



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

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

**Located at:
11767 Grant Street
Northglenn, Colorado 80233**

Prepared by:

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June 7, 2018

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
History: CDPHE and QUEST	4
REVIEW OF THE GRANT STREET DOCUMENT	13
DISCUSSION of VIOLATIONS.....	16
Violation of Section 4.0.....	16
Violation of Section 4.2.....	17
Violation of Section 4.3.1 (Three violations)	17
Violation of Section 4.4.....	21
Violation of Section 4.5.....	25
Violation of Section 4.6.....	25
Violation of Section 4.14	26
Violation of Section 4.15	26
Violation of Section 4.15.3 (Eight violations).....	27
Violation of Section 4.17.1	27
Violation of Section 4.17.3 (Eight violations).....	28
Violation of Section 4.17.4 - Failure to Document Variations.....	28
Violation of Section 4.17.4 - Failure to Certify.....	28
Violation of Section 4.20	29
Violations of Section 6.0.....	29
Violation of Section 6.2.2 (Failure to collect 100cm2) Nine violations	30
Violation of Section 6.2.3 (Eight violations).....	37
Violation of Section 6.2.7	37
Violation of Section 6.2.12.1	38
Violation of Section 6.2.12.2	38
Violation of Section 6.2.14	39
Violation of Section 6.2.14.6 (14 Violations)	39
Violation of Section 6.2.14.7 (14 Violations)	39
Violation of Section 6.2.14.9 (14 Violations)	39
Violation of Section 6.2.14.11 (14 Violations)	39
Violation of Section 6.3.6	39
Violation of Section 6.8.1 (Failure to collect 400 cm2).....	40
Violation of Section 6.9.1 (Failure to collect 400 cm2).....	40
Violation of Section 6.9.1 (Samples collected from mixed rooms).....	40
CONCLUSIONS	41
CRS §6-1-105 Deceptive trade practices	43



EXECUTIVE SUMMARY

On June 11, 2015, Forensic Applications Consulting Technologies, Inc. (FACTs) received, from the State of Colorado, a June 4, 2015 report prepared by Mr. Robert Woellner with QUEST, Inc. In that report, Mr. Woellner made false statements regarding FACTs.

To clarify the issue, FACTs has performed a regulatory audit on the June 4, 2015 report titled “Residence at 11767 Grant Street in Northglenn, Colorado 80233, Methamphetamine Preliminary Assessment Inspection, Limited Sampling & Recommended Scope of Work” and this discussion contains our conclusions and our opinions based on the objective and demonstrable facts.

Based on our review, FACTs has identified no fewer than 29 violations of regulations; if we were to include the individual sample violations, then we have documented no fewer than 113 regulatory violations viz:

- Violation of Section 4.0
- Violation of Section 4.2
- Violation of Section 4.3.1 (Three violations)
- Violation of Section 4.4
- Violation of Section 4.5
- Violation of Section 4.6
- Violation of Section 4.14
- Violation of Section 4.15
- Violation of Section 4.15.3 (Eight violations)
- Violation of Section 4.17.1
- Violation of Section 4.17.3 (Eight violations)
- Violation of Section 4.17.4
- Violation of Section 4.17.4
- Violation of Section 4.20
- Violations of Section 6.0
- Violation of Section 6.2.2 (Failure to collect 100cm2) Nine violations
- Violation of Section 6.2.3 (Eight violations)
- Violation of Section 6.2.7
- Violation of Section 6.2.12.1
- Violation of Section 6.2.12.2
- Violation of Section 6.2.14
- Violation of Section 6.2.14.6 (14 Violations)
- Violation of Section 6.2.14.7 (14 Violations)
- Violation of Section 6.2.14.9 (14 Violations)
- Violation of Section 6.2.14.11 (14 Violations)
- Violation of Section 6.3.6
- Violation of Section 6.8.1
- Violation of Section 6.9.1
- Violation of Section 6.9.1



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 the discredited and defunct pseudo-professional, commercial group called “Colorado Association of Meth and Mold Professionals.”

In the past, the CDPHE has hired untrained and unauthorized consultants 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 becomes significant since, in blatant violation of Colorado Revised Statutes (CRS §24-50-117), Ms. Brisnehan was on the Board of Directors for the above mentioned commercial group. In addition to Ms. Brisnehan being on the Board of Directors, consultants she hired for methamphetamine related projects through her official capacity with the CDPHE were also Directors of this group. At the time of the existence of this commercial group, Ms. Brisnehan was also exercising regulatory authority over these "consultants" in her professional capacity at the CDPHE. That is, the fox was watching the henhouse. Colorado Revised Statutes, read:

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.

The State of Colorado, including Mr. Fonda Apostopoulos PE with the CDPHE (associated with the distribution of Brownfield funds), who received reports concerning methamphetamine contaminated properties in Colorado 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.¹

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.

Mr. Apostopoulos and Ms. Brisnehan ignored the fact that the work was contrary to regulations, and entirely 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 (Mr. Apostopoulos) 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-

¹ An entire review can be found here: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



101 *et seq*, Mr. Apostopoulos and Ms. Brisnehan (as representatives 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 violations² 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.

Ms. Brisnehan ignored all of these demonstrable facts, and responded with a multiple page, vitriolic, invective communication that attacked the professionalism of FACTs, and 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 they were thus permitted to falsify documents and mislead the Archibeque Family.

² <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



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

(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, Mr. Apostopoulos 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.

Regarding your property at 11767 Grant Street, Northglenn, Colorado, 80233, Ms. Brisnehan and Mr. Apostopoulos (CDPHE) have once again hired a consultant (Mr. Woellner) with 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 former member of the above mentioned commercial group sponsored by Ms. Brisnehan, it appears that that association takes precedence over legitimacy and competency.

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,³ 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 misled Ms. DeVine, and informed Ms. 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 scrap 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:

³See the review at http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf





Photograph 1
FACTs Photograph

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





Photograph 2
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,⁴ 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.”

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).

⁴See the review at http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



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.⁵

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,⁶ 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.

Additionally, for the property located at 48400 Routt County Road 56C, Steamboat Springs, CO 80487, in the March 20, 2015 "*Methamphetamine Screening Level Assessment*" prepared for Nancy Jastatt and Carl Juergens, 4265 State Route 7 NE, Burghill, OH 44404, Mr. Woellner committed no fewer than 22 individual regulatory

⁵ 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.colospgs.co.us to FACTs, Inc.

⁶See the full review at http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf



violations; all of which have been ignored by Ms. Brisnehan and her office at the CDPHE.

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.⁷ 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.

The list goes on ---, and Mr. Woellner has accrued an extended list of fraudulent and grossly incompetent, invalid, assessments to his "credit"^{8,9} 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 elsewhere¹⁰ and also later in this discussion.

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.

⁷See http://forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf

⁸ See 131 South Benton Street Denver, CO <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

⁹ See for example: 788 W. Lois Ct., Louisville, CO 80027

¹⁰ http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf



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 37 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	769 Cleveland Circle, Lafayette, CO 80026	2/10/15	39
Meth Lab Cleanup, LLC	836 Prospect Lake Drive, Colorado Springs, CO	4/1/15	39
Robert Woellner	1138 32nd Street, Unit 201 in Denver, Colorado 80205	2/24/15	39
Robert Woellner	771 Cleveland Circle Lafayette, CO 80026	3/17/15	41
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			558

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

And yet, to date, Ms. Brisnehan has taken disciplinary action against only one consultant: FACTs. Ms. Brisnehan, in violation of 6 CCR 1014-3 has moved to disqualify FACTs from providing consultation regarding illegal drug laboratories. Ms. Brisnehan alleges that FACTs committed six violations in nine reports, but in violation of 6 CCR 1014-3, Ms. Brisnehan has refused to actually identify those alleged regulatory violations.

REVIEW OF THE GRANT STREET DOCUMENT

In his report, Mr. Woellner states:

QUEST has reviewed the report generated by FACTs and assesses FACTs' meth survey to have violated principles of sampling and data assessment that are industry standard and prescribed by Colorado state regulation; FACTs' conclusions were thus considered to be invalid and were not relied upon.

During our Tuesday, April 14, 2015 assessment at the Grant Street property, FACTs performed a standard "basic methamphetamine survey." The term "basic methamphetamine survey" is not our term, but rather was coined by Mr. Daniel S. Miller, Senior Assistant Attorney General, Natural Resources and Environment Section, State of Colorado Department of Law, February 2, 2015. According to Mr. Miller, a "basic methamphetamine survey" is not subject to any regulatory constraints and FACTs was



therefore at liberty to employ legitimate scientifically valid sampling protocols, instead of the arbitrary, unscientific and unsupportable regulatory sampling requirements.

In reality, Caoimhín P. Connell with FACTs was the original author of the sampling protocols found in the original State regulations which were in effect for ten years in Colorado. Mr. Connell was asked, by the CDPHE to write the sampling and assessment sections due to his already extensive experience in such assessments. To date, based on the best information available, Mr. Connell remains the only Industrial Hygienist in Colorado, who can actually document having any training in the assessments of illegal drug laboratories.

During our work for you, FACTs collected samples from locations that had the highest probability of being contaminated. We selected a sampling theory known as “authoritative judgmental bias sampling”.

During the 2014 revision of the state regulations, the CDPHE stated that the scientific provisions were “too complicated to be understood” by poorly trained practitioners, such as Mr. Woellner, who were performing unlawful assessments in Colorado. Therefore, to make the regulations easier for untrained people, like Mr. Woellner, to understand, the CDPHE decided to remove ALL of the valid scientific basis of sampling and replaced it with what is now in the regulations.

As such, according to the regulations, there is tremendous emphasis on **how** to collect a sample (this is the actually cook-book mechanical steps), but all of the requirements of **why** one collects a sample (that is the actual scientific objectives of sample collection and data quality objectives), has been removed from the wording in the pertinent regulations..

In his report to Mr. Apostopoulos (CDPHE), Mr. Woellner now claims to have used “standard industry” practices. Mr. Woellner likes to claim he uses “standard industry practices” but in fact, he has a long documented history of fabricating his own “industry standards” out of thin air. For example, on another project, Mr. Woellner became the only person on the planet to attempt to perform an indoor mold assessment by using a combustible gas meter and measuring for hydrogen sulfide. Mr. Woellner originally defended his bizarre junk-science practice by claiming that the use of such a meter during a mold assessment was “standard industry practice.” Mr. Woellner was never able to identify the “industry standard,” and he quickly stopped his “standard industry practice” after being exposed.

On the above mentioned project, Mr. Woellner was criticized for inventing a “standard industry practice” that did not exist. During questions as to why he didn’t use legitimate Industrial Hygiene practices, Mr. Woellner responded “I am not an Industrial Hygienist – I don’t have to follow Industrial Hygiene practices.”



Later, under oath,¹¹ Mr. Woellner denied using the meter during his mold assessment in the following exchange:

Q (by Counsel). Do you ever request during your air sampling that samples be tested for hydrogen sulfide as part of your investigation?

A (by Woellner). No. I have not.

Q (by Counsel). As part of your air sampling, at any point in time during the project, did you ever conduct air sampling and request that oxygen content be assessed as part of your investigation?

A (by Woellner). No. I have not.

This testimony placed Mr. Woellner in a very awkward position since in his June 6, 2007 report (which was the subject of the sworn oral testimony) Mr. Woellner had written:

During Quest's inspection, a BW Technologies GasAlertMicro multi gas trace gas detector and a Vulcain SP-IAQ4 trace gas monitor were utilized to measure airborne concentrations of combustible gases (%LEL), hydrogen sulfide (ppm), carbon monoxide (ppm), carbon dioxide (ppm) oxygen (%), temperature (degree F) and relative humidity (%). No combustible gases (0% LEL), hydrogen sulfide (0ppm) or carbon monoxide (0 ppm) levels were detected. The residences contained 20.9 % oxygen, between 480 and 981 ppm carbon dioxide, ...

Mr. Woellner must have realized the predicament he placed himself in by giving false testimony under oath, because he then changed his story AGAIN and during a second round of testimony,¹² Mr. Woellner explained that, contrary to his original testimony he actually did perform the sampling, but (contrary to his original report) he only did it because he was performing Confined Space monitoring. However, during my testimony,¹³ this explanation too became troublesome for Mr. Woellner since I testified that there were no confined spaces on the project during which he used his gas meter and hydrogen sulfide meter.

So when Mr. Woellner speaks of “standard industry practices” it is our experience that in his mind this translates to “Mr. Woellner’s standard practices” and has very little to do with actual standard industry practices.

¹¹ Transcript of the Testimony of Robert Woellner in the Matter of Fidelity and Deposit Company of Maryland v. White River Townhomes, LLC et al, November 19, 2009.

¹² In the Matter of: Fidelity and Deposit Company of Maryland v. White River Townhomes, LLC, et al. Reporter's Transcript of Proceedings Volume 37, Date Taken: August 18, 2010

¹³ In the Matter of: Fidelity and Deposit Company of Maryland v. White River Townhomes, LLC, et al. Reporter's Transcript of Proceedings Volume 37, Date Taken: August 18, 2010



By the way, this is not the first time Mr. Woellner's oral sworn testimony has contained seriously conflicting information. During oral testimony on another case,¹⁴ Mr. Woellner, while under oath, was asked if he was ever barred from giving testimony, Mr. Woellner contradicted actual fact and stated:

Q. (by Counsel): Mr. Woellner, have you ever been barred from giving testimony either at an arbitration or hearing or any other litigated matter, regarding the field of industrial hygiene?

A. (by Mr. Woellner) No, I don't believe I have.

In fact, on July 17, 2008, in my presence in the matter of "913 Industrial Park / Colorado Casualty (Claim Number 902597160002)," Mr. Woellner was barred from giving testimony. During that testimony, Mr. Woellner was claiming that he was an Industrial Hygienist (even though he later claimed that he was not an Industrial Hygienist). Due to my testimony in the above stated matter, which involved the technical aspects of a clandestine drug laboratory, the presiding judge determined that Mr. Woellner lacked the technical expertise needed to give an expert opinion on chemical matters in Industrial Hygiene related clandestine operations, and barred Mr. Woellner from giving such testimony.

In any event, pursuant to the new regulations regarding methamphetamine affected properties, since the sampling objectives have now been removed, a consultant is permitted by regulation to enter an extremely heavily contaminated property, and elect to collect samples from locations that have virtually no probability of being contaminated: thereby the consultant is now able to "clear" an extremely heavily contaminated property, and still comply with the regulations.

It would be impossible for Mr. Woellner to support his fabrication that the work FACTs' performed was in anyway invalid, or in any way violated any kind of sampling theories – Mr. Woellner is simply known for whole scale fabrications, including fabricating his credentials (see the Johnson Street review for details on Mr. Woellner's fabricated credentials).

DISCUSSION of VIOLATIONS

During the performance of a Preliminary Assessment, the Contractor is required by regulations to perform specific mandatory tasks and provide specific mandatory documentation.

Violation of Section 4.0

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

¹⁴ Transcript of the Testimony of Robert Woellner in the Matter of Fidelity and Deposit Company of Maryland v. White River Townhomes, LLC et al, November 19, 2009.



C.R.S. No person other than a Consultant in good standing may perform preliminary assessments.

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.

In reality, there is no evidence whatsoever that Mr. Woellner, prior to the date of the work at 11767 Grant Street Northglenn, Colorado 80233, has ever been "...performing assessment or decontamination activities subject to these regulations..." It would appear that Ms. Brisnehan merely granted Mr. Woellner interim authorization in violation of the regulations. However, considering the past history of joint violations of regulations, this should come as no surprise.

Violation of Section 4.2

During the performance of a Preliminary Assessment, the Contractor is required by regulations to provide specific mandatory information, including:

4.2 Summary of information from review of available law enforcement reports regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and areas of contamination, or waste disposal.

Historically, Mr. Woellner has never, without exception, been able to document his attempts to determine the availability of law enforcement documents. For this property it would appear that someone provided Mr. Woellner with a copy of a single law enforcement report. However, there is no documentation in Mr. Woellner's report that he made any attempt to determine the availability of any law enforcement documents.

Violation of Section 4.3.1 (Three violations)

During the performance of a Preliminary Assessment, the Contractor is required by regulations to provide specific mandatory information, including:

4.3.1 If the building has an attic, a description of the integrity of the building ceiling (i.e., attic floor), any signs of access, storage, manufacturing, or venting into the attic (e.g., holes cut in ceiling for the purpose of venting gases from a cook),

In his report, Mr. Woellner states:

...no observed openings between the floors other than the stairways and the access hatch to the overlying attic.

Furthermore, State regulations require:

4.3.1 ...a description of observations of the ducting associated with all bathroom and kitchen exhaust vents.



Although Mr. Woellner states:

...no observed openings between the floors other than the stairways and the access hatch to the overlying attic.

...later in his report, Mr. Woellner includes the following photograph:



**Photograph 3
QUEST Photograph**

The photograph depicts a kitchen fan, however, Mr. Woellner failed to provide a description of this fan and where that fan terminates, in the report as required by regulation. Also, since, in violation of Section 4.14 (see later) there were no photographs taken of these site conditions, one cannot know the venting of this appliance.

Also in his report, Mr. Woellner states he collected a sample from the

Bathroom fan; back of grille interior

There is no discussion of this bathroom fan as required.

Furthermore, we know from the report prepared by FACTs dated April 15, 2015, that FACTs personnel, during the BMS identified at least two bathroom fans. In Table 1 of our April 15, 2015, BMS report, FACTs produced the following table:



Sample ID	Sample Location	Sample Result µg/100cm ²
GBMS040815-01A	Bathroom main floor exhaust fan	12.72
GBMS040815-01B	Kitchen living room ceiling fan	
GBMS040815-01C	Ceiling fan top of stairs	
GBMS040815-01D	Master bath exhaust fan	
GBMS040815-01E	Master bed top of door frame	
GBMS040815-02A	SW Bedroom closet door track	8.48
GBMS040815-02B	Garage top of opener	
GBMS040815-02C	Basement great room top of light	
GBMS040815-02D	Basement bath top of med cabinet	
GBMS040815-02E	Furnace interior cold air return	

**Table 1
Results of Methamphetamine Samples**

Figure 1

Table Reproduced from FACTs April 15, 2015 Report

So, although not required to so do, during our BMS, FACTs identified two bathroom fans and collected one sample from each of the two bathroom exhausts. Although Mr. Woellner was required by regulation to identify all bathroom ceiling fans, and sample those fans, he failed to do both, in spite of the fact that FACTs even provided Mr. Woellner with the information before he even arrived on site.

In the photographs below, we have reproduced the two bathroom fans FACTs identified during our BMS, that were missed by Mr. Woellner.



**Photographs 4
Taken April 14, 2015, FACTs**

Finally, Mr. Woellner entirely failed to identify other penetrations in the ceilings, such as those from the fluorescent lights. Although not required to so do, during our April 14th



visit, we identified the ceiling penetrations that Mr. Woellner was required to identify but failed to so do.

In the photographs below, we can see the penetrations as documented by FACTs during our April 14, 2015 visit.



Photographs 5
Taken April 14, 2015, FACTs

Also, Mr. Woellner states the property has a forced air system and photographed the system; does the furnace vent into the attic? Since Mr. Woellner failed to perform this regulatory action as required, one doesn't know. Fortunately, FACTs had an high quality photograph of the roof line which clearly depicts the penetrations that were missed by Mr. Woellner:





Photograph 6
Photograph taken by FACTs
April 14, 2015

Finally, according to regulations, the consultant is required to identify

...venting into the attic (e.g., holes cut in ceiling for the purpose of venting gases from a cook).

From the photographs, we see a vent from the clothes dryer. A legitimate consultant trained in the aspects of illegal drug laboratories would have known that a common method of venting the gases of illegal grows is via a clothes dryer hose. Yet, Mr. Woellner, who has never been able to document any training in the assessment of illegal drug laboratories entirely missed the clothes dryer vent.

Violation of Section 4.4

During the performance of a Preliminary Assessment, the Contractor is required by regulations to provide specific mandatory information, including:

- 4.4 Description of outdoor areas, including notation of the following:
- 4.4.2 Conditions indicative of contamination.



In his report, Mr. Woellner plugged boiler plate language – language that appears in several of Mr. Woellner’s reports regardless of site conditions; viz:

Description of Outdoor Areas: The property contains a grass front yard and fenced side and back yards. The back yard contains grass, trees, and planted flowers. It also contains some dirt areas, but these appeared to be due to wear and/or lack of water. There was a small volume of paint and building materials on the ground surface just outside the house in the back yard. QUEST inspected the exterior ground surface of the property and observed no meth-specific waste, burn pits, or stressed vegetation other than from wear and lack of water.

In fact, readily available aerial photography clearly shows that unusual storage did in fact occur in the back yard. For example, on as recent as June 2, 2014, we can clearly see unusual materials being stored in the back yard:



Photograph 7
11767 Grant Street
June 2, 2014¹⁵

Similar photograph shows unusual storage. On October 10, 2013 we can clearly see unusual materials being stored in the back yard:

¹⁵ Image credit not known – Used under fair use doctrine from Google™ Earth





Photograph 8
11767 Grant Street
October 10, 2013¹⁶

It is normal for Mr. Woellner to ignore site exterior conditions. For example, according to the Routt County Building Department, the property located at 48400 Routt County Road 56C, Steamboat Springs, CO 80487 has an on-site wastewater treatment system (OWTS). Mr. Woellner performed a real estate screening project for that property, wherein he committed no fewer than 22 regulatory violations and none of the samples he collected were valid.

According to State regulations, during his assessment at that property, Mr. Woellner was required by regulations to

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.

Mr. Woellner didn't want to comply with the regulations and therefore, in his report, he simply falsified the information in his report and entered the boiler plate language:

The residence is connected to the sanitary sewer.

Ms. Brisnehan allowed this falsification.

¹⁶ Image credit not known – Used under fair use doctrine from Google™ Earth



Similarly, at the property located at 788 W. Lois Ct., Louisville, CO 80027-9795, Mr. Woellner pretended to perform a Preliminary Assessment (wherein Mr. Woellner committed 22 regulatory violations and none of the sample he collected were valid). In that property, Mr. Woellner falsely stated:

*4.7 Identification of Contaminated Areas and Areas Sampled: QUEST generally inspected the exterior ground surface of the property and identified **no signs of waste piles**, buried waste, burn pits, or chemical disposal on or around the exterior of the residence.*

And yet in his own photographs, Mr. Woellner included the following photograph at that property:



Photograph 9
788 W. Lois Ct., Louisville,
CO 80027-9795¹⁷

For this property, Ms. Brisnehan with the CDPHE not only ignored the violations, but in a vitriolic letter¹⁸ containing fabrications, Ms. Brisnehan vehemently defended the

¹⁷ Image from Robert Woellner, Methamphetamine Preliminary Assessment Inspection, Sampling & Recommended Scope of Work - Residence at 788 W. Lois Ct., Louisville, CO 80027 (December 12, 2014), prepared for Initial Holding Entity, LLC, 225 W. South Boulder Rd., Suite 100, Louisville, CO 80027



regulatory misconduct of her former CAMMP friend, and denied that the violations even existed.

Perhaps one of the reasons Mr. Woellner regulatory fails to identify exterior conditions id due to the fact Mr. Woellner has never been able to document that he has ever received any kind of training in the assessment of illegal drug laboratories, or any kind of training in illegal drug laboratories of any kind. Another possible reason, is that h knows that Ms. Brisnehan will cover for him, regardless of how flagrant or willful the regulatory violations.¹⁹

Violation of Section 4.5

During the performance of a Preliminary Assessment, the Contractor is required by regulations to review specific mandatory information, including:

4.5 Identification of manufacturing methods based on the Consultant's observations and law enforcement reports, if available.

Mr. Woellner has never been able to document any recognizable training in illegal drug laboratories and therefore, one would not expect him to possess the necessary skills to recognize manufacturing methods based on his observations.

Similarly since Mr. Woellner did not document any attempts to ascertain the availability of pertinent law enforcement documents other than the one that provided to him by the owner, such decisions could not be made from that source.

Violation of Section 4.6

During the performance of a Preliminary Assessment, the Contractor is required by regulations to provide specific mandatory information, including:

4.6 Identification of chemicals used, based on the Consultant's observations and knowledge of manufacturing method(s), and if available, identification and documentation of any methamphetamine lab wastes or precursor chemicals discovered at the subject property.

Mr. Woellner has never been able to document any recognizable training in illegal drug laboratories and therefore, one could not expect him to possess the necessary skills to recognize manufacturing methods based on his observations.

¹⁸ Coleen Brisnehan, CDPHE February 27, 2015 letter to Mr. Caoimhin P. Connell, Forensic Applications Consulting Technologies, Inc., 185 Bounty Hunter's Lane, Bailey, Colorado 80421 RE: Request for Variance under 6 CCR 1014-3 for 788 West Lois Court, Louisville, Colorado

¹⁹ See the review at http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



Thus for example, in a recent assessment report²⁰ (wherein Mr. Woellner committed no fewer than 26 regulatory violations), Mr. Woellner referenced an odor of ammonia and concluded the odor of ammonia indicated the method of methamphetamine production at the property was possibly a one-pot method. Since Mr. Woellner has apparently never been trained in any aspect of illegal drug laboratories, or methamphetamine production or the chemicals used, he was not aware of the fact that an odor of ammonia is not typically associated with a “one-pot” method of methamphetamine production.

Similarly since Mr. Woellner did not document any attempts to ascertain the availability of law enforcement documents, such decisions could not be made from that source.

Violation of Section 4.14

During the performance of a Preliminary Assessment, the Contractor is required by regulations to provide specific information, including:

4.14 Photographic documentation of property conditions, including cooking areas, chemical storage areas, waste disposal areas, and areas of obvious contamination.

As already mentioned above, Mr. Woellner failed to provide photographs of the kitchen, and the bathrooms, also missing are photographs of each room and the condition of plumbing fixtures.

Although there are close-up photographs of sampling locations, site conditions cannot be ascertained from close-up photographs of sampling locations.

Violation of Section 4.15

During the performance of a Preliminary Assessment, the Contractor is required by regulations to provide specific information, including:

4.15 If assessment sampling is conducted, it shall be conducted in accordance with Section 6 of this Part 1. Documentation of assessment sampling shall include:

4.15.1 a description of the sampling procedures used, including sample collection, handling, and QA/QC;

Although Mr. Woellner provides a description of sampling supplies, nowhere in the report has Mr. Woellner provided a description of the sampling *procedures* used. As described later in this audit, we see that this also constitutes a violation of 6 CCR 1014-3 §6.2.7.

²⁰ Methamphetamine Preliminary Assessment Inspection, Sampling & Recommended Scope of Work - 410 Garfield Avenue in Carbondale, CO 81623, prepared for Mr. Ken Olson, 410 Garfield Ave. Carbondale, CO 81623, March 2, 2015



Violation of Section 4.15.3 (Eight violations)

During the performance of a Preliminary Assessment, the Contractor is required by regulations to provide specific information including:

4.15.3 ... a computer generated figure illustrating the layout of the building(s) and sample locations and identification.

Nowhere in the report has Mr. Woellner provided a computer generated figure of the layout of the sample locations.

For example, there is no computer generated figure illustrating the location of Sample 6a, or 7a or 6b or 7b or 6c or 7c or 6d or 7d, etc.

Violation of Section 4.17.1

Contrary to common belief and contrary to knowingly false statements²¹ made by Ms. Brisnehan to law enforcement personnel, sampling is **not** required during a PA. The April 15, 2015 report by FACTs clearly indicated widespread contamination, and a legitimate, trained consultant would have known that no further sampling was required for the Preliminary Assessment. In fact, in our bid for performing the Preliminary Assessment, FACTs incorporated the need for only three possible samples.

As such, prior to any of the sampling by Mr. Woellner, a legitimate consultant, trained in the aspects of assessing illegal drug laboratories, would have known that further expenditure on sampling was simply wasting financial resources. (In this case, it was deliberate wasting of Colorado Taxpayer's money).

The regulation require the consultant to do one of two things: A) assume noncompliance or 2) Perform clearance sampling to exclude any one area. In his report Mr. Woellner states:

QUEST concludes that the shed, oven, and refrigerator are not significantly contaminated by meth. No remediation or resampling of the shed, oven, and refrigerator are required.

Therefore, the samples collected by Mr. Woellner necessarily had to have been clearance samples.

As such, according to regulations,

4.17 If clearance sampling is conducted during the preliminary assessment, it shall be conducted in accordance with Section 6 of this Part 1. Documentation of clearance sampling shall include:

²¹ 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.colospgs.co.us to FACTs, Inc.



4.17.1 A description of the sampling procedures used, including sample collection, handling, and QA/QC.

As already noted, although Mr. Woellner provides a description of his sampling supplies, etc, nowhere in his report does Mr. Woellner provide a description of his sampling procedures. As will be presented later this indicates a violation of the Section 6 sampling protocols.

Violation of Section 4.17.3 (Eight violations)

Also, according to regulations,

4.17 If clearance sampling is conducted during the preliminary assessment, it shall be conducted in accordance with Section 6 of this Part 1. Documentation of clearance sampling shall include:

4.17.3 Results of clearance sampling, including a description of sample locations and a computer generated figure with sample locations

As discussed in the section above, Mr. Woellner failed to provided a computer generated figure indicating all of sampling locations including Sample 6a, or 7a or 6b or 7b or 6c or 7c or 6d or 7d, etc.

Violation of Section 4.17.4 - Failure to Document Variations

According to the regulations:

4.17 If clearance sampling is conducted during the preliminary assessment, it shall be conducted in accordance with Section 6 of this Part 1. Documentation of clearance sampling shall include:

4.17.4 Documentation of variations from standard practices.

Nowhere in his report do we find where Mr. Woellner has documented any of the multiple variations from standard as identified in this audit.

Violation of Section 4.17.4 - Failure to Certify

According to the regulations, if clearance sampling is conducted, the consultant shall provide the following:

4.17.5 A certification statement, signed by the Consultant, in substantially the following form:

"I hereby certify that I conducted clearance sampling of the subject property in accordance with 6 CCR 1014-3, Part 1, § 6. I further certify that the cleanup standards established by 6 CCR 1014-3, Part 1, § 7 [**choose one**: have/have not] been met as evidenced by testing I conducted."

Nowhere in the document provided do we find the required statement for the clearance samples shed, the oven or the refrigerator.



Violation of Section 4.20

According to Ms. Colleen Brisnehan (CDPHE) in a March 16, 2015, letter to Forensic Applications, where files are referenced in a report, but those files are not included in the report, failure to include those files constitutes a violations of Section 3.7.7, 4.20, and 8.10.

In his report, Mr. Woellner states:

4.14 Photographs of Property Conditions: Please see the attached photographs for general site conditions as well as photographs of each sampling location. Including the attached photographs, QUEST maintains approximately 160 photographs of the property and its condition at the time of our May 27, 2015 preliminary assessment inspection and sampling survey.

And yet, the report only contains approximately 51 photographs. Thus approximately 109 photographs are missing, which according to Ms. Brisnehan constitutes a violation of regulations. It is difficult to understand how this is a regulatory violation for FACTs (who actually includes all our photographs on a DVD) but not for QUEST (who simply doesn't provide the photographs at all). In fact, such favoritism is a violation of Colorado criminal 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.

Ms. Brisnehan has a long and documented history of such misconduct as already referenced in this report and elsewhere (for example where Ms. Brisnehan unlawfully attempted to cover up the illegal activities of another Director of her private group, "CAMMP" by allowing the Director to use California regulations instead of Colorado regulations²²).

Violations of Section 6.0

According to the regulations:

If the Consultant determines that assessment sampling is appropriate, such sample collection and analysis **shall** be conducted in accordance with the assessment level sampling protocols and other requirements of Section 6 of this Part 1.

²² <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



Violation of Section 6.2.2 (Failure to collect 100cm²) Nine violations

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 and makes the following excuse:

It should be noted that in any instances in which the sampling locations did not have flat surfaces of 100cm², the industrial hygienist made every effort to sample exactly 100cm² in area by sampling a combination of surfaces within the template area (example tops or sides of non-flat surfaces).

Ignoring for a moment that Mr. Woellner has in the past denied being an Industrial Hygienist, and has no documentable training as an Industrial Hygienist, there is nothing in the regulations that give exemptions to collecting 100 cm² by merely *attempting* to collect 100 cm². A legitimate consultant would have no difficulty in collecting 100cm².

In every drug laboratory assessment project performed by Mr. Woellner, as reviewed by FACTs, Mr. Woellner has always failed to collect 100 cm² as claimed.^{23,24,25,26,27,28}

However, since Mr. Woellner has no documentable training or demonstrated competency in sample collection, he insists on using a junk-science concept of applying “100 cm²

²³ See for example: 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

²⁴ See for example: 788 W. Lois Ct., Louisville, CO 80027 – Available from CDPHE through the CORA (Colorado Open Records Act)

²⁵ See for example: 1138 West 32nd Street, Unit 201, Denver, CO http://www.forensic-applications.com/meth/Addendum_2_Woellner_1138_32_St.pdf

²⁶ See for example: 771 Cleveland Circle, Lafayette, CO 80026 http://www.forensic-applications.com/meth/Addendum_3_Woellner_771_Cleveland.pdf

²⁷ See for example: 410 Garfield Avenue, Carbondale, CO 81623 http://www.forensic-applications.com/meth/Addendum_4_Woellner_410_Garfield.pdf

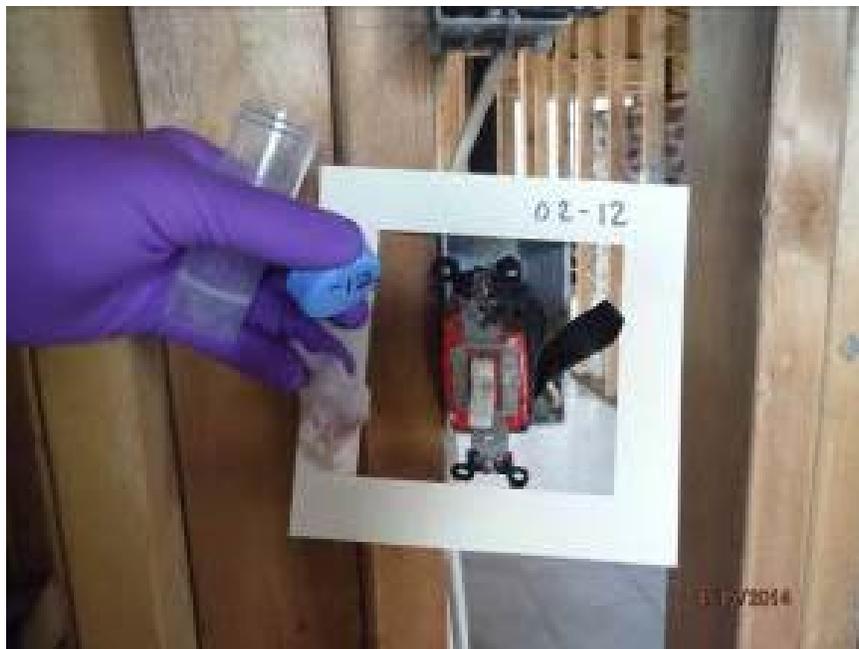
²⁸ See for example: 8347 S Reed Street, Unit 2, Littleton CO 80128 http://forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf



templates” and then merely wiping the available area and pretending the area constitutes 100 cm². (FACTs has addressed this in detail for other properties.^{29,30,31,32})

For example, in the referenced Spaulding report (which contained 143 regulatory violations that were covered up by Ms. Brisnehan’s office) Mr. Woellner falsely identified each sampling area as “100 cm².” However, during their sampling, based on his own documentation, Mr. Woellner did not collect 100 cm² for each sample. Rather, Mr. Woellner merely *reported* collecting 100cm² regardless of the actual surface area.

As an example, in the photograph below, Mr. Woellner shows himself holding a 10 cm X 10 cm template up to the item sampled (a light switch). Mr. Woellner claims the surface area was 100 cm² when in fact, as can be seen, a very large portion of the sampling template is thin air and not a surface sample at all.



Photograph 10
QUEST Photograph

Another example is given in the QUEST photograph below:

²⁹ See for example: 788 W. Lois Ct., Louisville, CO 80027 – Available from CDPHE through the CORA (Colorado Open Records Act)

³⁰ See for example: 1138 West 32nd Street, Unit 201, Denver, CO http://www.forensic-applications.com/meth/Addendum_2_Woellner_1138_32_St.pdf

³¹ See for example: 771 Cleveland Circle, Lafayette, CO 80026 http://www.forensic-applications.com/meth/Addendum_3_Woellner_771_Cleveland.pdf

³² See for example: 410 Garfield Avenue, Carbondale, CO 81623 http://www.forensic-applications.com/meth/Addendum_4_Woellner_410_Garfield.pdf





**Photograph 11
QUEST Photograph**

In this way, Mr. Woellner has made a habit of falsely reporting that a particular surface was compliant, when in fact, the surface is **not** compliant. Thus, for example, in the sample above, Mr. Woellner reported the surface as being compliant (0.36 µg/100 cm²). Mr. Woellner falsely told the laboratory the sample area was 100 cm². The laboratory recovered 0.36 total micrograms from the sample, and calculated the sample result as

$$\text{Concentration} = \frac{\text{Mass recovered } \mu\text{g}}{\left(\frac{\text{Area sampled cm}^2}{100}\right)} = \mu\text{g}/100 \text{ cm}^2$$

Thus for that sample, the laboratory used the following:

$$\text{Concentration} = \frac{0.356 \mu\text{g recovered}}{\left(\frac{\text{Reported area} = 100 \text{ cm}^2}{100}\right)} = 0.356 \mu\text{g}/100 \text{ cm}^2$$

...which seems to indicate the surface was compliant with the State threshold limit of 0.5 µg/100 cm² – indeed, in his report, Mr. Woellner falsely reported the surface as compliant. However, as documented in the photograph, a large portion of the template has been bent down to the floor, and only a portion of the hot water heater was sampled.



When we measure the area that was actually sampled, we see that only 40 cm² was sampled, and not 100 cm² as falsely reported by Mr. Woellner. When we use the correct surface area in the calculation, we see the following:

$$\text{Concentration} = \frac{0.356 \mu\text{g recovered}}{\left(\frac{\text{Actual area} = 40 \text{ cm}^2}{100}\right)} = 0.90 \mu\text{g}/100 \text{ cm}^2$$

Therefore, although Mr. Woellner reported the surface passed – the surface did not pass, and remains (to this day) non compliant (on this property, Ms. Brisnehan’s office falsely claimed that these events did not happen).

QUEST has made an habit of this practice over the years, which makes Mr. Woellner very “contractor friendly” and very friendly to those who wish to falsely claim a property is compliant when it is not compliant.

Such is also the case with this property. For example, let’s look at Mr. Woellner’s Sample Number 6 (the composite sample for the attic). Mr. Woellner states this sample was comprised of four individual samples each of 100 cm². In fact, only one of the four aliquots used to make up this sample were actually 100 cm².



Here is why:



**Photographs 12
QUEST Photograph**

We see that Mr. Woellner identifies the sample as:

The sample collected from the attic over residence metal truss support contained a meth concentration (7.9 $\mu\text{g}/100\text{cm}^2$) above the 0.5 $\mu\text{g}/100\text{cm}^2$ criteria.

We are going to ignore for a moment that Mr. Woellner doesn't realize that since this is an attic, the decision threshold is 4.0 $\mu\text{g}/100\text{cm}^2$ and not 0.5 $\mu\text{g}/100\text{cm}^2$ as Mr. Woellner erroneously believes.

Having said that, since Mr. Woellner claims the template he is using is 10 cm X 10 cm, we can use the template as a reference for the actual size of the sample collected. In so doing, we see the template only covers a portion of the "metal truss support" (*sic*). (These metal objects are actually called "gussets" or "cleats.")

In this case, the template only covers 79 cm^2 and not 100 cm^2 as claimed. Next we see that the gusset has holes in it, and not all of the 79 cm^2 is actually gusset. Each hole is 0.7 cm^2 and there are 12 such holes totaling 8.5 cm^2 . So, we subtract the 8.5 cm^2 from the 79 cm^2 and we see that the actual sample area is only 70 cm^2 and not 100 as falsely claimed.



Next we look at the next aliquot for this sample and we see it is another gusset, over which the template has been fully placed; therefore there are 16 “holes” for a total of 88 cm² (photograph not included here).

Next, we look at the third part of the composite is an electrical junction box.



**Photographs 13
QUEST Photograph**

In looking at the sample, we see that the template contains approximately 19 cm² of just air and not surface. Therefore, although Mr. Woellner falsely reported to the laboratory the sample was 400 cm², it was actually only 347 cm².

In the above examples each failure to collect 100 cm² would be a violation of regulations that clearly state:

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.**

We can see this violation occurring over and over in Mr. Woellner’s sampling at the property. Some examples are given below:





**Photographs 14
Taken by QUEST**

According to the regulations:

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

In every project FACTs has reviewed for Mr. Woellner, we have seen Mr. Woellner has reused his templates in violation of good sampling protocols and State regulations. This is the first time, we have seen a project where Mr. Woellner did not reuse his templates. We believe this is due to the fact that FACTs has raised this issue on multiple occasions in the past.



Violation of Section 6.2.3 (Eight violations)

During the performance of a Preliminary Assessment or clearance sampling, the Contractor is required by regulations to follow specific sampling protocols and provide specific information including:

6.2.3 Prepare a rough sketch of the area(s) to be sampled and indicate sample location(s).

We do not see any sketches or any sample locations indicated on any drawings for eight samples:

- 6a
- 6b
- 6c
- 6d
- 7a
- 7b
- 7c
- 7d

Violation of Section 6.2.7

During the performance of a Preliminary Assessment or clearance sampling, 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 that he used this protocol. As already mentioned, in violation of Section 4.15.1, Mr. Woellner failed to prove a description of his sampling procedures. In the past, Mr. Woellner was explicitly stated he has not used this method, and therefore, we presume he continues to not do so.



Indeed, if we look at some of the sample locations, such as Sample 2c, (sliding door track, see photograph below) it would be impossible to collect a sample in the manner described in §6.2.7 through §6.2.10.



**Photographs 14 A
Taken by QUEST**

Violation of Section 6.2.12.1

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

6.2.12 Submit at least one field blank, prepared and handled in the same fashion but without wiping, for every 10 samples collected, according to the following:

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.

As already described, nowhere in the report has Mr. Woellner identified how he collected the blanks and there are no photographs of the blanks to demonstrate they were in fact collected on site.

Violation of Section 6.2.12.2

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

6.2.12.2 Repeat this procedure for multiple aliquots when collecting a composite field blank.



As described below, since Mr. Woellner failed to provide the mandatory information on the chain-of-custody as required by regulation, there is no documentation that Mr. Woellner complied with this requirement.

Violation of Section 6.2.14

During the performance of a Preliminary 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 6.2.14.6 (14 Violations)

6.2.14.6 number of sample aliquots;

Nowhere in the chain-of-custody is the number of aliquots provided for any of the samples – since there were 14 samples, there were 14 violations of regulation.

Violation of Section 6.2.14.7 (14 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 were 14 samples, there were 14 violations of regulation.

Violation of Section 6.2.14.9 (14 Violations)

6.2.14.9 sample matrix;

Nowhere in the chain-of-custody is the sample matrix provided– since there were 14 samples, there were 14 violations of regulation. (Mr. Woellner provided the laboratory with a solvent, but not the matrix, it is possible that Mr. Woellner erroneously believes the solvent is the matrix.)

Violation of Section 6.2.14.11 (14 Violations)

6.2.14.11 sample preservatives, if applicable; and

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

Violation of Section 6.3.6

During the performance of a Preliminary Assessment and/or Clearance Sampling, the Contractor is required by regulations to follow specific sampling protocols including:

6.3 Composite Wipe Sample Collection Procedures. When collecting composite samples, use the procedure outlined in Section 6.2 above for discrete samples for the collection of each aliquot comprising the composite sample, with the following exceptions:

6.3.6 Collect all individual aliquots from 100 cm² sampling areas.



As already described, in violation of Section 6.2.2, for several samples, Mr. Woellner failed to collect samples from 100 cm².

Violation of Section 6.8.1 (Failure to collect 400 cm²)

Pursuant to Section 6.8.2, the Consultant is allowed to presume an area is contaminated. If however, the Consultant wants to challenge the compliance status of an area, the Consultant must follow the rules found in Section 6 which, in part, state:

6.8.1 Except as provided in Section 6.8.2 below, the Consultant shall conduct sampling for methamphetamine that meets the clearance level sampling protocols of Section 6.9 in all rooms of a methamphetamine-affected property as part of the preliminary assessment.

6.9.1 Except as provided in Section 6.9.1.1, at least 400 cm² of surface area shall be sampled from every room, attic, and crawl space.

As already described above, Mr. Woellner failed to collect 100 cm² aliquots for several of his samples, therefore, the composites listed as 400 cm² are not 400 cm² as required.

Violation of Section 6.9.1 (Failure to collect 400 cm²)

The Consultant is allowed to presume an area is contaminated. If however, the Consultant wants to challenge the compliance status of an area, the Consultant must follow the rules found in Section 6 which, in part, state:

6.9.1 Except as provided in Section 6.9.1.1, at least 400 cm² of surface area shall be sampled from every room, attic, and crawl space.

As already discussed above, and by his own admission, Mr. Woellner failed to collect at least 400 cm² from those rooms from which samples were collected.

Violation of Section 6.9.1 (Samples collected from mixed rooms)

The Consultant is allowed to presume an area is contaminated. If however, the Consultant wants to challenge the compliance status of an area, the Consultant must follow the rules found in Section 6 which, in part, state:

6.9.6 Composite samples may be used for clearance sampling of rooms, attics, crawl spaces, and personal property, provided all aliquots comprising a composite sample come from the same room, attic, or crawl space.

Yet in his report, Mr. Woellner documents that he collected his samples from different rooms.

RECENTLY SAMPLED TOP FLOOR CEILING (Sampled with methamphet.)		
-05a Top floor south bedroom ceiling	May 27, 2015	1.1 µg/100 cm ²
-05b Top floor hall above ceiling fan	May 27, 2015	1.1 µg/100 cm ²
-05c Living room ceiling by stairs	May 27, 2015	1.1 µg/100 cm ²
-05d Dining area above ceiling fan	May 27, 2015	1.1 µg/100 cm ²



CONCLUSIONS

Mr. Woellner has a long documented history of regulatory violations regarding illegal drug laboratories and the CDPHE has a long history of attempting to hide those violation, excuse those violations and even endorse those violations.

Mr. Woellner has a long history of making statements (written and otherwise) that he cannot support.

During previous assessments, Mr. Woellner has never been able to provide any documentation to indicate that he has received any kind of training in the assessment of illegal drug laboratories.

Indeed, for this project, Mr. Woellner has demonstrated that his knowledge of the regulations is very poor indeed for not only has he failed to perform his mandatory duties pursuant to regulations, but he has also made several statements that indicate he does not know what his own results indicate.

For example, in several locations, Mr. Woellner states that the clearance level for attics is 0.5 µg/100cm².

For example:

The sample collected from the attic over garage metal truss support contained a meth concentration (14 µg/ 100cm²) above the 0.5 µg/100cm² criteria.

And:

The sample collected from the attic over garage contained a meth concentration (14 µg/100cm²) above the 0.5 µg/100cm²criteria.

In fact, the regulations actually state:

7.1.1 Methamphetamine concentrations of samples taken from limited exposure areas shall not exceed 4 µg /100 cm².

The regulations define a “*limited exposure area*” as:

“Limited exposure area” ... Limited exposure areas include, but are not limited to, **attics**, crawl spaces, and wall cavities not used as duct runs.

Similarly, the decision criteria for newly painted surfaces is 1.5 µg/100 cm².

7.1.2 Methamphetamine concentrations of discrete or composite surface wipe samples taken from painted-over surfaces in accordance with Section 6.2.15 of this Part 1 shall not exceed 1.5 µg /100 cm².

Yet in his report, Mr. Woellner presents the following data:



MAIN FLOOR – PAINTED-OVER SURFACES (Sampled with Methanol)		
-04a Living room wall above thermostat	May 27, 2015	0.84 µg/100 cm ²
-04b Entry wall by light switches	May 27, 2015	0.84 µg/100 cm ²
-04c Interior side of door to garage	May 27, 2015	0.84 µg/100 cm ²
-04d Wall behind stove by hood	May 27, 2015	0.84 µg/100 cm ²
RECENTLY PAINTED POPCORN CEILING (Sampled with Methanol)		
-05a Top floor south bedroom ceiling	May 27, 2015	1.1 µg/100 cm ²
-05b Top floor hall above ceiling fan	May 27, 2015	1.1 µg/100 cm ²
-05c Living room ceiling by stairs	May 27, 2015	1.1 µg/100 cm ²
-05d Dining area above ceiling fan	May 27, 2015	1.1 µg/100 cm ²

This data indicates the surfaces are compliant with the threshold of 1.5 µg/100cm² described in §7.1.2, yet he claims newly painted surfaces contain methamphetamine above the regulatory limit:

The sample collected from the main floor living room wall above thermostat contained a meth concentration (0.84 µg/100cm²) above the 0.5 µg/100cm² criteria.

Similarly the Sample 5 suite also demonstrates the concentration is below the threshold yet, Mr. Woellner believes the samples are greater than the threshold, since Mr. Woellner does not know what the regulatory threshold is and therefore he states:

In accordance with the State regulation, based on QUEST’s preliminary assessment and sampling, as well as the information reported to QUEST regarding the site background; all surfaces within the residence, attics, and garage are considered to be contaminated by meth, should be remediated, and all should then be sampled. Based on the levels of meth detected, QUEST recommends that all of the building material surfaces and ventilation system components throughout these areas be demolished and/or cleaned prior to the final clearance inspection and sampling.

In fact, remarkably, even though the his data indicated the painted over surfaces were compliant, Mr. Woellner once again invented his own “standard industry practices” and actually states:

These areas should be remediated as detailed below. As per 6 CCR 1014-3, Part 1, § 7.1.2, the painted-over surfaces in the residence should be demolished or decontaminated and encapsulated as detailed below, but resampling of the painted-over surfaces is not required.

Yet, the painted over surfaces are below the regulatory limit for painted over surfaces, and nowhere in the state regulations is the demolition or decontamination of compliant areas required.

Based on our review, FACTs has identified no fewer than 29 violations of regulations; if we were to include the individual sample violations, then we have documented no fewer



than 113 regulatory violations for the work performed by QUEST at 11767 Grant Street Northglenn, Colorado 80233.

CRS §6-1-105 Deceptive trade practices

According to the Colorado Consumer Protection Act, deceptive trade practices are prohibited. Specifically:

CRS §6-1-105 Deceptive trade practices

(b) Knowingly makes a false representation as to the certification of services

(e) Knowingly makes a false representation as to the characteristics of services

Based on the best information available (including numerous projects in the past), FACTs is of the opinion that, considering there is not a single example of a legitimate assessment performed by QUEST pursuant to previous editions of 6 CCR 1014-3 or the current edition of 6 CCR 1014-3, the work meets the elements of Deceptive Trade Practices.

END



STATEMENT OF QUALIFICATIONS
Caoimhín P. Connell

