



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

**Regulatory Audit  
of  
Methamphetamine Screening  
Level Assessment  
(Identifying 80 Regulatory Violations of 6 CCR 1014-3)**

**By  
HEALTH AND ENVIRONMENTAL TECHNOLOGY (*sic*)  
Robert M. Rodosevich  
Methamphetamine Contamination  
Real Estate Screening Assessment  
1006 Gilfin Circle  
(Also identified by the author as “1349 Hazeline Lake Drive”)  
Colorado Springs, Colorado 80915  
March 23, 2015**

**Prepared by:**

**Forensic Applications Consulting Technologies, Inc.  
185 Bounty Hunter's Lane  
Bailey, CO 80421**



**February 8, 2016**

# Table of Contents

EXECUTIVE SUMMARY .....	3
REVIEW OF THE SCREENING LEVEL ASSESSMENT .....	4
Violation of Part 2 §3.0 .....	4
Violation of Section 3.0.....	6
Violation of §3.7.1.....	7
Violation of §3.7.2 (2 Violations) .....	7
Violation of §3.7.5 (3 Violations) .....	8
Violation of §3.7.6.1 .....	8
Violation of §3.7.6.3 (2 Violations) .....	9
Violation of §6.1.3.....	9
Violation of §6.1.3.3 .....	9
Violation of §6.2.1 (11 Violations) .....	10
Violation of §6.2.1.1 (11 Violations) .....	11
Violation of §6.2.4 (11 Violations) .....	12
Violation of §6.2.12.5 .....	12
Violation of §6.2.14.3 .....	13
Violation of §6.2.14.6 (6 Violations) .....	13
Violation of §6.2.14.7 (6 Violations) .....	13
Violation of §6.2.14.8 (5 Violations) .....	13
Violation of §6.2.14.9 (6 Violations) .....	13
Violation of §6.2.14.11 .....	14
Violation of §6.2.15 .....	14
Violation of §6.7.1.1 (3 Violations) .....	14
Violation of §6.7.1.2 (4 violations).....	14
Colorado Criminal Code – Fraud; Offering a false instrument for recording .....	15
Colorado Consumer Protection Act .....	15
CONCLUSION .....	16
Appendix A.....	17
Reviewer’s Statement of Qualifications .....	17

## EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) is a private S-Corporation in the State of Colorado offering classical Industrial Hygiene services to its clients.

FACTs is performing a series of regulatory audits on public domain documents. This document has been prepared by Forensic Applications Consulting Technologies, Inc. in response to actions by the Colorado Department of Public Health and Environment (CDPHE), and pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure*.

This review pertains to the document identified as:

Methamphetamine Contamination  
Real Estate Screening Assessment  
1006 Gilfin Circle, Colorado Springs, Colorado 80915  
Submitted by:  
HEALTH AND ENVIRONMENTAL TECHNOLOGY (*sic*)  
Robert M. Rodosevich  
Senior Industrial Hygienist  
Certified Clandestine Laboratory Specialist  
Submitted to:  
Mr. Rob Hoben  
rob.hoben@me.com  
March 23, 2015

(The misspelling of the company name, “HEALTH AND ENVIRONMENTAL TECHNOLOGY” (HET) is taken directly from the report verbatim).

This report also claims that, erroneously, it is a screening assessment report for 1349 Hazeline Lake Drive, Colorado Springs, CO. However, that is totally different report for a totally different client, and FACTs has performed a regulatory audit of that methamphetamine screening report, wherein we identified 120 regulatory violations of 6 CCR 1014-3.

The purpose of this review is to document regulatory violations associated with the assessment of methamphetamine affected properties (6 CCR 1014-3). The level of scrutiny and detail employed in this review is that which has been established by the Colorado Department of Public Health and Environment (CDPHE).

Historically, Ms. Brisnehan, a regulator with the Colorado Department of Public Health and Environment (CDPHE), has provided misleading information regarding the assessment of methamphetamine affected properties to the City of Colorado Springs,<sup>1</sup> and as a result, the consultant in question, Robert M. Rodosevich with Health and

---

<sup>1</sup> See for example the email regarding Citizen Request #4967, Tuesday, September 4, 2012 4:00 PM, Sgt. Harrell, Vice and Narcotics, Colorado Springs Police Department, 705 S Nevada Avenue, Colorado Springs, CO 80903, regarding



Environmental Technology, Colorado Springs, CO, has developed a long history of regulatory violations, falsified documents relating to real estate and invalid assessments of illegal drug laboratories in that area.<sup>2,3,4,5,6,7</sup>

FACTs obtained a copy of the public domain report under review through the Colorado Open Records Act (CORA) directly from the Colorado Department of Public Health and Environment (CDPHE).

## **REVIEW OF THE SCREENING LEVEL ASSESSMENT**

During the performance of a Screening Level Assessment (for methamphetamine) of a property, the Consultant is required by regulations (6 CCR 1014-3) to perform specific mandatory tasks and provide specific mandatory documentation.

In reviewing the Screening Assessment report by Mr. Rodosevich for 1006 Gilfin Circle, Colorado Springs, CO (the subject property), the following regulatory violations have been identified:

### ***Violation of Part 2 §3.0***

Historically, jurisdictions have been receiving misinformation regarding the State regulations from Ms. Colleen Brisnehan with CDPHE.

Ms. Brisnehan, has historically been identified as serving on the Board of Directors for a private organization called the “Colorado Association of Meth and Mold Professionals (CAMMP)”, a largely discredited group of untrained consultants claiming expertise in mould related issues and methamphetamine. Although Ms. Brisnehan’s dual role (state regulator for the CDPHE and Board of Directors for a private organization involved in the same issues she is suppose to be regulating) appears to be a violation of Colorado Revised

---

<sup>2</sup> See for example: 2045 Farnsworth, Colorado Springs, CO, [http://forensic-applications.com/meth/Farnsworth\\_Critical\\_Review.pdf](http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf)

<sup>3</sup> See for example: 1299 Vondelpark Drive, Unit C, Colorado Springs, CO [http://forensic-applications.com/meth/Vondelpark\\_audit\\_censored.pdf](http://forensic-applications.com/meth/Vondelpark_audit_censored.pdf)

<sup>4</sup> See for example: 539 Shady Crest Circle, Colorado Springs, CO 80916 [http://forensic-applications.com/meth/Reg\\_audit\\_shady\\_crest.pdf](http://forensic-applications.com/meth/Reg_audit_shady_crest.pdf)

<sup>5</sup> See for example: 1349 Hazeline Lake Drive Colorado Springs, Colorado 80915 [http://www.forensic-applications.com/meth/HET\\_Hazeline\\_Screen\\_RA.pdf](http://www.forensic-applications.com/meth/HET_Hazeline_Screen_RA.pdf)

<sup>6</sup> See for example: 2071 London Carriage Grove, Colorado Springs, Colorado (117 violations) – The address of 2071 is not a real address, Mr. Rodosevich never provided the correct address: [http://www.forensic-applications.com/meth/HET\\_London\\_Screen\\_RA.pdf](http://www.forensic-applications.com/meth/HET_London_Screen_RA.pdf)

<sup>7</sup> See for example: 2044 Summerset Drive, Colorado Springs, Colorado 80902 (92 regulatory violations): [http://www.forensic-applications.com/meth/HET\\_Summerset\\_Screen\\_RA.pdf](http://www.forensic-applications.com/meth/HET_Summerset_Screen_RA.pdf)



Statutes §24-50-117, she continued to provide regulatory protection for members of her private club who were performing fraudulent assessments of illegal drug laboratories.<sup>8,9</sup>

As a result, serious problems were created as scofflaws performed unlawful assessments of methamphetamine affected properties with impunity and falsely claimed their assessments were in accordance with State regulations and State Statutes.

Due to the serious problems thus created by such fraudulent consultants, Senator Lois Tochtrop promulgated Senate Bill SB13-219 which was signed by Gov. Hickenlooper at the end of May 2013. That bill provided provisions that required the State of Colorado to develop standards for performing screening evaluations for properties involved in Real Estate transactions, and for the licensing of authorized Industrial Hygienists involved in this work, including disciplinary actions against those who violated the regulations.

Since the CDPHE was officially approving fraudulent reports concerning methamphetamine affected properties, consultants knew there was little chance of any retribution for violating State regulations and they could continue to cheat consumers with impunity. SB13-219 therefore, heavily modified Colorado Revised Statutes and placed in those statutes provisions for disciplinary fines for consultants who violate the State regulations.

Colorado Revised Statutes: 25-18.5-107. *Enforcement*

(1) A person that violates any rule promulgated by the board under section 25-18.5-102 is subject to an administrative penalty not to exceed fifteen thousand dollars per day per violation until the violation is corrected.

The new regulations were Adopted by the Colorado Board of Health on October 15, 2014, and the new regulations became effective on December 15, 2014. Astonishingly, the task of certifying consultants and enforcing the new regulations was given to the very person who had created the need for the new statutes and regulations – Ms. Brisnehan.

Ms. Brisnehan immediately ignored the new provisions of the regulations and granted State Authorization to members of her commercial group including those who did not meet the mandatory criteria. Additionally, instead of enforcing the regulations, Ms. Brisnehan continued to protect those consultants performing invalid assessments, and even went so far as to fabricate information in her own official documents to try and unlawfully benefit members of her group.<sup>10</sup>

As a result, the regulations are now being completely ignored by such untrained, but "certified" consultants, and the CDPHE is assisting untrained consultants in fraudulent

---

<sup>8</sup> See for example: 4893 S Johnson Street, Denver [http://www.forensic-applications.com/meth/Johnson\\_Critical\\_review.pdf](http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf)

<sup>9</sup> See for example: 4690 West 76th Ave., Westminster <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

<sup>10</sup> See Letter of Variance, from Colleen Brisnehan April 13, 2015 to Mr. Andre Gonzales (regarding samples collected on behalf of a fellow CAMMP Board Member) at 4383 Tennyson Street, Denver, Colorado, 80212.



work in Colorado. As of the date of this audit (February 8, 2016), FACTs has identified no fewer than 13,550 (thirteen *thousand*, five hundred and fifty) regulatory violations in just the first 43 reports audited.

According to regulations, the performance of a Screening Level Assessment can only be performed by certain personnel.

## PART 2: TRAINING AND CERTIFICATION REQUIREMENTS

### 3.0 Interim Authorization

3.1 Persons who, as of the effective date of this Part 2 of these regulations, are performing assessment or decontamination activities subject to these regulations may continue to perform such activities, as long as they comply with the requirements of this section 3.

There is nothing in the public record to indicate that Mr. Rodosevich had, as of the effective date of Part 2 of the regulations, been performing assessments subject to the regulations and, as documented here, Mr. Rodosevich continues to ignore the regulations and perform invalid assessments.

In his report for this subject property, Mr. Rodosevich uses the title “Certified Clandestine Laboratory Specialist” which is the same title he has used for many years. There is no such title in the State of Colorado, and there is nothing in the public domain documentation that would suggest that Mr. Rodosevich has ever received any kind of training in the recognition or assessment of illegal drug laboratories.

### ***Violation of Section 3.0***

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to perform specific activities:

3.0 Screening Level Assessment of Properties not known to be methamphetamine-affected properties. This section establishes procedures and standards for testing residential real property pursuant to § 38-35.7-103, C.R.S. Screening level assessments pursuant to this section are for the purpose of determining if the subject property is a methamphetamine-affected property. The procedures in this section are not to be used to make clearance decisions.

3.5 The Consultant shall conduct limited composite wipe sampling of the structure(s) for methamphetamine (including fixtures, as appropriate), in accordance with Section 6 of this Part 1.

In his report, Mr. Rodosevich establishes that he was aware that he was conducting a screening assessment as part of a real estate transaction:

*This was a pre-purchase assessment intended to show the likely presence or absence of methamphetamine contamination at this residence.*

And:

*This real estate screening was conducted in accordance with the Screening Level Assessment procedure as described by CRS (sic) 6 CCR 1014-3 and § 38-35.7-103.*

There is no such thing as “CRS 6 CCR 1014-3” and as described below, HET failed to collect samples pursuant to Section 6 of this Part 1.

### **Violation of §3.7.1**

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to provide specific information including:

3.7 Information collected during the screening level assessment shall be documented in a Screening Level Assessment Report and shall include, but not be limited to, the following, to the extent available and applicable:

3.7.1 Subject property description including physical address, number and type of structures present.

In his report, Mr. Rodosevich describes the 2,440 square foot property as:

*The property is a split-level, single family home of approximately 1583 square feet.*

There is no discussion of the number of other structures present and, based on aerial photography and photographs in Mr. Rodosevich’s report, it would appear that there is at least one small shed in the backyard - not addressed by Mr. Rodosevich in his report..

### **Violation of §3.7.2 (2 Violations)**

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to provide specific information including:

3.7.2 Description of structural features in all buildings comprising the subject property, such as attics, false ceilings, crawl spaces, and basements including identification of structural features connected to adjacent units or common areas.

From photographs provided, it would appear the property contains at least three attics (two in the structure and one in the detached garage) and at least one crawlspace :



**HET Photographs**

However, nowhere in his report, does Mr. Rodosevich provide a description of the crawlspace or the three attics.

**Violation of §3.7.5 (3 Violations)**

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to provide specific information including:

3.7.5 Photographic documentation of property conditions.

1. Nowhere in the report do we see photographic documentation of the attic
2. Nowhere in the report do we see photographic documentation the kitchen
3. Nowhere in the report do we see photographic documentation of the plumbing.

**Violation of §3.7.6.1**

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to provide specific information including:

3.7.6.1 a description of the sampling procedures used, including sample collection, handling, and quality assurance/quality control (QA/QC);

This information is missing from the report. For example, nowhere in the report does Mr. Rodosevich explain why his QA/QC blank was not compliant with the mandatory requirements. Instead, Mr. Rodosevich has merely plugged in boiler-plate language claiming compliance with the sampling protocols but that are objectively contrary to the actual sampling that was documented in the photographs and laboratory reports (as described later).

### **Violation of §3.7.6.3 (2 Violations)**

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to perform specific activities including:

3.7.6 Documentation of screening level sampling shall include:

3.7.6.3 results of sampling, including a description of sample locations and a computer generated figure illustrating the layout of the building(s) and sample locations and identification.

In his report, Mr. Rodosevich failed to provide a computer generated sketch as required. The State specifically requires a computer generated figure illustrating the layout of the building(s) and sample locations and identification to avoid the poor quality of hand drawn figures.

Therefore, for this property:

1. Mr. Rodosevich failed to provide a computer generated figure of the building as required.
2. Mr. Rodosevich failed to provide a figure illustrating sample locations with identification.

### **Violation of §6.1.3**

During a Screening Assessment, the consultant is required to perform specific tasks including:

6.1.3 The following sample collection procedures shall be followed for screening level sampling, preliminary assessment sampling and clearance sampling, except as provided in Section 6.8.2 of this Part 1.

As described below, Mr. Rodosevich failed to comply with this requirement to the extent that none of the samples collected during the screening assessment were valid.

### **Violation of §6.1.3.3**

During a Screening Assessment, the consultant is required to perform specific tasks including:

6.1.3.3 Wipe sampling shall be used to determine the extent of iodine contamination whenever there is visible evidence of iodine staining on surfaces that will not be removed.

As already discussed, there is no indication that Mr. Rodosevich has ever received any training in the assessment of illegal drug laboratories and there is nothing to indicate that Mr. Rodosevich would possess the necessary skill set needed to fulfill this mandatory obligation. Nowhere in the report has Mr. Rodosevich even addressed iodine or even used the word “iodine.”

### **Violation of §6.2.1 (11 Violations)**

During a Screening Assessment, the consultant is required to perform specific tasks using specified sampling materials including:

6.2 Discrete Wipe Sample Collection Procedures. The following procedure **shall** be used for collecting discrete wipe samples:

6.2.1 Sample media shall consist of 2x2 inch wipes ...

In his report, Mr. Rodosevich identifies his sampling materials thusly:

*The wipe sample media is individually wrapped Johnson and Johnson TM gauze pads.*

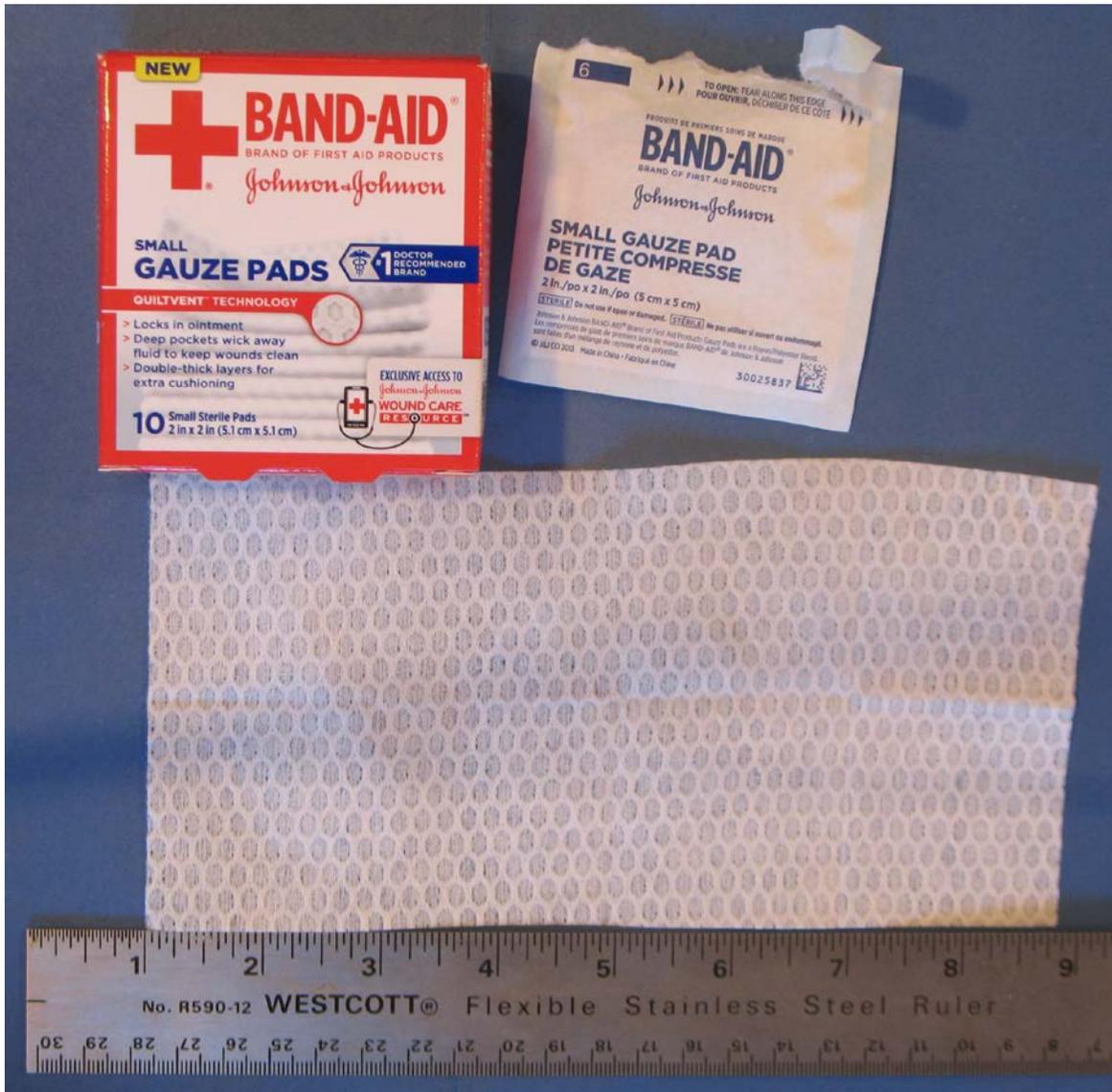
Johnson & Johnson does not manufacture an individually wrapped 2 in X 2 in gauze pad that is actually 2 in X 2 in.

The photograph below documents the size of the individually wrapped Johnson & Johnson 2” X 2” pad – the first photograph is directly from the manufacturer:



**Photograph of J&J 2 in X 2 in Pad**

The next photograph is the product purchased directly from a major retail outlet:



Photograph of J&J 2 in X 2 in Pad

As can be seen, (and as would be immediately obvious to anyone with even mediocre awareness), the Johnson & Johnson product is not two inches by two inches. Mr. Rodosevich claims to have used 11 of these, therefore, there are 11 violations.

### Violation of §6.2.1.1 (11 Violations)

During a Screening Assessment, the consultant is required to perform specific tasks using specified sampling materials including:

6.2 Discrete Wipe Sample Collection Procedures. The following procedure **shall** be used for collecting discrete wipe samples:

6.2.1 Sample media shall consist of 2x2 inch wipes made of one of the following:

6.2.1.1 Cotton gauze material.

6.2.1.2 4-ply non-woven cotton/polyester blend.

6.2.1.3 Tightly knitted continuous filament polyester.

In his report, Mr. Rodosevich identifies his sampling materials thusly:

*The wipe sample media is individually wrapped Johnson and Johnson TM gauze pads.*

The Johnson & Johnson 2X2 gauze pad is not a cotton or cotton blend, and polyester is only a minor material component in the product.

In his report, Mr. Rodosevich identifies eleven individual aliquots, therefore, there were eleven violations.

### **Violation of §6.2.4 (11 Violations)**

During a Screening Assessment, the consultant is required to perform specific tasks using specified sampling materials including:

6.2 Discrete Wipe Sample Collection Procedures. The following procedure **shall** be used for collecting discrete wipe samples:

6.2.4 Wet the sample media with isopropanol to enhance collection efficiency.

In his report, Mr. Rodosevich identifies his sampling materials thusly:

*Each gauze pad is moistened with reagent grade methyl alcohol.*

Therefore, none of the samples collected at the subject property were valid. Since there were apparently eleven aliquots total submitted, there were eleven violations of regulations.

### **Violation of §6.2.12.5**

During a Screening Assessment, the consultant is required to perform specific QA/QC tasks including:

6.2.12.5 Field blanks shall be representative of the majority of samples collected for every sample group (i.e., discrete or composite).

For this property, two of the samples were reported as three part aliquots, one of the samples was a two part aliquot; two samples were discrete, therefore, the majority of the samples were multiple aliquot composites. Since, in violation of §3.7.6.1, Mr. Rodosevich failed to provide a description of his QA/QC, however, the field blank was apparently a single aliquot field blank.



### **Violation of §6.2.14.3**

During a Screening Assessment, the consultant is required to provide specific information including:

6.2.14.3 sampler name and contact information;

The person collecting the samples has not been identified on the chain-of-custody.

### **Violation of §6.2.14.6 (6 Violations)**

During a Screening Assessment, the consultant is required to provide specific information including:

6.2.14.6 number of sample aliquots;

The required information is missing from the documentation for six samples.

### **Violation of §6.2.14.7 (6 Violations)**

During a Screening Assessment, the consultant is required to provide specific information including:

6.2.14.7 number of containers for each sample

The required information is missing from the documentation for six samples.

### **Violation of §6.2.14.8 (5 Violations)**

During a Screening Assessment, the consultant is required to provide specific information including:

6.2.14.8 sample collection time ...

On the submitted chain-of-custody, Mr. Rodosevich failed to provide the time of sample collection as required. According to the chain-of-custody, all the samples were collected at 9:00. It would be physically impossible to collect eleven aliquots, each with three passes, in different parts of the house in sixty seconds. Therefore we believe that one of the samples may have been collected at 09:00 as claimed, leaving the sample collection time for five submissions with no sample collection time.

### **Violation of §6.2.14.9 (6 Violations)**

During a Screening Assessment, the consultant is required to provide specific information including:

6.2.14.9 sample matrix

The required information is missing from the documentation for six samples.



### **Violation of §6.2.14.11**

During a Screening Assessment, the consultant is required to provide specific information including:

6.2.14.11 sample preservatives

This information is missing from Mr. Rodosevich's chain of custody.

### **Violation of §6.2.15**

During a Screening Assessment, the consultant is required to provide specific information including:

6.2.15 Painted-over surfaces. Estimate the concentration of methamphetamine present below a painted-over surface (as defined in Section 2 of this Part 1) by one of the following methods:

Nowhere in his report has Mr. Rodosevich even addressed this issue.

### **Violation of §6.7.1.1 (3 Violations)**

According to mandatory State regulations during real estate screening, the consultant shall collect:

6.7.1.1 a minimum of two (2) 4-aliquot composite samples must be collected, with at least one aliquot being collected from each room.

1. Mr. Rodosevich failed to collect a minimum of two (2) 4-aliquot composite samples from the property.
2. Mr. Rodosevich failed to collect an aliquot from the kitchen.

Also according to §6.7.1.1:

6.7.1.1 ...At least one composite sample must include an aliquot from the cold air return of a heating system, if it is a forced air system.

Mr. Rodosevich failed to collect a sample from the cold air return as required.

### **Violation of §6.7.1.2 (4 violations)**

According to mandatory State regulations during the screening evaluation, the consultant shall collect a sample from:

6.7.1.2 All exhaust fans (including, but not limited to, kitchen, bathrooms, attic vent fans, or whole house exhaust fans) must also be sampled. Exhaust fan samples shall be collected from inside the fan compartment, the fan blade, or the back side of the fan grill. A separate surface sample does not need to be collected from any room from which a fan or ventilation system sample is collected.

1. Failure to collect a sample from the exhaust fan in Bathroom #1.
2. Failure to collect a sample from the exhaust fan in Bathroom #2.



3. Failure to collect a sample from the kitchen exhaust.
4. If present, failure to collect a sample from the attic fans (failed to describe attics as required – no photographs included as required).

## **Colorado Criminal Code – Fraud; Offering a false instrument for recording**

One of two mental states necessarily must have been present in the performance of the work at the subject property: Either 1) Mr. Rodosevich knew that the work he was performing was grossly incompetent and not in compliance with State Regulations (as demonstrated above) or, 2) Mr. Rodosevich was unaware of the fact that his work was deviating from mandatory State requirements and he was willfully and intentionally violating State regulations.

However, Mr. Rodosevich has specifically referenced 6 CCR 1014-3 (even though he erroneously believed it to be a State statute), and he is explicitly (and erroneously) recognized by Ms. Brisnehan with CDPHE as being proficient in such assessments. Therefore, he claims to have knowledge of such issues. Since, to date, FACTs has documented hundreds of regulatory violations associated with Mr. Rodosevich's work, one must conclude that Mr. Rodosevich knowingly, willingly and intentionally performed work that grossly deviated from mandatory State requirements.

According to Colorado Revised Statute §18-5-114 (*Offering a false instrument for recording*), a person commits a class 5 felony when offering a false instrument for recording in the first degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, and with intent to defraud, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be registered, filed, or recorded or become a part of the records of that public office or public employee.

Pursuant to State statute, and state regulations, the “Screening Level Assessment” must be filed with the State of Colorado (indeed the report we reviewed was obtained from the State of Colorado through the Colorado Open Records Act). Therefore, we believe the facts objectively establish that Mr. Rodosevich was aware of such recording and was aware of the false statements made therein when, with the intent to defraud, M. Rodosevich explicitly told his client that he was performing work pursuant to State regulations, when in fact, Mr. Rodosevich know his work was not compliant.

## **Colorado Consumer Protection Act**

In Colorado, consumers are protected against deceptive trade practices as delineated in the Colorado Consumer Protection Act, CRS Title 6, Article 1. According to those statutes, a person engages in a deceptive trade practice when, in the course of such person's business or occupation, that person knowingly makes a false representation as to the certification of their services, and/or knowingly makes a false representation as to the characteristics of



their services and/or represents their services are of a particular standard, quality, or grade if he knows or should know that they are not as specified.

## **CONCLUSION**

In our review, FACTs has identified no fewer than 80 regulatory violations, in the referenced work at 1006 Gilfin Circle, Colorado Springs, Colorado 80915.

Unfortunately, during the revision of the regulations, all scientific validity for the sampling was removed, and no longer applies to the regulations. One of the provision that was removed, was that samples needed to be collected from areas with an high expectation of contamination. For this property, since the samples were collected by an untrained individual, none of the samples were collected from areas that, if contamination was present, the sample would have an high expectation of contamination. That is, all the samples were collected from areas that in a contaminated property, may not demonstrate contamination.

# **Appendix A**

## **Reviewer's Statement of Qualifications**



## Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	General Distribution	Form # ML15
January 19, 2016		

Caoimhín P. Connell, has been involved in clandestine drug lab investigations and assessments since 2002 and meets the Colorado Revised Statute §24-30-1402 definition of an "Industrial Hygienist." He has been a practicing Industrial Hygienist since 1987. Mr. Connell is a recognized authority in drug-lab operations and is a Certified Instructor in Meth-Lab Safety through the Colorado Regional Community Policing Institute, CRCPI (Colorado Division of Criminal Justice) and was the lead instructor for the CRCPI through the Colorado Division of Criminal Justice, providing over 260 hours of methlab training for over 45 Colorado Law Enforcement Agencies, federal agents, probation and parole officers throughout Colorado judicial districts. He has provided meth-lab lectures to the US Interagency Board, US Air Force, the National Safety Council, and the American Industrial Hygiene Association (of which he is a member and served on the Clandestine Drug Lab Work Group and for whom he conducted the May, 2010, Clandestine Drug Lab Course, and is a coauthor of the AIHA methlab assessment publication.)

Mr. Connell is a member of the American Conference of Governmental Industrial Hygienists, the Occupational Hygiene Society of Ireland, the Colorado Drug Investigators Association, an appointed Member of the National Fire Protection Association, and the ASTM International Forensic Sciences Committee, (where he was the sole sponsor of the draft ASTM E50 *Standard for the Assessment of Suspected Clandestine Drug Laboratories*).

From 2009, Mr. Connell served as the Industrial Hygiene Subject Matter Expert on the Federally funded Interagency Board (Health, Medical, and Responder Safety SubGroup), and was elected full member of the IAB-HMRS in 2011 where he now serves. He is the only private consulting Industrial Hygienist in Colorado certified by the Office of National Drug Control Policy High Intensity Drug Trafficking Area Clandestine Drug Lab Safety Program, and P.O.S.T. certified by the Colorado Department of Law.

He has received over 194 hours of highly specialized law-enforcement sensitive training in drug lab operation, and under supervision of the US DEA, he has manufactured methamphetamine using a variety of street methods. He has received highly specialized drug lab assessment training through the Iowa National Guard, Midwest Counterdrug Training Center and the Florida National Guard Multijurisdictional Counterdrug Task Force, St. Petersburg College, Rocky Mountain HIDTA, as well as through the US NHTSA, and the U.S. Bureau of Justice Assistance (US Dept. of Justice) and he is currently ARIDE Certified.

Mr. Connell is a current sworn law enforcement officer who has conducted clandestine laboratory investigations and performed risk, contamination, hazard and exposure assessments from both the law enforcement (criminal) perspective, and from the civil perspective in residences, apartments, motor vehicles, and condominiums. Mr. Connell has conducted over 613 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,565 samples during assessments (a partial detailed list of drug lab experience is available on the web at): <http://forensic-applications.com/meth/DrugLabExperience2.pdf>

He has extensive experience performing assessments pursuant to the Colorado meth-lab regulation, 6 CCR 1014-3, and was an original team member on two of the legislative working-groups which wrote the original regulations for the State of Colorado and he was the primary author of Appendix A (*Sampling Methods And Procedures*) and Attachment to Appendix A (*Sampling Methods and Procedures Sampling Theory*) of the original Colorado regulations. Mr. Connell strongly objected to the unscientific, unfounded and inappropriate amendments now found in regulation.

Recommended by the US NIOSH as Peer Review Expert for the NIOSH 9109 Method, *Methamphetamine*, he has been admitted as a drug lab expert in Colorado, and an Industrial Hygiene Expert in Colorado in both civil and criminal courts as well as Federal Court in Pennsylvania. He has provided expert testimony in several criminal cases including Grand Jury testimony and testimony for US Bureau ATF and he testified before the Colorado Board of Health and Colorado Legislature Judicial Committee regarding methlab issues. Mr. Connell has provided services to private consumers, Indian Nations, State Investigators, and Federal Investigators, and provided testimony regarding criminal activities of staff members at the Colorado Department of Public Health Environment.



# Multijurisdictional Counterdrug Task Force Training

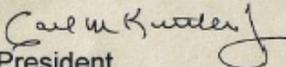


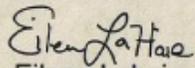
This is to certify that  
**Caoimhin P. Connell**

Has satisfactorily completed the following 24 hour MCTFT training course held at  
**DIVIDE, CO**

**Rural Patrol**

Training held 9/27/2004 through 9/29/2004

  
President  
St. Petersburg College

  
Eileen Lahaie  
MCTFT Director

A partnership between The Florida National Guard and St. Petersburg College

Midwest Counterdrug Training Center



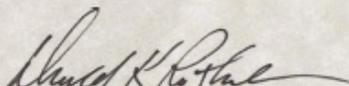
# Certificate of Training

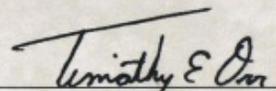
This certifies that

**Caoimhin Connell**

Has successfully completed the  
**Clandestine Laboratory Certification**

Cheyenne, WY  
40 Training Hours  
2-6 August 2004

  
Network Environmental Systems, Inc.

  
LTC Timothy E. Orr  
Commandant



# Center *for* Task Force Training™

THIS IS TO CERTIFY THAT

*Caoimhin P. Connell*

HAS SUCCESSFULLY COMPLETED 20 HOURS OF TRAINING IN

**METHAMPHETAMINE INVESTIGATION MANAGEMENT**

MARCH 20-22, 2006

DENVER, COLORADO

Domingo S. Herraiz  
Director, Bureau of Justice Assistance

Training coordinated by the  
Institute for Intergovernmental  
Research® on behalf of BJA



## State and Local Anti-Terrorism Training

THIS IS TO CERTIFY THAT

**Caoimhin P. Connell**

HAS SUCCESSFULLY COMPLETED AN 8-HOUR  
STATE AND LOCAL ANTI-TERRORISM TRAINING PROGRAM  
NARCOTICS TASK FORCE ANTI-TERRORISM BRIEFING

June 1, 2006

Denver, Colorado

Domingo S. Herraiz  
Director, Bureau of Justice Assistance



Training coordinated on behalf of BJA  
by the Institute for Intergovernmental Research

*Rocky Mountain  
High Intensity Drug Trafficking  
Area*



*Certifies that*



*Caoimhín Connell*

*has attended*

*4 hours of*

*Hash Oil Extraction: The Scene and The Patient*

*Aurora, CO*

*July 25, 2014*

*Training Manager, Rocky Mountain HIDTA*

*Director, Rocky Mountain HIDTA*



[www.nesglobal.net](http://www.nesglobal.net)

*Certificate of Completion*

*Caoimhin Connell*

*has successfully completed training in*

*Advanced Clan Labs: Beyond the Basics*

*presented by*

*NES, Inc.*

*1141 Sibley Street Folsom, CA 95630*

*Instructor - Brian Escamilla*

*04/28/14 04/30/14*

*Date*

*Contact Hours:24*

This certifies that

*Caoimhin P Connell*

Has met the requirements for the online course

*Expert Testimony Training for the Prosecutor and Scientist*



11-07-2012

Certificate Number: 1109778763

For more information please visit <http://www.rti.org/forensiced>



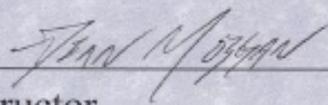
## Park County Sheriff's Office Certificate of Completion

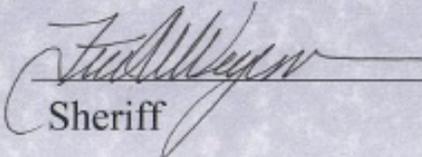
### Caoimhin Connell

has completed an 8 hour course in:

**Crime-scene Approach and Evidence Collection**

Completed this 29th day of April, 2009

  
Instructor

  
Sheriff

***Rocky Mountain  
High Intensity Drug Trafficking  
Area***



*Certifies that*



**Caoimhín P. Connell**

*has attended  
2 hours of  
Hash Oil Explosions  
Woodland Park, CO  
May 31, 2014*

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

***Certificate of Completion***

*This Will Certify That*

***Caoimhín P. Connell***

*Successfully Completed*

**Prescription Drug Crimes**

7 Hours Completed

At: CO Law Enforcement Officers Assn. On: September 30, 2010  
Greeley, Colorado

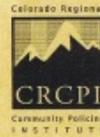
**P. Ritch Wagner**  
Instructor



Director, Law Enforcement Liaison & Education



**COPS**  
COMMUNITY ORIENTED POLICING SERVICES  
U.S. DEPARTMENT OF JUSTICE



# Certificate of Training

This is to certify that  
Caoimhin Connell

(Name)

Park County Sheriff's Office

(Agency)

If the bearer of this document possesses a 40 Hour certificate pursuant to 29 CFR §1910.120, this certifies the above named has met the refresher training requirements of 29 CFR §1910.120(e)(8) and is hereby **RECERTIFIED** in Clandestine Laboratory Safety / HazWoper

Sponsored by  
Rocky Mountain High Intensity Drug Trafficking Area  
Colorado Regional Community Policing Institute

[Signature] 4/12/10  
Caoimhin P. Connell, Instructor/Date  
Glean HARDEY



## Colorado Law Enforcement Officers' Association



This is to certify that

**CAOIMHIN CONNELL**

Completed **ARIDE (Advanced Roadside Impaired Driving Enforcement)**

hosted by **Loveland Police Department**

on **February 28 – March 1, 2011**

[Signature]  
Tony Finelle, CLEOA President

[Signature]  
ARIDE Instructor

# State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING  
HEREBY AWARDS THIS CERTIFICATE  
AS INSPECTOR OF VEHICLE IDENTIFICATION NUMBERS  
TO

**CAOIMHIN PADRAIG CONNELL**

**August 27, 2008**

Date

VIN INSP— **0952**

Number

*For fulfilling the prescribed requirements as an Inspector of Vehicle Identification Numbers and as a peace officer in Colorado, pursuant to Title 42, Article 5, Section 206 Colorado Revised Statutes.*

*Bill Ritter Jr.*

Governor

*John W. Suthers*

Attorney General, Board Chairperson

## Certificate of Completion Intoxilyzer 9000 Operator Certification Course

*The Evidential Breath Alcohol Testing Program of the  
Colorado Department of Public Health and Environment certifies that*

**Caoimhin P Connell**

User ID: **841645**

*has successfully completed the "Intoxilyzer 9000 Operator Certification Course"  
to determine the alcohol concentration in breath specimens pursuant to the  
State Board of Health Rules Pertaining to Testing for Alcohol and Other Drugs (5 CCR, 1005-2)  
Training was provided by the Evidential Breath Alcohol Testing Program  
of the Colorado Department of Public Health and Environment.*

**February 21, 2013**

Certificate Date

*Jeffrey A. Groff*

Jeffrey A. Groff, Program Manager  
Evidential Breath Alcohol Testing Program



*David A. Butcher*

David A. Butcher, Director  
Laboratory Services Division  
Colorado Department of Public Health  
and Environment

Certification expires 180 days from certificate date. Recertification must be per 5 CCR 1005-2.



# Certificate of Achievement

awarded to:

**Caoimhin P. Connell**

Has successfully completed Methamphetamine Lab Cleanup Management and Supervision training in accordance with 29 CFR 1910.120 and State Regulations Pertaining to the Cleanup of Methamphetamine Laboratories (8Hrs.)

June 1st, 2005

Date

Signed

HAZMAT Plans & Programs, Inc. 30 S. Havana St. Suite 304F Aurora, Colorado 80012 (303) 360-9801  
"Safety Plans, Programs and Training Tailored To The Needs Of Your Business"

## CERTIFICATE OF COMPLETION

COLORADO LAW ENFORCEMENT ASSOCIATIONS TRAINING PROJECT

*This Certifies That*

**Caoimhin Connell**

Has Attended the

**CLEAT 40-HOUR**

**Train the Trainer Course**

Hosted by Breckenridge Police Department  
August 14-18, 2006

Karen M. Renshaw, CAE  
Executive Director  
Colorado Association of Chiefs of Police

John L. Kammerzell  
Executive Director  
Police Officer Standard & Training

Donald E. Christensen  
Executive Director  
County Sheriffs of Colorado



COLORADO AUTO THEFT INVESTIGATORS



SINCE 1973

This is to certify that

**Caoimlin P. Connell**

Has completed a 24 hour training program in Vehicle Identification Number  
Inspection

Presented this 24th day of May, 2008

CATI President

VIN Inspector Training Coordinator

State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING  
AWARDS THIS CERTIFICATE  
TO

**CAOIMHIN PADRAIG CONNELL**

**May 6, 2004**

Date

B- 10670

Number

For fulfilling the prescribed requirements for certification. This certificate expires three years from date of issuance unless the certificate holder meets the requirements for continued certification as established by law and the P.O.S.T. Board.

Governor

Attorney General, Board Chairperson

**Rocky Mountain  
High Intensity Drug Trafficking  
Area**



*Certifies that*



**Caoimhín Connell**

*has attended*

*16 hours of*

**MCTC / RMHIDTA Indoor Marijuana Grows**

**Centennial, CO**

**August 28-29, 2014**

*Training Manager, Rocky Mountain HIDTA*

*Director, Rocky Mountain HIDTA*

**CERTIFICATE OF TRAINING**

THIS IS TO CERTIFY THAT

**Caoimhín Connell**

Has completed 4 hours of successful training for

The Hazards of Hash Oil Extraction

Held at IRIS Fire Investigations in Englewood, CO

on this 7<sup>th</sup> day of November, 2014

Robert K. Toth  
IRIS Fire Investigations, President



**COLORADO**  
Department of Public  
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

December 30, 2014

Caoimhin Connell  
Forensic Applications Consulting Technologies Inc  
185 Bounty Hunter Ln  
Bailey, CO 80421

**Consultant Interim Authorization Approval**

Dear Caoimhin Connell:

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Department) has reviewed the application for Consultant Interim Authorization and has determined the application to be complete and in compliance with 6 CCR 1014-3, Regulations Pertaining to the Cleanup of Methamphetamine-Affected Properties (the Regulations).

The Department approves the application for **Consultant Interim Authorization**. This interim authorization approval shall expire on June 15, 2015.

Assessment and sampling of methamphetamine-affected properties may only be conducted by Consultant Firms that have received interim authorization under Part 2, Section 3.2.4 of the Regulations. Therefore, this interim authorization may only be used to conduct assessment and sampling of methamphetamine-affected properties for a Consultant Firm that has received interim authorization approval from the Department.

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

12/30/2014





**COLORADO**  
Department of Public  
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

December 30, 2014

Forensic Applications Consulting Technologies Inc  
185 Bounty Hunters Ln  
Bailey, CO80421

**Consultant Firm Interim Authorization Approval**

Dear Forensic Applications Consulting Technologies Inc:

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Department) has reviewed the application for Consultant Firm Interim Authorization and has determined the application to be complete and in compliance with 6 CCR 1014-3, Regulations Pertaining to the Cleanup of Methamphetamine-Affected Properties (the Regulations).

The Department approves the application for **Consultant Firm Interim Authorization**. The firm shall only utilize individuals who have received interim authorization under Part 2, Section 3.2.1 of the Regulations to conduct assessment and sampling of methamphetamine-affected properties. This interim authorization approval shall expire on June 15, 2015.

The Regulations require submittal of electronic copies of reports to the Department. Electronic copies of reports should be submitted via email to [cdphe\\_methlabdocuments@state.co.us](mailto:cdphe_methlabdocuments@state.co.us). The words "report" or "report submittal" should be included in the email subject line, and the property address should be included in the body of the email.

Alternatively, compact disks with electronic copies of reports may be mailed to:

Colorado Department of Public Health and Environment  
Hazardous Material and Waste Management Division  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
Attn: Colleen Brisnehan or Richard Mruz

Packages may also be hand delivered to the Department's mail room located in the northwest corner of Building B (700 South Ash Street).

Approved By: \_\_\_\_\_

Date: 12/30/2014

