



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

November 30, 2015

Colleen Brisnehan
Hazardous Waste Corrective Action Unit
Hazardous Waste Program
4300 Cherry Creek Drive S., Denver, CO 80246-1530

Via: email: ctbrisne@smtpgate.dphe.state.co.us, colleen.brisnehan@state.co.us

RE: 440 Regulatory Violations at 101 S Clarkson Street, Denver, CO 80209

Dear Ms. Brisnehan:

Forensic Applications Consulting Technologies, Inc. (FACTs) has begun a series of regulatory audits of reports submitted to the Colorado Department of Public Health and Environment (CDPHE) pursuant to 6 CCR 1014-3 "*Regulations Pertaining To The Cleanup Of Methamphetamine-Affected Properties.*"

Thus far, FACTs has identified a total of five thousand eight hundred and fifty five (5,855) violations of 6 CCR 1014-3 that have been ignored by your office.

As you know, Section 3.1 of Part 3, of 6 CCR 1014-3 requires enforcement actions on the part of the CDPHE whenever the CDPHE has reason to believe that a person has violated any requirement of the regulations.

FACTs performed a detailed regulatory audit for the report titled:

Methamphetamine-affected Property Clearance Assessment
For the Building Located at:
101 S Clarkson St.
Denver, CO 80209
Weecycle Job Number: 14-11064
Performed On: December 22 and December 28, 2014
Prepared For:
Scott Byer
Colorado Realty, LLC
8101 Belleview Ave Suite F
Denver, CO 80237

As you know, Ms. Sawitsky, (the author of the report), has an extended history of regulatory violations and making false statements regarding her "credentials" (such as claiming to be "State certified" when no such certification existed) and performing invalid assessments.^{1,2,3} Additionally, Ms. Sawitsky has falsely claimed to be an

¹ See for example: 1170 Garrison Street, Lakewood, CO: http://www.forensic-applications.com/meth/Censored_Weecycle_review.pdf

Industrial Hygienist, in spite of being unable to document any support to the claim, and exhibiting a complete lack in Industrial Hygiene knowledge.

The section below summarizes the 440 regulatory violations that have been identified by FACTs in our regulatory audit of the public domain document (and ignored by the CDPHE).

- PRELIMINARY ASSESSMENT
 - Failure to Comply With Mandatory Elements of a Preliminary Assessment
 - Failure to Comply With Paragraph 4.1
 - Violation of §4.1 Property Description
 - Violation of §4.1 Adjacent Property
 - Failure to Comply With Paragraph 4.2
 - Failure to Comply With Paragraph 4.4
 - Failure to Comply With Paragraph 4.5
 - Failure to Comply With Paragraph 4.6
 - Failure to Comply With Paragraph 4.7
 - Failure to Comply With Paragraph 4.8
 - Failure to Comply With Paragraph 4.9
 - Failure to Comply With Paragraph 4.10.
 - Failure to Comply With Paragraph 4.11
 - Failure to Comply With Paragraph 4.12
 - Failure to Comply With Paragraph 4.13
 - Failure to Comply With Paragraph 4.14
 - Failure to Comply With Section 6.0
 - Failure to Comply With Paragraph 6.1.1 (41 Violations)
 - Violation of 6.1.2
 - Violation of Section 6.2.1 Prohibited Composite Sampling Technique (35 violations)
 - Violation of Section 6.2.1 Prohibited Matrix Mixing (2 violations)
 - Violation of Appendix A: Prohibited Surfaces (20 violations)
 - Violation of Appendix A: Mandatory Sampling Theory (41 Violations)
 - Failure to Comply With Paragraph 8.1
 - Failure to Comply With Paragraph 8.2
 - Failure to Comply With Paragraph 8.3
 - Failure to Comply With Paragraph 8.4
 - Failure to Comply With Paragraph 8.5
 - Failure to Comply With Paragraph 8.6
 - Failure to Comply With Paragraph 8.7
 - Failure to Comply With Paragraph 8.8
 - Failure to Comply With Paragraph 8.13 (15 violations)
 - Failure to Comply With Paragraph 8.14
 - Failure to Comply With Paragraph 8.21
 - Failure to Comply With Paragraph 8.22
 - Failure to Comply With Paragraph 8.23
 - False “certification” of analytical data

² See for example: 3402 S Eagle, Aurora, CO: http://forensic-applications.com/meth/Regulatory_audit_Eagle.pdf

³ See for example: 3282 E 103rd Dr. Unit 1601, Thornton, CO 80229

- REVIEW OF THE CLEARANCE DOCUMENT
 - Violation of Section 6
 - Violation of Section 6.1.3
 - Violation of Section 6.1.3.3 (1 Violation)
 - Violation of Section 6.2
 - Violation of Section 6.2.1 (31 Violations)
 - Violation of Section 6.2.2 (5 Violations)
 - Violation of Section 6.2.3 (18 violations)
 - Violation of Section 6.2.4 (30 Violations)
 - Violation of Section 6.2.7 (30 violations)
 - Violation of Section 6.2.11 (18 violations)
 - Violation of Section 6.2.11 – Photographs (4 violations)
 - Violation of Section 6.2.14
 - Violation of Section 6.2.14.3 (2 violations)
 - Violation of Section 6.2.14.5 (4 violations)
 - Violation of Section 6.2.14.6 (12 violations)
 - Violation of Section 6.2.14.6 (2 violations)
 - Violation of Section 6.2.15 (23 violations)
 - Violation of Section 6.9.1 (5 violations)
 - Violation of Section 6.9
 - Violation of Section 6.9 (Failure to assess the garage)
 - Violation of Section 6.9.1 (3 violations)
 - Violation of Section 6.9.4 (3 violations)
 - Violation of Section 6.9.4 (3 violations)
 - Violation of 6.9.11.1 (15 violations)
 - Violation of Section 7.2 (1 violation)
 - Violation of Section 8
 - Violation of Section 8.2
 - Site Conditions: (1 violation)
 - Previously Identified Cooking Areas: (1 violation)
 - Chemical Storage Areas: (1 violation)
 - Waste Disposal Areas: (1 violation)
 - Areas of Obvious Contamination: (1 violation)
 - Violation of Section 8.3
 - Violation of Section 8.5 Results missing
 - Violation of Section 8.5 Drawing Missing (18 violations)
 - Violation of Section 8.5 Laboratory Reports Missing
 - Violation of Section 8.6
 - Violation of Section 8.6.1 (Photographs Missing)
 - Violation of Section 8.6.1 (Descriptions Missing)
 - Violation of Section 8.6.2
 - Violation of Section 8.6.3
 - Violation of Section 8.6.4
 - Violation of Section 8.6.5
 - Violation of Section 8.6.6
 - Violation of Section 8.6.7
 - Violation of Section 8.8
 - Colorado Criminal Code – Fraud; Offering a false instrument for recording
 - Colorado Criminal Code CRS 18-5-113. Criminal impersonation
 - Colorado Consumer Protection Act

Naturally, we are concerned for the public safety of the innocent occupants, who may now be exposed to potentially toxic materials.

This communication is being sent to your office in good faith pursuant to pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure*.

Kind regards,

A handwritten signature in black ink, appearing to read 'Caoimhín P. Connell', written in a cursive style.

Caoimhín P. Connell
Forensic Industrial Hygienist

CC:

Daniel S. Miller, Senior Assistant Attorney General
Howard Thigpen, Esq.