



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
of
Screening Level Assessment Report
By
Robert Woellner
at an
Identified Illegal Drug Laboratory**

Located at:

**48400 Routt County Road 56C
Steamboat Springs, CO 80487**

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
Bailey, CO 80421



July 9, 2015

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EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) is performing a series of regulatory audits on public domain documents. This document has been prepared by Forensic Applications Consulting Technologies, Inc. as part of an ongoing Motion for Judicial Review in response to actions by the 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:

Robert Woellner
Quality Environmental Services & Technologies, Inc.
Methamphetamine Screening Level Assessment Re:
48400 Routt County Road 56C
Steamboat Springs, CO 80487

Nancy Jastatt and Carl Juergens
4265 State Route 7 NE
Burghill, OH 44404
March 20, 2015

The purpose of this review is to document regulatory violations associated with regulatory work; the consultant in question (Robert Woellner) has an extended history of regulatory violations,^{1,2,3,4,5,6,7,8} which are regularly ignored by the Colorado Department of Public Health and Environment (CDPHE).

For this regulatory audit, FACTs has identified no fewer than 22 broad regulatory violations (no fewer than 54 individual violations); all of which have been ignored by Ms. Brisnehan and the CDPHE.

¹ 131 South Benton Street Denver, CO <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

² 100 W. Spaulding Street, Lafayette, Colorado http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

³ 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

⁴ 788 W. Lois Ct., Louisville, CO 80027

⁵ 1138 West 32nd Street, Unit 201, Denver, CO http://www.forensic-applications.com/meth/Addendum_2_Woellner_1138_32_St.pdf

⁶ 410 Garfield Avenue, Carbondale, CO 81623 http://www.forensic-applications.com/meth/Addendum_4_Woellner_410_Garfield.pdf

⁷ 8347 S Reed Street, Unit 2 Littleton CO 80128 http://forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf

⁸ 11767 Grant Street, Northglenn, Colorado 80233 http://forensic-applications.com/meth/Grant_Regulatory_review.pdf



REVIEW OF THE DOCUMENT

During the performance of a Screening Level Assessment, the consultant is required to perform specific duties and provide specific information as delineated in Sections 3 and 6 of 6 CCR 1014-3. Specifically:

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.

Violation of Section 3.7

During a Screening Level Assessment, the Consultant is required to provide specific documentation pursuant to Section 3.7:

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:

In the following sections we have delineated the Consultant's failure to provide the mandatory information.

Violation of Section 3.7.5

During a Screening Level Assessment, the Consultant is required to provide specific documentation including:

3.7.5 Photographic documentation of property conditions.

Nowhere in the report do we find photographic documentation of the property conditions of:

Master bedroom
Powder bathroom
Master bathroom
Storage room
West bedroom
Southwest bedroom
Mechanical room
Main bathroom
Storage trailer



Violation of Section 3.7.6

During a Screening Level Assessment, the Consultant is required to provide specific documentation including:

3.7.6 Documentation of screening level sampling shall include:

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

Nowhere in the report do we find any description of the sampling procedures used, including sample collection, handling, or quality assurance/quality control (QA/QC).

Violation of Section 6

During a Screening Level Assessment, the Consultant is required to perform specific activities pursuant to Section 6:

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.

Violation of Section 6.2.2 (Failure to collect 100cm²)

During the performance of a Preliminary Assessment, the Contractor is required by regulations to follow specific sampling protocols 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.

6.2.2 Delineate a 100 cm² area on the surface to be sampled, either by attaching a physical template to the surface (being careful not to touch the area within the template), or by an equivalently reliable and accurate method. The area within the template (i.e., the sample area) shall be 100 cm².

In several photographs in the report, Mr. Woellner documents that he failed to collect samples from areas that were 100 cm². In several locations, although Mr. Woellner merely placed a 100 cm² template over an item, in several samples, the area contains empty space. For example:





Violation of Section 6.2.2 (Templates, Twelve violations)

According to the regulations:

6.2.2 ... Physical templates may not be re-used.



In all of the sampling photographs provided, in the report, Mr. Woellner documents that, in violation of the regulations, Mr. Woellner reused his templates. For example, in the following four photographs, we can clearly see that the same template is used over and again:





Violation of Section 6.2.7

During the performance of a Screening Level Assessment, the Contractor is required by regulations to follow specific sampling protocols including:

- 6.2.7 Wipe the surface using one of the following methods:



6.2.7.1 Square method: Start at the outside edge and progress toward the center of the surface area by wiping in concentric squares of decreasing size.

6.2.7.2 "S" method: Wipe horizontally from side-to-side in an overlapping "S"- like pattern as necessary to completely cover the entire wipe area.

6.2.8 Without allowing the sample media to come into contact with any other surface, fold the sample media with the sampled side in.

6.2.9 Use the same sample media to repeat the sampling of the same area using the same method. If using the "S" method, the second pass shall be sampled by wiping with overlapping "S"-like motions in a top-to-bottom direction.

6.2.10 Fold sampled side in. Using the same sample media, sample the same area a third time. The third pass shall be sampled by wiping using the method not previously used (i.e., use the square method if the "S" method was originally used).

Nowhere in the report, do we see where Mr. Woellner documented where he used this protocol. As already mentioned, in violation of Section 3.7.6.1, Mr. Woellner failed to prove a description of his sampling procedures.

There is nothing in the documentation that indicates that Mr. Woellner collected the samples as described in Section 6.2.7.1 through 6.2.10.

Violation of Section 6.2.12.1

During the performance of a Screening Level Assessment, the Contractor is required by regulations to follow specific sampling protocols including:

6.2.12.1 To collect a field blank, remove a wipe from the wrapper with a new glove, shake the wipe open, refold in the same manner as during the sampling procedure, and then insert the wipe into the sample container.

Nowhere in the report, do we see where Mr. Woellner documented where he used this protocol. As already mentioned, in violation of Section 3.7.6.1, Mr. Woellner failed to prove a description of his sampling procedures.

Violation of Section 6.2.14

During the performance of a Screening Level Assessment, the Contractor is required by regulations to provide specific information and documentation including:

6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. ... At a minimum, the Chain-of-Custody Record shall include the following:

Violation of Section 6.2.14.2

6.2.14.2 subject property address;

In the documentation provided, Mr. Woellner has only provided a partial property address on the chain-of-custody.



Violation of Section 6.2.14.6 (Six Violations)

6.2.14.6 number of sample aliquots;

Nowhere in the chain-of-custody is the number of aliquots provided. Since there six samples lacking this information, there are six violations.

Violation of Section 6.2.14.7 (Six violations)

6.2.14.7 number of containers for each sample;

Nowhere in the chain-of-custody is the number of containers for each sample provided. Since there six samples lacking this information, there are six violations.

Violation of Section 6.2.14.8 (Six violations)

6.2.14.8 sample collection time and date;

Nowhere in the chain-of-custody is the sample collection time provided. Since there six samples lacking this information, there are six violations.

Violation of Section 6.2.14.9 (Six violations)

6.2.14.9 sample matrix;

Nowhere in the chain-of-custody is the sample matrix provided. Since there six samples lacking this information, there are six violations.

Violation of Section 6.2.14.11

6.2.14.11 sample preservatives, if applicable; and

Nowhere in the chain-of-custody is the sample preservative addressed.

Violation of Section 6.2.14

During the performance of a Screening Level Assessment, the Contractor is required by regulations to provide specific information and documentation 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 the screening Level report is the information provided and nowhere in the report does Mr. Woellner address the issue of painted over surfaces.

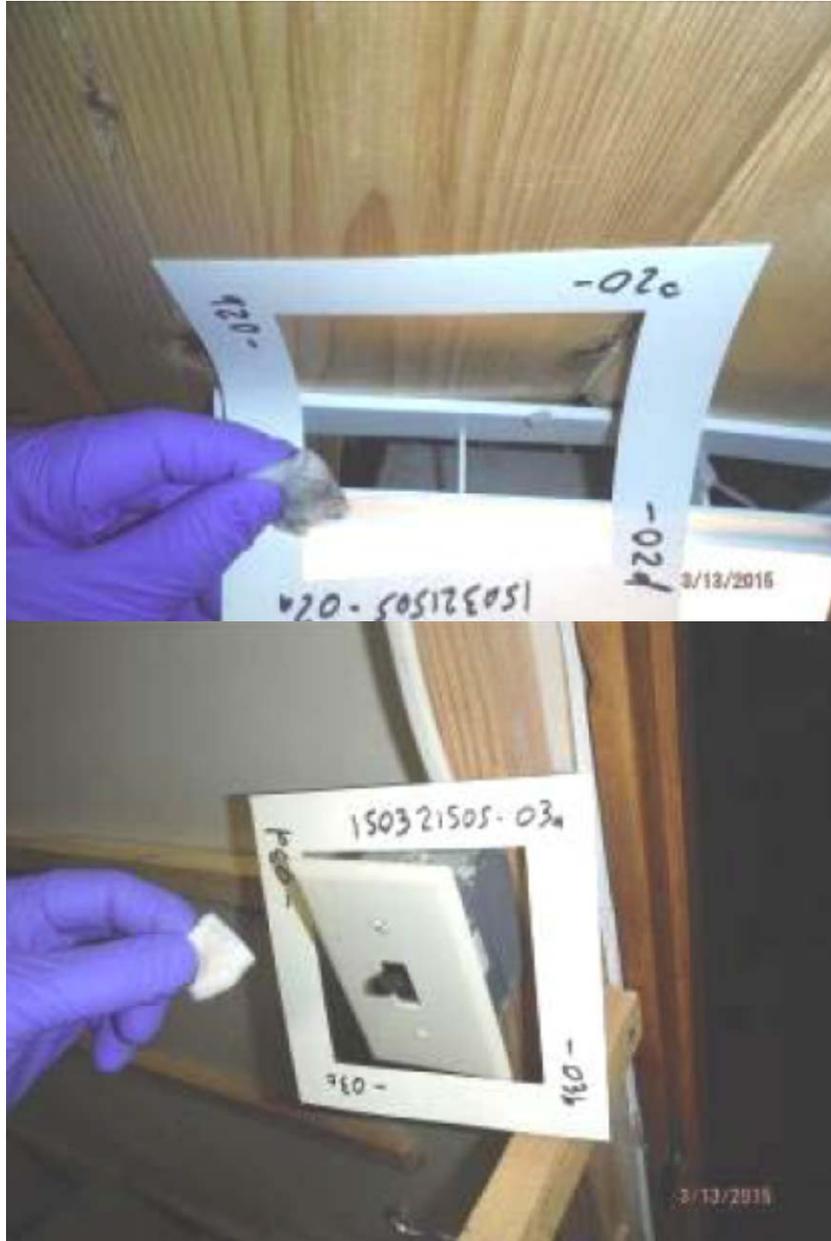
Violation of Section 6.3.6

During the performance of a Screening Level Assessment, the Contractor is required by regulations to perform specific duties pursuant to specific protocols, including:

6.3.6 Collect all individual aliquots from 100 cm² sampling areas.



In several photographs in the report, Mr. Woellner documents that he failed to collect samples from areas that were 100 cm². In several locations, although Mr. Woellner merely placed a 100 cm² template over an item, in several samples, the area contains empty space. For example:



Violation of Section 6.6

During the performance of a Screening Level Assessment, the Contractor is required by regulations to perform specific duties pursuant to specific protocols, including:



6.6 OWTS Sampling. If the subject property has an OWTS, the Consultant shall conduct field screening, and if necessary sample collection from the OWTS to confirm or deny the presence of methamphetamine lab waste, and to ensure proper disposal of any methamphetamine lab waste identified.

In his report, Mr. Woellner falsely stated:

The residence is connected to the sanitary sewer.

According to the Routt County Building Department, the property has an OWTS.

Violation of Section 6.6.1

During the performance of a Screening Level Assessment, the Contractor is required by regulations to perform specific duties pursuant to specific protocols, including:

6.6.1 Field Screening. Field screening of septic tanks shall be conducted if there is evidence that methamphetamine lab wastes may have been disposed of into an OWTS. Evidence of methamphetamine lab wastes disposal into an OWTS includes, but is not limited to, the following:

For this property, since Mr. Woellner falsely stated the system was on city sewer, it was impossible for him to comply with the remainder of the OWTS inspections including:

Violation of Section 6.6.2

6.6.2 Initial field screening shall consist of the following:

Violation of Section 6.6.2.1

6.6.2.1 Monitoring the septic tank for volatile organic compounds (VOCs) using a photo ionization detector (PID), flame ionization detector (FID), or other instrument capable of measuring VOCs with a demonstrated accuracy of plus or minus 25%.

Violation of Section 6.6.2.2

6.6.2.2 Testing the pH of liquid in the septic tank using pH paper or a pH meter.

Violation of Section 6.7.1.2

During the performance of a Screening Level Assessment, the Contractor is required by regulations to perform specific duties pursuant to specific protocols, including:

6.7 Screening level sampling protocols for buildings.

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.

...

In violation of Section 6.7.1.2, Mr. Woellner failed to collect samples from inside the fan compartment, the fan blade, or the back side of the fan grill the of the exhaust for either bathroom. No sample was collected from the master bathroom exhaust and an aliquot



from the other bathroom was not only less than 100 cm² as required, but was collected from the outside of the fan housing.

HISTORY: CDPHE and QUEST

Ms. Colleen Brisnehan, with the State of Colorado, Department of Public Health and Environment (CDPHE) has a history of overtly misleading the Citizens of Colorado, and specifically engaging in unlawful acts pertaining to the clearance of methamphetamine-affected properties with Mr. Woellner and other members of a pseudo-professional, commercial group called “Colorado Association of Meth and Mold Professionals.” Ms. Brisnehan is identified as a member of the Board of Directors for the Commercial Organization while simultaneously serving as a regulator in charge of enforcing state regulations for her own commercial membership.

In the past, the CDPHE has hired untrained and unauthorized consultants who were/are members of the Commercial Organization to perform unlawful assessments of illegal drug laboratories, and then intentionally mislead the homeowners and others as to the validity of the work performed by these individuals.

The issue is significant since the dual roles held by Ms. Brisnehan is in violation of Colorado Revised Statutes (CRS §24-50-117), which states

24-50-117. Prohibited activities of employees

No employee shall engage in any employment or activity which creates a conflict of interest with his duties as a state employee. The board shall promulgate general rules on incompatible activities, conflicts of interest, and employment outside the normal course of duties of state employees.

That is, the fox is watching the henhouse.

The State of Colorado, (CDPHE) has simply ignored this violation of Colorado Revised Statutes, and provided misinformation to people who were subsequently harmed by believing his misinformation, i.e., state clearance of still contaminated methamphetamine-affected properties.

For example, in August, 2007, the office of Mr. Fonda Apostopoulos, CDPHE (proximally through Ms. Brisnehan), the State of Colorado hired an untrained and unauthorized consulting firm called Gobbell Hays Partners, Inc. (GHPI) to perform a Preliminary Assessment of an identified methamphetamine-affected property located at 4690 West 76th Ave., Westminster, Colorado.

The CDPHE hired GHPI, fully aware of the fact that the individual who would be performing the work, Mr. Peter Cappel, was a fellow board member with Ms. Brisnehan on her private, commercial group.

For that property, GHPI entirely failed to follow any aspect of the mandatory Colorado State regulations 6 CCR 1014-3 regarding the assessment of Illegal Drug Laboratories,



and simply invented their own bogus “regulations.” Their work contained so many regulatory violations, that literally none of their work was valid.⁹

In fact, GHPI was so grossly incompetent that in their report, GHPI stated they had diligently followed the regulations found in *Assembly Bill 1025, (Methamphetamine Contaminated Property Cleanup Act of 2005)*. Unfortunately, there is no such thing as *Assembly Bill 1025, (Methamphetamine Contaminated Property Cleanup Act of 2005)* in Colorado and yet in their report to the CDPHE, GHPI quoted *Assembly Bill 1025* thusly:

Methamphetamine Contamination Disclosure

Methamphetamine contamination disclosure is now required due to the passage of Assembly Bill 1025, (Methamphetamine Contaminated Property Cleanup Act of 2005). It is now required for a property owner to disclose in writing to a prospective buyer or tenant if local health officials have issued an order prohibiting the use or occupancy of a property contaminated by methamphetamine laboratory activity. The owner must also give a copy of the pending order to the buyer to acknowledge receipt in writing. The bill also establishes remediation and re-occupancy standard for determining when a property, contaminated as a result of methamphetamine activity, is safe for human occupancy. Local health officials, after conducting an investigation, are also required to issue an order prohibiting the use or occupancy and to post the order on the property, in addition to the property owner taking specific actions. Failure to comply with these, and all requirements of AB 1025, may subject an owner to, among other things, a civil penalty up to \$5000. Aside from disclosure requirements, AB 1025 also outlines procedures for local authorities to deal with methamphetamine contaminated properties, including filing of a lien against a property until the owner cleans up contamination or pays for cleanup costs.

None of this language appears anywhere in Colorado documents, and the CDPHE allowed the report to go completely unchallenged.

As it turns out, GHPI was not even quoting a governmental source, but rather appears to have plagiarized the language from the internet wherein a Home Inspector in California had placed the language on his personal web site. GHPI plagiarized the text and placed it in their report and submitted the report to Mr. Apostopoulos who ignored the problems.

Ms. Brisnehan (and the Tri-County Health Department who was aware of the problems) ignored the fact that the work was contrary to regulations, and invalid and in violation of 6 CCR 1014-3, and in violation of Colorado Revised Statutes CRS 25-18.5-101 *et seq.* Instead of correcting the problems, the CDPHE then hired a company to unlawfully “clean” 4690 West 76th Ave., Westminster Colorado.

Knowing that GHPI had already violated State regulations and State statutes, and in violation of 6 CCR 1014-3, and in violation of Colorado Revised Statutes CRS 25-18.5-

⁹ An entire review can be found here: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



101 *et seq*, Ms. Brisnehan (as a representative of the State of Colorado) nevertheless again hired GHPI to go back to the property and perform “post remediation verification.”

GHPI returned to the property and entirely ignored mandatory state regulations, entirely failed to perform a post remediation verification as required, and produced a February 28, 2008 document wherein GHPI falsely claimed they had complied with Colorado regulations and wherein they again referenced the non-existent *Assembly Bill 1025, (Methamphetamine Contaminated Property Cleanup Act of 2005)*.

Ms. Brisnehan, Mr. Apostopoulos, and Tri-County Health Department were fully aware of the flagrant violations, and aware of the fact the work was invalid, and simply pretended that the work was legitimate, and falsely represented that the property was compliant. According to Colorado Criminal Code:

CRS 18-8-404. First degree official misconduct.

(1)A public servant commits first degree official misconduct if, with intent to obtain a benefit for the public servant or another or maliciously to cause harm to another, he or she knowingly: (a) Commits an act relating to his office but constituting an unauthorized exercise of his official function; or (b) Refrains from performing a duty imposed upon him by law; or (c) Violates any statute or lawfully adopted rule or regulation relating to his office. (2) First degree official misconduct is a class 2 misdemeanor.

It is our opinion, that the actions of Ms. Brisnehan met the elements of the criminal act of *First degree official misconduct*. The Archibeque Family, involved with the above referenced Westminster, Colorado property, having been misled by the CDPHE moved into the property and subsequently became ill.

The Archibeques began to investigate the status of the property, and FACTs was hired to review the documentation associated with the property. FACTs prepared a detailed description of the regulatory violations¹⁰ and submitted that report to our and to Mr. Apostopoulos. It was ultimately discovered that the contamination levels at 4690 West 76th Ave., Westminster Colorado, after the supposed cleaning and verification occurred were approximately 9,000 times over the regulatory limit.

Tri-County Health and Ms. Brisnehan ignored all of these demonstrable facts, and responded with a multiple page, *ad hominem* invective communication that attacked the staff of FACTs, but otherwise entirely failed to address any of the regulatory violations. In her response, Ms. Brisnehan effectively stated she was above the law, and didn't have to follow CDPHE regulations, and CDPHE was permitted to falsify documents and mislead the Archibeque Family.

According to Colorado Revised Statutes, documents prepared by GHPI are a written instrument as defined by CRS 18-5-101(9) which states:

¹⁰ <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



(9) "Written instrument" means any paper, document, or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying, or recording information, and any money, credit card, token, stamp, seal, badge, or trademark or any evidence or symbol of value, right, privilege, or identification, which is capable of being used to the advantage or disadvantage of some person.

And Colorado Criminal Code reads: *C.R.S. 18-5-114 (2013) Offering a false instrument for recording*

(1) A person commits 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.

(2) Offering a false instrument for recording in the first degree is a class 5 felony.

According to Colorado Revised Statute CRS §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.

Ms. Brisnehan, Tri-County Health and GHPI all were fully aware that the documents thus produced were going to be filed with a public office (Tri-County Health Department), and ignored the fact that the documents submitted by GHPI to the CDPHE entirely falsified the work that was supposedly completed, and the compliance status of the Westminster property.

Ms. Brisnehan's collusion of regulatory misconduct with Mr. Woellner is not new. For example, GHPI, again in violation of State regulations, performed work at 4893 South Johnson Street,¹¹ Denver, Colorado. On August 23, 2011, Ms. Brisnehan with the CDPHE, personally accompanied Mr. Woellner to the property and helped that unauthorized consultant unlawfully collect invalid samples at that property. Ms. Brisnehan assisted in the violation of no fewer than 65 regulatory violations conducted by two of her former CAMMP colleagues - one in Westminster and one in Denver.

Ms. Lelani DeVine and her family moved into the contaminated property at 4893 South Johnson Street, Denver, Colorado and reportedly suffered chemical injuries as a result of those exposures. When Ms. DeVine investigated the problem by contacting the CDPHE, Ms. Brisnehan intentionally and knowingly mislead Ms. DeVine, and informed Ms.

¹¹See the review at http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



DeVine that the CDPHE and Mr. Woellner had cleared the property according to State regulations.

The now ailing occupant, Ms. DeVine, stated she had caught Ms. Brisnehan lying to her, and became suspicious of what Ms. Brisnehan was telling her, and subsequently, Ms. DeVine hired FACTs to evaluate the situation.

FACTs arrived on site, and found that none of the cleaning, or the assessment work, or the sampling had been performed according to regulations as claimed by Ms. Brisnehan. For example, although Ms. Brisnehan claimed that the ventilation system associated with the Johnson Street property, had been cleaned and sampled according to State regulations, upon our site visit, FACTs determined that the ventilation system from whence samples were reportedly collected had *never* even been opened (FACTs had to scrape the paint off the screws and cut the paint from the edges of the vent in order to gain access to the ventilation system). Indeed, upon opening the ventilation system, we observed heavy debris, and even a dead rodent, in plain view inside the air handler. Below is a photograph of the ventilation system Ms. Brisnehan claimed she and Mr. Woellner had verified as being cleaned:



FACTs Photograph



Upon reaching into the duct, FACTs pulled out the following debris from the ventilation system CDPHE falsely claimed had been cleaned.



FACTs Photograph

The above photograph depicts an handful of methamphetamine contaminated filth from the ventilation system Ms. Brisnehan claimed the CDPHE had verified as being cleaned and properly assessed by Mr. Woellner.

Thus, in our regulatory audit of the documents for the property at 4893 South Johnson Street, Denver,¹² FACTs identified no fewer than 64 regulatory violations associated with the work supposedly performed by Mr. Woellner of QUEST, Inc.

During our assessment, FACTs also performed surface wipe sampling at the above referenced property, and our results indicated that the property had never been cleaned as claimed, and the contamination levels in the property remain to this day at levels *at least* four times the allowable limit of surface contamination. According to Ms. Brisnehan, CDPHE, FACTs has merely “incorrectly interpreted our objective data.”

¹²See the review at http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



Ms. Brisnehan, in violation of Colorado Criminal Code CRS 18-8-404, lied to Ms. DeVine to cover up the regulatory violations of her CAMMP colleague (Mr. Woellner). In retaliation against FACTs, Ms. Brisnehan then began a campaign of slander and libel against FACTs which included knowingly providing false information to law enforcement personnel.¹³

Mr. Woellner, under the protection of the CDPHE, has continued with making false statements on public domain documents filed with government officials, performing invalid assessments, and performing "assessments" containing hundreds of regulatory violations.

For example, in another methamphetamine-affected property located at 100 West Spaulding, Lafayette, Colorado,¹⁴ Ms. Brisnehan's office, knowingly and intentionally covered up 143 regulatory violations committed by Mr. Woellner on just that one property alone (an action we believe is a violation of CRS 18-8-404 *First degree official misconduct*.)

More recently, in violation of Colorado Revised Statutes §25-18.5-107(2)(a), Ms. Brisnehan and her office have entirely failed to perform their duties on other gross and repeated violations by Mr. Woellner. For example, in the February 24, 2015 "*Methamphetamine Preliminary Assessment Inspection, Sampling & Recommended Scope of Work*" for the property located at 1138 West 32nd Street, Unit 201, in Denver, Colorado 80205, performing work for a company called Monument EH&S, Mr. Woellner committed no fewer than 39 individual regulatory violations; all of which have been ignored by Ms. Brisnehan and her office at the CDPHE.

Also, for an additional example, in the March 17, 2015 "*Methamphetamine Preliminary Assessment Inspection, Sampling & Recommended Scope of Work*" for the property located at 771 W. Cleveland Circle in Lafayette, CO 80026, prepared for Tim McWilliams, Muskrat Hat 771, 1502 S. Vona Court, Superior, CO 80027, Mr. Woellner committed no fewer than 25 individual regulatory violations; all of which have been ignored by Ms. Brisnehan and her office at the CDPHE.

Similarly, in the March 2, 2015 "*Methamphetamine Preliminary Assessment Inspection, Sampling & Recommended Scope of Work*" for the property located at 410 Garfield Avenue, Carbondale, CO 81623, prepared for Mr. Ken Olson, 410 Garfield Ave. Carbondale, CO 81623, Mr. Woellner committed no fewer than 26 individual regulatory violations; all of which have been ignored by Ms. Brisnehan and her office at the CDPHE.

¹³ Letter from Colleen Brisnehan, to Joan Whittemore (CSPD) and Sgt. Harrell (CSPD) regarding Citizen Request #4967 (Tuesday, September 4, 2012 4:00 pm) From: WHITTEJO@ci.colospsgs.co.us to FACTs, Inc.

¹⁴See the full review at http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf



In the more recent May 29, 2015 report for 8347 S Reed Street, Unit 2, Littleton CO 80128, Mr. Woellner managed to stack up no fewer than 121 regulatory violations.¹⁵ Similar to the language found in your report, in this assessment, Mr. Woellner falsely claims that the work by FACTs was invalid, and then goes on to explain that he needed to get an official variance from the CDPHE for that property since he had violated the sampling protocols, and virtually none of his samples were valid. Naturally, Ms. Brisnehan automatically granted the variance to allow Mr. Woellner to collect invalid samples... again.

More recently, we have seen the same situation occur. For example for the property located at 11767 Grant Street, Northglenn, Colorado, 80233,¹⁶ Ms. Brisnehan and Mr. Apostopoulos (CDPHE) have once again hired a consultant (Mr. Woellner), who identifies himself as a member of Ms. Brisnehan's commercial group "CAMMP" but otherwise has no documentation of any training in the assessment of illegal drug laboratories, and who has a very long history of fraudulent work, and literally hundreds of violations of state regulations and statutes. However, since he is a member of the above mentioned commercial group, it appears that that association takes precedence over legitimacy and competency.

The list goes on ---, and Mr. Woellner has accrued an extended list of fraudulent and grossly incompetent, invalid, assessments^{17,18} all of which are being ignored by Ms. Brisnehan and the CDPHE.

It is important to note that FACTs has documented many fabrications regarding Mr. Woellner's claims to his credentials. It is also important to note that Mr. Woellner has never been able to document any actual training in illegal drug laboratories, their assessment or Industrial Hygiene related issues (indeed, until recently, Mr. Woellner insisted that he was not and Industrial Hygienist.) We have discussed those issues in detail in other documents¹⁹.

Suffice here to say that According to the *Colorado Department Of Regulatory Agencies, Office Of Policy And Research, Industrial Hygienists, And Safety Professionals 2001 Sunrise Review* (October 15, 2001), Mr. M. Michael Cooke, Executive Director stated:

Another avenue of redress is the Colorado Consumer Protection Act. This law prohibits individuals from misrepresenting their certification, abilities, and associations, and making false or misleading statements concerning the price of goods, services, or property. In addition, §6-1-707(1)(a)(I), C.R.S., prohibits an individual from claiming "either orally or in writing, to possess either an academic degree or an honorary degree of the title associated with said degree, unless the person has, in fact, been awarded said degree." While this Act does not prevent individuals from performing industrial hygiene work, it does prohibit individuals from claiming that they have education or background that they

¹⁵See http://forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf

¹⁶ See http://forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf

¹⁷ See 131 South Benton Street Denver, CO <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

¹⁸ See for example: 788 W. Lois Ct., Louisville, CO 80027

¹⁹ http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf



do not possess. An individual who misrepresents his or her qualifications may be in violation of this Act.18 18 § 6-1-105(1)(b), (c), (e) and (l), C.R.S.

On December 15, 2014, Colorado Regulations 6 CCR 1014-3 “*Regulations Pertaining To The Cleanup Of Methamphetamine-Affected Properties*” became effective. The regulations mandate that consultants engaged in the assessment of methamphetamine affect properties are required to perform specific activities in order for the work to be considered valid.

The new regulations were supposed to correct the problem of fraudulent consultants performing invalid assessments and place the work under the regulatory auspices of the Colorado Department of Public Health and the Environment Hazardous Materials and Waste Management Division. Unfortunately, Ms. Brisnehan of the CDPHE's Hazardous Materials and Waste Management Division was given the task or rewriting the new regulations - with the supposed input of members of a stake-holders committee.

To date, FACTs has only reviewed 13 reports prepared under the new regulations (including this one). Each report thus far reviewed has an average of 44 regulatory violations as presented in the table below:

Company	Address	Date	Number of Violations
Andre Gonzales	4383 Tennyson Street, Denver, Colorado 80212	1/25/15	22
Joe Boatman	On file, address withheld by FACTs	2/10/15	39
Meth Lab Cleanup, LLC	836 Prospect Lake Drive, Colorado Springs, CO	4/1/15	39
Robert Woellner	On file, address withheld by FACTs	2/24/15	39
Robert Woellner	771 Cleveland Circle Lafayette, CO 80026	3/17/15	55
Robert Woellner	410 Garfield Avenue, Carbondale, CO 81623	3/2/15	26
Robert Woellner	48400 Routt County Road 56C, Steamboat Springs, CO 80487	3/20/15	22
Robert Woellner	8347 S Reed Street, Unit 2, Littleton CO 80128	5/27/15	121
Robert Woellner	11767 Grant Street, Northglenn, Colorado 80233	6/4/15	113
Robert Rodosevich	1006 Gilfin Circle Colorado Springs, Colorado 80915	3/23/15	9
Robert Rodosevich	1349 Hazeline Lake Drive Colorado Springs, Colorado 80921	3/23/15	30
Tom Koch	3324 S Field Street Lakewood, Colorado	1/21/15	29
Tom Koch	1301 Speer Blvd. Denver, Colorado	1/8/15	28
Total Violations			572

Table 1
List of Reports Reviewed to Date
(Copies of all reviews available upon request)

According to Regulations 6 CCR 1014-3

3.1 Whenever the Department [CDPHE] has reason to believe that a person has violated any requirement of these regulations, the Department shall notify the person, specifying the requirement alleged to have been violated and the facts alleged to constitute the violation.



According to Colorado Revised Statutes:

CRS 18-8-404. First degree official misconduct.

(1) A public servant commits first degree official misconduct if, with intent to obtain a benefit for the public servant or another or maliciously to cause harm to another, he or she knowingly: (a) Commits an act relating to his office but constituting an unauthorized exercise of his official function; or (b) Refrains from performing a duty imposed upon him by law; or (c) Violates any statute or lawfully adopted rule or regulation relating to his office. (2) First degree official misconduct is a class 2 misdemeanor.

And yet, to our knowledge, to date, neither Ms. Brisnehan nor the CDPHE has followed the regulations as required.

CONCLUSION

In the consideration of the CDPHE approval of Mr. Woellner as Qualified Instructor, for this one project alone, Ms. Brisnehan has ignored no fewer than 54 violations.



Appendix A -Reviewer's Statement of Qualifications





Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	Rouff	Form # ML15
July 9, 2015		

Caoimhín P. Connell, has been involved in clandestine drug lab investigations since 2002 and meets the Colorado Revised Statute §24-30-1402 definition of an "Industrial Hygienist" and is authorized under 6 CCR 1014-3 to perform assessments in illegal drug laboratories. 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 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 Air Force, the National Safety Council, and the American Industrial Hygiene Association (of which he is a member and serves 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 594 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,378 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 contributing 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 applicable to those original regulations.

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.



Multijurisdictional Counterdrug Task Force Training

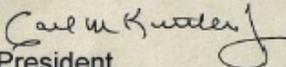


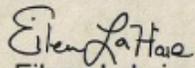
This is to certify that
Caoimhin P. Connell

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



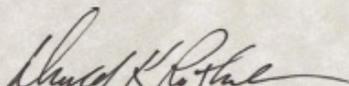
Certificate of Training

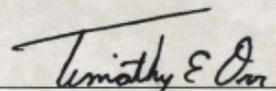
This certifies that

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

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>



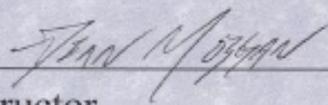
Park County Sheriff's Office Certificate of Completion

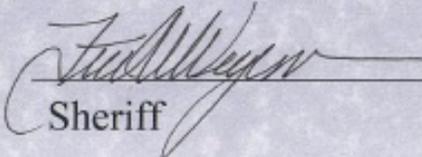
Caoimhin Connell

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

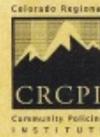
P. Ritch Wagner
Instructor



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

Caoimhin P. Connell 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**

Tom Finelle
Tom Finelle, CLEOA President

M. A. [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 7th 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. 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

