

SECULAR FRANCISCAN ORDER
NATIONAL FRATERNITY OF CANADA
NATIONAL STATUTES



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FOREWORD

In drafting the Statutes of the National Fraternity of Canada, due care was taken to avoid including provisions that were already contained in other legislative documents of the Secular Franciscan Order..

Therefore, the National Statutes should be understood and interpreted in their rightful context and by making reference to the Rule, the Ritual, the General Constitutions, the Statutes of the International Fraternity SFO as well as the Statutes for the Spiritual and Pastoral Assistance to the Secular Franciscan Order and the Codex of the Canon Law.

1. ABROGATION

GC 6.3 By the present act, the previous Statutes and Regulations of the National Fraternity
CCL 304 of Canada are abrogated.

2. DEFINITIONS

GC 29.2 2.1 The National Fraternity of the Secular Franciscan Order in Canada herein after
65.1 referred to as the National Fraternity is the organic union of all the local
fraternities existing within Canada. These fraternities are incorporated into
Regional Fraternities. (1, 2)

CG 33 2.2 The **National Council** is the Secular Franciscan Order's executive committee
that acts in accordance with the National Chapter in animating and guiding
the National Fraternity. (1)

2.3 The National Spiritual Conference is the animation gathering of the
National Fraternity. It is comprised of the Regional Ministers, Regional
Spiritual Assistants, Regional Directors of Formation and the members of the
National Council. The Spiritual Conference convenes whenever it is called
by the National Minister at least once within his/her term of office. (1, 2)

3. PURPOSE

The purpose of the National Council is :

3.1 To foster communion and cooperation among the fraternities in Canada.

3.2 To be a link between the Regional Fraternities and the International
Fraternity.

CCL 210

3.3 To nurture growth in the Franciscan and ecclesial life of the members.

CCL 225

3.4 To make present in the life and mission of the Church the charism of our
Seraphic Father.

CCL 311

3.5 To provide a forum for discussion of common goals and problems.

3.6 To represent Secular Franciscans, at the National level, in their associations
with church or civil organizations and to promote mutual relationships with
other such organizations where appropriate.(1)

4. NATIONAL CHAPTER

4.1 Presiding the Chapter

GC 74.2 g) One year before the end of his or her term, the National Minister shall inform
the International Minister of the upcoming Chapter of Elections and request
that a person be designated to preside over the elections. (1)

4.2 Membership

GC 68.1
97.3

The National Chapter shall comprise the members of the National Council the Regional Ministers, Regional Spiritual Assistants, the Representative of Franciscan Youth and two delegates elected by the Regional Fraternity. The outgoing members of the National Council shall be entitled to vote until the dissolution of the Chapter. (11)

4.3 Delegation

Only the permanently professed members of the Secular Franciscan Order may be delegates to the National Chapter. Two delegates are elected according to the Regional Statutes in addition to the Regional Minister and Regional Spiritual Assistant who are ex officio members of the National Chapter by virtue of their office.

4.4 Quorum and Majority

4.4.1 Quorum

A quorum is the number of persons required to ensure that an assembly is representative of the organization for the purpose of voting and decision-making. A quorum shall consist of the two-thirds of the members called to the National Chapter.(4)

4.4.2 Majority

The majority is the number of votes required to ensure that a decision is approved. An absolute majority is required for each decision of the National Chapter. (4)

4.5 Observers and Resource Persons

Members of the Secular Franciscan Order may participate in the Chapter as observers according to the National Policies and Procedures.

The National Council may also invite resource persons as required. (1)

4.6 Convocation

GC 67.2a)
81.3

After consultation with the National Council, the National Minister shall convoke the National Chapter at least once every three years. Written notice shall be forwarded to Regional Ministers and Regional Spiritual Assistants at least six months before the Chapter. (1)

In the case of an extraordinary Chapter, a written notice shall be forwarded to the Regional Ministers and Regional Spiritual Assistants at least three months before the Chapter. (1)

GC 66.a)

4.7 Agenda

The agenda of the Chapter shall be prepared by the National Council. (1)

4.8 Chapter Resolutions**4.8.1 Contents/Terms**

Resolutions may be presented during the Chapter to provide guidance and direction in the life of the Secular Franciscan Order in Canada. The proposed resolutions should be changes or amendments to existing national policies that are serious in nature or proposals which would lead to some concrete, positive action that can be assumed as part of the National Council's mandate. (1)

The resolutions shall be in conformity with the legislation of the Secular Franciscan Order: the Rule, the Ritual, the General Constitutions, the Statutes of the International Fraternity and the Statutes for the Spiritual and Pastoral Assistance to the SFO. (1)

4.8.2 Presentation

The resolutions shall always be presented in written form. The resolutions may be presented to the Chapter by individuals, fraternities or groups (committee, spiritual assistants, etc.). (1)

The following information shall be included:

- the name and signature of the proposer,
- the name and signature of the seconder,
- if such is the case, the name of the Fraternity or group presenting the resolution,
- the date on which the resolution was submitted, and
- the name and telephone number of the person to contact for the resolution. (1)

4.8.3 Resolutions Committee

A Resolutions Committee shall be appointed by the National Council one year prior to the National Chapter. (1)

The Resolutions Committee's mandate shall be the following:

- a) to receive the proposed resolutions;
- b) to analyze any proposed resolution submitted in order to determine whether it is in conformity with Articles 4.8.1 and 4.8.2;
- c) to prepare proposed resolutions judged to be acceptable for presentation to the delegates (put them into concise and clear language and translate them);
- d) with authorization from the proposers, gather into one, similar resolutions or resolutions on the same topic;
- e) to attempt to complete a proposed resolution judged to be in conformity with article 4.8.1 but that does not contain all the required information in article 4.8.2. To this end, a member of the committee may act as proposer or seconder of such a proposed resolution;

f) forward the proposed resolutions to the delegates. (1)

4.8.4 Submission

Any proposed resolution submitted **60 calendar days or more prior** to the Chapter and judged acceptable by the Resolutions Committee shall be presented to the Chapter.(1)

Resolutions may also be submitted to the Resolutions Committee **less than 60 days before the chapter as well as during the Chapter**. However, the committee is not necessarily obliged to submit the resolutions to the assembly. (1)

5. ELECTION

5.1 Nominations Committee

GC 66.a) The National Council shall appoint a Nominations Committee one year prior to the National Chapter to obtain nominations for the offices of the National Council. (1)

Nomination records shall include the following information:

- the name and signature of the proposer,
- the name and signature of the seconder,
- the written consent of the nominee. (1)

At the National Chapter, nominations from the floor shall be accepted provided the above mentioned nomination records are submitted. (1)

5.2 Offices

GC 49.2,
52.5 The members of the National Chapter elect to the National Council: one Minister, one Vice-Minister representing the Francophone Sector, one Vice-Minister representing the Anglophone Sector, one Secretary, one Treasurer, one Director of Formation, one International Councillor and one Substitute International Councillor. (8)

The assembly will choose by vote which of the two Vice-Ministers will replace the Minister in the case of absence, illness, delegation or other valid reason. (1)

5.3 Election Procedures

Elections shall be held in accordance with the procedures set forth in the document entitled: "Election Procedures", approved by the National Council (See Appendix A). (1)

5.4 Vote

GC 77.2
78.1
CCL 119 An absolute majority, as determined in the " Election Procedures ", is required for each office. There shall be no proxy voting. (1).

5.5 Commencement of Duties of the new Council

GC 78.4 The newly elected members of the National Council shall take office upon confirmation of their election by the President of Election. (1)

5.6 Transfer of Records

GC 32.2 At the end of their term, the outgoing members of the National Council shall hand over all records to the newly elected officers within thirty days or at such time as mutually agreed upon by both parties. (1)

6. NATIONAL COUNCIL

GC 49.2 52.5 6.1 Membership

The National Council shall be comprised of the elected officers as specified in Article 5.2 of these Statutes and the National Spiritual Assistant(s) of the First Orders and TOR (see art. 16.1 of the Statutes for Spiritual and Pastoral Assistance to the OFS).

6.1.1 Minister

CG 52.1 52.5 While firmly preserving the co-responsibility of the council for the animation and guidance of the National Fraternity it is the duty of the minister, who has the primary responsibility, to see that the directions and decisions of the council are put into practice. He or she will keep the council informed concerning his or her activities.

In addition, the national minister has the duty:

- a) to convoke and preside at the meetings of the national council; to convoke every three years the elective chapter of the national fraternity, according to the national statutes, after having listened to the council on the formalities of the convocation;
- b) to direct and co-ordinate with the national leaders the activities at the national level;
- c) to give a report to the national council and chapter on the life and activity of the OFS in the country;
- d) to represent the national fraternity in contacts with ecclesiastical and civil authorities. When the national fraternity has a civil juridical personality, its legal representation belongs to the minister;
- e) to preside at and to confirm the elections of the regional fraternities either in person or through a delegated member of the regional council, with the exception of the spiritual assistant;
- f) to make fraternal visits to the regional councils, personally or through a delegate who is a member of the national council;
- g) to request the fraternal and pastoral visits, with the consent of the council, at least once every six years.

6.1.2 Vice-Minister

The duties of the Vice-Minister shall be:

- a) to attend all National Fraternity Council meetings;
- b) to take part in the deliberations and decisions of the National Council;
- c) to become familiar with the International, National and Regional documents such as the Ritual, the General Constitutions, Statutes, Formation programs and procedures;
- d) to act as liaison between the National Council and the Regional Fraternities for the area of elected linguistic responsibility;
- e) when designated by the Minister and/or the National Council, to act in the capacity of Visitor to the Regional Elective Chapters;
- f) to coordinate the activities of certain National Council Committees, Study Groups and/or Ad-hoc committees, as assigned by the National Minister and/or the National Council;
- g) during the National Conference, to chair those sections of the National Conference dealing exclusively with the linguistic group for which each is responsible. (1)

6.1.3 Secretary

The secretary has the following duties:

- a) to compile the official acts of the fraternity and of the council and to assure that they are sent to their respective proper recipients;
- b) to see to the updating and preservation of the records and the registers, noting admissions, professions, deaths, withdrawals, and transfers from the fraternity;
- c) to provide for the communication of the more important facts to the various levels and, if appropriate, to provide for their dissemination through the mass media.

CG 37.4
52.3

6.1.4 Director of Formation

The Director of Formation, in collaboration with the National Spiritual Assistant(s) shall:

- a) make known and promote Franciscan spirituality and programs of formation throughout the country.
- b) establish liaisons with the Regional Directors of Formation to distribute formation material.
- c) perform such duties as the Minister and the National Council may designate.(1)

GC 52.4
52.5

6.1.5 Treasurer

The duties of the treasurer shall be:

- a) to present the financial records and any financial statements to the members of the National Council upon request.
- b) at the direction of the National Council, to pay out money as the business of the National Fraternity may require.
- c) to make all payments by cheque only.

d) to prepare budget estimates and forward them to the Regional Fraternities, and

e) to present the financial records audited by a person independent of the council and knowledgeable to do so, before the end of the Council's mandate and a final report given to the National Chapter.

6.1.6 Spiritual Assistant

GC 89.4
91.3

When the office of National Spiritual Assistant becomes vacant, the National Minister, after having consulted with the National Council, shall address a request to the representative of the Ministers Provincial of the First Order to have a qualified individual nominated to assume the functions of National Spiritual Assistant. (1)

The Spiritual Assistant will accomplish his service according to the "Statutes for the Spiritual and Pastoral Assistance to the Secular Franciscan Order".(Article 41) (6)

GC 31.1-3

6.2 Duties

The National Council shall carry out the policies and execute the decisions of the National Chapter. Between Chapters, it shall carry out the normal business of the National Fraternity. It shall meet at least twice a year.(1)

6.3 Quorum

A quorum of two-thirds of the members of the National Council shall be required for valid decisions at every meeting. (1)

6.4 Voting

The decisions of the National Council shall require the majority vote of the members present at the meeting. The Substitute International Councillor has the right to vote only when the International Councillor is not present.

Except when another procedure of voting is prescribed by Canon Law or the General Constitutions, voting shall be by show of hands, unless a majority of the members present decides otherwise. (1)

6.5 Resource Persons

GC 49

In conducting its affairs, the National Council may appoint, when it is deemed necessary, resource persons to the National Council. These individuals shall not have voting privileges at meetings nor be counted for quorum purposes.(1)

6.6 Vacancy of Office – Councillor

GC 81.3

When an office of councillor becomes vacant, the National Council, at its next meeting, shall proceed to elect, by secret vote, a new councillor for the remainder of the term.(1)

7. FINANCIAL MATTERS

7.1 Financial Needs

GC 30.3

A 3- year budget is presented at the National Chapter for approval.

It is the responsibility of the National Minister, after consultation with the National Council, each year, to inform the Regional Ministers, of the financial needs of the National Fraternity, in accordance with the "Financial Schedule" (See Appendix B).

7.2 Unforeseen Expenses

Expenses that were not foreseen in the budget shall be approved by the National Council before they are incurred. (1)

7.3 Civil Corporation of the National Fraternity

The officers of the National Council shall hold parallel offices on the Board of Directors of the civil corporation. The Vice-Minister designated to replace the Minister according to the provisions of Art. 5.2 shall assume the office of First Vice-President of the civil corporation while the other Vice-Minister will assume the office of Second Vice-President of the civil corporation. (1)

8. STANDARD NORMS

GC 38.2
38.3

Generally, the time period preceding admission to the Order shall be at least **six months**.

Exceptions to this norm shall be the concern of the local fraternity in accordance with the orientations given by the National Council. (1)

Material for formation shall be presented to the National Council for acceptance.(1)

8.2 Age of Profession

GC 43

The minimum age of profession for Secular Franciscans in Canada shall be **18 years**.(1)

8.3 Active Member is :

- a professed secular Franciscan or a candidate,
- one who regularly attends the meetings or a member who attends at least one meeting during the past year,
- one who contributes to the financial needs of the fraternity according to his
or her means, or has made a financial contribution during the past year,
- a member who is excused for valid reasons of health, family, work or distance. (9) In all cases, each legitimate absence mentioned above, each valid excuse shall be approved by the Fraternity Council.

GC art. 56.1
and 56.3

GC 43 **8.4 Franciscan Sign**
 The distinctive Secular Franciscan sign for Canada shall be any form of The TAU cross. (1)

8.5 Civil Corporation

8.5.1 Procedures

GC 54 A fraternity that wishes to acquire a corporate status in accordance with federal or provincial legislation shall first obtain approval from the fraternity of the higher level.(1)

The fraternity concerned will then consult a legal consultant competent in this field and present a final draft of the proposed charter to the fraternity of the higher level. (1)

When the charter is obtained, the fraternity shall send a copy of the charter to the fraternity of the higher level. (1)

8.5.2 Presentation of Records

The record book of the corporate documents and minutes of meetings shall be submitted to the Visitors at the time of the fraternal visit. (1)

8.5.3 Administration of Property

GC 48.1 All property owned by the Secular Franciscan Order shall be administered in accordance with federal or provincial legislation. (1)

Provision shall be made in the Charter, that in the event of the dissolution of the Corporation, its remaining assets shall become the property of the fraternity of the higher level. (1)

8.6 Pastoral Care

While recognizing the responsibility of the founding community to assure spiritual/pastoral service to the Local Fraternity, if for various reasons a change in spiritual assistance is necessary, this change shall be accomplished with the consent of the Regional Council and of the concerned Major Superiors of the First Order. (1)

9. REGIONAL FRATERNITY

GC 29.1 **9.1 Regional Chapter**

29.3 **9.1.1 Convocation**
 61.1

61.2 After consultation with the Regional Council, the Regional Minister shall
 63.2a) convoke the Chapter of Elections at least once every three years. He or she
 64 may also convoke intermediate chapters (spiritual, orientation, etc.). (1)

9.1.2 Membership

The regional Chapter shall comprise the members of the Regional Council, the Local Fraternity Ministers, the Local Fraternity Spiritual Assistants,

and other delegates as regulated in the Regional Statutes.

The outgoing members of the Regional Council shall be entitled to vote until the dissolution of the Chapter.

9.1.3 Delegation

Only permanently professed members of the Secular Franciscan Order may be delegates to the Regional Chapter. Delegates to the Regional Chapter are determined according to the norms established by the Regional Statutes. Delegates must present written evidence of his/her delegation to the Regional Chapter.

9.1.4 Duties

The Regional Chapter shall study the activities of the Regional Fraternity, seek and propose means to promote its growth, hold the elections of the Regional Minister and the other members of the Regional Council. (1)

The Regional Chapter shall be governed by the Code of Canon Law, the General Constitutions, the National Statutes and the Regional Statutes. (1)

The Regional Chapter shall approve the Statutes of the Regional Fraternity, which then require the approval of the National Council. (1)

9.1.5 Quorum and Majority

The quorum shall consist of the two-thirds of the members called to the Regional Chapter. An absolute majority is required for each decision of the Chapter. (1)

9.1.6 Presiding a Chapter

The National Minister, or his or her delegate, shall preside the session of elections at the Chapter which elects the members of a Regional Council. The Regional Minister presides over all other sessions and other chapters. (1)

9.1.7 Election Procedures

Elections shall be held in accordance with the procedures set forth in the document entitled: " Election Procedures ", approved by the National Council (See Appendix A) (1)

9.1.8 Report of the Chapter

A complete report of the Regional Chapter shall be sent within three months to the National Minister and the ministers of the local Fraternities.(1)

9.2 Regional Council

9.2.1 Membership

- GC 61.3 The Regional Council shall consist of the following offices:
- Minister
 - Vice-minister
 - Secretary
 - GC 97.3 – Treasurer
 - GC 49.2 – Director of Formation
 - Spiritual Assistant
 - Franciscan Youth representative
 - Other councillors may be elected as required. (1)

9.2.2 Duties

- GC 62.2 The Regional Council's duties shall be
- CCL 312
- to provide for the spiritual life of Secular Franciscans,
 - to foster spiritual unity among the local fraternities,
 - to implement the decisions of the Regional Chapter, the National Chapter and of the National Council,
 - to visit local fraternities, and
 - to collaborate with the competent religious Major Superior in establishing new fraternities at the request of the concerned brothers and sisters.
 - GC 86.1 – Hold at least one meeting with the local fraternity Ministers during their mandate
 - In addition to their Chapter every 3 years hold one Spiritual Conference within their mandate and hold Regional Formation Workshops when required. (1)

9.2.3 Vacancy of Office – Councillor

- GC 81.3 When an office of councillor becomes vacant, the Regional Council, at its next meeting, shall proceed to elect, by secret vote, a new councillor for the remainder of the term. (1)

10. Franciscan Youth

The National Fraternity shall provide for and support the evangelical life of young persons between the ages of 18 to 30 years, attracted to St. Francis of Assisi. These young persons shall meet on a regular basis to deepen their virtues of humility, poverty and a prayerful lifestyle. Their goal is to become a member pledged before God of their own specific fraternity within the Franciscan family called Franciscan Youth (YOUFRA)

11. INTERPRETATION

Outside the National Chapter, the authentic interpretation of these Statutes shall be the responsibility of the National Council. Such interpretation made outside the Chapter shall remain binding until the next Chapter. (1)

12. AMENDMENTS

The National Council has the authority to make provisional amendments to the Statutes, subject to the approval of the National Chapter and of the Presidency of CIOFS. Any proposed amendments must be forwarded to the Regional Ministers at least three months prior to the Chapter for consultations with their fraternities. The proposed amendments shall require a two-thirds (2/3) majority vote of the National Chapter for approval.(1)

APPENDIX A

National Fraternity of Canada Election Procedures

1. Prior to the Chapter, the fraternity's secretary will prepare a list of the members eligible to vote; that is, members of the Secular Franciscan Order with an active voice (GC Art. 77).
2. The president of the elections will designate persons for acceptance by the assembly to the following positions:
 - Secretary of Elections (GC Art. 76.4)
 - 2 Scrutineers (GC Art. 76.4)
 - Guards (door).

Individuals filling these positions must be members of the Chapter. As such, they are entitled to all of the functions that any other member of the Chapter would be entitled to - active and passive voice - that is to be nominated for office and have the right to vote. (10)

3. At this point, movement in and out of the assembly is curtailed (i.e. if a delegate leaves the room, he or she cannot return until the end of the election in progress).
4. Before the actual election, there should be a roll-call of all the members eligible to vote. Members respond by saying "Present".
5. A count of eligible voters present in the assembly is established. This number is posted.
6. The absolute majority is then determined (the whole number following the number of half of those persons eligible to vote). (GC Art. 78)

Example: eligible voters	- 97 98 99
Absolute majority	- 49 50 50

The absolute majority is also posted.

7. The position that is up for election is announced (Minister, Vice-Minister, Secretary, Treasurer, Director of Formation, International Councillor and Alternate International Councillor).(7)
8. A call for nominations is made. If there is a Nominations Committee, its chairperson presents the nominations received.

A general call for nominations from the floor is also performed (nominator and seconder).

This general call is made three times or until a motion is made to cease nominations. If a motion to cease nominations is not forthcoming from the assembly, the president of the elections may request the motion. (7)

Starting with the last candidate named, each candidate is asked whether he or she accepts the nomination.

9. Prior to the election for each position, candidates are provided with the opportunity to present themselves (5-10 minutes each).
10. The scrutineers distribute the ballots (The number of ballots should be the same as the exact number of eligible voters present).
11. The voting takes place. The ballots are collected by the scrutineers. (7)
12. The ballots are then counted aloud by the scrutineers to ensure that the number of ballots does not exceed the number of eligible voters present.

If the count is less, it is assumed that some delegates may not have voted; hence, the vote is good.

If the count is greater, a recount of the number of eligible voters present is performed (roll-call again) and/or a recount of the number of ballots distributed is performed.

If the problem cannot be resolved in this way, it must be assumed that someone may have voted twice and the vote is cancelled; the process is restarted from Step 10.

13. Under the direct supervision of the President and Secretary of the Elections, the scrutineers separate the ballots by candidate.
14. The scrutineers count the number of ballots for each candidate.
15. The scrutineers present the results of the vote to the Secretary of the election who, in turn, announces the results according to page 42 of Canada's Ritual (GC Art. 78.4).
16. The President then confirms the election of each candidate according to page 42 of Canada's Ritual (GC Art. 78.4).

APPENDIX B

National Fraternity of Canada Permanent Schedule for Financial Statements

- June 30th Send the budget estimates for the following year to the Regional Ministers
- June 30th The Regional fraternities send the budget information from the National Council to and their own councils to the local fraternities and receive their contributions.
- November 30th
- December 30th Deadline (last day) for sending contributions from the Regional Fraternities to the National Council.
- April 1st Send the National Fraternity's contribution to the International Council.
- June 30th Send the National Fraternity's financial report to the International Council of Secular Franciscan Order and to the Regional Ministers

1. Article approved and adopted on August 19th 1995 at the Extraordinary Chapter held at Châteauguay, QC to draft the National Statutes. Modified, approved and adopted at the 2000 National Chapter, following the conclusion of the Regionalization process - New definition of the National Fraternity with the listing of the 14 Regional Fraternities established.
2. Change approved and adopted at the 2007 Regional Chapter of the Regional Fraternities of Levis and Quebec, owing to the regrouping of the two Regional Fraternities into the new Regional Fraternity under the name of Quebec, on September 8th 2007, with the approval of the National Council.
3. Article approved and adopted at the 2000 National Chapter - The membership for the National Conference.
4. Article approved and adopted at the 2000 National Chapter - The definition of the Quorum and of the Majority.
5. Article approved and adopted at the 2000 National Chapter - An addition to the Treasurer's tasks, which must be applied at all levels.
6. Article approved and adopted at the 2000 National Chapter - The definition of the role of the Spiritual Assistant according to the *Statutes for the Pastoral and Spiritual Assistance to the Secular Franciscan Order*.
7. Article approved and adopted at the 2000 National Chapter - Amendments to numbers 7 and 11 of the Election Procedures.
8. Article approved and adopted at the 2003 National Chapter - The election of the International Councillor and the Alternate International Councillor - Directive from CIOFS.
9. Article approved and adopted at the 2004 Extraordinary Chapter held at Orléans, ON - The definition of an active member and of an inactive member, for census purposes.
10. Article approved and adopted at the 2006 National Chapter - Amendment to number 2 of the Election Procedures - active and passive voice for the secretary, the scrutineers and the guards during the session.
11. Articles modified and adopted at the 2006 National Chapter and combined into one by the National Council on February 2nd 2007 - The National Chapter membership.
12. Article approved and adopted at the 2006 National Chapter - New definition of the choice of the delegation to the National Chapter.
13. Art. 16 Statutes of the Spiritual Assistance to the Secular Franciscan Order
The number of Assistants who are members of the Councils at the various levels shall correspond to the number of Orders which in fact provide assistance to the local fraternities in the sphere of the international, national, or regional fraternity.

