

August 5, 2014

Newmarket Public Library
438 Park Avenue
Newmarket, ON

Dear Joan Stonehocker, Chair Newmarket Public Library Board and Todd Kyle, CEO Newmarket Public Library:

I am writing you this letter on behalf of the board of the Ottawa Public Library to seek your assistance on a matter that impacts us all greatly.

All public libraries are feeling the impacts of the restrictive practices of publishers in making e-content available to public libraries. We are finding that these practices are having a detrimental impact on our collections budgets and will jeopardize our ability to provide equitable access to comprehensive and accessible collections going forward.

At the Ottawa Public Library demand for access to content in electronic formats continues to grow exponentially. OPL customers borrowed close to 600,000 eBooks in 2013, an increase of 560% from 2010. These formats not only provide choice to our customers to read in alternative formats, but also provide accessible formats for persons with disabilities who cannot utilize print based materials.

Restrictive practices employed by publishers vary but include unreasonably high eBook prices, caps on number of uses, time limits and the refusal of some publishers to make their e-content available are impacting our ability to fulfill our core mandate. The introduction of these models is negatively impacting our purchasing power; for example, in Ottawa a 78% increase in the eBook budget from 2012 to 2013 translated in only a 30% increase in the amount of titles for the same time period. Both Ottawa and Toronto Public Libraries are willing to pay appropriate institutional rates for e-content on reasonable terms, but the usage caps and inflated prices for libraries for some of these publishers is excessive. To illustrate this point, when consumers are charged \$9.99 for J.K. Rowling's *The Casual Vacancy* as an e-book, the Library has to pay \$115.11; customers purchasing Margaret Atwood's *MaddAddam* pay \$15.99 while the Library pays \$85.00.

We recognize publishing in Canada and around the world is undergoing great change, and that the publishing industry plays an important role in the development and expression of the Canadian identity and literary culture. It must also be recognized and acknowledged that public libraries also play an important role and are integral to the ecosystem of reading and learning. Imposing unreasonably high prices, other special conditions or not making e-content available for lending at public libraries does not support nor contribute to a healthy publishing industry.

In 2014 the Ottawa Public Library board passed a motion requesting that Federal, Provincial governments and the Competition Bureau of Canada investigate these restrictive processes and evaluate whether a legislative or regulatory remedy could be brought into force to help mitigate this problem. Sample letters sent on behalf of OPL which were adapted from the Toronto Public Library campaign are attached to this letter.

The OPL Board is requesting your assistance. We are asking that you pass a similar motion at your local board and participate in the letter writing campaign to ensure that the Ministries and the Competition Bureau understand that this is an important issue impacting all libraries and not just the Ottawa Public Library. This will be an important step to start off a campaign which we hope will extend to a national strategy through the joint efforts of other libraries through the CLA.

We thank you in advance for your participation in this effort. If additional information is required or there are any follow up questions, please feel free to contact myself Jan Harder, Chair Ottawa Public Library Board at jan.harder@ottawa.ca or 613-580-2473 or the Chief Executive Officer, Danielle McDonald at danielle.mcdonald@bibliottawalibrary.ca or 613-580-2424.

Sincerely,



Jan Harder
Chair Ottawa Public Library Board



Danielle McDonald
CEO Ottawa Public Library

Attach (3)

July 10, 2014

Mr. Michael Coteau
Minister of Tourism, Culture & Sport
Hearst Block
Bay Street
Toronto, Ontario
M7A 2E1

Dear Mr. Coteau,

I want to take the time to congratulate you on your new position of Minister of Tourism, Culture & Sport for the Government of Ontario and to take the time to provide you with information on a serious issue for Ontario's public libraries.

I am writing to you on behalf of the Ottawa Public Library (OPL) about some publishers' restrictive practices in making e-content available to public libraries. These practices are having a detrimental impact on our collections budgets and will jeopardize our ability to provide equitable access to comprehensive and accessible collections going forward.

The Ottawa Public Library, Canada's largest bilingual library, is committed to equitable and accessible public library service that provides universal access to a broad range of human knowledge, information and ideas in all its forms, including electronic formats. Demand for access to content in electronic formats continues to grow. OPL customers borrowed close to 600,000 eBooks in 2013, an increase of 560% from 2010. These formats provide choice to our customers to read in alternative formats, but also provide accessible formats for persons with disabilities who cannot utilize print based materials.

Restrictive practices employed by publishers vary but include unreasonably high eBook prices, caps on number of uses, time limits and the refusal of some publishers to make their e-content available. The introduction of these models is negatively impacting our purchasing power; for example, a 78% increase in the eBook budget from 2012 to 2013 translated in only a 30% increase in the amount of titles for the same time period. The Ottawa Public Library is willing to pay appropriate institutional rates for e-content on reasonable terms, but the usage caps and inflated prices for libraries for some of these publishers is excessive. To illustrate this point, when consumers are charged \$9.99 for J.K. Rowling's *The Casual Vacancy* as an e-book, the Library has to pay \$115.11; customers purchasing Margaret Atwood's *MaddAddam* pay \$15.99 while the Library pays \$85.00.

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Imposing unreasonably high prices, other special conditions or not making e-content available for lending at public libraries does not support nor contribute to a healthy publishing industry.

The Ottawa Public Library Board has endorsed the important role of public libraries in making content available to all Canadians and encourages publishers to make eBooks and eMagazines available to public libraries on fair and reasonable terms. At its May 12, 2014 Library Board meeting, the Ottawa Public Library Board passed the following motion:

WHEREAS the Ottawa Public Library is committed to providing equitable access to information and services regardless of format and customer demand for eBooks and eMagazines is increasing; and

WHEREAS Ottawa Public Library staff are working together with publishers to find mutually beneficial solutions so that public library customers have access to the wide range of eBooks and eMagazines they have available to them in a physical printed copy; and

WHEREAS the specialized market terms for libraries provided by some publishers for the purchase of eBooks and eMagazines restrict the Ottawa Public Library's ability to purchase these materials for public use, resulting in an inequity of access to electronic content, significant constraints on the Ottawa Public Library budget, and an undermining of the Ottawa Public Library's ability to fulfill its role;

THEREFORE BE IT RESOLVED that the Ottawa Public Library Board:

- 1. request that the Department of Canadian Heritage and the Ontario Ministry of Tourism, Culture and Sport investigate publishers' restrictive practices in making eBooks and eMagazines available to public libraries, including the higher prices charged to public libraries; and*
- 2. request staff bring the issues faced by libraries in obtaining access to eBooks and eMagazines to the attention of the Competition Bureau of Canada.*

We are asking for your assistance in helping us to investigate what legislative remedies exist to assist with this problem. We have provided background material in the form of a chart on this important issue, and have attached it to this letter. If additional information is required or there are any follow up questions, please feel free to contact the Chief Executive Officer, Danielle McDonald at danielle.mcdonald@bibliooottawalibrary.ca or 613-580-2424 X32189.

Sincerely,



Danielle McDonald
CEO Ottawa Public Library

cc. Jan Harder, Chair, Ottawa Public Library Board

Attach: Overview of Canadian Public Library Access to E-Content

Attachment

Overview of Canadian Public Library Access to E-Content

Publisher	Terms	Prices	Notes
Random House Canada	One copy per use; no cap or time limit on use	\$85 for new hard covers \$30-\$60 for paperbacks	<p>In February 2011, it is announced that Random House Canada and a number of independent Canadian publishers are making their content available.</p> <p>In March 2012, Random House (U.S.) announced 300% price increase for e-books available to public libraries.</p>
HarperCollins Canada	One copy per use; 26 use cap per copy	\$25 (approx.) for new hard covers \$4-\$16 (approx.) for paperbacks	<p>HarperCollins (U.S.) announced in March 2011 the introduction of a 26 use cap per copy.</p> <p>In December 2012, HarperCollins Canada content became available to public libraries.</p>

Publisher	Terms	Prices	Notes
Hachette Group	One copy per use; no cap or time limit on use	<p>\$80-\$90 for new hard covers</p> <p>\$10-\$40 for paperbacks</p>	<p>In October 2012, Hachette announced 100-200% price increase for its backlist e-books available to public libraries.</p> <p>Hachette made over 5,000 current and back-list titles available to libraries in May 2013.</p>
Macmillan	<p>One copy per use; 52 use cap per copy or 24 months, whichever comes first</p> <p>One year embargo on making current content available</p>	\$40 for most content – hard cover, paperbacks & e-book original shorts	Macmillan announced in January 2013 it is starting to make its backlist e-books available; more content became available as the year progressed.
Penguin Penguin Canada	One copy per use; re-purchase copies after one year	<p>\$23 (approx.) for new hard covers</p> <p>\$8-\$16 (approx.) for paperbacks</p>	In December 2013, U.S. content from Penguin became available; In April 2014, Penguin Canada content became available.
Simon & Schuster Canada	Pilot projects with a few libraries are underway; not widely available to public libraries.	Prices are not confirmed at this time.	Content is available for pilot through the BiblioDigital and 3M platform.

Publisher	Terms	Prices	Notes
Independent Canadian Publishers	One copy per use; no cap or time limit on use	\$16-\$25 for new hard covers \$8-\$15 for paperbacks	These publishers have willingly worked with libraries to make content available and to find mutually beneficial solutions.
Rogers Publishing Group	Withdrew access to Rogers' e-magazines for public libraries via Zinio (a platform for loaning e-magazines) in Fall 2013 when Rogers launched its own digital subscription service <i>Next Issue Canada</i> .	Subscriptions comparable to consumer prices; platform fee for Zinio: \$40,000	Zinio offers libraries unlimited simultaneous access to e-magazines just as it does in its consumer model. With Rogers' withdrawal from Zinio, many Canadian e-magazines are no longer available while access continues for e-magazines from the U.S. and the U.K.
Magazine Canada	Withdrew access to Rogers' e-magazines for public libraries via Zinio in spring 2014.	Subscriptions comparable to consumer prices	Zinio offers to libraries unlimited simultaneous access to e-magazines just as it does in its consumer model. With Rogers and Magazine Canada withdrawal from Zinio, many Canadian e-magazines are no longer available while access continues for e-magazines from the U.S. and the U.K.
Scholastic	One copy per use ; re-purchase copies after 24 months.	\$6-\$20	Content available for loan through OverDrive

Publisher	Terms	Prices	Notes
Société de gestion de l'Association nationale des éditeurs de livres (SOGANEL)	Has recently made available its content to libraries outside of Québec.	Same as price charged to individual consumers	

June 2014

July 10, 2014

Ms. Shelley Glover
Canadian Minister of Heritage
Room 532-N Centre Block House of Commons
Ottawa, Ontario,
K1A 0A6

Dear Ms. Glover,

I am writing to you on behalf of the Ottawa Public Library (OPL) about some publishers' restrictive practices in making e-content available to public libraries. These practices are having a detrimental impact on our collections budgets and will jeopardize our ability to provide equitable access to comprehensive and accessible collections going forward.

The Ottawa Public Library, Canada's largest bilingual library, is committed to equitable and accessible public library service that provides universal access to a broad range of human knowledge, information and ideas in all its forms, including electronic formats. Demand for access to content in electronic formats continues to grow. OPL customers borrowed close to 600,000 eBooks in 2013, an increase of 560% from 2010. These formats provide choice to our customers to read in alternative formats, but also provide accessible formats for persons with disabilities who cannot utilize print based materials.

Restrictive practices employed by publishers vary but include unreasonably high eBook prices, caps on number of uses, time limits and the refusal of some publishers to make their e-content available. The introduction of these models is negatively impacting our purchasing power; for example, a 78% increase in the eBook budget from 2012 to 2013 translated in only a 30% increase in the amount of titles for the same time period. The Ottawa Public Library is willing to pay appropriate institutional rates for e-content on reasonable terms, but the usage caps and inflated prices for libraries for some of these publishers is excessive. To illustrate this point, when consumers are charged \$9.99 for J.K. Rowling's *The Casual Vacancy* as an e-book, the Library has to pay \$115.11; customers purchasing Margaret Atwood's *MaddAddam* pay \$15.99 while the Library pays \$85.00.

OPL recognizes publishing in Canada and around the world is undergoing great change, and that the publishing industry plays an important role in the development and expression of the Canadian identity and literary culture. It must also be recognized and acknowledged that public libraries also play an important role and are integral to the ecosystem of reading and learning.

Imposing unreasonably high prices, other special conditions or not making e-content available for lending at public libraries does not support nor contribute to a healthy publishing industry.

The Ottawa Public Library Board has endorsed the important role of public libraries in making content available to all Canadians and encourages publishers to make eBooks and eMagazines available to public libraries on fair and reasonable terms. At its May 12, 2014 Library Board meeting, the Ottawa Public Library Board passed the following motion:

WHEREAS the Ottawa Public Library is committed to providing equitable access to information and services regardless of format and customer demand for eBooks and eMagazines is increasing; and

WHEREAS Ottawa Public Library staff are working together with publishers to find mutually beneficial solutions so that public library customers have access to the wide range of eBooks and eMagazines they have available to them in a physical printed copy; and

WHEREAS the specialized market terms for libraries provided by some publishers for the purchase of eBooks and eMagazines restrict the Ottawa Public Library's ability to purchase these materials for public use, resulting in an inequity of access to electronic content, significant constraints on the Ottawa Public Library budget, and an undermining of the Ottawa Public Library's ability to fulfill its role;

THEREFORE BE IT RESOLVED that the Ottawa Public Library Board:

- 1. request that the Department of Canadian Heritage and the Ontario Ministry of Tourism, Culture and Sport investigate publishers' restrictive practices in making eBooks and eMagazines available to public libraries, including the higher prices charged to public libraries; and*
- 2. request staff bring the issues faced by libraries in obtaining access to eBooks and eMagazines to the attention of the Competition Bureau of Canada.*

We are asking for your assistance in helping us to investigate what legislative remedies exist to assist with this problem. We have provided background material in the form of a chart on this important issue, and have attached it to this letter. If additional information is required or there are any follow up questions, please feel free to contact the Chief Executive Officer, Danielle McDonald at danielle.mcdonald@bibliooottawalibrary.ca or 613-580-2424 X32189.

Sincerely,



Danielle McDonald
CEO Ottawa Public Library

cc. Jan Harder, Chair, Ottawa Public Library Board

Attach: Overview of Canadian Public Library Access to E-Content

Attachment

Overview of Canadian Public Library Access to E-Content

Publisher	Terms	Prices	Notes
Random House Canada	One copy per use; no cap or time limit on use	\$85 for new hard covers \$30-\$60 for paperbacks	<p>In February 2011, it is announced that Random House Canada and a number of independent Canadian publishers are making their content available.</p> <p>In March 2012, Random House (U.S.) announced 300% price increase for e-books available to public libraries.</p>
HarperCollins Canada	One copy per use; 26 use cap per copy	\$25 (approx.) for new hard covers \$4-\$16 (approx.) for paperbacks	<p>HarperCollins (U.S.) announced in March 2011 the introduction of a 26 use cap per copy.</p> <p>In December 2012, HarperCollins Canada content became available to public libraries.</p>

Publisher	Terms	Prices	Notes
Hachette Group	One copy per use; no cap or time limit on use	\$80-\$90 for new hard covers \$10-\$40 for paperbacks	In October 2012, Hachette announced 100-200% price increase for its backlist e-books available to public libraries. Hachette made over 5,000 current and back-list titles available to libraries in May 2013.
Macmillan	One copy per use; 52 use cap per copy or 24 months, whichever comes first One year embargo on making current content available	\$40 for most content – hard cover, paperbacks & e-book original shorts	Macmillan announced in January 2013 it is starting to make its backlist e-books available; more content became available as the year progressed.
Penguin Penguin Canada	One copy per use; re-purchase copies after one year	\$23 (approx.) for new hard covers \$8-\$16 (approx.) for paperbacks	In December 2013, U.S. content from Penguin became available; In April 2014, Penguin Canada content became available.
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Publisher	Terms	Prices	Notes
Independent Canadian Publishers	One copy per use; no cap or time limit on use	\$16-\$25 for new hard covers \$8-\$15 for paperbacks	These publishers have willingly worked with libraries to make content available and to find mutually beneficial solutions.
Rogers Publishing Group	Withdrew access to Rogers' e-magazines for public libraries via Zinio (a platform for loaning e-magazines) in Fall 2013 when Rogers launched its own digital subscription service <i>Next Issue Canada</i> .	Subscriptions comparable to consumer prices; platform fee for Zinio: \$40,000	Zinio offers libraries unlimited simultaneous access to e-magazines just as it does in its consumer model. With Rogers' withdrawal from Zinio, many Canadian e-magazines are no longer available while access continues for e-magazines from the U.S. and the U.K.
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Publisher	Terms	Prices	Notes
Scholastic	One copy per use ; re-purchase copies after 24 months.	\$6-\$20	Content available for loan through OverDrive
Société de gestion de l'Association nationale des éditeurs de livres (SOGANEL)	Has recently made available its content to libraries outside of Québec.	Same as price charged to individual consumers	

June 2014

July 10, 2014

Mr. John Pecman
Commissioner of Competition
Industry Canada
Competition Bureau Canada
50 Victoria Street
Gatineau, Quebec K1A 0C9

Dear Mr. Pecman,

I am writing to you on behalf of the Ottawa Public Library (OPL) about some publishers' restrictive practices in making e-content available to public libraries. These practices are having a detrimental impact on our collections budgets and will jeopardize our ability to provide equitable access to comprehensive and accessible collections going forward.

The Ottawa Public Library is committed to equitable and accessible public library service that provides universal access to a broad range of human knowledge, information and ideas in all its forms, including electronic formats. Demand for access to content in electronic formats continues to grow. OPL customers borrowed close to 600,000 eBooks in 2013, an increase of 560% from 2010. These formats provide choice to our customers to read in alternative formats, but also provide accessible formats for persons with disabilities who cannot utilize print based materials.

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We have been following with interest the Competition Bureau's recent announcement that eBook prices for consumers are part of an ongoing investigation, and that a Consent Agreement has been entered into with some publishers, and believe that the scope needs to be broadened to include the prices provided to Canadian public libraries.

OPL recognizes publishing in Canada and around the world is undergoing great change, and that the publishing industry plays an important role in the development and expression of the

Canadian identity and literary culture. It must also be recognized and acknowledged that public libraries also play an important role and are integral to the ecosystem of reading and learning. Imposing unreasonably high prices, other special conditions or not making e-content available for lending at public libraries does not support nor contribute to a healthy publishing industry.

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WHEREAS Ottawa Public Library staff are working together with publishers to find mutually beneficial solutions so that public library customers have access to the wide range of eBooks and eMagazines they have available to them in a physical printed copy; and

WHEREAS the specialized market terms for libraries provided by some publishers for the purchase of eBooks and eMagazines restrict the Ottawa Public Library's ability to purchase these materials for public use, resulting in an inequity of access to electronic content, significant constraints on the Ottawa Public Library budget, and an undermining of the Ottawa Public Library's ability to fulfill its role;

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- 2. request staff bring the issues faced by libraries in obtaining access to eBooks and eMagazines to the attention of the Competition Bureau of Canada.*

We have provided background material in the form of a chart on this important issue, and have attached it to this letter. If additional information is required or there are any follow up questions, please feel free to contact the Chief Executive Officer, Danielle McDonald at danielle.mcdonald@bibliottawalibrary.ca or 613-580-2424 X32189.

Sincerely,



Danielle McDonald
CEO Ottawa Public Library

cc. Jan Harder, Chair, Ottawa Public Library Board

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Rogers Publishing Group	Withdrew access to Rogers' e-magazines for public libraries via Zinio (a platform for loaning e-magazines) in Fall 2013 when Rogers launched its own digital subscription service <i>Next Issue Canada</i> .	Subscriptions comparable to consumer prices; platform fee for Zinio: \$40,000	Zinio offers libraries unlimited simultaneous access to e-magazines just as it does in its consumer model. With Rogers' withdrawal from Zinio, many Canadian e-magazines are no longer available while access continues for e-magazines from the U.S. and the U.K.
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