

**BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE**

**In the Matter of the Appeal of Eric D. Wurth
Personnel Order 2012-83**

Hearing Dates: October 24, 2012
 November 19, 2012

Hearing Location: 200 East Wells Street, Room 301A, City Hall
 Milwaukee, Wisconsin

Commissioners: Kathryn A. Hein
 Paoi X. Lor
 Michael M. O’Hear

Hearing Examiner: John J. Carter

Appearances: Adam B. Stephens, Assistant City Attorney
 For the Milwaukee Police Department

 Attorney Jonathan Cermele
 For Appellant Eric D. Wurth

PROCEDURAL HISTORY

The Chief of Police, Edward A. Flynn, charged Police Officer Eric D. Wurth in Personnel Order 2012-83 dated May 22, 2012, with the following violations of Milwaukee Police Department Rules and Procedures:

1. Core Value 1.00 – Competence, referencing Guiding Principle 1.05, referencing Standard Operating Procedures relating to Computer Equipment Applications and Systems, Section 680.05(A): Use of Department computer equipment for personal use.

2. Core Value 3.00 – Integrity, referencing Guiding Principle 3.02: Regular or continuous association with persons or groups whom the Member reasonably

believes, knows, or should know are planning to, or are engaged in, criminal behavior.

3. Core Value 3.00 – Integrity, referencing Guiding Principle 3.05: Failure to obey the laws in effect in the State of Wisconsin.

The Appellant filed an appeal with Milwaukee Fire and Police Commission from the order of the Chief of Police and a hearing was held.

SUMMARY OF HEARING PROCEEDINGS

The hearing was conducted on October 24, 2012, and November 19, 2012. The hearing was recorded by a stenographic reporter. Testimony was taken from the following witnesses:

For the Chief of Police: Katy Zahn
Police Officer Eric D. Wurth, Milwaukee Police Department
Amanda Roark
Captain Diana Rowe, Milwaukee Police Department
Police Officer Jay Ehlers, Milwaukee Police Department
Chief Edward Flynn, Milwaukee Police Department

For the Appellant: Detective Thomas A. Glasnovich, Milwaukee Police Department
Lieutenant Johnny Sgrignuoli, Milwaukee Police Department
Dr. Alison R. Kravit, American Behavioral Clinics, S.C.
Police Officer Eric D. Wurth, Milwaukee Police Department

Based upon the evidence received at the hearing, the Commission makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Appellant joined the Milwaukee Police Department in 2006, following approximately fifteen years of service in the United States Army and the Wisconsin Army National Guard. After joining the Department, the Appellant continued to serve in the National Guard and was deployed in Iraq for a time in 2009 and 2010. The Appellant returned from this deployment in the winter of 2010 and resumed his duties as a police officer in the spring of 2010.
2. During his 2009-2010 deployment, the Appellant became acquainted with Michael Zahn, a fellow soldier, and through him with his wife, Katy Zahn, who resided in Wisconsin while her husband was overseas.
3. During his deployment, the Appellant became aware that Mrs. Zahn was experiencing financial difficulties. After his return from Iraq, he met with Mrs. Zahn and provided her with financial assistance. It is not clear from the record when exactly Mr. Zahn returned

from Iraq, but it appears that the Zahns are estranged and did not reside with one another during any of the time period of relevance to this matter. Indeed, since Mr. Zahn plays no further role for our purposes, we will henceforth refer to Mrs. Zahn simply as “Zahn.”

4. The meeting between the Appellant and Zahn in early 2010 began an extensive series of interactions between the two lasting more than a year and a half. These interactions included regular cash payments from the Appellant to Zahn, totaling \$5,000 or more; shopping trips; meals; frequent phone calls and text messages; meetings at the District Three office when the Appellant was on duty; and, on a handful of occasions, sharing the same bed (apparently without engaging in sexual intercourse). The nature of the relationship defies easy categorization. Indeed, it is evident that the Appellant and Zahn viewed the relationship quite differently from one another and had quite distinct motivations for their interactions.
5. Zahn’s motivations were more straightforward. Based on her testimony at the hearing, Zahn became addicted to heroin in 2008 or 2009—an addiction that apparently continues to the present day. Feeding this addiction was an expensive matter. Zahn testified that she was consuming \$200 of heroin a day when her addiction was at its worst. Zahn thus saw the Appellant as a source of desperately needed cash. She told him that she suffered from Hepatitis C and that the money was to be used for doctors’ appointments and prescription drugs. She would typically request, and he would typically provide, \$50 to \$200 at a time. She used the money for heroin (and possibly cocaine), rather than for medical treatment. The Appellant’s payments to Zahn continued, with varying frequency and periodic interruptions, through early 2012, even as Zahn faced mounting legal problems relating to her addiction. The Appellant was well aware of these legal problems (although perhaps not of the underlying addiction), even bailing her out of jail in August 2011 and putting money on her “books” when she was back in jail in January 2012.
6. What did the Appellant hope to gain from this relationship with a very troubled and financially needy woman half his age? The able counsel for the Police Department characterized the Appellant’s intentions as “predatory,” but that may be a bit of an overstatement. Despite frequent interactions over more than a year and half, which included spending the night together on a handful of occasions, the two apparently never had intercourse, and Zahn testified that the Appellant never even asked her to do anything “sexual.” (Transcript at 59) While there seems to have been a sexual dimension to the Appellant’s interest in Zahn, “predation” may be an overly simplistic and sinister label for his intentions.
7. At the same time, we are equally unconvinced by the Appellant’s efforts to characterize his intentions as more purely paternalistic. The Appellant states, “During each of my deployments to the Middle East, the troopers in my charge became my family. I treated their parents, spouses and children as family too.” (Exhibit 5) We have no reason to doubt that the shared dangers and hardships of overseas deployment can produce very close relationships that have a familial character, or that these bonds can even encompass the spouses of fellow soldiers. And, indeed, much of what the Appellant did for Zahn

was consistent with what a father might do for a daughter in similar circumstances. Zahn herself said that the Appellant “was pretty much acting like a father figure toward me.” (Trans. at 48) (Based on the testimony of the Appellant and of Zahn, it appears that Zahn’s actual father had financial problems of his own that made it difficult for him to help his daughter, and he encouraged the Appellant to continue providing assistance to Zahn.) The Appellant tried to convince Zahn to get away from the friends who were a bad influence on her. (Trans. at 50) The Appellant cut off his financial support for Zahn after her first arrest for drug possession in March 2010. As Zahn put it, “He wouldn’t give me money for a while because he knew that I was using or whatever, but then when he thought I was clean again, then he started giving me money then.” (Trans. at 30-31) The Appellant regularly checked on Zahn’s court obligations, drove her to court, and encouraged her to comply with court orders. All of this may seem paternalistic enough, but then there are those nights spent together.

8. Cuddling, spooning, and sharing the same bed seem to go beyond what a “father figure” would do, as does taking Zahn shopping to Frederick’s of Hollywood and accepting checks of dubious provenance to secure her debt to him. We note that the Appellant does not deny these actions, although he does paint a rather different picture than Zahn as to the frequency and intensity of his requests that they spend the night together. We cannot easily sort out which picture is more accurate. The Appellant’s credibility suffers somewhat for the self-serving nature of his testimony. But Zahn’s credibility suffers from difficulties of its own: her multiple criminal convictions, her ongoing addiction to heroin, her regular use of powerful psychoactive substances throughout the time period to which her testimony relates, her admitted lies to the Appellant over a long period of time, and her admitted dishonesty in an earlier statement to an investigating officer regarding her relationship with the Appellant (Trans. at 53). Although she had no readily apparent motive to lie at the hearing on this matter, there are ample grounds for concern that her memory may be less than reliable and that she may have less than a punctilious regard for the truth. In any event, it seems to us that we need not definitively resolve all of the differences in the testimony, e.g., whether or not the Appellant threatened Zahn with legal action regarding the checks if she did not spend the night with him. Suffice it to say that we believe the Appellant’s intentions, while perhaps paternalistic to some degree, included a romantic or sexual aspect. This finding is supported not only by Zahn’s testimony, but also by the testimony of Officer Ehlers, who stated that the Appellant told him of a sexual interest in Zahn, and by the Appellant’s own, somewhat vague admission that his motives “morphed” during the course of the relationship as he found that he “enjoyed [Zahn’s] company.” Nor is this finding inconsistent with the Appellant’s testimony that he did not want to have sexual intercourse with Zahn due to her infection with Hepatitis C; sexuality may be expressed by means other than intercourse, including the sort of cuddling and spooning that the Appellant admits doing with Zahn.
9. Similar ambiguities surround another important question: when did the Appellant become aware of Zahn’s ongoing addiction to heroin. There is no question that the Appellant knew of Zahn’s March 2010 arrest for felony possession of heroin and conviction on the same charge in September 2011. Standing alone, however, these facts are not sufficient to establish that the Appellant knew Zahn was using drugs on an *ongoing* basis,

especially when the Appellant has testified unequivocally that he did not know there was ongoing drug use. Since there is no direct evidence to contradict the Appellant's testimony, the Department must rely on inferences drawn from circumstantial evidence. And, indeed, the circumstantial evidence of knowledge is considerable. The Appellant knew that Zahn was constantly asking for money; that she was having difficulty complying with the terms of her pretrial release and then her probation; and that she was spending a lot of time with friends of dubious character. He also knew that Zahn suffered from a disease, Hepatitis C, that is associated with intravenous drug use. Moreover, Zahn's testimony, coupled with that of her friend Amanda Roark, suggests a level of drug use and dependence that would seemingly be difficult to conceal from an intimate acquaintance. This record is clearly sufficient to permit a rational trier of fact to infer that the Appellant knew Zahn was using on an ongoing basis. However, our role is not merely to determine whether the Department has satisfied some minimal rationality standard in its discharge decision, but rather whether the Department has carried a burden of proof by a preponderance of the evidence.

10. The rule that the Appellant has been accused of violating prohibits Department members from having "regular or continuous associations with persons . . . they reasonably believe, know or should know are planning to, or are engaged in, criminal behavior . . . such that the association would undermine the public trust or affect the member's credibility or integrity." We find that the Appellant *should have known* that Zahn was engaged in the criminal behavior of possessing and using heroin, and we understand the Appellant to concede as much. This is sufficient to establish a rule violation, but the appropriate discipline may depend, in part, on whether and to what extent the Appellant actually did know of the criminal behavior.
11. Based on the record before us, and in light of the Department's burden of proof, we believe that the best way to characterize the Appellant's state of mind may be by reference to the legal concept of recklessness, that is, a knowing disregard of a substantial and unreasonable risk. A more colorful way of expressing this idea is through the image of the ostrich with its head in the sand. It seems to us incredible that the Appellant was *entirely* oblivious to the possibility that Zahn was continuing her drug use. If the Appellant was indeed ignorant of her drug use, then it must have resulted to some extent from a conscious decision of sorts not to consider what was going on—not to ask the hard questions, not to dwell on troubling developments, not to seek counsel from others more experienced in recognizing the signs of addiction, and so forth. Moreover, such a decision to disregard the risk of continuing drug use seems quite consistent with the Appellant's affection for Zahn and hopes for an intimate relationship with her; it would have been quite painful indeed for the Appellant to squarely confront the possibility that his feelings for Zahn were not reciprocated, but that she instead regarded him primarily as an ATM. We doubt that the Appellant was the first, or will be the last, person to cling far too long to a futile hope that a loved one has beaten an ongoing addiction.
12. For purposes of our fact-finding, there remains only to recount the denouement of this dysfunctional relationship. After her conviction for felony drug possession in September 2011, Zahn was placed on probation. By November 2011, she was in violation of the

terms of her probation, and a warrant was issued for her arrest. The record does not disclose the nature of the violation, but the Appellant, who regularly checked on the status of Zahn's legal proceedings, was aware of the warrant. Some time after the warrant was issued, Zahn telephoned the Appellant to request money to pay her probation agent. Based on this conversation, the Appellant apparently believed that the probation violation was for failure to pay a probation maintenance fee, and he hoped that the violation would be taken care of if Zahn paid the agent. Zahn came to District Three and picked up the cash from the Appellant on December 13, 2011. By January 2012, Zahn was incarcerated in Waukesha County, and an internal affairs investigation of the Appellant was well underway. The Appellant has apparently had very little contact with Zahn since then.

CONCLUSIONS OF LAW

13. This appeal is governed by the seven just cause standards set forth in Wis. Stat. §62.50(17)(b). The Department bears the burden of proof as to each of these standards.
14. The Appellant has not appealed the disposition of the first charge, use of Department computer equipment for personal use, for which a thirty-day suspension was imposed. Accordingly, we will say nothing further regarding this charge.
15. The Appellant does challenge the Department's decision to discharge him based on the second charge, that is, regular or continuous association with persons whom a Department Member reasonably believes, knows, or should know are planning to, or are engaged in, criminal behavior. However, the Appellant has stipulated that the first five just cause standards are satisfied as to this charge. Therefore, we confine our discussion to the sixth and seventh just cause standards, which relate to the discipline to be imposed for an established violation.
16. The sixth just cause standard is "Whether the chief is applying the rule or order fairly and without discrimination against the subordinate." In his testimony at the hearing, the Chief described the reasons for his decision to discharge the Appellant, specifically, the Appellant's improper motivations and the degree of harm that was caused or could have been caused by the Appellant's misconduct. Although, as set forth below, we do not weigh these considerations in quite the same way as the Chief in this particular case, we believe that they are in general perfectly appropriate considerations for the Chief to take into account in making a disciplinary decision. Moreover, as set forth above in Paragraphs 9-11, we believe that the violation in this case was clearly established; this was not merely a marginal or technical violation. All of this points to a good-faith, nondiscriminatory decision by the Chief, and the Appellant has offered no evidence of personal animus against him or otherwise presented any evidence or argument to rebut the natural inference from the Chief's testimony that his decision-making process was fair and nondiscriminatory.
17. One aspect of the process does trouble us, however: as far as we can tell, the Chief did not consider the discipline imposed in any similar cases, and no "comparables" were

presented for our review. This is contrary to what we have seen in other recent appeals. For instance, all three members of the present panel also served on the panel in the Dwight Copeland appeal in September 2012 (Personnel Order 2012-95). In that proceeding, the Commission was presented with numerous comparables by both sides, and the hearing included a very helpful discussion of several of the earlier disciplinary decisions. In the Copeland matter, and in several other appeals with which we have been involved, the Department's presentation of comparables has served to reassure the Commission that the Chief did indeed make a nondiscriminatory decision, and we can imagine that, in a case in which the sixth just cause standard was closely contested, the presence or absence of persuasive comparables might well prove determinative to the outcome of the appeal.

18. To be sure, we understand that the Chief may not have previously disciplined a Member for a violation of the particular rule at issue here; the Chief's testimony suggested as much. However, this does not preclude the Chief from considering the discipline imposed in other cases presenting similar sorts of harm. For instance, the Chief's testimony focused particularly on the reputational harm suffered by the Department. But the Appellant is hardly the first police officer to have engaged in conduct that brings disrepute upon the Department. Likewise, the Chief's testimony noted that Zahn might have died of an overdose as a result of the Appellant's misconduct. But, again, the Appellant is not the first Member to take actions that inadvertently endanger civilians. The point is not that the Chief is obliged to undertake a far-ranging, open-ended search for strained analogies to truly unique violations, but that constructive analogies may sometimes be drawn even when there has been no previous discipline imposed for a violation of the particular rule at issue in a given case. To whatever extent the Chief can show an effort to ground his disciplinary decisions in precedent established by prior decisions, the Chief's ability to satisfy the sixth just cause standard will be correspondingly greater.
19. Notwithstanding our concern regarding the lack of comparables in this case, we conclude that the sixth just cause standard is satisfied based on the considerations identified in Paragraph 16 above.
20. We do not believe that the seventh just cause standard is satisfied, although we find the question to be an exceedingly close one. We hope that neither the Appellant nor anyone else will regard our decision as in any sense an exoneration of the Appellant, for we are indeed deeply troubled by the Appellant's misconduct.
21. To be more specific, the seventh just cause standard is "Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department." We consider the seriousness of the violation first. In general, the seriousness of a violation is determined by reference to the harm that was done, the danger of additional harm, and the Member's state of mind with respect to the harm and danger, including the Member's knowledge, intentions, and motivations. In this case, the harm that was done was chiefly to the Department's reputation. Although such harm is no small matter, we do note that this sort of harm is

less grave than the harm that is sometimes presented in cases of officer misconduct, such as the severe physical injuries that sometimes result from cases of assault. By the same token, as the Chief testified, there was a danger of far worse harm in this case: Zahn might have died of a drug overdose, or might have otherwise seriously harmed herself or others as a result of her intoxication or drug dependence. We are not able to assess these risks precisely, but they certainly weigh against the Appellant. At the same time, we note that the \$5,000 given to Zahn by the Appellant over a year and a half may not have played that large a role in fueling a \$200-a-day addiction. Although the record does not clearly establish where Zahn got the money she needed for drugs, it does seem reasonably clear that she must have relied on other sources to a greater extent than she relied on the Appellant.

22. As to state of mind, it appears that the Chief's decision to discharge the Appellant was premised on (1) the understanding that the Appellant actually knew of Zahn's ongoing drug use, and (2) the belief that the Appellant's motivations were "unhealthy" and contrary to Zahn's best interests. For the reasons indicated above in Paragraphs 9-11, we find the evidence of knowledge somewhat less clear-cut than the Chief seems to, although we do not question that the Appellant was at least reckless in continuing to provide financial support for Zahn's drug use, and his culpability is all the greater for the length of time in which he persisted in doing so. The motivation question also seems to us somewhat more complicated than the Chief saw it. Although we are not entirely clear what the Chief meant by an "unhealthy" motivation, it seems likely that the Chief had in mind something like the "predator" theory suggested by counsel. As we explained above in Paragraphs 6-8, we do not see the Appellant's motivations in quite the same light. To be sure, the line between "healthy" and "unhealthy" sexual interests can be uncertain, and the Appellant's motivations do strike us as troubling in some respects—quite strongly so if the most negative aspects of Zahn's account of the relationship are credited in their entirety. Yet, a sexual interest in Zahn, in and of itself, would not necessarily be unhealthy or improper, depending on whether and how the Appellant acted on such an interest and what he knew regarding her ongoing criminal activity. Moreover, as indicated in Paragraph 7 above, there is some evidence to support the Appellant's depiction of a more paternalistic relationship. Taking account all of the many ways in which the Appellant sought to help Zahn over a long period of time, it is hard to view his motivations as entirely self-serving and solely directed to his own sexual gratification.
23. Despite some of the complexities of the situation, we are persuaded that the Appellant's offense is indeed a very serious one, and might warrant discharge if the seventh just cause standard were limited to the severity question. However, the standard also directs us to consider the Appellant's record of service, which is clearly in his favor. He has no prior record of discipline, and his performance evaluations, particularly his most recent evaluations, are quite positive. To be sure, a "clean" record like this would be even more compelling if the Appellant had more years of service with the Department. But, on the other hand, we cannot disregard the significance of twenty-one years of military service—including repeated service in dangerous overseas assignments—without any disciplinary problems. (Ex. 30) The military record and record of service to the Department indicate that the interactions with Zahn were an aberration—a course of

conduct that was out of character and is unlikely to be repeated. This conclusion gains further support from the report and testimony of Dr. Kravit, a psychologist who evaluated the Appellant in connection with this proceeding. Dr. Kravit concluded, “[I]t is my professional opinion that Mr. Wurth does not possess any sort of interpersonal difficulties that could be characterized as self-serving or predatory, and sees the benefit of helping others outside of any individual gain.” (Ex. 29)

24. The Appellant’s conduct constitutes a serious offense, but not quite so serious as to entirely overcome the positive aspects of his service record. We have determined that the most appropriate discipline would be a sixty-day suspension without pay, which is the most severe discipline that we may order in this case short of discharge. We have further determined that this sixty days should be served consecutively to the thirty-day suspension imposed on the first charge, amounting to a total of ninety days of suspension without pay.
25. This brings us to the third charge, failure to obey state law. The Appellant does not stipulate as to any of the just cause standards with respect to this charge. We conclude that the Department has not satisfied its burden with respect to the fifth just cause standard, which is “Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.” Since we find in favor of the Appellant on this standard, the discipline imposed must be overturned.
26. More specifically, the Appellant was alleged by the Department to have violated Wis. Stat. §946.46, which makes it a crime for any person to intentionally aid or encourage a probationer to abscond or violate a term or condition of probation.
27. We note at the outset that the Office of the District Attorney reviewed this matter and apparently concluded that there was not even probable cause that the Appellant had committed any crime. (Ex. 23) While neither the Department nor this Commission is strictly bound by the District Attorney’s determinations as to whether a criminal law has been violated, it seems to us that a “no probable cause” decision by such an authority weighs heavily against a disciplinary decision premised on an alleged violation of a state criminal law.
28. Based on the specification (Ex. 4), it appears that this charge is based on the meeting between the Appellant and Zahn on December 13, 2011, by which time the Appellant was indisputably aware that Zahn had an outstanding arrest warrant. Apparently, the Department believes that the Appellant “aid[ed] or encourag[ed]” Zahn’s violation of probation in two ways: (1) by failing to arrest her, and (2) by giving her money.
29. Can a *failure* to do something constitute aid or encouragement? In general, criminal liability requires an affirmative act—malfeasance, as the lawyer would say, rather than mere nonfeasance. The standard jury instruction for §946.46 reflects this view: the second element requires “that the defendant *acted* with the purpose to aid or encourage the violation or was aware that (his)(her) conduct was practically certain to cause that

result.” (Ex. 15 (emphasis added)) A failure to arrest might nonetheless satisfy the element if the Appellant had a legal duty to arrest Zahn when he saw her on December 13, 2011. However, the Department has offered no basis for us to conclude that such a duty existed. Indeed, Lieutenant Sgrignuoli testified to the contrary. (Trans. at 160)

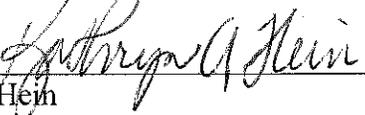
30. The Department’s second theory, however, does rest on an affirmative act: the handing over of \$60 to Zahn. It seems likely that this money was spent on drugs (Trans. at 63), the use of which would have constituted a violation of Zahn’s terms and conditions of probation. We can say, therefore, that the Appellant aided a violation of probation, but §946.46 requires something more: the aid must be *intentional*. To quote the jury instructions again: the Appellant must have “acted with the *purpose* to aid or encourage the violation or [have been] aware that [his] conduct was *practically certain* to cause that result.” (Ex. 15 (emphasis added)) Yet, given all of the trouble the Appellant had gone to for so many months to keep Zahn in compliance with her court obligations, it seems quite unlikely that his *purpose* in giving her the \$60 was to aid a probation violation. Quite the contrary, he testified that he thought she would use the money to pay her probation agent and thereby *resolve* a violation. To be sure, the Appellant’s purpose might not matter if, as the jury instruction says, he was “practically certain” that a probation violation would result from giving Zahn \$60. We have already found that the Appellant must have been aware of a *risk* that Zahn was addicted to heroin (§ 11), but awareness of a risk is not the same thing as awareness of a “practical certainty” that Zahn would use the money on drugs. The Department is not without circumstantial evidence in support of such an awareness, but we do not find this evidence quite strong enough to satisfy the Department’s burden.
31. Did the Appellant’s actions (and non-actions) on December 13, 2011, reflect well on him and on the Milwaukee Police Department? Absolutely not. It would have been better for him to arrest Zahn, or to let a supervisor know what was going on, or at least to contact her probation agent to try to confirm her story before giving her more money. The Appellant’s errors of judgment on December 13, 2011, seem the capstone to a long series of errors in his relationship with Zahn. However, in the third charge, the Department has not merely claimed that the Appellant made poor decisions or acted so as to bring disrepute to the Department. Rather, the Department has, in effect, charged the Appellant with committing a crime. Like the Office of the District Attorney, we do not see the Appellant’s misconduct, serious though it may be, as criminal in nature, even taking into account the lower burden of proof that governs this administrative proceeding than would apply in a conventional criminal prosecution.

DECISION

The first charge against the Appellant, Eric D. Wurth, has not been appealed and the Department’s disciplinary decision remains undisturbed. The second charge is sustained, but the discipline is reduced from discharge to sixty days of suspension without pay, to run consecutively to the thirty days imposed for the first charge. The third charge is not sustained.

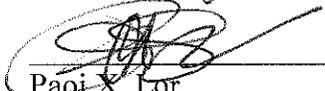
Dated at Milwaukee, Wisconsin.

BY THE COMMISSION:



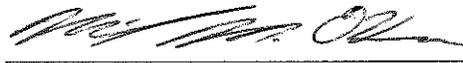
Kathryn A. Hein

Nov 28, 2012



Paoi X. Lor

Nov 28, 2012



Michael M. O'Hear

Nov. 28, 2012