



# NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

*Representing America's Finest*

317 South Patrick Street. ~ Alexandria, Virginia ~ 22314-3501  
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## EXECUTIVE OFFICERS

January 14, 2025

**MICHAEL McHALE**  
President  
*Florida Police Benevolent Association*

The Honorable Merrick Garland  
Attorney General of the United States  
United States Department of Justice  
900 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

**JOHN A. FLYNN**  
Vice President  
*Police Benevolent Association of New York City*

**CRAIG LALLY**  
Recording Secretary  
*Los Angeles Police Protective League*

## **RE: Implementation of the National Decertification Index**

Dear Attorney General Garland:

**SCOTT HOVSEPIAN**  
Treasurer  
*Massachusetts Coalition of Police*

On behalf of the National Association of Police Organizations (NAPO), representing over 241,000 sworn law enforcement officers from across the country, I am writing to express our ongoing, significant concerns with the implementation of the National Law Enforcement Accountability Database (also known as the National Decertification Index, or NDI), pursuant to Section 5 of Executive Order 14074 on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.

**KEITH CURRY**  
Sergeant-at-Arms  
*New Jersey State Policemen's Benevolent Association*

I participated in the January 10, 2025, webinar, "Updates on the National Decertification Index", hosted by the White House Domestic Policy Council, the U.S. Department of Justice, and the International Association of Directors of Law Enforcement Standards and Training (IADLEST). As explained on the webinar, the NDI currently includes much more than what is called for in Executive Order 14074, including minor administrative infractions such as missing training, something that could easily be explained and corrected. This goes much further than "records of criminal convictions; suspension of a law enforcement officer's enforcement authorities, such as decertification; terminations; civil judgements... related to official duties; and resignations or retirements while under investigation for serious misconduct or sustained complaints" as called for in the Executive Order.

**SCOTT LEETON**  
Executive Secretary  
*Combined Law Enforcement Associations of Texas*

**MARK YOUNG**  
Vice President,  
Associate Members  
*Detroit Police Lieutenants & Sergeants Association*

**JAMES PALMER**  
Parliamentarian  
*Wisconsin Professional Police Association*

**WILLIAM J. JOHNSON, CAE**  
Executive Director and  
General Counsel

It was more than evident on the webinar that the NDI is not confined to only serious misconduct or sustained complaints. NAPO has long recommended that only allegations or findings of *serious* misconduct that are substantiated and adjudicated should be included in the NDI. We are greatly concerned that this expansive NDI can become a place where a good officer's reputation could be besmirched for minor incidents. This will only further negatively impact the recruitment crisis our nation's law enforcement community is facing.

Just as concerning was the flippant attitude towards officer due process rights that was exhibited during the webinar. During the question-and-answer period, I asked what the due process procedures are for officers before their names are added to the NDI. The response was that IADLEST relies on the participating agencies to provide their officers with due process, with the minimal needed being providing notice and an opportunity to respond. The speaker ended the answer noting that this is more than enough for management to avoid a lawsuit. It is quite clear that ensuring officers have sufficient due process is not a priority for the NDI.

NAPO reiterates our strong recommendation that the NDI requires robust due process procedures that occur prior to officer records being uploaded into the database. These should include, *at a minimum*, the bedrock guarantees of Anglo-American jurisprudence: sufficient notice, an opportunity to be heard, and review by a neutral fact-finder. The NDI should lead by example and expect more from agencies participating in the database to ensure that an officer's reputation is not unnecessarily ruined, and job opportunities missed, due to factually inaccurate or insufficient information being uploaded into the database.

We now understand that our comments and recommendations on the establishment of a National Law Enforcement Accountability Database have been largely disregarded. As representatives of rank-and-file officers, it is incredibly concerning that their voices are being ignored. Rather than being an important tool to help improve law enforcement recruitment and retention efforts and restore trust in the profession, the NDI will further sow distrust amongst rank-and-file officers that their elected leaders and superiors do not have their backs.

It is not too late for the NDI to impose true due process procedures for officers that focus on protecting officer rights rather than shielding agencies from lawsuits. We hope our voice will finally be heard and we look forward to working with the Department to protect the rights of the men and women who honorably serve and protect our communities.

If NAPO can provide any additional information on our comments or provide any assistance, please feel free to contact me at (703) 549-0775.

Sincerely,



William J. Johnson, Esq.  
Executive Director

Enclosures: NAPO June 27, 2023 Comments on Accountability Database; NAPO July 14, 2022 Letter Regarding Concerns with Policing Executive Order; NAPO January 10, 2022 Letter Regarding Concerns with Draft Policing Executive Order

Cc: The Honorable Lisa Monaco, Deputy Attorney General, U.S. Department of Justice



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## EXECUTIVE OFFICERS

June 27, 2023

**MICHAEL McHALE**

President

*Florida Police Benevolent  
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**JOHN A. FLYNN**

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*Police Benevolent  
Association of New York City*

**CRAIG LALLY**

Recording Secretary

*Los Angeles Police  
Protective League*

**SCOTT HOVSEPIAN**

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**KEITH CURRY**

Sergeant-at-Arms

*New Jersey State Policemen's  
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**JAMES PALMER**

Parliamentarian

*Wisconsin Professional Police  
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**WILLIAM J. JOHNSON, CAE**

Executive Director and

General Counsel

The Honorable Merrick Garland  
Attorney General of the United States  
United States Department of Justice  
900 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

## **RE: Executive Order 14074 Section 5 – Establishing a National Law Enforcement Accountability Database**

Dear Attorney General Garland:

On behalf of the National Association of Police Organizations (NAPO), representing over 241,000 sworn law enforcement officers from across the country, I am submitting comments on the implementation of the National Law Enforcement Accountability Database, pursuant to Section 5 of Executive Order 14074 on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.

### **Section 5(b)(ii)**

This subsection calls for the inclusion in the Accountability Database of records documenting officer misconduct, including, “records of criminal convictions; suspension of a law enforcement officer’s enforcement authorities, such as decertification; terminations; civil judgements... related to official duties; and resignations or retirements while under investigation for serious misconduct or sustained complaints”. NAPO recommends that only those allegations or findings of *serious* misconduct that are substantiated and adjudicated should be included in the Accountability Database.

Careful attention should be given to the seriousness of the criminal convictions or reasons for an officer’s suspension of enforcement authorities before mandating the inclusions of such records in the Database. An officer struggling with substance abuse issues could be convicted of a DUI that occurred while off-duty and subsequently have their enforcement authorities suspended while they seek treatment. An officer could have their enforcement authorities suspended temporarily if they are experiencing a mental health crisis and are seeking professional help. Section 4 of the Executive Order recognizes the toll the job takes on an officer’s mental health and wellness as do many law enforcement agencies, which have programs to help officers struggling with substance abuse or with a mental health crisis. We cannot punish these officers by including such instances in a national database, particularly if they have received help and remain officers in good standing with their departments.

NAPO recommends only serious criminal convictions, permanent suspension of enforcement authorities, and decertification be included in the Database. If an officer's enforcement authorities are suspended and he is allowed to return to full duty at that agency after the completion of the suspension, such information should not be included in the database.

Additionally, civil judgments related to official duties do not always equate to an officer's wrongdoing. Civil judgments are generally settlements between a department and private citizens that often reflect the desire of a department to quickly end a lawsuit and not that an officer's actions were wrong. To include civil judgements against an officer could smear a good officer's name, ruin their reputation, and end their career when there has been no misconduct by the officer.

NAPO recommends that civil judgments are not included in the Accountability Database.

#### **Section 5(b)(iv)**

The Executive Order only allows for officers to petition to remove information about themselves from the Database on the "grounds it is inaccurate or that it is predicated on an official proceeding that lacked appropriate due process protections". With this provision, the data will have already been posted before an officer is able to petition to remove it. There is no timeframe stated in the Executive Order for the petition process, so an officer's reputation could be ruined, and job opportunities missed due to factually inaccurate information being uploaded into the database.

NAPO strongly advises that robust due process procedures are put in place and occur *prior* to officer records being uploaded into the national database. These should include, at a minimum, the bedrock guarantees of Anglo-American jurisprudence: sufficient notice, an opportunity to be heard, and review by a neutral fact-finder.

#### **Section 5(c)(ii)**

It is important that the Department take the carrot and not the stick approach to encouraging submissions into the Accountability Database through technical support, grant funding, and other resources. Additionally, ensuring there is sufficient due process prior to adding an officer's name to the Database would remove a possible obstacle for agencies that do not want to smear their officers' good names.

We appreciate your consideration of our comments and recommendations on Section 5 and the establishment of a National Law Enforcement Accountability Database and we look forward to continue working with you to improve policing practices in America. If NAPO can provide any additional information on our comments as you move forward with establishing the Database, please feel free to contact me at (703) 549-0775.

Sincerely,



William J. Johnson, Esq.  
Executive Director



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### EXECUTIVE OFFICERS

July 14, 2022

**MICHAEL McHALE**  
President

*Florida Police Benevolent  
Association*

The Honorable Merrick Garland  
Attorney General of the United States  
United States Department of Justice  
900 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

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**JAMES PALMER**

*Parliamentarian  
Wisconsin Professional Police  
Association*

**WILLIAM J. JOHNSON, CAE**

*Executive Director and  
General Counsel*

Dear Mr. Attorney General Garland:

I am writing to you today on behalf of the National Association of Police Organizations (NAPO), representing over 241,000 sworn law enforcement officers from across the country, to advise you of our concerns with many of the provisions within the President's Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety. As you begin to implement the Executive Order, we hope you will take into consideration our concerns and recommendations as they relate to how the Order impacts rank-and-file officers.

NAPO shared our concerns with Ambassador Rice and the Domestic Policy Council as well as with The White House Counsel's Office over several meetings and conversations during the drafting of the Executive Order. While some of our concerns were addressed in the final Order, many remain, particularly concerning how certain provisions will be implemented by the Administration and the Department of Justice.

We remain apprehensive about the prohibition of the use of chokeholds and carotid restraints unless deadly force is authorized and its impact on the safety of officers. We are similarly concerned with the restrictions put in place on no-knock warrants. While there is an exception for circumstances where an officer's safety would be compromised, warrants are risky situations for officers whether the suspect is known to be armed and dangerous or not.

NAPO continues to be troubled with the provisions of Section 5, which establishes a National Law Enforcement Accountability Database, and the lack of specified due process rights for officers. The Executive Order directs you, as the Attorney General, to ensure that the establishment and administration of the national database is consistent with the Privacy Act of 1974 and "respects appropriate due process protections for law enforcement officers" who are included in the database.

The draft Executive Order that was leaked in January only allowed for officers to petition to remove "factually inaccurate information" about themselves from the

database *after* the data have already been posted. There was no timeframe for the petition process, so an officer's reputation could be ruined, and job opportunities missed due to factually inaccurate information being uploaded into the database. We strongly recommend that you mandate that robust due process procedures are put in place and occur *prior* to officer records being uploaded into the national database. These should include, at a minimum, the bedrock guarantees of Anglo-American jurisprudence: Notice, an opportunity to be heard, and review by a neutral fact-finder.

We are concerned that Section 12 would effectively eliminate State and local law enforcement's access to surplus federal equipment. As we stated to the former Law Enforcement Equipment Working Group pursuant to Executive Order 13688, NAPO is extremely concerned that the legitimate and well-demonstrated needs of officers are being overlooked due to the optics of law enforcement agencies obtaining this equipment from the Department of Defense.

Programs like the Department of Defense's 1033 Program have proven to be vital in allowing state and local law enforcement to acquire items needed for search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This equipment has not led to the "militarization" of police, but rather has proven to be essential in protecting officers and communities against violent criminals, including active shooters, who law enforcement are unfortunately facing with increasing frequency.

While we appreciate that the Executive Order allows for the transfer or purchase of tracked or armored vehicles that would be exclusively used for certain situations such as disaster response and recovery or active shooter scenarios, it still restricts personal protective equipment and lifesaving gear for officers. Given that state and local law enforcement are our nation's first responders to incidents from foreign and domestic terrorism to active shooter situations to flood rescues, the Administration should be ensuring law enforcement agencies are able to acquire such equipment for the protection of their communities, not limiting it.

Under Section 13, which regards the use of body-worn cameras, we are disappointed that it does not specifically allow for Federal law enforcement officers to review their own body-worn camera video prior to completing any required reports, statements, or interviews regarding the recording. The Administration seems to be walking back from the long-held best practices<sup>i</sup> established by the Department on allowing officers to review their body-worn camera footage prior to the completion of initial reports or interviews regarding an incident.

If the goal of the body-worn camera policy is to ensure the most accurate reporting, then officers should have access to the recording. Further, with its Body-Worn Camera Toolkit<sup>ii</sup>, the Department's Bureau of Justice Assistance has found that best practices for departmental body-worn camera programs include engaging the community, prosecutors, and rank-and-file officers on body-worn camera issues and allowing for a significant degree of officer discretion when it comes to viewing the video footage.

We are confident the study and subsequent report required by the Executive Order on the advantages and disadvantages of officer review of body-worn camera footage will show there is a distinct advantage to allowing such pre-review. However, we urge you to consult with stakeholders and practitioners, including representatives of rank-and-file officers, before you identify best practices regarding officer review of body-worn camera footage.

Another significant concern with the Executive Order is that it would immediately make substantial changes for Federal law enforcement agencies, and then use the “carrot and stick” of Federal funding to get State, local and Tribal agencies to also adopt these changes, whether or not they make sense for any given locality (see Sections 19 and 20). In effect, it sets up a situation where the Department of Justice could be managing the hiring, training, deployment, and policy, including use of force and equipment, for every state and local agency. It would make law enforcement more dangerous and difficult for officers and it would exacerbate the already dire recruitment and retention issues facing state and local agencies.

Further, the Executive Order has the potential to jeopardize public safety by withholding much needed grant funds from states and localities depending on how Sections 19 and 20 are implemented. Under Section 19, within 240 days of the order, accreditation standards will be developed and published. Accreditation standards that further the policies of Sections 3, 4, and 7 – 10 of the order will take time for states, localities, and law enforcement agencies to implement. We need to ensure that law enforcement agencies are not punished and lose out on grant funding simply because they were not able to get the policies or trainings necessary for compliance in place within a short timeframe.

This concern also applies to Section 20, under which certain federal grants may be tied to compliance with this Executive Order as soon as six months of the date of the order. Again, many law enforcement agencies would be at risk of losing access to desperately needed grant funds that are directly tied to the Administration’s goals and state and local efforts with respect to addressing violent crime, reducing gun violence, and law enforcement innovation.

NAPO supports improving policing practices, accountability with due process, and training in law enforcement, but any policy must take into consideration the concerns and needs of both law enforcement and the communities they serve. A one-size fits all, top-down approach does not work when there are approximately 18,000 law enforcement agencies of all sizes serving large urban areas, suburban municipalities, rural communities, and small towns. We therefore urge you to significantly engage with law enforcement organizations and representatives as you work to implement the provisions of the Executive Order.

We appreciate your willingness to consider our views on police reform as you work to implement the President’s Executive Order. We look forward to continuing to work collaboratively with you to improve policing practices in America. Please feel free to contact me at (703) 549-0775 if you would like to discuss our concerns further.

Sincerely,



Michael McHale  
President

Cc: The Honorable Susan Rice, Director, Domestic Policy Council

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<sup>i</sup> <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>

<sup>ii</sup> <https://bja.ojp.gov/program/bwc>



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### EXECUTIVE OFFICERS January 10, 2022

**MICHAEL McHALE**

President

Florida Police Benevolent  
Association

Hon. Susan E. Rice

Director

Domestic Policy Council

Room 469

Eisenhower Executive Office Building

Washington, D.C. 20502

**JOHN A. FLYNN**

Vice President

Police Benevolent  
Association of New York City

**CRAIG LALLY**

Recording Secretary

Los Angeles Police  
Protective League

Dear Ambassador Rice,

**SCOTT HOVSEPIAN**

Treasurer

Massachusetts Coalition  
of Police

I am writing to you today on behalf of the National Association of Police Organizations (NAPPO), representing over 241,000 sworn law enforcement officers from across the country, to advise you of our serious concerns with many of the provisions of the draft Executive Order, as reported in [\*The Federalist\*](#).

**MARC KOVAR**

Sergeant-at-Arms

New Jersey State Policemen's  
Benevolent Association

We feel that the Administration has not been forthcoming about details of the contemplated Executive Order, outside of the one listening session NAPPO participated in, nor given significant response to our recommendations regarding potential police reform policies that could be included in an Executive Order. We are greatly disappointed, as one of the largest representatives of sworn rank-and-file law enforcement officers in the country, to have been largely locked out of the discussion around this overhaul of the law enforcement profession. The result is a draft Order with which we have significant concerns.

**SCOTT LEETON**

Executive Secretary

Combined Law Enforcement  
Associations of Texas

**MARK YOUNG**

Vice President,

Associate Members

Detroit Police Lieutenants &  
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It is troubling, given the nearly unified opposition by the law enforcement community, that under Section 1, "Policy Statement", the draft Order calls for Congress to make significant changes to qualified immunity and Section 242 of Title 18 United States Code. We strongly believe that the elimination of this well-settled constitutional protection and the haphazard modification of Section 242 that have been proposed by Congress will decimate law enforcement. Combined, these two provisions take away all good faith legal protections for officers while making it easier to prosecute them criminally for good faith mistakes on the job, not just criminal acts. No substantial reason has been proffered for the sudden and wholesale change to decades of Constitutional jurisprudence.

**JAMES PALMER**

Parliamentarian

Wisconsin Professional Police  
Association

The threat of the elimination of qualified immunity has already caused decent, experienced officers and newly hired officers alike to seek other jobs. Police departments will be decimated, and it will be more difficult than it already is to recruit new officers.

**WILLIAM J. JOHNSON, CAE**

Executive Director and

General Counsel



Also, the very real danger of an officer being sent to prison *for a good-faith mistake* will cause officers to hesitate to protect themselves and others when they clearly need to do so. This will lead to the deaths and injuries of American police officers.

NAPO also has concerns with the provisions of Section 5, which establishes a National Law Enforcement Accountability Database. While it purports to provide adequate due process rights for officers, in reality, it only allows for officers to petition to remove “factually inaccurate information” about themselves from the database *after* the data has already been posted. There is no timeframe for the petition process, so an officer’s reputation could be ruined, and job opportunities missed due to factually inaccurate information being uploaded into the database. We strongly recommend that robust due process procedures are put in place and occur *prior* to officer records being uploaded into the national database.

Due process protections are also missing under Section 13 regarding body-worn cameras. The draft order specifically prohibits Federal law enforcement officers from reviewing or receiving an accounting of any of their own body-worn camera video until all required reports, statements or interviews regarding the recording are completed. If the goal of the body-worn camera policy is to ensure the most accurate reporting, then officers should have access to the recording. Further, with its [Body-Worn Camera Toolkit](#), the U.S. Department of Justice’s Bureau of Justice Assistance has found that best practices for departmental body-worn camera programs include engaging the community, prosecutors and rank-and-file officers on body-worn camera issues and allowing for a significant degree of officer discretion when it comes to viewing the video footage.

Sections 12 and 21 would effectively eliminate State and local law enforcement’s access to surplus federal equipment. As we stated to the former Law Enforcement Equipment Working Group pursuant to Executive Order 13688, NAPO is extremely concerned that the legitimate and well-demonstrated needs of officers are being overlooked due to the optics of law enforcement agencies obtaining this equipment from the Department of Defense.

Programs like the Department of Defense’s 1033 Program have proven to be vital in allowing state and local law enforcement to acquire items needed for search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This equipment has not led to the “militarization” of police, but rather has proven to be essential in protecting communities against violent criminals, including active shooter situations, which are unfortunately increasing in frequency.

Another significant concern with the draft Order is that it would immediately make substantial changes for Federal law enforcement agencies, and then use the “carrot and stick” of Federal funding to get State, local and Tribal agencies to also adopt these changes, whether or not they make sense for any given locality (see Sections 19 and 20). In effect, it sets up a situation where the Department of Justice will be managing the hiring, training, deployment, and policy, including use of force and equipment, for every state and local agency. It would make law enforcement more dangerous and difficult for officers and it would exacerbate the already dire recruitment and retention issues facing state and local agencies.

Further, the draft Order has the potential to jeopardize public safety by withholding much needed grant funds from states and localities. There is no reasonable way for many of the requirements laid out for certification under Section 19 and the grant eligibility requirements of Section 20 to be completed by the Fiscal 2023 grant cycle, as called for by the draft Order. This effectively would “defund” many law enforcement agencies and negatively impact public safety at a time when violent crime rates are skyrocketing in cities and communities across the country. Agencies would lose access to desperately needed grant funds that are directly tied to the Administration’s goals and state and local efforts with respect to addressing violent crime, reducing gun violence, and law enforcement innovation in the next fiscal year.

There was so little support in the House of Representatives for nearly identical grant eligibility requirements that lawmakers were unable to bring the Fiscal 2022 Commerce, Justice, Science and Related Agencies (CJS) appropriations bill, H.R. 4505, to the floor for a vote because it would have failed. Senate appropriators seemingly agreed that there would be no support for such provisions and did not include anything similar in the draft Fiscal 2022 CJS appropriations bill it released. We strongly discourage the Administration from tying the provisions of this draft Order to Federal discretionary grants.

I have highlighted a few of the areas where we have strong opposition, but there are additional areas of the draft Order not covered in this letter with which we have concerns. It is very clear to NAPO that this draft Order was written without the full consultation of the men and women who do this job every day. We have no choice but to oppose this draft Order.

We welcome the opportunity for a robust discussion of our concerns, specific provisions the Administration is considering including in the final Executive Order, and the goals of the Administration on the issue of police reform.

Thank you for your attention to our concerns. Please feel free to contact me at our Alexandria, Virginia office at (703) 549-0775 if you would like to discuss our concerns further.

Sincerely,

A handwritten signature in black ink that reads "Michael McHale". The signature is written in a cursive, flowing style.

Michael McHale  
President