Mr. Buck's comments. Mr. Bennett said that their attorney general deputy had said they could not establish administrative rules but would need some kind of wording to state that no one could come in and view the staff records unless accompanied by a staff member. Senator Wilson said that he felt Section 4 was a confidentiality matter. His question was a policy question, should the records be confidential as a matter of public policy. Mr. Bennett said that it was the recommendation of the retirement staff and the Retirement Board that the individual member and retired person's records should be maintained confidential unless that person issues a specific release or unless the request is from the liaison officer of the public agency that handles that employees records. They felt it was important to maintain the integrity of the records and also the integrity of whether or not a person is qualified for certain benefits. A general discussion followed with the general agreement that some of the records should remain confidential.

Senator Gibson asked about Section 13, line 28 and Mr. Bennett explained the reasons they were recommending that the retirement system pay the administration fees rather than have the individual pay them, as at the present time. Mr. Bennett referred to Section 13, lines 37 and 38 on page 5 and talked of the unfunded liability of the retirement system. He stated that they had met with rating firms, their actuary, and with their deputy attorney general and they were advised that this section would eliminate their unfunded liability from being included in the debt structure for a public body who goes out for a municipal bond issue.

Mr. Bennett cited line 11 on page 13, which states that the Retirement Board, which is not under the State Board of Examiners, might elect whether or not they can go under the employer paid on behalf of their employees. They feel they have the right to make this determination rather than the State Board of Examiners. Mr. Gagnier stated that he would oppose this provision. A discussion followed as to the advantages or disadvantages of this as related to those members of the retirement system who were not under the jurisdiction of the State Board of Examiners.

Mr. Bennett spoke about the post retirement increases as listed in lines 21, 22, and 23 under Section 31 on page 15. Mr. Buck said he felt it would not be sufficient to carry all the accumulation from 1949.

Mr. Bennett said that this 0.5 percent was in no way indicated, designated or intended to pay for the post retirement increases that have been put into effect in the past. He detailed the process by which this would cover the post retirement increases for the next 10 years. Mr. Buck thanked him and said this had answered most of his questions.

SENATE FINANCE COMMITTEE MINUTES OF MEETING FEBRUARY 24, 1977 PAGE FIVE

Section 36.5 amending NRS 286.520 was discussed. Mr. Bennett said these amendments were being added to avoid abuses that had occurred in the past.

Mr. Buck said their main concern was the language in lines 30 and 31. The retired people felt that their only opportunity to earn money to supplement their retirement benefits was to return to the agency within the Government where they had the most experience. He objected to the stipulation that it would have to be less than half time in order to retain their retirement benefits. The discussion continued on this section with general agreement on the amended gross income of \$4800. Senator Lamb asked that the record show that all the members of the Retirement Board were present at the hearing.

The meeting adjourned at 10:25 A. M.

RESPECTFULLY SUBMITTED:

WIDTH D. WOOMEY CHORESTON

APPROVED:



WASHOE COUNTY

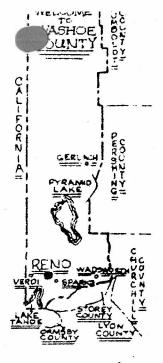
JUVENILE PROBATION DEPARTMENT

FRANK A. SULLIVAN Chief Probation Officer ROBERT D. SOHRT

Director of Detertion

Louis Consgiloro - Los Vego Due Nego.

October 7, 1976



TO: Police and Firemen Retirement

Fund Advisory Committee

Gentlemen:

Enclosed is the Job Description of Juvenile Probation Officers for Washoe County, Nevada.

We hope the enclosed will help you make a favorable evaluation of the officers' duties.

Respectfully submitted,

Frank A. Sullivan, Chief Probation Officer

William N. Forman,

District Court Juvenile Judge

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JUVENILE PROBATION OFFICER

DEFINITION OF CLASS:

Under direction, at a high level of independence, handles complete

Juvenile Probation and rehabilitation cases, makes recommendations concerning

their disposition, appears and supports recommendation in Court; and does related
work as required.

MINIMUM QUALIFICATION:

Graduated from an accredited college or university with major work in one of the behavior sciences, Criminal Justice or Corrections or a closely related field or an equivalent combination of education and experience substituting each additional year of qualifying experience for 1 year of the required college education.

KNOWLEDGE, SKILLS AND ABILITIES:

Good knowledge of: Federal, State and County laws governing the arrest and disposition of both juvenile and young adults, rules, regulations, policies and programs of the County Juvenile Probation Department, child psychology as related to socially maladjusted young people, symptoms of physical or mental disorders, community resource, organizations, facilities both public and private functions and procedures of State, County and City laws, enforcement agencies techniques in interviewing and counselling. Investigation abilities, maintain records and present written and oral reports.

EXAMPLES OF DUTIES: (The following is used as a partial description and is not restrictive as to duties required)

Investigates cases referred to the Juvenile Court involving delinquent, dependent and neglected - gather information on families, arrange for poly-graph examination, psychological testing and medical tests, review police reports for prior offenses, submit recommendations to the Chief or whoever to bring person before

the Court, prepare legal documents, present cases in Court, make recommendations for probation or commitment, work with young people on probation with parents, school authorities; follow up recommendations to determine if recommendations were favorable and youth is progressing. Work with other law enforcement agencies and officers on the State, County and City levels in cases involving offenses by or against juveniles, contacts and works with social agencies on juvenile matters, related matters assigned by Chief Probation Officer.

- 1. Supervision of Wards -- includes enforcing terms of probation, checking on activities, search and seizure.
- Transportation of Offenders -- includes taking committed youth for physical exmainations, moving youth to more secure facilities, taking mental offenders to the State Hospital, taking absconders and/or out of State violators to airports, transporting committed youth to institutions.
- 3. Arrest and incarceration of violators who may be under the influence of alcohol and/or drugs. Call Police Departments for back-up units, placing the Juvenile Probation Officer in command position.
- 4. Home investigations and evaluations which entail walking into unknown and often hostile home circumstances, for predisposition investigations.
- 5. Intervention in family disputes involving Wards.
- 6. Service of summons, warrants and subpoenas.
- 7. Community Service -- includes patrol work at rodeos, fairs, concerts, ball games, school functions.
- 8. Called to service at gang fights, riots, school disturbances.
- 9. Involvement with adult felons incidental to cases involving juvenile offenders. Includes working with other law enforcement agencies in apprehending offenders both juvenile and adult.
- Verbal and physical abuse, threats to self and family, property damage.
- 11. On call 24 hours per day.
- 12. Assist other agencies in follow-up investigations.
- 13. Treatment of juveniles who are under the influence of alcohol and/or drugs.
- 14. Investigation of cases of child abuse and neglect, placing juveniles in protective custody, and because of statutory power to arrest adults involved, assume the risk of violent conflict with those persons.
- 15. Carry firearms as the occasion demands.

First Judicial Bistrict Court

JUVENILE DIVISION
CARSON CITY and STOREY COUNTY

PROBATION SERVICE
ROOM 205, COURT HOUSE
198 N. CARSON ST.
CARSON CITY, NEVADA 89701
882-2736

DETENTION FACILITY 901 E. MUSSER ST. 882-2353 DISTRICT JUDGE FRANK B. GREGORY

SPECIAL MASTER JOHN W. RAY

February 24th, 1977

Nevada State Legislature Senate Finance Committee Carson City, Nevada 89701

Attention: Senator Echols

Dear Senator Echols:

JUVENILE PROBATION OFFICERS

WILLIAM R. LEWIS, JR., CHIEF

TERRY ANN TERHUNE

MARIANO SANCHEZ

NANCY LEE ROGERS

LARRY C. CARTER

Attached please find a description of duties of the Juvenile Officers of this jurisdiction and a copy of the affirmation of those duties by District Judge Frank B. Gregory.

This material was originally requested by the Police and Firemen Advisory Board to the State Retirement Board and once submitted, the Juvenile Officers were advised the criteria for early retirement had been met and inclusion in that segment of the retirement system was recommended by the Advisory Board and approved by the State Retirement Board and subject only to final approval by the legislature.

Based on the attachments presented this date, it is requested you reconsider the exclusion of Juvenie Probation Officers from the early retirement system.

Very truly yours,

Oghn W. Ray

Special Master, Juvenile Division

JWR/kc



JUVENILE DIVISION

CARSON CITY and STOREY COUNTY

PROBATION SERVICE
ROOM 205, COURT HOUSE
198 N. CARSON ST.
CARSON CITY, NEVADA 89701
882-2736

POTENTION FACILITY 901 E. MUSSER ST. 882-2353 DISTRICT JUDGE FRANK B. GREGORY

SPECIAL MASTER

November 4, 1976

Vernon Bennett Executive Officer Public Employees Retirement System P.O. Box 1569 Carson City, Nevada 89701

Dear Mr. Bennett:

JUVENILE PROBATION OFFICERS

WILLIAM R. LEWIS, JR., CHIEF

TERRY ANN TERHUNE

MARIANO SANCHEZ

NANCY LEE ROGERS

LARRY C. CARTER

Attached please fine a list of duties that are performed by the Juvenile Probation Officers of the First Judicial District Court. It is my opinion that they perform many activities within the scope of of their employment that are a hazard to the well-being of the officer.

I, therefore, adamantly oppose any effort to remove the Juvenile Probation Officers of this Court from the early retirement system.

Frank B. Gregory District Judge

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JUVENIL TOTVISION

CARSON CITY and STOREY COUNTY

PROBATION SERVICE
ROOM 205, COURT HOUSE
198 N. CARSON ST.
CARSON CITY, NEVADA 89701
882-2736

PETENTION FACILITY 901 E. MUSSER ST. 882-2353 DISTRICT JUDGE FRANK B. GREGORY -

SPECIAL MASTER JOHN W. RAY

HAZARDOUS DUTIES OF JUVENILE PROBATION OFFICERS

- Supervision of Wards includes enforcing terms of probation; checking on activities; search and seizure.
- 2. Transportation of offenders includes taking committed youth for physical examinations; moving youth to more secure facilities; taking mental offenders to the State Hospital; taking absconders and/or out of State violators to Airports; transporting committed youth to institutions.
- 3. Arrest and incarceration of violators who may be under the influence of alcohol and/or drugs. Call Police Departments for back-up units, placing Juvenile Probation Officer in command position.
- 4. Home investigations and evaluations which entail walking into unknown and often hostile home circumstances, for predisposition investigations.
- 5. Intervention in family disputes involving Wards.
- 6. Service of summons, warrants and subpoenas.
- 7. Community Service includes patrol work at rodeos, fairs, concerts, ball games, school functions.
- 8. Called to service at gang fights, riots, school disturbances.
- 9. Involvement with adult felons incidental to cases involving juvenile offenders. Includes working with other law enforcement agencies in apprehending offenders, both juvenile and adult.
- 10. Verbal and physical abuse; threats to self and family; property damage.
- 11. On Call 24 hours per day.

JUVENILE PROBATION OFFICERS

WILLIAM R. LEWIS, JR., CHIEF

TERRY ANN TERHUNE

MARIANO SANCHEZ

NANCY LEE ROGERS

LARRY C. CARTER

- 12. Assist other agencies in follow-up investigations.
- 13. Treatment of juveniles who are under the influence of alcohol and/or drugs.
- 14. Investigation of cases of child abuse and neglect, placing juveniles in protective custody, and because of statutory power to arrest adults involved, assume the risk of violent conflict with those persons.

- 15. Carry firearms as the occasion demands.
- 16. Routine home visits often involve the officer entering the home and suddenly discovering a party including alcohol and drugs in progress, necessitating immediate action without back-up.
- 17. Some probationers have reached their 18th birthdays, and for all other purposes are adults. Some probationers are as old as twenty-one years, but have been certified to juvenile status.
- 18. Carson City Juvenile Probation Officers frequently act as Bailiff for Juvenile Court, and are also the "Jailors" for the juvenile section and must enter the often filled cell blocks alone.
- 19. Carson City Juvenile Probation Officers come in frequent contact with adult prisoners in the adult section of the jail while booking in juveniles. In some cases, have responded to help jailors in adult section handle intoxicated or mentally ill adults.
- 20. Frequently perform night curfew checks and surprise home visits on juvenile probationers.

I hereby swear and affirm that I perform these duties in my capacity as a Juvenile Probation Officer for the City of Carson, State of Nevada.

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