

January 13, 2009

Spokane County Sheriff Ozzie Knezovich

Spokane County Sheriff's Office

1100 W. Mallon Avenue

Spokane, Washington 99260

RE: Second call for a grand jury investigation, additional evidence, request for enforcement of City's RPS public garage inspection obligation, which was illegally waived by the city and responsible for a death, and letter of information.

Dear Sheriff Knezovich:

I recently read of your concern for the safety of our community's children and your press conference calling for the closure of all schools in Spokane County due to weather conditions. Typically, that would have been commendable if your grandstanding motive wasn't so transparent. Don't you think you should have shown some respect for our school district officials and requested a conference with them first? Our school administrators have a history of showing exceptional concern for our children's safety, unlike many of our Spokane city officials. It's difficult for me to envision your sincere concern for public safety in light of your knowledge and inaction concerning an ongoing, already proven-to-be-deadly, public safety concern that you are illegally choosing to ignore.

With knowledge of your stated concern for children's safety, I am enclosing a copy of the most recent Dennis Beringer (former City of Spokane real estate manager) report taken by investigative reporter Larry Shook on November 5, 2008. This report again emphasizes the failure of the city to inspect the River Park Square parking garage prior to the death of Jo Savage and subsequent cover-up of that failure by city officials.

To this date the Cowleses' garage has never been inspected by the city. Also, the recommended repairs to make the garage safe were never followed. The owners (the Cowles family) did make some superficial repairs several months after the Savage death, which were inspected by someone hired by the Cowleses. Based on experience as a former licensed general contractor with extensive construction and concrete experience, I assure you the repairs they made to their public garage do not appear to be adequate, safe or even close to the standards they were advised of in three separate engineering reports.

The River Park Square parking garage is currently not safe. Unless it is repaired as advised by the various engineers who originally inspected it, there is a high probability other deaths will occur as a result of the city official's illegal failure to perform their duties as imposed upon them by law.

I am enclosing a photograph I took at 9:15 a.m. on January 12, 2009. I took this photo on the top level of the parking garage. If you study the photo you will find a long continuous crack running from the lower left bolt of the reinforcing plate to the top and continuing across the top of the concrete barrier. It appears this crack originated from the bottom left bolt hole. Also note, in this same photo, the upper corner of the concrete barrier and the lower edge of the right concrete barrier have both crumbled off.

In consideration of the original design of these barriers, which appear to be more decorative than for safety, and in consideration of the 1993 Atwood and the other two official engineering reports, an extremely dangerous and reckless condition exists and had been allowed to exist for over 13 years prior to Ms. Savage's death and continues to the present. You, the Spokane Police chief and Spokane city mayor have all been advised and provided documentation of this reckless danger. However, in acts of rendering criminal assistance to specific members of the Cowles family and specific public officials, you all continue to ignore this ongoing public danger and my requests for law enforcement criminal investigation or a grand jury investigation.

I am enclosing a June 7, 2006 press release from Attorney Robert W. Rembert, who represented the Savage family against the Cowles family following Ms. Savage's death in the Cowleses' public parking garage. Within less than four months from the date of Ms. Savage's death, the Cowles family settled with the Savage family for millions of dollars in damages because of their recklessness that caused Ms. Savage's death. It was obviously settled quickly and for a large sum of money to keep the reckless actions and facts leading up to this death from the public. I have carefully studied the engineers reports referred to by Mr. Rembert and find them to be true and accurate.

The following is the press release by Robert W. Rembert on behalf of the family of Jo Ellen Savage:

PULLMAN Yesterday we were provided with the 1993 engineering report of Atwood-Hinzman, Inc., Consulting Engineers, which was commissioned by the owners of the River Park Square parking garage following "the complete failure" of a spandrel (guardrail) after an occurrence similar to the one that killed Jo Ellen Savage. The report's purpose "was to determine if the guardrails are safe with respect to containing vehicles within the parking structure after impacting a panel."

The report found "the panels are not resisting the required lateral loading of 6000 [pounds] although the engineering analysis indicates that they should." It noted that: "several panels cracked in the past when they were struck in a similar way. Based on this information, it appears that a problem exists."

The Atwood firm concluded [in 1993] there were only two logical ways for the garage owners to resolve the conflict between the panels apparent code compliance and their failure, namely, perform real-world impact tests to

determine under what circumstances the panels fail, or "assume that the panels will fail and add steel cable to stop vehicles before they impact the panels."

Had the garage owners acted on the engineers' recommendation within the last 13 years, Jo Ellen Savage would be alive today.

In response to the release of the Atwood report, the Cowles' spokesperson, Jennifer West, is quoted today as saying that the owners have performed "a great deal of maintenance, sealing and caulking and other kinds of tests on the walls that shows that the barriers are safe.

Ms. West's remark is disingenuous and contradicted by the-engineering reports. The owners have had the Atwood report for over a decade, failed to act on it, and withheld it until compelled to produce it by public demand. They have also had since 1996 the report issued by Walker Parking Consultants/Engineers, Inc., which specifically recommended repairing all vehicle barriers which exhibited cracking and/or concrete deterioration in the vicinity of their connection to the parking deck

The barrier which failed Jo Ellen Savage was marked for repair or replacement more than ten years ago but no action was taken.

The unsafe condition of the garage was again documented in 2003, when N.G. Jacobson Associates, Inc., concluded after an extensive inspection of the facility that the original portion (constructed in 1974) of the River Park Square parking garage is in poor condition. This is the same area of the garage in which Jo Ellen Savage died.

Jacobson recommended the:

Implementation of a well planned comprehensive major maintenance program that addresses this structure's existing conditions as well as prioritizes repairing, restoring and protecting this structure, should be implemented as soon as possible. Otherwise, left unmaintained and unprotected, this garage will continue to deteriorate at an ever expanding rate and will at some time in the near future reach a damage level or threshold where repair and restoration may no longer be the most economical solution.

The owners repeated assertion that the garage continues to be safe' published again this morning in the Spokesman-Review, is contradicted by 13 years of engineering evaluations and spandrel failures. Jo Ellen Savage's death tragically demonstrates that the garage is not safe.

The garage owners' continued refusal to take responsible action to protect users and the public from danger is beyond comprehension.

Sheriff, you have refused to investigate a legitimate Class A felony complaint I made to you 17 months ago that involved public safety and the recklessly caused death of an innocent and unsuspecting victim. You have also failed to respond to my request that you call for a grand jury investigation regarding this situation, in spite of the fact that the circumstances surrounding the Savage death and illegal involvement of public officials makes this case, by the very nature of the grand jury statute, a perfect candidate for that type of action.

I have presented substantial and overwhelming evidence to prove specific members of the Cowles family and specific public officials recklessly allowed a life-threatening hazard to exist for over 13 years in the RPS public parking garage, which still exists to this date. I presented you with the names of over 14 witnesses who would testify that specific city officials allowed this hazard to exist and then covered it up. If city officials would have followed their own mandates and inspected Cowleses' garage, requiring them to make it safe, Ms. Savage would be alive today. The deadly incident that took Ms. Savage's life could have easily happened to a carload of children – and still could – because of city officials' illegal code violations and because you and other public officials refuse to perform your duties as prescribed by law to rectify this public hazard or to investigate the reckless actions which caused the death of Ms. Savage.

When I filed my felony complaint with you and the Spokane chief of police on August 18, 2007, the chief turned it over to the FBI, stating it was their jurisdiction. You went along with her, blindly agreeing that it was their jurisdiction. At that time I advised you it was not their jurisdiction and they did not have the expertise to investigate state statutes. I also sent both you and Chief Kirkpatrick copies of the laws supporting that fact.

In spite of the fact that I provided you and Chief Kirkpatrick with copies of the law stating the contrary of your actions, you both refused to perform your obligations according to law. However, you did inform me on several occasions that the FBI was diligently investigating my complaint. Sheriff, I believe you knew as well as I did that was not truthful. The FBI had the case for over a year, running the statute-of-limitations clock, and then turned it over to Prosecutor Tucker, who has a reputation as the do-nothing prosecutor of Spokane. Mr. Tucker also has a major conflict of interest and a positive bias toward the Cowles. The Cowles media endorsed his candidacy both times he ran for his present office. Also, shortly after Ms. Savage's death in 2006, when a city council person requested a grand jury to look into her death, Prosecutor Tucker immediately refused that request stating he required a law enforcement investigation before he would consider a grand jury, but then failed to call for a police investigation. During the time (over a year) the FBI had my complaint, they did not contact a single witness or conduct an investigation. The FBI did, however, obtain a copy of the Savage civil investigation, which amounted to four boxes of incriminating evidence, which they passed on to Prosecutor Tucker instead of to the proper investigative jurisdictions. Because this crime was committed in the city of Spokane and the chief and mayor have refused to perform their duties according to law, it is now your responsibility to thoroughly investigate my complaint or to refer it to a proper agency with the expertise and jurisdiction to conduct such an investigation.

On September 5, 2008, Robert Westinghouse of the U.S. Attorney's Office stated the following, which is exactly what I told you and the chief over a year earlier:

There is no federal criminal statute available to address that particular matter [First Degree Manslaughter]. We pass no judgment as to whether it is in fact criminal in nature. There are, of course, various degrees of manslaughter that may be of some concern. We pass no judgment, again because that is outside our purview. It is outside our area of investigation. What we have decided is that it should be referred to the Spokane County prosecuting attorney office and through that office to the appropriate investigative agencies for their review and consideration. They are experts. They have jurisdiction and if any criminal charges are appropriate, we are confident that they will be pursued diligently. . . . There will be no further federal involvement. . . .

My January 11, 2008, letter to Chief Kirkpatrick, of which I provided you a copy, contained within the third paragraph, the following: "First degree manslaughter is not the type of crime the FBI or United States Attorney General's Office typically investigates, and it is not within the realm of their prevalent experience or expertise. . . ." This was almost exactly what the United States Attorney publicly stated on September 5, 2008!

To this date, with less than four months remaining in the statute of limitations, the main witnesses in my complaint have still not been contacted and you appear to be willingly enabling that statute to expire.

Most importantly, testimony by the primary witnesses named in my complaint definitively provide evidence that incriminate Spokane public officials.

Further evidence of the legitimacy of my complaint comes from both David Savage, former husband of Jo Savage and a past president of the Washington State Bar Association, who publicly stated that he ". . . believes there are substantial grounds for a criminal prosecution for manslaughter based on information he learned during a civil suit on the matter," and Robert Westinghouse of the U.S. Attorney's Office who publicly stated, when he turned the four boxes of the Savage civil investigation over to the prosecutor, "There are, of course, various degrees of manslaughter that may be of some concern." Which clearly means Deputy Attorney General Westinghouse recognized probable cause for a manslaughter investigation.

Your failure to perform the duties required of you by law, especially in light of the deadly circumstances involved and the ongoing reckless failure of city officials to protect the public appears to be a nonfeasance of your duties and a reckless disregard for the public safety and trust. As the chief law enforcement officer for Spokane County, you have been given knowledge of a Class A felony that was committed in your jurisdiction involving a tragic and horrendous death, and you have been given knowledge of public officials covering up this crime. Your failure to act makes you part of this cover-up. If you are truly concerned about our children and the public's safety, you now have less than four months to investigate my complaint or request a grand jury investigation, which is the specific remedy mandated by law for the circumstances of this situation.

For the record, I will be filing all of my correspondence to you and other elected officials with the city clerk for the purpose of making a public record. It will then stand as a record when the next person or family falls victim to the existing danger allowed to exist by the city officials' failure to inspect the RPS garage. (This failure by city officials to inspect the Cowleses' parking garage is not only illegal, it was the granting of an illegal political favor that resulted in a death.)

You, the police chief, the prosecutor, the mayor, and the city attorney are ignoring a legitimate complaint by a former three-term elected sheriff and 25-year veteran law enforcement officer. You are ignoring exceptionally strong and abundant evidence of a Class A felony involving a death. Not one of you has had the courtesy to respond to my correspondence. I believe the reason is because you can't respond without incriminating yourselves or other public officials.

The final evidence of intent on your part to protect the suspects in my criminal complaint is the fact that the prosecutor now is sitting on my uninvestigated complaint and allowing the statute of limitations to expire. According to law, a prosecuting attorney is dependant upon law enforcement agencies to conduct the necessary factual investigation, which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. A prosecuting attorney "may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law." Nothing under RCW 9.94A.411 allows the prosecutor or sheriff to ignore a Class A felony complaint because the suspects are members of the most powerful and wealthy family in Spokane County who control the media in those elected officials jurisdictions, or because the suspects have endorsed the political candidacies of the sheriff, county prosecutor and majority of other elected officials, including judges. On the contrary, the elements and guidelines contained in that statute greatly support that justice concerning my first degree manslaughter complaint (a public safety complaint involving an already deadly and ongoing recklessness) be served. During my 25-year law enforcement career, I have never observed a more blatant and chronic disregard and cover-up for the public's safety by so many public officials in positions of honor and trust. There is positive evidence contained in the civil investigation that the Cowleses were aware of this danger and allowed it to exist for over 13 years and that specific public officials rendered them the criminal assistance allowing this death to occur. There is also evidence that during that 13-year duration of time there was at least one barrier failure every year, similar to the one that took Ms. Savages' life.

Sheriff, there are too many willing witnesses and too much solid evidence to ignore my complaint and the fatal crime committed, which is exceptionally repugnant. In addition, our public officials' dishonorable actions, cover-ups and violations of laws are too blatant to ignore. Most importantly, the law is exceptionally clear that you have specific duties you are mandated to perform. You, by law are obligated to investigate my alleged violations of the law.

Remember when you were running for your office and you asked me to be on your steering committee, along with eight other committee members? At that time your main request to me was to contact the county commissioners and attempt to influence them to be fair to you. With no consideration toward qualifications, or facts of candidate integrity, the county commissioners had already planned to choose Calvin Walker as their appointed choice to replace Sheriff Sterk when Sterk resigned. They were going to do this because Walker had been endorsed by the Republican Central Committee (with Sheriff Sterk as the chairman of that committee) and was the favored for that position. Remember the letters I wrote to the commissioners on your behalf and the meeting I had with one of the commissioners? As a result, you ended up filling Sheriff Sterk's unexpired term, which gave you the opportunity and advantage to become sheriff. Also, remember when you asked me to expose Walker's lack of integrity. You were aware that he used to work for me and I knew of his dishonesty during that time. Remember the letters to the editor and my contacts with the Democratic Central Committee wherein I exposed his lack of integrity. Remember my contacts with the Christian community on your behalf, exposing Walker's hypocrisy. When you asked that I join your steering committee and help you get elected, I did so because I felt you had integrity, but mostly, I was aware of the corrupt process that was being used to control that office and the questionable integrity of the person that was favored to obtain that position and I felt an obligation to reveal what I knew to the general public.

Where is your concern for integrity now, Sheriff? Remember when you were preparing for your oral interview with the county commissioners and I advised you how important it was that you study the Revised Code of Washington as it applies to the duties of sheriffs, and during your interview you were asked "What are the duties of a sheriff?" You had those duties memorized, making you stand out far above the rest of the candidates. Remember in the definition of sheriff duties, the law states the sheriff is the chief law enforcement officer in the county of their jurisdiction. That means exactly what it says. Please carefully study titles 9 and 9A of the Revised Code of Washington. Within those titles you will find a number of laws being broken by yourself, the police chief, the prosecutor, the mayor and other public officials. Also, please study the wording within the oath of office you promised to abide by when you were sworn to the office of sheriff.

At this time I request you provide the prosecutor and your personal legal counsel with a copy of this letter and all other correspondence I have provided you since 2007, which should also include copies of correspondence I generated to other officials that I provided you with.

I have one important question I ask that you respond to: Do you intend to perform the duty imposed on you by law concerning my first degree manslaughter complaint, which would be your initiating a criminal investigation or calling for a grand jury investigation? If I do not hear from you by January 21, 2009, I will assume you, again, do not intend to respond to my correspondence or take any action concerning my very legitimate and legal complaint of a Class A felony involving a death, malfeasance, misfeasance and nonfeasance by specific public officials and other violations of the law by specific public

officials. Consequently, if I do not hear from you by that date, I will have probable cause to file a criminal complaint against you and every public official involved in this crime and cover-up. If you do not respond to this letter by the 20th of this month and I will be filing a formal criminal complaint with the Washington State governor and Washington State attorney general. I will also be e-mailing a national press release outlining my criminal complaint and evidence.

On the other hand, if you can explain and prove that the evidence I have presented to you, the Spokane police chief and mayor is false or inaccurate, I will withdraw my original complaint and publicly apologize to you and all the suspects I have named in my complaint.

Sincerely,

Tony Bamonte