

SEC. CLERK RECORDED 10/31/2012

MINUTES OF THE
SANTA FE COUNTY
DWI PLANNING COUNCIL

August 9, 2012

Santa Fe, New Mexico

This regular meeting of the Santa Fe County DWI Planning Council was called to order by Chair Allen Steele at approximately 8:30 a.m. on the above-cited date at 2052 S. Galisteo, Santa Fe, New Mexico.

The following individuals present:

Members Present:

Allen Steele, Chair
Donna Bevacqua-Young
Richard De Mella
Jim Jackson
Glenn Levant
Vivian Nelson
Lisa Wooldridge

Member(s) Absent:

Grace Quintana-Trujillo

Staff Present:

Rachel O'Connor, Health Division Director [late arrival]
Lupe Sanchez, DWI Program Coordinator
Peter Olson, DWI Program
Diolinda Roybal, DWI Program
Joyce Varela, DWI Program

Others Present:

See Sign-in Sheets

[*Exhibit 1: Sign-in Sheets*]



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

DWI MINUTES
PAGES: 13

I Hereby Certify That This Instrument Was Filed for Record On The 31ST Day Of October, 2012 at 10:15:28 AM And Was Duly Recorded as Instrument # **1686230** Of The Records Of Santa Fe County

Deputy *Valerie Espinoza*)
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, N

III. Approval of the Minutes: July 12, 2012

Mr. Levant referred to page 5, and recommended that the first paragraph under Budget Update should read: Ms. Bevacqua-Young said the vehicular homicide training was funded through "other contractual services." Mr. Levant also pointed out that the detox grant amount should be \$300,000.

Ms. Nelson asked if Ms. Mann-Lev was present; her remarks are listed in the minutes. Mr. Sanchez stated those were remarks received via email.

Ms. Bevacqua-Young pointed out that neither Rachel O'Connor nor Joyce Varela were present at the meeting.

Mr. Jackson moved to approve the minutes as amended and his motion was seconded by Mr. De Mella. The motion carried by unanimous [7-0] voice vote.

It was subsequently pointed out that Lisa Grace Giuffra's name was misspelled.

III. Approval of the Agenda

The agenda was accepted by consensus.

IV. Matters from the Council

- A. Follow-up Matters from Previous Meetings**
- B. Other Matters from the Councilors**

Mr. Sanchez said he will cover any matters in his report.

Mr. Jackson pointed out that it was agreed that all comments on the strategic plan were to be in by August 1st. Mr. Sanchez stated he was waiting to discuss comments from Ms. Mann-Lev and to incorporate those.

Mr. Levant said the strategic plan still lacks quantitative goals. A discussion ensued regarding finalizing the plan. Mr. Sanchez noted not all of the committees have been met.

V. Information Items

- A. Coordinator's Report/Operational Plan**

Mr. Sanchez indicated the RFP for prevention services is being reviewed by the Legal Department. He hoped it would be out by the end of the week.

A meeting is scheduled for 9:00 am, August 29th on the SBIRT program. Jim Roeber from the Department of Health and Dr. Reed Hester will be assisting in implementation. He estimated \$5,000 would be required. The program will be downloaded into laptops and there will be a control group for evaluation purposes.

Last fiscal year's reports for LDWI were approved with no problems and the grant was closed out. \$136,298 was reverted back to the state, but those funds can be reapplied for. The short application will be submitted by August 31st and the PC will have the opportunity to review it.

Chair Steele asked how Mr. Sanchez envisioned the staff-PC interface. Mr. Sanchez said members of the PC are on the committee for all the right reasons and has the best interests of the community at heart. The JAC was always trying to find fault with the jail, whereas this committee operates in a spirit of openness, acting in an advisory capacity, identifying community needs, and assisting at community events. He added the strategic plan is helpful in providing clear direction. The PC is also instrumental in keeping staff on task.

Mr. Levant said he joined the committee after reading the resolution and state law, which requires a comprehensive description of the problem. This has not been done. He noted there was a wealth of information on alcohol problems but nothing on substance abuse. He has asked Mr. Olson to invite the DEA to the meeting of the Law Enforcement subcommittee to fill that gap. He urged coming into compliance with state law in this matter.

Mr. De Mella said there are all sorts of problems peripheral to the alcohol and substance abuse issues including domestic violence and self-medication secondary to mental health problems. "There's more to it than just drinking and driving." He stressed the need for drug recognition experts (DREs).

Mr. Levant read from the 1997 enabling resolution: "Will prepare a comprehensive plan that documents the extent of the County and City's alcoholism problem, DWI, resources and needs regarding DWI, alcoholism and alcohol or other drug abuse issues, including prevention, screening, assessment, treatment and alternative sentencing programs." [Exhibit 2] To comply with state law there needs to be data collection from emergency rooms and the detox center, etc. Mr. Levant said the Finance Subcommittee is recommending funding for such a study.

Ms. Nelson said law enforcement needs budget support. Ms. Bevacqua-Young said there were legislative measures floated last year regarding drugs. There is a problem with the definition of "drug" and judges need to be educated on the changing landscape around drugs.

Ms. Wooldridge speculated that the kind of information Mr. Levant is calling for is present somewhere in the state. Mr. Jackson noted a 1-½ page report was done in 2006. Mr. Levant agreed the information was there but highly fragmented. Someone needs to be hired to collate that information. Mr. Sanchez pointed out that problem is rapidly evolving over time.

A discussion ensued about law enforcement staffing, DREs, and the difficulty of securing convictions in court. Ms. Bevacqua-Young outlined the problems with long delays and having specific lab technicians appear to testify. Very few jurisdictions in the state prosecute drug impairment.

Mr. Jackson suggested making this a priority. Mr. Sanchez outlined the procedures necessary.

Ron Crow from the Sheriff's Office spoke of the competitiveness of the DRE training. Ms. Bevacqua-Young offered to invite Christine Frank, State DRE Coordinator, to speak at a meeting.

Ms. Bevacqua-Young said the state lab has a backlog of six to eight months, resulting in many dismissals.

Mr. De Mella talked of the need for coordinated lobbying on these issues and Ms. Bevacqua-Young said Rob Mitchell, head of the state DWI Councils, trains people in maximizing lobbying.

Chair Steele asked the Law Enforcement Subcommittee to look into these issues and return with recommendations.

V. B. Committee Reports
1. Finance Committee

As previously discussed, Mr. Levant said the committee recognized the lack of compliance with state law and recommends allocation of funds to develop the comprehensive plan required by the County resolution and state law, involving all stakeholders having to do with substance abuse and treatment.

Mr. Jackson seconded and the motion carried unanimously.

Mentioning the difficulty of the director's job, Mr. Levant said, "We need five Lupes." There was a recommendation for the next fiscal year to have a timeline for all contracts and grants. He pointed out the budget they review lacks pass-throughs and he asked that those be reflected for review by the Finance Committee.

A further recommendation was that all committee chairs prioritize their funding requests so when the reverted funds come back to the program they can be allocated rapidly. Mr. Sanchez anticipated they would be available in November. Mr. Levant also asked that RFPs, grants and budgets be presented to the Finance Committee and the Council prior to going forward, so that all items can be vetted.

V. B. 2. Law Enforcement [Exhibit 3]

Ms. Wooldridge stressed the handout was a draft and she solicited feedback. Mr. Olson said his plan is to bring all law enforcement agencies together with an eye to coordinating checkpoints so that the smaller agencies can participate as well. He noted that SID's focus has changed from enforcement to compliance and they do fewer source investigations. SID Officer Rodriguez said they do source investigations where there are fatalities. Otherwise, they are proactive and involved in prevention.

Ms. Wooldridge mentioned a possible officer appreciation program with community sponsorship. Mr. De Mella offered to help with that.

The Law Enforcement Committee has been discussing the forfeiture program. Mr. Levant indicated there is a recommendation to fund a clerical position in order to free up sworn officers. Officer Crow endorsed the idea. Research is needed to determine whether one clerk could work

on both City and County forfeiture cases. Ms. Wooldridge advised standardizing forfeiture procedures between the City and County.

Mr. Sanchez stated he and Ms. O'Connor have been discussing the clerical position, and he speculated law enforcement would be getting "a big chunk" of the reverted funds. He said the only holdup would be the County's procurement process and it might be December or January where a contract clerk could be in place. Much depends on the dollar amount. He pointed out the \$136,000 in reverted funds is not recurring.

Returning to Law Enforcement Committee activities Ms. Wooldridge said there was talk of a superblietz and keeping a high profile in the public. Also discussed: underage drinking and sales to intoxicated persons, training, and report-writing for law enforcement. She said good progress was made at that meeting.

Ms. Bevacqua-Young said Assistant City Attorney Alfred Walker will be working on forfeiture issues with the County.

V. C. Prioritizing Goals of Strategic Plan

Chair Steele said this was deferred to the next meeting.

V. D. Proposed Legislative Issues from the Attorney General's Office

Ms. Bevacqua-Young gave a presentation on the AG's priorities for the upcoming legislative session, including:

- Defining physical control of a vehicle
- Prosecution of accessories to DWI (i.e., passenger), and levels of culpability
- Distracted driving
- Defining "drug" to include inhalants and other non-traditional drugs
- Expanding the liquor excise tax option
- Laws involving texting

Mr. Levant asked if the AG would be proposing statewide forfeiture regulations. Ms. Bevacqua-Young said she didn't know, but he does have a great many other priorities he's working on.

VI. Matters from the Public

Lisa Grace Giuffra from SFUDPA gave a follow-up on the mystery shopper initiative. [Exhibit 4] Out of 53 retail establishments visited 10 were willing to sell liquor to someone "intoxicated." This corresponded with the establishments that failed and they were generally appreciative and regarding it as a good training exercise.

Mr. Levant asked why the establishments couldn't be prosecuted. Ms. Giuffra said the shoppers were "pseudo-intoxicated" and they use the initiative as an education tool. Officer Rodriguez stated genuine intoxication is required for prosecution and generally, undercover agents can witness genuine cases easily.

Tom Starke asked if there were any other legislative proposals planned. Ms. O'Connor suggested inviting someone from the Traffic Safety Bureau to come to a meeting in the fall.

VII. Action Items

A. Agenda Items for Next Meeting

Chair Steele asked for an update on the 100 Days of Summer project. Mr. Sanchez said nothing was in yet and Ms. O'Connor reported that costs for CADDY appear to be down.

Chair Steele asked about getting a replacement for Mr. Magourilos. Mr. Sanchez said they are still deciding how best to do that.

VIII. Announcements

A. Next PC meeting September 13, 2012, 8:30 to 10:30

Chair Steele asked if the meeting could be changed to a 9:00 start time and Mr. Sanchez said a Public Safety meeting follows this one at 10:30.

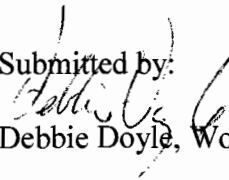
X. Adjournment

This meeting was declared adjourned at approximately 10:30 a.m.

Approved by:



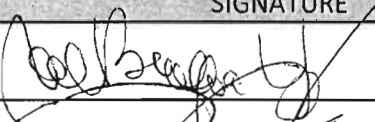
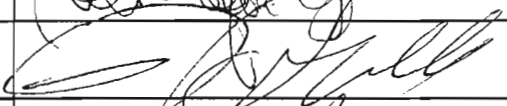
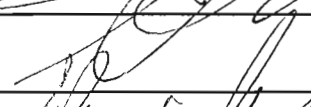
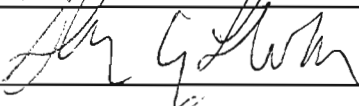
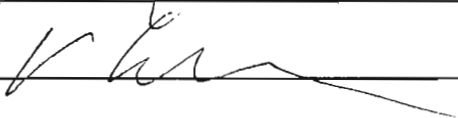


Allen Steele, Chair
DWI Planning Council

Submitted by:

Debbie Doyle, Wordswork

DWI PLANNING COUNCIL MEETING

DATE: August 9, 2012

PLACE: 2052 South Galisteo

MEMBER'S NAME	SIGNATURE
Donna M. Bevacqua-Young	
Richard De Mella	
James Jackson	
Glenn Levant	
Vivian Nelson	
Grace Quintana-Trujillo	
Allen Steele	
Lisa Wooldridge	

DWI PLANNING COUNCIL MEETING

DATE: August 9, 2012

PLACE: 2052 South Galisteo

GUEST NAME	REPRESENTING	PHONE/E-MAIL
Lupe Sanchez		
Joyce Varela	SFC DWI PROGRAM	992-9843
Diolinda Roybal	SFC DWI	992-9856
Peter Olson	SFC DWI Program	
Tom Starke	Self	
Ron Crow	SFC SO	rcrow@SantaFeCounty.org
MICHAEL DELGADO	SFC SO	MDELGADO@SANTAFECOUNTY.ORG
LORALEE FREILICH	Community	LORALEENM@ATTNLINK.NET
Victor Rodriguez	NM PPS SLD	victor.rodriguez@state.nm.
Lisa Grace Giuffra	SFUDPE	
Alan Mascareñas	SFMS	2503699

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DWI Planning Council

Santa Fe County DWI Planning Council

State Mandated (according to DFA LDWI Program guidelines)

Health and Human Services Division

RESOLUTION (1997-87) ESTABLISHING A DWI PLANNING COUNCIL IN ACCORDANCE WITH STATE LAW

Will prepare a comprehensive plan that documents the extent of the County and City's alcoholism problem, DWI resources and needs regarding DWI, alcoholism and alcohol or other drug abuse issues, including prevention, screening, assessment, treatment and alternative sentencing programs. Upon approval of the plan by the BCC, the Plan will be submitted to the Department of Finance for approval and integration into the statewide alcoholism services plan.

There shall be at least nine members. Shall include members from the local media, emergency medical services, community substance abuse treatment, public health, community traffic safety, law enforcement, courts/judicial, prosecutor/legal and schools. Other possible members include chief elected County and City officials, or their designees; an independent behavioral health service professional; a representative of the business community; a consumer of behavioral health services and representatives of such other stakeholder groups as determined by the BCC.

Committee Members

Sgt Louis Carlos has been a law enforcement officer since 1995. He has served in the specialized areas of narcotics, DWI, K9, SWAT, and Crimes Against Children. **Term-** appointed June 2009, expires June 2011.

Donna Morris, Senior Accountant for the Santa Fe County Fire Department, has worked in the public safety arena for 20 years and has served as the Chairperson for the Santa Fe Safe Kids Coalition. **Term-** appointed May 2005, expires June 2011.

Yvonne Ortiz, Trauma Prevention Coordinate for Christus St. Vincent Regional Medical Center and has worked there for 34 years. Her efforts in trauma prevention compliment the efforts of the County's DWI Program. **Term-**Appointed May 2005, expires June 2011.

Terms of Each Member: Current Members serve two (2) years and they serve in an advisory capacity to the Board of County Commissioners. Awaiting BCC recommendations for New Members

Meeting Schedule

Meets nine times per year on the second Thursday of the month at 8:30am in the Health Meeting Room. Does not meet during April, June or August.

Committee Liaison

Steve Shepherd

Phone (505) 992-9840

sshopher@santafecounty.org

2012 Meeting Agendas

January

DWI Planning Council
Enforcement Subcommittee Report
August 1, 2012

Present: Lisa Wooldridge, Chair,
Donna Bevacqua-Young, Lupe Sanchez, Peter Olson, Glenn Levant

1. Glenn presented a copy of Resolution (1997-87) Establishing a DWI Planning Council in Accordance with State Law. Members reviewed this resolution and discussed keeping in compliance with its directives. (note: resolution now posted on website)
2. Lisa reviewed the Goals/Outcomes/Priorities from the Enforcement section of the 2012-2014 DWIPC Strategic Plan. Progress on each priority is detailed below.

1.1 Intended Outcome: by June 2013, increase the number of DWI operations by 5% and DWI arrests by 5% in Santa Fe County

1.2

Priorities (summarized)

1. **Checkpoints increased**
2. **Saturation Patrols increased**
3. **Reduce underage drinking/sales to intoxicated persons via SID, SFPSDA**
4. **Portable checkpoint signs**

Above priorities 1 and 2 to be addressed via monthly DWI law enforcement meetings to begin August 28, 2012 (Peter). Priority 3-Lupe will attend SF Underage Drinking meetings to coordinate efforts. Brainstormed ideas re SID, how can we get others authorized to perform these checks? Priority 4-County has recently purchased an additional electronic checkpoint sign, portable, windproof signs may also be available via intra-agency (highway dept) coordination of existing resources. Enforcement subcommittee will continue to research.

Track arrest rates/assess effectiveness of enforcement measures-communicate to DWIPC-Lupe has compiled information and will begin to present this to the council at the August 2012 meeting. Also looking at agency dashboard.

1.1.56. **Officer Appreciation Program**-discussed what criterion might be, approaching community organizations such as Chamber of Commerce, Eagles, to sponsor plaque, gift certificate, movie tickets. Peter will address further via monthly law enforcement meetings. Glenn also to work on this, possibility of BCC resolution.

1.1.67. **Monthly DWI law enforcement meetings**-Peter has done much to organize, meetings to take place last Tuesday of month at 9:00 am. NMSP, SFPD, SFSO, NM SID, NM MTPD, Tesuque Tribal, Pojoaque Tribal, BIA and Edgewood PD on board. Will approach Espanola SO per section of jurisdiction in SF county.

1.1.78. **Partner with tribal agencies**- Progress thru organization of month enforcement meetings, Peter working tribal agencies through participation in monthly enforcement meetings.

9. Increase effectiveness of forfeiture program-Sworn officer now providing clerical coordination, city and county ordinances are different regarding vehicle forfeiture. Enforcement subcommittee will continue to discuss monthly, we further discussed county funds to be used for clerical position, reverted funds? This will require more research and active collaboration between city and county agencies.

CLERK RECORDED 10/31/2012

Possible funding may be thru traffic safety bureau.

10. **DOT Superblitz**-Being addressed via Plaza info booth, Kiss your Baby Goodbye campaign, others (Lupe)
11. **Maintain calendar of DWI enforcement activities to coordinate with all agencies**
To be addressed in monthly law enforcement meetings (Peter)
12. **Increase operations to reduce underage drinking/sales to intoxicated persons.** Activities underway to identify problem establishments. Some training re court presentation may be available thru AG's office. (Donna)

Next meeting of DWIPC subcommittee: Wednesday September 5, 2012 11:30

Location: TBA

FOR IMMEDIATE RELEASE

Liquor Retailers Agree to Sell to Patrons Acting Intoxicated

July 24, 2012

SANTA FE, NM – Actors pretending to be drunk attempted to purchase alcohol at 53 different retail outlets. Of those businesses visited 19% (10 of 53) agreed to sell to someone displaying obvious signs of intoxication.

Friday and Saturday (July 20 and 21), The Santa Fe Retailing Project (SFRP) completed compliance inspection visits at 53 Santa Fe County off-premise or "package" liquor retail establishments. Of the 53, **19%** (10 out of 53) retailers "**agreed to sell**" alcohol to the pseudo intoxicant (compared to 15% in March 2011) and **81%** (43 out of 53) of retailers "**refused to sell**" alcohol to the pseudo intoxicant (compared to 85% in March 2011). Of the 10 establishments who agreed to sell, **5 are gas station/convenience stores, 2 are grocery stores, 2 are pharmacy/multi-product stores, and 1 is a liquor store.**

If the cashier refuses to sell alcohol to the "pseudo intoxicated" mystery shopper, the mystery shopper exits. A letter is sent to the business describing the visit and thanking the business for upholding the law. If the clerk agrees to sell the alcoholic beverage, a letter is sent that describes the incident, encourages additional employee training, and provides educational resources about alcohol sales laws and strategies to deal with an intoxicated person. Letters are personally delivered to management at establishments where an employee agreed to sell to reinforce the program as an educational tool and to build a supportive relationship.

"This program has really opened my eyes. Before I never thought twice about it, the impact of drinking and then drinking and driving; I grew up where drinking and driving was not a big deal. I am so willing to help because I strongly believe it is everyone's responsibility to help protect one another and our community." SFRP Mystery Shopper.

We applaud participating retailers in Santa Fe County that refuse to sell alcohol to intoxicated persons (pg. 2). Unfortunately, New Mexico ranks as one of the leading states for alcohol-related health issues, including alcohol-related chronic disease, crashes and injuries. The economic costs associated with alcohol abuse in New Mexico in 2007 amounted to an estimated \$2.8 billion or more than \$1,400 for every person in the state. (An increase from \$2.5 billion in 2006).

The SFRP is a collaborative, educational approach to addressing a public safety issue in our community – preventing sales to intoxicated persons. A key strategy of the SFRP is to provide businesses with feedback on actual store performance to support compliance with New Mexico alcohol sales laws by utilizing trained professionals as pseudo intoxicated mystery shoppers.

Since its inception in 2008, the Santa Fe Retailing Project (SFRP) conducts compliance inspections to assist retailers in recognizing and effectively dealing with intoxicated persons and for the purposes of complying with the current laws relating to selling and serving alcohol. The SFRP is not affiliated with law enforcement; information is provided to help prevent sales to intoxicated persons. Mystery Shoppers are not actually intoxicated so no violation of law occurs even when the clerk incorrectly agrees to sell to an apparently intoxicated person. The 2012 SFRP summer program is funded by the Santa Fe County DWI Program as part of the 100 Days and Nights of Summer public awareness campaign.

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For questions, please contact Lisa Grace Giuffra, SFRP Project Coordinator at (505) 231-2252 or lggiuffra@gmail.com.

*Santa Fe County, where no one drinks alcohol before the age of 21,
where adults model low risk use, and no one drinks and drives.*

Retailers that “agreed to sell” to the pseudo intoxicated mystery shopper

1. Albertson's Food Store #986	3542 Zafarano Drive	87507
2. Allsup's #252	2007 Calle Lorca	87505
3. Allsup's #334	3000 Cerrillos Road	87505
4. Allsup's #346	2 Vista Del Monte	87508
5. Cost Plus World Market #201	550 Montezuma Street	87505
6. CVS Pharmacy #9263	511 Cordova Road	87505
7. Eldorado Supermarket/John Brooks	7 Avenida Vista Grande	87508
8. Giant #375	2774 Sawmill Road	87505
9. Giant #6055 Food Store	1009 St. Francis Drive	87505
10. Susan's Fine Wine & Spirits	1005 So. St. Francis	87505

Retailers that “refused to sell” to the pseudo intoxicated mystery shopper

1. Albertsons #927	600 N Guadalupe	87501
2. Albertsons Food Center #987	3001 St. Francis	87505
3. Allsup's #254 (Upper Airport)	4200 Airport Road	87507
4. Allsup's #330 (Lower Airport)	4680 Airport Road	87507
5. Allsup's #336	650 Cerrillos Road	87501
6. Allsup's #344	1899 St. Michael's Drive	87505
7. Allsup's #296	2640 Agua Fria	87505
8. Brewer Airport Road Shell #1980	7510 Airport Road	87507
9. Brewer South Cerrillos Shell #1900	4061 Cerrillos Road	87507
10. Brewer St. Francis Chevron #1840	1010 St. Francis	87505
11. Brewer St. Michael's Shell #1820	711 St. Michaels Drive	87505
12. Cliff's Liquors	903 Old Pecos Trail	87501
13. CVS Pharmacy #9269	195 Paseo De Peralta	87501
14. Fill Up	2631 Cerrillos Road	87505
15. Giant #372	1111 Siler Road	87501
16. Giant #861	5741 Airport Road	87507
17. Giant #6023	3730 Cerrillos Road	87507
18. Giant #6046 Stop N Go	2691 Sawmill Road	87505
19. Giant #6864	4354 Cerrillos Road	87507
20. House of Booze	838 Agua Fria Street	87501
21. Kaune's Neighborhood Market	511 Old Santa Fe Trail	87505
22. Kelly / De Arcos Liquors	3875 Cerrillos Road	87507
23. Kelly Liquor Barn	2885 Cerrillos Road	87507
24. Kelly Liquors	4600 Cerrillos Road	87507
25. Liquid Company Packaged Liquors	1901 St. Michael's Drive	87505
26. Lone Butte General Store (Shell)	3815 State Highway 14	87508
27. Lowe's Marketplace #89	1700 St. Michael's Drive	87505
28. Owl's Liquors	913 Hickox Street	87501
29. Rancho Viejo Village Market	170 Rancho Viejo	87507
30. Rodeo Plaza Liquors	2801 Rodeo Road	87507
31. Sam's Club #6408	4201 Rodeo Road	87507
32. Smith's #0461	2308 Cerrillos Road	87505
33. Smith's #491 Pacheco	2110 Pacheco	87505
34. Sunflower Farmers Market	San Ysidro Plaza: 3201 Zafarano Drive	87507
35. Sunflower Farmers Market	DeVargas Center: 199 Paseo de Peralta	87501
36. Sunrise General Store	52 Old Las Vegas Hwy	87505
37. Trader Joe's #165	530 W Cordova Road	87501
38. Walgreens #12005	5721 Airport Road	87507
39. Walgreens #2900	1096 St. Francis Drive	87501
40. Walgreens #3934	3298 Cerrillos Road	87507
41. Wal-Mart Supercenter #3243	5701 Herrera Drive	87507
42. Whole Foods Market	1090 S. St. Francis Drive	87505
43. Whole Foods Market	753 Cerrillos Road	87505