

1.	Attachment:1 Declaration BCSO Cmdr. Jon Law		10 pages
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**Declaration of BCSO Commander and BCSO Commander's  
Guild Executive Officer Jon Law**

**I. Declaration**

I Jon Law make the following declaration:

1) I, Jon Law make the following declaration:

I am a Commander at the Benton County Sheriff's Office (BCSO) and I am over the age of eighteen (18), I am competent to testify to the facts set forth herein and make this declaration upon personal knowledge. I am making this statement of my own free will.

2) I have worked with Sheriff Hatcher in law enforcement and/or for Sheriff Hatcher on and off for almost two decades.

3) In the fall 2019 I became aware in a command staff meeting that Sheriff Hatcher was a suspect in Domestic Violence related allegations as to his wife, Monica Hatcher.

It is my recollection that this was the same day that the matter was reported in the media. It is my understanding that the facts related to these allegations lead to an order being issued on or about the 4th of October 2019, in Benton County Superior Court ordering Sheriff Hatcher to surrender all firearms he control or possess at his shared residence in Kennewick, in the state of Washington State and/or in Montana. Further, from the date he was served the order until the date of completing this declaration, Sheriff Hatcher has not been able to lawfully control or possess a firearm, in summary from October of 2019 until the present.

4) It is my understanding that on or about the 13th of January 2020, as has been documented in K.P.D. Report Case Number: 19-40197, two K.P.D. Commanders retrieved 2 Department firearms and over 13,000 rounds (14 cases) of ammunition belonging to Benton County at the 98303 E. Ridgeview Dr. in Kennewick, Washington. This is the shared residence of Sheriff Hatcher and his wife Monica Hatcher.

There is no record in the 29 pages of the K.P.D. Report Case Number: 19-40197 where Sheriff Hatcher indicated to anyone in law enforcement that he had 14 cases of ammunition (over 13,000 rounds of ammunition) of Benton County property. Finally, it is my understanding that two firearms and the ammunition belonging to Benton County were transferred from K.P.D to BCSO via Cmdr. Steve Caughey

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shortly after the Kennewick Police Department took it from Sheriff Hatcher's shared residence with Monica Hatcher.

- 5) It is my understanding that on or about the 13th of January 2020 that the total of the vast majority of ammunition taken from Sheriff's Hatcher's residence was in case quantities. In my time in law enforcement at the Benton County Sheriff's Office I have been very involved with the management and distribution of ammunition. At Benton County it is very rare that ammunition is distributed in the quantity of a case to an individual. A case contains many boxes. Generally, a deputy, Detective, Corporal, Sergeant, Lt. and/or Commander will be provided a box of practice ammunition for his or her assigned side arm and/or assigned rifle. The assigned side arm for all Benton County law enforcement utilizes .40 caliber ammunition. The assigned rifle for the vast majority of law enforcement at the Benton County Sheriff's Office (except for some SWAT team members) is a .223 caliber.

Practice ammunition is generally not provided for a caliber/weapon that the given member of law enforcement is not assigned to at the time. Dispersal of quantities of more than 1 box depends on the circumstance. On a continuum, members of the SWAT team would receive or be provided quantities of ammunition for practice in greater frequency and in higher quantities of ammunition than non-SWAT members. Sheriff Hatcher has not been on the SWAT team in the past decade since his return to the Sheriff's office. It is my understanding that among the cases of Benton County property located at Sheriff Hatcher's shared residence there were approximately 6 cases of .223 caliber ammunition and approximately 4 cases of .40 caliber ammunition. This amount of ammunition is astronomical related to weapons that any person employed by the Benton County Sheriff's Office. This amount of ammunition would never be distributed in this amount to anyone unless there was a specific reason stated in advance. In order to compile this quantity of ammunition that Sheriff Hatcher had in the .40 caliber and/or .223 caliber amounts there would have to have been many specific requests for case quantities for specific trainings by Sheriff Hatcher. I am aware of no such reasonable basis for Sheriff Hatcher to have been in possession of such an enormous amount of county ammunition.

Sheriff Hatcher recently stated in a publicly broadcasted radio interview that he possessed the ammunition at his shared home as practice ammunition and that others in the department had quantities in their possession. This explanation is not reasonable and not based on any facts of which I am aware.

In addition to the above listed ammunition, K.P.D. also located a case of .308 caliber ammunition, a case of 9 mm ammunition and a case of .22 caliber ammunition. It is my understanding that this ammunition relates to weapons of calibers that are not assigned to Sheriff Hatcher. Possessing ammunition for "practice" for calibers of

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weapons not currently assigned to a member of the office in this quantity is not reasonable. Possessing ammunition in "case" quantities for "practice" ammunition defies reason. The purpose of "Practice" ammunition generally is to use the ammunition for weapons you are assigned in order to be proficient in the use of the weapon. If you are not assigned a .308 caliber weapon by Benton County, there is no reasonable need for the county to pay for an employee to practice with this ammunition. This conclusion also applies to the 9mm and the .22 caliber ammunition.

I was a member of the SWAT team for approximately 15 years. In early June of 2020, I did an inventory of ammunition I possessed as practice ammunition, which was documented. I had 414 rounds of .223 caliber practice ammunition and 70 rounds of .40 caliber practice ammunition in my possession. Based upon my understanding of the BCSO deputies employed currently the amount of .223 caliber practice ammunition that I possessed for "practice" ammunition which had been provided by the Benton County Sheriff's Office was an above average quantity.

- 6) On the 14th of February 2020, in the morning I was advised that Lt. Jason Erickson had made a decision to resign as a Lt. and effectively self-demote by operation of the Civil Service Rules. Upon becoming aware of this I was concerned that this was related to struggles he was having at that time with Sheriff Hatcher. I was not aware that Lt. Erickson had made the decision until after he had notified Sheriff Hatcher. On the 14th of February 2020, I became aware late in the day that Lt. Erickson had been summoned back to the office and was in contact with Sheriff Hatcher. In the morning I was not aware of the specific nature of what was being addressed with Lt. Erickson as I was not part of the process. It is my understanding that Lt. Erickson was questioned by Sheriff Hatcher about the content of his resignation letter in the afternoon of February 14, 2020.
- 7) Following Lt. Erickson's resignation on the 14th of February 2020 I was called into Sheriff Hatcher's office. Sheriff Hatcher stated that Lt. Erickson had resigned and accused him of illegally obtaining jail property. Sheriff Hatcher stated that it was likely associated with "practice" ammunition that he had at his shared residence with his wife Monica Hatcher. Sheriff Hatcher then made reference to a trip Cmdr. Steve Caughey and I had made several years earlier and stated, "I hope they don't find out about your little ground squirrel hunt in Oregon." This statement made me feel as if Sheriff Hatcher was attempting to tie me to his potential wrongdoing. This was the first time Sheriff Hatcher had made reference to the trip since it had taken place.

On the 14th of February 2020, at approximately 4:34 p.m. Sheriff Hatcher called me and discussed the topic of the ammunition again. During this conversation Sheriff Hatcher again made a reference to me about the trip Cmdr. Steve Caughey and I

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had taken a few years earlier relating to the use of Benton County Sheriff's ammunition in Oregon. During the call Sheriff Hatcher indicated that this trip could become an issue for me somehow in connection to the upcoming investigation into the thousands of rounds of Benton County ammunition located at his residence on the 13th of January 2020. This call was approximately 21 minutes in length. The instance to which Sheriff Hatcher was making a reference was authorized by Sheriff Hatcher in advance. Sheriff Hatcher was going to be coming along on this trip, but due to a scheduling conflict had to cancel at the last minute. During the call I took reference on the phone call as a not very subtle threat that Sheriff Hatcher may plan to misuse the information in the future if it was necessary. This call and the discussion about this trip earlier in the day was the first time he had made any reference to the fact that the use of ammunition that he had previously sanctioned was potentially not appropriate. I immediately documented the phone call given my concern of the manner of the content. I did this as it appeared that Sheriff Hatcher potentially intended to use the trip as leverage against me in the future.

- 8) On the 17th of February 2020, Alan Harvey sent an email addressing the fact relating to the above conversation were addressed to Sheriff Hatcher in writing in an email as was some of the content. This email was sent by Mr. Harvey to Sheriff Hatcher and included Benton County Prosecuting Attorney Andy Miller. The email specifically identified me and Commander Caughey as material witnesses in a Whistleblower Complaint that Jason Erickson had made regarding the ammunition and firearms located at a residence maintained jointly by Sheriff Hatcher and Monica Hatcher on January 13, 2020.

On the 17th of February 2020 Sheriff Hatcher responded to Mr. Harvey's emails, he never denied he made the calls to me. Sheriff Hatcher never denied that he discussed the content of the status of the ammunition with myself and/or Cmdr. Caughey. In the content of the email Sheriff Hatcher was also informed that Cmdr. Caughey and I were material witnesses in the investigation he had initiated relating to Jason Erickson's decision to demote. Sheriff Hatcher responded by email and the only response to Mr. Harvey related to the issue of whether the guild to which I am a member, the Commanders guild, had a Collective Bargaining Agreement.

- 9) On the 19th of March 2020 I was served a notice of an administrative review investigation (BCSO IA#20-001), which contained allegations of 27 separate potential violations of B.C.S.O policy and which identified me as a suspect/witness. The language of the notice indicated that an investigation was being conducted and I would be compelled to answer in line with B.C.S.O. policies and civil service rules.

On the 25th of March 2020, I appeared, and the interview was digitally recorded. In a notice section I was provided the following language:

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You are about to be questioned as a witness officer as part of an internal investigation being conducted by the Franklin County Sheriff's Office. ***You are hereby ordered to answer the questions, which are put to you which relate to your conduct and/or job performance, and to cooperate with this investigation.*** Your failure to cooperate with this investigation can be the subject of disciplinary action in and of itself, including dismissal.....

The interview was conducted by F.C.S.O. Captain Adam Diaz and F.C.S.O. Captain Monty Huber. At the outset of the interview I informed F.C.S.O. Captain Adam Diaz and F.C.S.O. Captain Monty Huber that the notice of allegations did not appear to comply with B.C.S.O. policy. Additionally, I expressed detailed concerns that I was being retaliated against given my role as an identified witness in a whistleblower complaint (s). Additionally, I indicated that in my experience of doing a high volume of IA investigations in Benton County, I do not recall ever seeing an administrative investigation commence with no companion criminal investigation when the allegations related to potential criminal conduct. In summary, I indicated that engaging in an administrative investigation prior to and separate from a related criminal investigation was not a practice I had experienced and that the process could negatively impact a related criminal investigation.

I expressed concerns as to future retaliation by Sheriff Hatcher based upon my answers in the interview. However, I complied with the order and answered the questions in the interview. One of the first questions of any substance asked of me during the interview was related to the topic of whether I contacted the media recently as to events related to Sheriff Hatcher. During the interview I responded to questions I was compelled to answer. I provided information in responses to questioning that would lead any reasonable person could to conclude "wrongdoing" on behalf of Sheriff Hatcher with respect to having thousands of rounds of the Benton County ammunition at his residence. I was shown photos of ammunition and asked questions about my understanding of what would in summary be reasonable to possess as "practice" ammunition. My answers were not materially different than the information provided in this declaration. At the interview F.C.S.O. Captain Adam Diaz and F.C.S.O. Captain Monty Huber confirmed that they were not conducting a criminal investigation and were unaware of one being conducted. At this time based solely upon my memory, I have no recollection of being asked specific questions related to Lt. Erik Magnuson. Finally, based upon my memory, on the 25th of March 2020, I was not provided an opportunity to observe any document or documents that were described as an invoice, or invoices, relating to the ordering of ammunition. I was not asked any specific questions related to any information as to a specific invoice during the interview.

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10) On the 19th of March 2020, I had an open calendar for the afternoon. It is my understanding that Commander Caughey also had an open calendar for his afternoon. Prior to the 19th of March 2020, I had been informed that Lt. Erik Magnuson had filed a complaint as a whistleblower and that the complaint was being investigated by Benton County. The complaint was brought forward through Human Resources. I was aware prior to the 19th of March 2020 that Commander Caughey had been approached by Sheriff Hatcher and ordered to disclose that Lt. Magnuson had file a complaint against him. Prior to the 19th of March 2020, I was informed by Sheriff Hatcher that I was not to be interviewed at the Benton County Sheriff's Office and/or while I was on duty for the purposes of this investigation.

During the earlier part of the day on the 19th of March 2020, Cmdr. Caughey and I approached Sheriff Hatcher and requested if we could have the afternoon off. Sheriff Hatcher inquired in summary why this was necessary. It was communicated that we were going to be interviewed by Ms. Blatt, an independent outside investigator, regarding Lt. Magnuson's compliant. Sheriff Hatcher followed up with some more inquiry and it was disclosed that our attorney, Alan Harvey would be present for the interview. Sheriff Hatcher then indicated clearly that we could not attend any interview on the 19th of March 2020 while on duty.

On the 10th of April 2020, my attorney was contacted by Sheriff Hatcher's attorney, Andy Miller. Mr. Miller was attempting to coordinate an interview to allow Ms. Blatt to complete her investigation. Sheriff Hatcher communicated that Ms. Blatt could interview myself and Steve Caughey during work hours, on duty, if we agreed not have an attorney present. This email was communicated to me and I declined Sheriff Hatcher's offer. I was interviewed on the 13th of April 2020 by Ms. Blatt and this was not while I was on duty.

Prior to my interview on the 13th of April 2020 with Ms. Blatt, I became aware that Sheriff Hatcher had summonsed Det. Todd Carlson to a meeting, which occurred on or about the 7th of April 2020. It is my understanding that the premise of the meeting was related to training issues. I have no recollection of Det. Carlson in the past ever engaging in one on one meetings with Sheriff Hatcher.

During the meeting Sheriff Hatcher initiated conversation with Det. Todd Carlson. Det. Todd Carlson at the time of this contact was a witness in the Franklin County Sheriff's Office investigation relating to the BCSO Lt. /Sgt. Jason Erickson's self-demotion. On the 7th of April 2020, the investigation in Franklin County was still open. On the 7th of April 2020, the investigation being conducted by Ms. Blatt was still open.

On the 7th of April 2020, Sheriff Hatcher initiated a discussion point with Det. Todd Carlson that as far as I understand was not relevant to any purpose of the meeting.

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The topic of discussion Sheriff Hatcher raised was a trip Cmdr. Caughey and I took a few years prior to Oregon. Although the trip was sanctioned by Sheriff Hatcher, he did not communicate this to Det. Carlson. It is my understanding that Det. Carlson was provided information by Sheriff Hatcher that Det. Carlson's supervisor, Cmdr. Caughey and I engaged in unauthorized and potentially unlawful activity. This was inaccurate, false and/or misleading information. It was provided to a material witness in an open investigation that could lead to an official proceeding. The false and misleading information was provided to one witness by another witness in an investigation. I felt threatened and intimidated by this action by Sheriff Hatcher.

- 11) On the 10th of April 2020 I received a text from Cmdr. Tom Croskrey. Cmdr. Croskrey asked that I call him when I could. I called him at 12:16 p.m.. Cmdr. Croskrey stated that he had been in heated conversation with Sheriff Hatcher and that during that conversation many things were discussed. Cmdr. Croskrey stated that during the conversation, he and Sheriff Hatcher had discussed the investigation being conducted by Franklin County with respect to the ammunition at Sheriff Hatcher's home, and Cmdr. Tom Croskrey had called into question the manner and viability of the process in which the investigation was being conducted. Cmdr. Croskrey indicated that as they were discussing the investigation and Cmdr. Croskrey had questioned the issue with Sheriff Hatcher having all the vast amounts of ammunition. Cmdr. Croskrey indicated that Sheriff Hatcher made a reference to Cmdr. Caughey and I. Specifically, that Sheriff Hatcher indicated that we had used ammunition during a trip to Oregon and implied that this use was somehow inappropriate. Cmdr. Croskrey told me that he asked Sheriff Hatcher if anyone had given us permission to use the ammunition for the trip. Cmdr. Tom Croskrey indicated that Sheriff Hatcher responded to this question by saying, "I didn't know they used County ammo". This response to Cmdr. Croskrey is a total fabrication.
- 12) In May 2020 I was provided a copy of Ms. Blatt's 22 page investigative report. I reviewed the report. I have also reviewed a redacted review of the report. I did not find any material inaccuracies with the material associated with me in the report.
- 13) On the 7th of May 2020, Sheriff Hatcher required that Cmdr. Steve Caughey and I attend an in-person meeting with him. The meeting was scheduled to for the purpose of what Sheriff Hatcher defined as "looking into staffing". The meeting was scheduled to begin at 1:30 p.m. The meeting started on or about 1:30 on the 7th of May 2020 and did not conclude until approximately 8:00 p.m. Initially, the meeting was related to issues related to management of the office. It is understood that during the conversation Sheriff Hatcher spent the much of the 6.5 hour meeting going over his concerns about the FCSO investigation and Human Resources investigation.



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Prior to our meeting on or about the 7th of May 2020, it is my understanding that Sheriff Hatcher had been provided a copy of the FCSO investigation. During the meeting Sheriff Hatcher mentioned on multiple occasions that he had "information on what has been said about him" during the FCSO investigation and implied that he has specific information about what we may have said to others. Sheriff Hatcher asked repeatedly "did you guys say I stole the ammo?"

At points during the meeting Sheriff Hatcher was very upset with Cmdr. Caughey as to him having done a report on taking in the ammunition from the Kennewick Police Department. Sheriff Hatcher confronted Cmdr. Caughey about having not placed the ammo back "into distribution" and why he had not placed it with the other ammo as he had asked him to do so.

I responded by asking Sheriff Hatcher why he was engaging both of us about the investigation while it was pending. Sheriff Hatcher indicated that the internal investigation was completed and that he was now reviewing the finalized investigation. Cmdr. Caughey and I also raised the propriety of Sheriff Hatcher investigating himself.

Sheriff Hatcher confronted me in the same manner about my statements to the FCSO investigators. Sheriff Hatcher asked the same question he had asked Cmdr. Caughey, "did you tell them I stole the ammo?" I indicated to Sheriff Hatcher that I had answered the questions that I was compelled to provide in a suspect interview and that I had provided truthful answers. Sheriff Hatcher indicated that he had read the summary and he would find out what we had said when he read the full reports. Sheriff Hatcher indicated that there would be consequences if we stated or suggested that he had "stole" the ammunition. Sheriff Hatcher informed Cmdr. Caughey and I that we should have indicated that we "didn't know" if he stole the ammunition. Sheriff Hatcher stated to us that this would have been the "right response".

I confronted Sheriff Hatcher about his recent false accusations put to Det. Todd Carlson and Cmdr. Croskrey regarding Cmdr. Caughey and I having had taken county ammunition for a "hunting trip" without authorization. Sheriff Hatcher admitted that he knew about the trip and knew that he was aware prior to the trip that we took County ammunition with his permission. Sheriff Hatcher stated that although he knew we had used county ammunition, he was not aware of the specific quantity. Sheriff Hatcher was confronted on the topic that he was scheduled to go on the same trip and that he had to back out just prior to the trip. This was also admitted by Sheriff Hatcher. Sheriff Hatcher admitted to recently speaking to Cmdr. Croskrey and Det. Carlson about the trip. Sheriff Hatcher was confronted that both Cmdr. Caughey and I were also both whistleblower witnesses and that it was inappropriate for him to ask these questions.

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Sheriff Hatcher stated during the meeting that he will review the FCSO investigation and will know who has been loyal to him and who has not. Sheriff Hatcher continued on and indicated how he feels like he is surrounded by "a wolfpack mentality" and after he reviews both of the investigations (FCSO and the HR investigation) he will know "exactly who is after him". Sheriff Hatcher stressed this multiple times, I would estimate 4-5 times, that he was going to read the reports and know exactly who has said what. He implied very strongly that those who have not been loyal will pay a price.

My attorney reported the action that occurred on the 7th of May 2020 and prior to that date to the Benton County Commissioners as retaliatory actions related to Whistleblower witnesses. Not long after the initial reporting occurred Sheriff Hatcher changed the practice of Cmdr. Caughey and I meeting with him for staff meetings together. Sheriff Hatcher has directed that we meet separately with him. Not only is this a drastic change in past practice, this process has a definite impact on the way I do my work as I have to have a second follow up meeting with Cmdr. Caughey to make sure we effectively executing our separate duties, mine as the Patrol Cmdr. and Cmdr. Caughey as the commander of the Detective Unit and our other responsibilities.

On the 17th of May 2020 I sent out an email to Lt. Clarke informing him that Sheriff Hatcher had instituted a new directive to his ability to locate myself and Lt. Clarke. Sheriff Hatcher communicated the directive to me and indicated that when either myself or Lt. Mat Clarke leave the physical constructs of the Sheriff's office, we are to provide him notice about this departure. This is a new directive. It is my understanding that this directive also applies to Cmdr. Caughey and Lt. Magnuson.

On the 23rd of June 2020 I reported to Sheriff Hatcher's office for my daily briefing with him. Earlier that morning I became aware of a press release detailing the intent of the Deputies Guild's efforts to recall Sheriff Hatcher. In my meeting with Sheriff Hatcher he confronted me about the Guilds intent and wrongfully accused me of being involved in this process.

Later in the discussion, he began to speak once again about the FCSO and HR investigations. He characterized Ms. Blatt's 22-page report as misleading and full of "half-truths". He implied that the content of the report was "Brady material" and suggested that those who made these statements will be held accountable. He also mentioned that he had written a rebuttal to the Ms. Blatt report and presented it to Andy Miller. I informed him that I was aware of the content of that report and expressed my displeasure with its content. Sheriff Hatcher responded, "You can get mad Jon, but that's just the tip of the iceberg, I have a ton more information to share." Feeling that this was clearly a threat, I confronted him on this fact. Sheriff Hatcher denied that he was implying a threat to me and/or others.

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14) Former BCSO Commander Tom Croskrey was designated as the liaison between the Benton County Sheriff's Office and the Franklin County Sheriff's Office for BCSO IA 20-01. After, Tom Croskrey provided notice to Benton County of his decision to file a complaint with Benton County Human Resources, I have had an opportunity to review Tom Croskrey's statement related to that complaint. Tom Croskrey has also stated under oath that during this period of time after the institution of BCSO IA 20-01 he "witnessed Sheriff Hatcher obstruct his own investigation and secretly change the course of the investigation. He (Sheriff Hatcher) used the investigation of the ammo as a cover story to find out who was talking to his wife."

In my positions at the Benton County Sheriff's Office I have performed a high volume of Internal Investigations. Based upon my experience with BCSO IA 20-01 and combined with the statement I have seen from the assigned liaison to BCSO IA 20-01, Tom Croskrey, that investigation does appear to have been an investigation initiated with retaliatory motives by Sheriff Hatcher. Based upon my knowledge of the circumstances surrounding the Benton County ammunition located at Sheriff Hatcher's home on the 13<sup>th</sup> of January 2020, there was no known effort by Sheriff Hatcher to return the property to Benton County. From at least the 7<sup>th</sup> of October 2019 until the 13<sup>th</sup> of January 2020 Sheriff Hatcher wasn't able to use a firearm and by extension use any of the estimated 13,000 rounds of Benton County Ammunition as "practice" ammunition. As a law enforcement officer in the State of Washington it is within the scope of my employment to understand RCW's that apply to criminal activity. In my review of RCW 40.16.020 and/or RCW 42.20.070, one or both of these statutes have application to Sheriff Hatcher's action or inaction, and the facts related to the ammunition located at Sheriff Hatcher's common residence on the 13<sup>th</sup> of January 2020. I have engaged in providing this declaration in my capacity as an officer in my guild, in the capacity of as witness in two separate Whistleblower complaints made against Sheriff Hatcher, and in relation to and follow-up on any continuing mandatory reporting duty.

I CERTIFY AND DECLARE UNDER PENALTY OF PERJURY AND THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT.

DATED this 10<sup>th</sup> of July 2020.

  
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Jon Law  
Signed at Benton County, WA