



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene Assessment
Resulting in the Discovery of an
Illegal Drug Laboratory
Located at:**

11236 West Bowles Place
Littleton CO

Prepared for:

Jay Winkler
11236 West Bowles Place
Littleton CO

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
Bailey, CO 80421



April 24, 2019

EXECUTIVE SUMMARY

- At the request of the occupant of the home, a state of the art Industrial Hygiene assessment was performed by personnel with Forensic Applications Consulting Technologies, Inc. (FACTs) for the determination of the presence of methamphetamine at 11236 West Bowles Place, Littleton CO (the subject property).
- On April 23, 2019, FACTs performed a standard “basic methamphetamine survey” and collected samples full in compliance with all rules and regulations for the State of Colorado, and pursuant to Standard Industry Practices and established Industrial Hygiene procedures.
- According to the Senior Assistant State of Colorado Attorney General for the Natural Resources and Environment Section, a “basic methamphetamine survey” is not subject to any regulatory constraints.¹
- FACTs collected 10 samples from the subject property resulting in two five-part composite samples for analysis. The samples were submitted for the quantitative analysis of methamphetamine by gas chromatography- mass spectroscopy (using a modified NIOSH 9109 Method).
- The sample results indicate the presence of widespread, profoundly elevated concentrations of methamphetamine contamination in the structure at concentrations that exceeded the regulatory cleanup threshold for the State of Colorado by approximately 500 times.
- The concentrations of methamphetamine at the property exceed the toxicologically significant concentration by approximately 170 times.
- Based on a cursory visual inspection, the property contained several non-conclusive indicators consistent with methamphetamine manufacturing and abuse.
- Based on the results of the samples taken by FACTs, an “illegal drug laboratory,” as defined in Colorado Revised Statutes §25-18.5-101(8) has been discovered at the subject property.
- Pursuant to CRS §25-18.5-104(1), entry into the property is restricted to those meeting the regulatory training requirements found in 29 CFR 1910.120 and the restrictions found in 6 CCR 1014-3.
- Pursuant to CRS §25-18.5-104, prohibition of entry into the subject property extends to the current occupants, all potential occupants, the registered owner, Real Estate agents, perspective buyers, property owner(s), construction personnel, maintenance personnel, Home Inspectors, and any and all other personnel, except on-duty law enforcement personnel and personnel meeting the requirements of Title 29 of the Code of Federal Regulations, Part 1910.120(e).
- According to Colorado Revised Statutes §38-35.7-103(3)(a), if the property is put up for sale, the seller is required to disclose to any potential buyer, in writing, the fact that the

¹ The term “basic methamphetamine survey” was coined by Daniel S. Miller, Senior Assistant Attorney General, Natural Resources and Environment Section, State of Colorado Department of Law, February 2, 2015.



property is a contaminated illegal drug laboratory that has not been remediated according to regulations.

- Pursuant to CRS §25-18.5-103(1)(c) no person shall remove any personal belongings or personal property from the subject property (including vehicles) unless that person secures the property in a manner that prevents theft and prevents exposing any other person to any toxic or hazardous chemicals until the property, and resultant debris, is appropriately discarded or cleaned according to board rules (the State regulations).
- To achieve compliance according to State Regulations and State Statutes, the owner must either:
 - demolish the property, or
 - hire an untrained, (but State certified), consultant to perform a Preliminary Assessment, or
 - sell the property under full disclosure of noncompliance
- If the owner hires a State certified consultant, the work by the untrained consultant will almost certainly be invalid, and it is probable the work will be invalidated by the Colorado Courts in the near future.
- Contrary to misconceptions held by State certified consultants, any second testing performed by the seller cannot be used to refute these findings, since “Discovery” and “Notification” has already occurred; pursuant to CRS §25-18.5-103(1)(a).
- According to State Regulation 6 CCR 1014-3, any cleaning and/or remediation and/or decontamination is strictly prohibited, except pursuant to a valid Preliminary Assessment.
- It is probable that this report will be criticized by Ms. Coleen Brisnehan with the Colorado Department of Public Health and the Environment, who will try to claim the work is invalid. Ms. Brisnehan has been caught engaging in the criminal falsification of real estate documents, and she has been caught helping untrained consultants fraudulently prepare falsified assessments. During a trial November 5-8, 2018, wherein Ms. Brisnehan committed perjury under oath, Ms. Brisnehan had to conflict her own testimony regarding the validity of sampling. The trial Judge in the case issued the Court’s ruling on January 15, 2019, and ruled that Ms. Brisnehan and the CDPHE has abused their Regulatory discretion and regarding sampling ruled:

“The ALJ finds Mr. Connell’s professional judgment, based upon his assessment of the many a variables in the given circumstances more credible than Ms. Brisnehan’s in these instances. Ms. Brisnehan is not qualified to be an Industrial Hygienist and was not present to do a personal assessment of the properties for which Mr. Connell conducted his reports.”

Ms. Brisnehan has an extended history of falsifying information, and engaging in criminal violations vis-à-vis the State Methamphetamine Regulations, and it is probable that she will attempt to help the Landlord of this property engage a fraudulent consultant and help that consultant to violate the regulations for this property. Detailed information on this problem is provided below.

INTRODUCTION

On Tuesday, April 23, 2019, at the request of the lawful occupant, personnel from Forensic Applications Consulting Technologies, Inc (FACTs) performed a standard



“basic methamphetamine survey” for the presence of methamphetamine at the residence located at 11236 West Bowles Place, Littleton CO.

Pursuant to standard, science-based, accepted Industrial Hygiene practices and protocols, FACTs collected samples for the quantitative determination of the presence of methamphetamine.

The residence appears to be a dug-out, poured concrete foundation style residence built *circa* 1985, approximating 2,257 ft² of occupiable space (including garage). On the day of our assessment, the residence was occupied and contained a large quantity of personal items and vehicles.

ASSESSMENT PROTOCOLS

Sampling Protocol

During the “basic methamphetamine survey,” the hypothesis was made that the property contained concentrations of methamphetamine above a specified limit of reporting, and data would be diligently collected to support the hypothesis. As such, the data quality objectives were not designed to meet any regulatory requirements or quantify or characterize the *extent* or degree of contamination, but rather to test the statement:

Methamphetamine is present on property components above specified levels.

For this project, FACTs was following the same scientifically valid sampling protocols we developed for the original State Regulations (6 CCR 1014-3 (2005)). FACTs established “data quality objectives” (DQOs) prior to the sampling. Our DQOs were such that we selected a total sampling area and an analytical reporting limit (0.3 µg) that would result in a reportable quantity limit of not greater than 0.5 µg/100cm². That is, unless the concentration of the methamphetamine in the sample(s) exceeded 0.5 µg/100cm², the analytical laboratory would merely report the concentration as “below reportable limit.”

For this property, FACTs employed the scientifically valid sampling theory called “authoritative judgmental biased sampling” to test the hypothesis within the residence. Our testing produced results that supported the hypothesis and therefore, we must conclude:

Methamphetamine **is** present in the property above specified levels.

Wipe Sample

The wipe sample media was commercially available cotton Johnson & Johnson™ brand gauze pads. Each gauze material is assigned a lot number for quality assurance and quality control (QA/QC) purposes and recorded on a log of results. Each pad was moistened with reagent grade methyl alcohol. Each batch of alcohol was assigned a lot number for QA/QC purposes, and recorded on a log of results.



The sampling media were prepared off-site in small batches in a clean environment. The sample media are inserted into individually identified single-use polyethylene centrifuge tubes with screw caps and assigned a unique sample identifier.

Quality Assurance – Quality Control (QA/QC)

QA/QC is a major consideration in all environmental sampling. The Industrial Hygienist for this project, Mr. Connell, has extensive experience in establishing QA/QC protocols for laboratories, field assessments and regulatory work. Mr. Connell was a bench chemist for a US EPA CLP Laboratory (Colorado School of Mines Research Institute – Analytica), wherein Mr. Connell was responsible for ensuring that QA/QC protocols met the US EPA SW846 QA/QC criteria for several methods including ion chromatography as well as atomic absorption spectrophotometry. Mr. Connell also has extensive experience in US EPA SW 846 data validation and field assessments using US EPA SW 846 methodologies.

Mr. Connell was an original author of the QA data quality objectives and assessment protocols for the State of Colorado Regulations 6 CCR 1014-3, and remains, to our knowledge, the only consulting Industrial Hygienist in Colorado with documented training from legitimate organizations in the assessment of illegal drug laboratories.

Attached to this discussion is the laboratory report for the samples. The laboratory report contains some of the internal QA/QC data for the current analysis suite. According to the laboratory, their internal QA/QC was within acceptable tolerance.

Quality Control Batch	Reporting Limit (µg)	Matrix Blank (µg)	Matrix Duplicate (%RPD)	Matrix Spike (% Recovery)	Laboratory Control Sample (% Recovery)
04/23/19-3	0.05	BRL	6	91	92
	Note 1	Note 2	Note 3	Note 4	Note 5

The laboratory QA/QC tells us the following:

Note 1) The laboratory’s internal detection limit is 0.05 µg. This ensures that the laboratory is capable of meeting our reportable limit of 0.3 µg.

Note 2) The laboratory ran an analytical blank called a matrix blank. The matrix blank is designed to determine if any of the laboratory reagents, or the handling of the sample in the laboratory, resulted in the inadvertent introduction of methamphetamine into the sample. The “Matrix Blank” for this analysis suite indicates that no methamphetamine was introduced into the sample suite by the laboratory (BRL means “Below Reportable Limit – in this case below the analytical detection limit specified above); this is a negative control.

Note 3) The laboratory also ran a “matrix duplicate” which is a check of precision (that is, the laboratory’s ability to *consistently* recover known amounts of methamphetamine). In this case, the laboratory recorded a relative percent difference - RPD of 6% between the duplicate and the original spike. Typically, we prefer to see an RPD of less than 5%,



however, in this case, since the results are so profoundly elevated, the “matrix duplicate” is of diminished importance.

Note 4) The laboratory also “spiked” an in-house blank with a known amount of methamphetamine to see if they could proficiently and accurately recover the known amount of methamphetamine. In this case, the laboratory reports they recovered 91% of the known standard; this assures the accuracy of the method. The acceptable range for recovery is 85% to 115%. Therefore, the recovery was within acceptable limits.

Note 5) The laboratory also ran “positive” controls including a “laboratory control sample” to determine if they could proficiently recover methamphetamine from a “real” sample that has been processed in exactly the same manner as actual samples. In this case, the laboratory reported they recovered 92% of the control. The acceptable range for recovery is 85% to 115%. Therefore, the recovery was within acceptable limits.

Field Blanks

To guard against false positives (that is, reporting the presence of methamphetamine when it isn't actually there), FACTs regularly challenges the laboratory in a surreptitious manner by surreptitiously submitting samples that contain no methamphetamine and other surreptitious samples that contain known amounts of methamphetamine – these are called “field blanks” and “field spikes” respectively. FACTs maintains a database of QA/QC data that we have been accumulating for the last 15 years of performing this kind of sampling. Currently, FACTs has over 6,721 samples in our database representing approximately 716 assessments, starting in January, 2003.

To date, FACTs has submitted a total of 352 field blanks for analysis to challenge the laboratory and check for false positives.

For this project, FACTs submitted a field blank within the last ten projects to determine if our sampling materials or handling procedures introduced methamphetamine which would result in a false positive. The laboratory report “BRL” indicating that the materials used by FACTs and our handling procedures did not introduce methamphetamine contamination. Our data log indicates an alcohol Lot # A17Ø1 <MDL for $n=6$; and Gauze Lot # G16Ø1 <MDL for $n=11$. This indicates that the methamphetamine identified in the property could not have come from the sampling materials or handling procedures by FACTs.

Field Spikes

Whereas blanks are negative controls, “spikes” are positive controls. As part of our general QA/QC protocol, FACTs regularly submits surreptitious spikes to the analyzing laboratory. “Spiked” samples consist of randomly selecting sample materials that are submitted to a third party independent laboratory for the inclusion of known amounts of *d*-methamphetamine² into the selected sample media. The spiked samples are then surreptitiously submitted with normal project samples to the analyzing laboratory. To

² S(+)-methamphetamine, S,S(+)-pseudoephedrine, 1S,2R(+)-ephedrine



ensure the integrity of the spikes, analyzing laboratory personnel are unaware of the presence or nature of the spikes. The spikes allow FACTs to determine the adequacy of the laboratory in recovering known amounts of methamphetamine from the samples. Sample results reported are then corrected to the spike recovery.

The pooled spike recovery from all previous projects indicates an exceptionally good record of spike recovery of 98.9% recovery (n=39, σ =0.14 μ g).

Analytical Method

Samples were hand-delivered to the analyzing laboratory, Reservoirs Environmental, Inc. (REI). REI is a respected laboratory, and Mr. Connell has been using REI for approximately 30 years. REI is accredited for the analysis of environmental matrices by the National Environmental Laboratory Accreditation Program, Lab Certification #E871030. REI is also currently proficient in the in-house ERA PAT Program. REI analyzed the samples using a gas chromatography mass spectrometry equipped with a flame ionization detector. The method is essentially the same as the method validated by the US National Institutes of Occupational Safety and Health (NIOSH) 9109 Method, *Methamphetamine*. Mr. Connell was an expert peer reviewer for the NIOSH method.

The NIOSH 9109 method is both sensitive to, and specific for, methamphetamine. That is, contrary to misinformation intentionally provided by Ms. Colleen Brisnehan with the Colorado Department of Public Health and Environment (CDPHE), there are no contaminants with a reasonable probability of false positives. (In the past, Ms. Brisnehan, has knowingly provided false information while under oath^{3,4} to protect members of her private commercial organization called the “Colorado Association of Meth and Mold Professionals” who have been caught performing fraudulent assessments as part of the Brownfields funding program on behalf of this CDPHE regulatory staff member, who was simultaneously sitting on the Board of Directors for the group.⁵)

Cross Contamination

Prior to entering the property, FACTs personnel donned disposable booties to ensure that no contamination is brought into the property, and throughout the project, clean disposable gloves were used.

Immediately following each sampling project, all equipment used in a property (such as the step-ladder used at the property) is decontaminated in the field before being brought to a new location.

³ See sworn deposition of Colleen Brisnehan, June 14, 2018 (*CDPHE et al vs. Caoimhín P Connell* Case Number HE-2015-0023)

⁴ See sworn trial testimony of Colleen Brisnehan, Nov. 6-7, 2018 (*CDPHE et al vs. Caoimhín P Connell* Case Number HE-2015-0023)

⁵ See for example: 4690 West 76th Ave., Westminster available at <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



FACTs performs checks on our equipment including wipe samples from our field equipment (such as our step-ladder) and those QA/QC samples have never had reportable concentrations of methamphetamine.

Sample Results

Contrary to the belief of untrained State-certified consultants, the values in the accompanying laboratory report are not concentrations. The values in the laboratory report are absolute mass of methamphetamine in the samples. The actual methamphetamine *concentrations* found in the samples taken at the subject property are not within our stated data quality objectives and are not germane to this discussion. Nevertheless, FACTs has calculated the concentrations and reported those concentrations below. The laboratory report does contain a typographical error – in the column identified as “Sample Area”, the laboratory identifies “0 cm²” and that should read “Not Provided” and the total sampling area for each composite was 61.2 cm². The table below summarizes the results of the sampling performed at the property.

Sample ID	Sample Location	Sample Result µg/100 cm ²
BBMS042319-01A	Entrance door bell cover	33
BBMS042319-01B	Powder bath top of mirror	
BBMS042319-01C	US Hallway - whole house fan	
BBMS042319-01D	Master bedroom ceiling fan	
BBMS042319-01E	US bathroom, light fixture	
BBMS042319-02A	Furnace interior cold air return	259
BBMS042319-02B	Basement rec-room black iron pipe	
BBMS042319-02C	US Master bath exhaust fan	
BBMS042319-02D	Basement laundry room top of light	
BBMS042319-02E	Utility room top of water heater	

Table 1
Summary of Results

The results indicate widespread contamination throughout the structure.

PERTINENT REGULATORY STANDARDS

Until 2014, the State of Colorado had one of the country’s most comprehensive and scientifically valid clandestine drug laboratory regulations. On December 15, 2014, those regulations were replaced with new regulations. The new regulations are poorly written and the regulations rejected known science (upon which the original regulations were based), and rejected standard sampling protocols and theories. The new regulations no longer contain scientific data quality objectives, and even the objectives for collecting samples was removed from the regulations by Ms. Brisnehan (CDPHE). As a result, the regulations are ambiguous and do not reflect normal, accepted scientific sampling protocols.

The new regulations are capriciously enforced on a personal whim, without accountability and without consistency by a single regulator (Ms. Colleen Brisnehan)



who has a documented history of knowingly falsifying written real estate records and falsifying written public documents to gain unlawful financial benefit for fraudulent consultants.^{6,7,8}

To bring the property into compliance, the property owner will be required to hire a State Certified consultant to perform a Preliminary Assessment. In violation of State regulations, “State Certification” is awarded as personal favors by Ms. Brisnehan to consultants regardless of their training, and in violation of state requirements. Upon challenge, Ms. Brisnehan will then assist the untrained consultant prepare a fraudulent assessment report.

Examples of some of the protected consultants who have been preparing fraudulent assessments include the following:

- Alex Johnsen (DS Environmental Consulting, Inc.)⁹
- Andre Gonzales, CIH (Foothills Environmental)¹⁰
- Dr. Jim Dennison, CIH (Century Environmental)¹¹
- Dr. Joe Boatman, (Quality Environmental Services)¹²

⁶ See for example, 4383 Tennyson Street, Unit 3A, Denver, Colorado 80212, http://www.forensic-applications.com/meth/FEI_Tennyson_SA_CA_RA.pdf

⁷ See for example: 690 South Lincoln St. Denver, CO, http://forensic-applications.com/meth/Woellner_Lincoln_Clearance_RA.pdf

⁸ See for example, 3016 – 3018 Sumac Street, Fort Collins, Colorado, http://forensic-applications.com/meth/CEH_Sumac_PA_RA.pdf

⁹ See for example, http://forensic-applications.com/meth/Glade_Rd_PA_RA.pdf for 3400 N Glade Rd, Loveland, Colorado 80538 (684 Regulatory violations)

¹⁰ See for example, 343 regulatory violations, http://www.forensic-applications.com/meth/FEI_Tennyson_SA_CA_RA.pdf for 4383 Tennyson Street, Unit 3A, Denver, Colorado 80212 (It is important to note that following the submittal of a fraudulent and invalid report by Mr. Gonzales, Coleen Brisnehan instructed Mr. Gonzales to re-issue a falsified report in an attempt to cover up the regulatory violations, which Mr. Gonzales did at Ms. Brisnehan’s request.)

¹¹ See for example, http://forensic-applications.com/meth/CEH_Clarice_Screening_RA.pdf (112 regulatory violations) for 2102 Clarice Court Loveland, CO

¹² See for example 681 regulatory violations associated with 1815 Regal Ct., Unit B, Louisville, CO 80027 as follows: 1) Screening Assessment resulting in 90 regulatory violations: http://www.forensic-applications.com/meth/Boatman_Screening_Regal_RA.pdf, 2) Preliminary Assessment resulting in 234 regulatory violations: http://www.forensic-applications.com/meth/Boatman_Regal_PA_RA.pdf 3) Clearance assessment resulting in 357 regulatory violations: <http://www.forensic-applications.com/meth/sh.pdf> (It is important to note that while under oath, Ms. Brisnehan knowingly lied to the Court, and falsely testified that she was unaware of the above violations, in spite of the fact that she was in possession of the above regulatory audits, and, with the Assistance of Michael Richen (Boulder County Health), Ms. Brisnehan informed the Boulder County Housing Authority there were no violations associated with Dr. Boatman’s work).



- Judith E Sawitsky (Wee-Cycle Environmental Consulting)¹³
- Methlab Clean-up Company¹⁴
- Paul Jaeckel (Century Environmental Hygiene)¹⁵
- Robert Rodosevich (Health and Environmental Technology - *sic*)¹⁶
- Robert Woellner (QUEST Inc.)¹⁷
- Ron Crandall (Foothills Environmental)¹⁸
- Tom Koch (Koch Environmental Health)¹⁹

However flawed, the Colorado regulations nevertheless become applicable when the owner of a property has received “notification” from a cognizant authority that a property is or *may* be noncompliant, or methamphetamine *may* be present, or there is a potential for contamination. The discovery upon which the notification is based may be from a peace officer “...or when a “*drug laboratory*” is otherwise discovered.”²⁰

For some properties, (but not all) the CDPHE has claimed that “discovery” can only occur if the sampling has been performed pursuant to State screening regulations.²¹ However, on other properties, the CDPHE has claimed that discovery occurs if the sampling has been performed by members of the Colorado Association of Meth and Mold Professionals, even if those consultants are not trained or even authorized to perform the sampling.

¹³ See for example, 2,934 regulatory violations at 795 Main St. Limon, CO 80828 http://forensic-applications.com/meth/WEC_Limon_PA_Clearance_RA.pdf

¹⁴ See for example: http://www.forensic-applications.com/meth/MLCC_Prospect_Lake.pdf for 836 Prospect Lake Drive, Colorado Springs, CO (39 regulatory violations).

¹⁵ See for example, http://forensic-applications.com/meth/CEH_Cherry_PA_RA.pdf documenting 403 regulatory violations at 728 Cherry Street, Fort Collins, Colorado

¹⁶ See for example, http://forensic-applications.com/meth/HET_Hancock_PA_RA.pdf documenting 471 regulatory violations at 316 South Hancock Avenue, Colorado Springs, Colorado 80903

¹⁷ See for example, http://forensic-applications.com/meth/Woellner_Lincoln_Clearance_RA.pdf documenting 769 regulatory violations at 690 S. Lincoln Street, Denver, CO 80203. It is important to note that following our regulatory audit, Coleen Brisnehan with the Colorado Department of Public Health and Environment was faced with the problem of having already defended Mr. Woellner’s report and had claimed there were no violations. Therefore, Ms. Brisnehan instructed Mr. Woellner for falsify a second report, claiming to be the final report; it is the second, falsified report that is currently on file for public review through CORA. However, FACTs, retains a copy of the original report and is available on request.

¹⁸ See for example, http://forensic-applications.com/meth/FEH_Uinta_PA_C_RA.pdf documenting 408 regulatory violations associated with 3731 S. Uinta St. Denver, CO 80237

¹⁹ See for example, http://forensic-applications.com/meth/KEH_Speer_PA_Clearance_RA.pdf documenting 498 regulatory violations associated with 1301 Speer Blvd. Denver, Colorado

²⁰ CRS §25-18.5-103

²¹ See for example, the documentation associated with 3731 South Uinta Street, Denver, CO



However capricious the interpretations by the CDPHE, the State statutes and State regulations are otherwise explicitly clear about the “discovery” process and explicitly state the following:

State Statutes

C.R.S. §25-18.5-103. Discovery of illegal drug laboratory - property owner - cleanup - liability

(1) (a) Upon notification from a peace officer that chemicals, equipment, or supplies of an illegal drug laboratory are located on a property, or when an illegal drug laboratory is otherwise discovered and the property owner has received notice, the owner of any contaminated property shall meet the clean-up standards for property established by the board in section 25-18.5-102; except that a property owner may, subject to paragraph (b) of this subsection (1), elect instead to demolish the contaminated property.

State Regulations

Colorado Regulation 6 CCR 1014-3 *REGULATIONS PERTAINING TO THE CLEANUP OF METHAMPHETAMINE-AFFECTED PROPERTIES*

1.2 Applicability - The requirements of this Part apply:

1.2.1 When an owner of property has received notification from a peace officer that chemicals, equipment, or supplies indicative of a methamphetamine-affected property are or have been located at the property.

1.2.2 When a methamphetamine-affected property is otherwise discovered, and the owner of the property where the methamphetamine-affected property is located has received notice.

State statutes and regulations are clear in their language regarding discovery. As such, an illegal drug laboratory has been otherwise discovered at the subject property.

Environmental Statutes

The definition of an illegal drug laboratory is found in Colorado Revised Statutes as follows:

25-18.5-101. Definitions

(8) "Illegal drug laboratory" means the areas where controlled substances, as defined by section 18-18-102, C.R.S., have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of the manufacturing, processing, cooking, disposal, use, or storage.

The samples collected at the subject property conclusively confirm that methamphetamine has been manufactured and/or processed, and/or cooked, and/or discarded, and/or used, and stored at the property and all proximate areas are likely to be contaminated as a result of the same.

State Regulations

Similarly, Colorado Regulations 6-CCR 1014-3 Part 1 defines “illegal drug laboratory” as:

“Illegal drug laboratory” means the areas where controlled substances, as defined by § 18-18-102, C.R.S., have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of the manufacturing, processing, cooking, disposal, use, or storage.



The samples collected at the subject property conclusively confirm that methamphetamine has been manufactured and/or processed, and/or cooked, and/or discarded, and/or used, and stored at the property and all proximate areas are likely to be contaminated as a result of the same.

Pursuant to State Regulations, 6 CCR 1014-3 an illegal drug laboratory has been otherwise discovered at the subject property.

Pursuant to Colorado regulations 6 CCR 1014-3,²² following discovery and notification, the registered owner of the property (or their representative) exclusively has only four options:

- 1) Demolish the structure or,
- 2) Perform a “full clearance sampling” assessment (not possible for this property)
- 3) Perform a Preliminary Assessment -
- 4) Sell the property under full disclosure

CONCLUSIONS

Based on our objective sample results collected during our assessment, the subject property contains elevated methamphetamine contamination in excess of our reporting thresholds.

No attempt was made to affix a time-frame associated with the contamination. As such, based on the current information, the contamination could have occurred at any time after the structure was built.

Attachments:
Laboratory Reports
SOQ

²² Titled “*Regulations Pertaining To The Cleanup Of Methamphetamine-Affected Properties*” (Amended)





FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

APPENDIX A LABORATORY REPORT



Forensic Applications

Final Report

RES 433565-1

April 25, 2019

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Report/Data	3
Quality Control Data	4
Chain of Custody	5



April 25, 2019

Subcontractor Number:

Laboratory Report: RES 433565-1

Project #/P.O. #: Bowles

Project Description: None Given

Caoimhin Connell
Forensic Applications
185 Bounty Hunter Ln.
Bailey CO 80421

Dear Caoimhin,

Reservoirs Environmental, Inc. is an analytical laboratory accredited for the analysis of Environmental matrices by the National Environmental Laboratory Accreditation Program, Lab Certification #E871030. The laboratory is currently proficient in the in-house ERA PAT Program.

Reservoirs has analyzed the following sample(s) using Gas Chromatography Mass Spectrometry (GC/MS) / Gas Chromatography Flame Ionization Detector (GC/FID) per your request. The analysis has been completed in general accordance with the appropriate methodology as stated in the analysis table. Results have been sent to your office.

RES 433565-1 is the job number assigned to this study. This report is considered highly confidential and the sole property of the customer. Reservoirs Environmental, Inc. will not discuss any part of this study with personnel other than those of the client. The results described in this report only apply to the samples analyzed. This report must not be used to claim endorsement of products or analytical results by NVLAP or any agency of the U.S. Government. This report shall not be reproduced except in full, without written approval from Reservoirs Environmental, Inc. Samples will be disposed of after sixty days unless longer storage is requested. If you have any questions about this report, please feel free to call 303-964-1986.

Sincerely,

A handwritten signature in blue ink, appearing to read "David E. Monagle", is written over a light blue horizontal line.

David E. Monagle

For Jeanne Spencer
President

RESERVOIRS ENVIRONMENTAL, INC

NVLAP Lab Code 101896-0
AIHA Certificate of Accreditation #480 LAB ID 101533

TABLE: I ANALYSIS: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 433565-1**
 Client: **Forensic Applications**
 Client Project/P.O.: **Bowles**
 Client Project Description: **None Given**
 Date Samples Received: **April 23, 2019**
 Analysis Type: **REI CHEMISTRY SOP / NIOSH 9109-M**
 Turnaround: **Rush**
 Date Samples Analyzed: **April 24, 2019**

BRL = Below Reporting Limit
 NA = Not Analyzed
 NR = Not Received

Client ID Number	Sample Area (cm ²)	Reporting Limit (µg)	METHAMPHETAMINE CONCENTRATION (µg)	Reporting Limit (µg/100cm ²)	METHAMPHETAMINE CONCENTRATION (µg/100cm ²)
BBMS042319-01	0	0.30	19.9	----	----
BBMS042319-02	0	0.30	156	----	----

* Unless otherwise noted all quality control samples performed within specifications established by the laboratory

** The Reporting Limit for this job has been set to 0.3µg per customer request



David E. Monagle
Analyst/Data QA

RESERVOIRS ENVIRONMENTAL, INC

NVLAP Lab Code 101896-0
AIHA Certificate of Accreditation #480 LAB ID 101533

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Quality Control Batch	Reporting Limit (µg)	Matrix Blank (µg)	Matrix Duplicate (%RPD)	Matrix Spike (% Recovery)	Laboratory Control Sample (% Recovery)
04/23/19-3	0.05	BRL	6	91	92

* Unless otherwise noted all quality control samples performed within specifications established by the laboratory



David E. Monagle
Analyst/Data QA

REILAB Reservoirs Environmental, Inc.

Due Date: _____
 Due Time: _____

After Hours Cell Phone: 720-339-9228

INVOICE TO: (IF DIFFERENT)

Company: Forensic Applications, Inc Address: 185 Bounty Hunters Lane Bailey, CO 80421 Project Number and/or P.O. #: Bowles Project Description/Location: _____	Company: Caomhin P. Connell Address: _____ Phone: 303-903-7494 Fax: _____ Cell/pager: _____ Final Data Deliverable Email Address: admin@forensic-applications.com
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CONTACT INFORMATION:

ASBESTOS LABORATORY HOURS: Weekdays: 7am - 7pm	REQUESTED ANALYSIS	VALID MATRIX CODES	LAB NOTES:
PLM / PCM / TEM _____ RUSH (Same Day) _____ PRIORITY (Next Day) _____ STANDARD (Rush PCM = 2hr, TEM = 6hr.) CHEMISTRY LABORATORY HOURS: Weekdays: 8am - 5pm Metal(s) / Dust _____ RUSH _____ 24 hr. _____ 3 day _____ 5 Day RCRA 8 / Metals & Welding _____ RUSH _____ 5 day _____ 10 day Fume Scan / TCLP _____ X, 24 hr. _____ 3 day _____ 5 Day Organics _____ MICROBIOLOGY LABORATORY HOURS: Weekdays: 9am - 6pm E.coli O157:H7, Coliforms, S.aureus _____ 24 hr. _____ 2 Day _____ 3-5 Day Salmonella, Listeria, E.coli, APC, Y & M _____ RUSH _____ 24 Hr _____ 48 Hr _____ 3 Day _____ 5 Day Mold _____ **Turnaround times establish a laboratory priority, subject to laboratory volume and are not guaranteed. Additional fees apply for afterhours, weekends and holidays.**	NOT SUBMITTED RUSH ORGANICS - METH OTHER NOTES: 0.3 µg Reporting Limit	Air = A Bulk = B Dust = D Paint = P Soil = S Wipe = W Swab = SW F = Food Drinking Water = DW Waste Water = WW O = Other **ASTM E1792 approved wipe media only**	EM Number (Laboratory Use Only)
Client sample ID number (Sample ID's must be unique) 1 BBMS042319-01 2 BBMS042319-02 3 4 5 6 7 8 9 10	Date/Time: 4/23/2019 1:15P Carrier: Hand	Sample Volume (L / Area) Matrix Code # Containers Date Collected mm/dd/yy Time Collected hh/mm ap	Sample Condition: On Ice Sealed Intact Temp. (F°) Yes / No Yes / No Yes / No

Number of samples received: _____ (Additional samples shall be listed on attached long form.)

Relinquished By: _____ Laboratory Use Only Received By: _____ Results: _____	Date/Time: 4/23/2019 1:15P Carrier: Hand	Date/Time: 4/23/2019 1:15P Carrier: Hand	Date/Time: 4/23/2019 1:15P Carrier: Hand
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APPENDIX B CONSULTANT'S SOQ





Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	Bowles	Form # ML15
April 26, 2019		

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

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

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

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

Mr. Connell is a current sworn law enforcement officer who has conducted clandestine laboratory investigations and performed risk, contamination, hazard and exposure assessments from both the law enforcement (criminal) perspective, and from the civil perspective in residences, apartments, motor vehicles, and condominiums. Mr. Connell has conducted over 716 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 6,721 samples during assessments (a partial detailed list of drug lab experience is available on the web at): <http://forensic-applications.com/meth/DrugLabExperience2.pdf>

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

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



Multijurisdictional Counterdrug Task Force Training

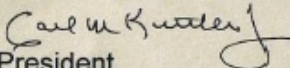


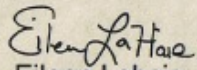
This is to certify that
Caoimhin P. Connell

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

Rural Patrol

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


President
St. Petersburg College


Eileen Lahaie
MCTFT Director

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

Midwest Counterdrug Training Center



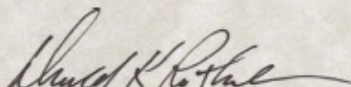
Certificate of Training

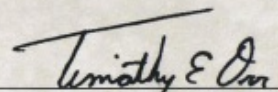
This certifies that

Caoimhin Connell

Has successfully completed the
Clandestine Laboratory Certification

Cheyenne, WY
40 Training Hours
2-6 August 2004


Network Environmental Systems, Inc.


LTC Timothy E. Orr
Commandant



Center *for* Task Force Training™

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED 20 HOURS OF TRAINING IN

METHAMPHETAMINE INVESTIGATION MANAGEMENT

MARCH 20-22, 2006

DENVER, COLORADO

Domingo S. Herraiz
Director, Bureau of Justice Assistance

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



State and Local Anti-Terrorism Training

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

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

June 1, 2006

Denver, Colorado

Domingo S. Herraiz
Director, Bureau of Justice Assistance



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

*Rocky Mountain
High Intensity Drug Trafficking
Area*



Certifies that



Caoimhín Connell

has attended

4 hours of

Hash Oil Extraction: The Scene and The Patient

Aurora, CO

July 25, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA



www.nesglobal.net

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>



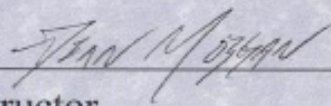
**Park County Sheriff's Office
Certificate of Completion**

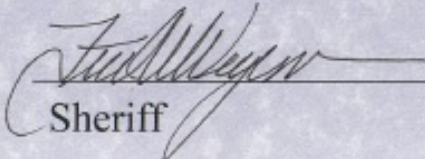
Caoimhin Connell

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



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



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

*Rocky Mountain
High Intensity Drug Trafficking
Area*



Certifies that

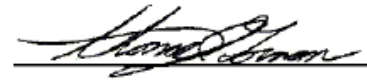


Caoimhin Connell

has attended

*Clandestine Laboratory Recertification
Meeting the requirements of 29 CFR 1910.120(e)(8)
Denver, CO
February 5, 2019*


Training Manager, Rocky Mountain HIDTA


Director, Rocky Mountain HIDTA



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



APPENDIX C

REGULATORY DISCUSSION





REGULATORY STATUS APPENDIX

On April 21, 2004, then Colorado Governor Bill Owens signed into law Colorado HB 04-1182. This act required the Colorado Board of Health to establish State regulations regarding clandestine drug laboratories as environmental considerations. Mr. Connell with FACTs, was the original author of the assessment portions of those regulations¹ which were eventually promulgated as mandatory standards:² and at the request of the Colorado Department of Public Health and Environment (CDPHE), Mr. Connell testified before the Colorado Board of Health on the promulgation of those standards.³ The regulations were exceptionally well written science-based regulations which were subsequently adopted by at least three other states in one form or another.

The regulations were codified as 6 CCR 1014-3 and became effective on March 30, 2005. The regulations required assessments of known and potential clandestine drug laboratories to be performed solely by a statutorily protected professional known as an “Industrial Hygienist” (CRS §24-30-1402).

Unfortunately, almost immediately, Colorado began to see abuses and violations of these new regulations. Some of the violations were the result of incompetent Industrial Hygienists^{4,5,6} who, in violation of the professional Codes of Ethics which dictates the appropriate manner of conduct for our profession, were engaging in work for which they had no qualifications. Most of the violations were being committed by people who were not even Industrial Hygienists, and, in violation of Colorado Criminal statutes (CRS §18-5-113), were falsely identifying themselves as “Industrial Hygienists” even though many of them could not even define the term “Industrial Hygiene”^{7,8,9,10}

¹ See a copy of the original document here: http://forensic-applications.com/meth/DRAFT_sampling_protocol.pdf

² These regulations were codified in the Code of Colorado Regulations as 6 CCR 1014-3 a copy of which may be viewed here: <http://www.forensic-applications.com/meth/Coloradoregs.pdf>

³ January 19, 2005, at the request of Colorado Department of Public Health and Environment Proposed Regulations Pertaining to the Cleanup of Methamphetamine Regulations (HB-04-1182)

⁴ See for example, 24018 Deer Valley Road Golden, CO: <http://forensic-applications.com/meth/DVRCriticalReview.pdf>

⁵ See for example, 1170 Garrison Street Lakewood, Colorado 80215: http://forensic-applications.com/meth/Censored_Compliance_Audit.pdf

⁶ See for example, 4690 West 76th Ave., Westminster: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

⁷ See for example: 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

This new regulation (6 CCR 1014-3) was a Colorado Board of Health Regulation and was under the auspices of the Colorado Department of Public Health and Environment (CDPHE). CDPHE was in a position to provide appropriate guidance to jurisdictions, and help in enforcement actions regarding this new regulation which addressed the assessment and remediation of illegal drug laboratories. However, in violation of Colorado Revised Statutes, §24-50-117, Ms. Colleen Brisnehan, a regulator with the CDPHE who was immediately involved in the overseeing of this new regulation, began serving as a Director on the Board of Directors of a commercial group of pseudoprofessionals called the “Colorado Association of Meth and Mold Professionals (CAMMP)” in approximately 2007.

Colorado Revised Statutes §24-50-117 reads:

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.

In her dual capacity, Ms. Brisnehan was actively hiding regulatory violations being committed by her fellow CAMMP Directors¹¹ and CAMMP membership. In fact, not only was she actively hiding the regulatory violations, Ms. Brisnehan was actually going out into the field as an employee of the CDPHE and helping unauthorized members of her private organization collect illegal samples¹² and then helping the consultant prepare falsified Real Estate documents¹³ and even lying to law enforcement personnel.¹⁴

⁸ See for example, 5571 E. 66th Way Commerce City, CO 80022 http://forensic-applications.com/meth/E66th_PA_regulatory_audit_HUD.pdf

⁹ See for example, 9210 Race Street, Thornton, CO 80229 http://forensic-applications.com/meth/Critical_review_Race.pdf

¹⁰ See for example: 1410 Maxwell Street, Colorado Springs, CO <http://forensic-applications.com/meth/CriticalReviewMaxwell.pdf>

¹¹ See for example: 4690 West 76th Ave., Westminster <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

¹² See for example: 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

¹³ See for example: 100 W. Spaulding Street, Lafayette, Colorado http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

¹⁴ See for example 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.



Starting in at least 2009, using taxpayer's monies, the State of Colorado hired CAMMP membership to perform environmental evaluations at identified methamphetamine affected properties (clandestine drug lab assessments) pursuant to Colorado Regulations. One of those consultants, during 2009, was hired by the State of Colorado with federal Brownfields Fund money to perform an assessment at the property located at 4690 West 76th Ave., Westminster, Colorado. The consultant in question was a fellow Board Member with Ms. Brisnehan on CAMMP.

A family moved into that property and became ill. On February 8, 2010, Forensic Applications Consulting Technologies, Inc (FACTs) was asked, by the home owner, to independently review documentation associated with the 4690 West 76th Ave., Westminster, Colorado property. FACTs determined that not only was virtually no aspect of State regulations followed, but the consultant, in their report to the State of Colorado's CDPHE, knowingly falsified the real estate documentation in their assessment; falsely claiming the work they performed at the property was compliant with State regulations. Again at the request of the home owner, FACTs wrote a regulatory review regarding the work performed at the West 76th Avenue property.¹⁵

The property owner provided the State of Colorado with a copy of the FACTs regulatory review. Ms. Brisnehan, in her employment as the *de facto* information officer for 6 CCR 1014-3 and representing the CDPHE, issued a vitriolic *ad hominem* defense of the initial fraudulent assessment, but entirely failed to address any of the specific regulatory violations identified in the FACTs review of this initial report. Nowhere in her defense of the unlawful work, did Ms. Brisnehan mention her dual - and unlawful - role as State regulator and Director on the Board of the organization to which the consultant who originally performed "an assessment" of this property, belonged.

(As of November 2015, the web-page for the Colorado Association of Meth and Mold Professionals still identified Ms. Brisnehan, in violation of State statutes, as a Director for CAMMP).

This incident, regarding the review of the initial illegal assessment report for the West 76th Avenue property, began a series of events, wherein Ms. Brisnehan and Mr. Joe Scheiffelin (also with CDPHE) consistently and knowingly developed an objectively demonstrable history of engaging in covering up illegal environmental assessments involving methamphetamine affected properties,¹⁶ fraudulent real estate documentation, and¹⁷ actively lying to Colorado's citizens regarding the authenticity of submitted assessment reports to the CDPHE by unauthorized consultants regarding the same.¹⁸

¹⁵ A redacted version may be found here: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

¹⁶ See for example, http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

¹⁷ See for example 7351 Krameria Street, Commerce City, CO http://www.forensic-applications.com/meth/GHP_Audit_Krameria.pdf

¹⁸ See the review at http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



Many of the unlawful activities occurred in the local Colorado jurisdiction of the Tri-County Health Department (TCHD)^{19,20,21,22} and the Boulder County Health Department (BCHD). At the behest of Ms. Brisnehan, the TCHD and the Boulder County Health Department^{23,24,25,26,27,28,29} ignored regulatory violations and actively covered up illegal drug laboratory assessments and defended their actions by stating these actions were following the advice provided to them by Ms. Brisnehan with the CDPHE.

As a result of independent regulatory audits of assessment reports by unauthorized consultants being performed by FACTs (which are uncovering thousands of regulatory violations of 6 CCR 1014-3), on November 6, 2012, FACTs alerted the State Attorney General's Office³⁰ of the fraud occurring in the State of Colorado. Based on our report to the State Attorney General, the State asked Mountain States Employers Council, Inc. to review the complaints. On March 25, 2013, at the request of the Mountain States Employers Council, Inc., Mr. Connell, Senior Industrial Hygienist with FACTs, was asked to provide sworn oral testimony regarding Ms. Brisnehan's, and Mr. Schieffelin's illegal activities.

The State of Colorado continued to ignore the corruption and criminal behavior in their ranks (including the illegal expenditure of federal Brownsfields monies to produce

¹⁹ See for example: http://forensic-applications.com/meth/Critical_review_Race.pdf

²⁰ See for example: http://forensic-applications.com/meth/E66th_PA_regulatory_audit_HUD.pdf

²¹ See for example: http://forensic-applications.com/meth/GHP_Audit_Krameria.pdf

²² See for example: <http://forensic-applications.com/meth/164thCriticalReview.pdf>

²³ 2330 Wedgewood Ave., Building 7, Longmont, CO 80503 http://forensic-applications.com/meth/Boatman_Screening_Wedge7_RA.pdf

²⁴ 1815 Regal Ct., Unit B, Louisville, CO 80027 (Preliminary Assessment) http://www.forensic-applications.com/meth/Boatman_Regal_PA_RA.pdf

²⁵ 502C West South Boulder Road, Louisville, CO 80027 (PA) http://forensic-applications.com/meth/Boatman_502C_PA_RA_Redacted.pdf

²⁶ 767 West Cleveland Circle, Lafayette, Colorado 80026 http://forensic-applications.com/meth/FEH_Screening_Cleveland_RA.pdf

²⁷ 1815 Regal Ct., Unit B, Louisville, CO 80027 (Screening Assessment) http://www.forensic-applications.com/meth/Boatman_Screening_Regal_RA.pdf

²⁸ 731 Excelsior Place, Lafayette, CO 80026 http://forensic-applications.com/meth/Boatman_Excel_PA_Redacted.pdf

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

³⁰ See: http://forensic-applications.com/meth/Response_to_CDPHE_2012.pdf



fraudulent environmental assessments to the benefit of the members of the CAMMP). The result was a plethora of falsified real estate documents being filed with local jurisdictions claiming that properties were being assessed, cleaned and verified pursuant to State regulations – when in fact, said properties remained contaminated illegal drug laboratories.

Below is a short list of properties for which fraudulent work has been performed, and for which falsified real estate documents have been filed with several jurisdictions; and these properties are now occupied by unsuspecting innocent people:

- 1170 Garrison Street Lakewood, Colorado 80215³¹
- 24018 Deer Valley Road, Golden, Colorado³²
- 4893 S Johnson Street, Denver³³
- 2745 S Hooker Street, Denver, CO³⁴
- 1170 Garrison Street, Lakewood, CO³⁵
- 3251 S. Elati St., Englewood, CO³⁶
- 673 Shooks Lane, Colorado Springs, CO 80903³⁷
- 7465 Cabin Ridge Drive, Fountain, Colorado³⁸
- 1410 Maxwell Street, Colorado Springs, CO³⁹
- 9210 Race Street, Thornton, CO 80229⁴⁰
- 2045 Farnsworth, Colorado Springs, CO⁴¹
- 1299 Vondelpark Drive, Unit C, Colorado Springs, CO⁴²
- 5571 E. 66th Way Commerce City, CO 80022⁴³
- 1812 164th Place, Thornton CO⁴⁴
- 4690 West 76th Ave., Westminster⁴⁵
- 539 Shady Crest Circle, Colorado Springs, CO 80916⁴⁶
- 16275 Mt. Vernon Road in Golden, CO 80401⁴⁷
- 131 South Benton Street Denver, CO⁴⁸
- 100 W. Spaulding Street, Lafayette, Colorado⁴⁹

FACTs has knowledge of dozens of other affected addresses constituting thousands of regulatory violations of 6 CCR 1014-3. For most of those other addresses, and all of the

³¹ See: http://forensic-applications.com/meth/Censored_Compliance_Audit.pdf

³² See: <http://forensic-applications.com/meth/DVRCriticalReview.pdf>

³³ See: http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

³⁴ See: http://www.forensic-applications.com/meth/Critical_review_Hooker.pdf

³⁵ See: http://www.forensic-applications.com/meth/Censored_Weecycle_review.pdf

³⁶ See: http://forensic-applications.com/meth/Regulatory_audit_CEH_Elati.pdf

³⁷ See: http://forensic-applications.com/meth/Shooks_DS_regulatory_audit.pdf

³⁸ See: http://forensic-applications.com/meth/Critical_review_Cabin_Ridge.pdf

³⁹ See: <http://forensic-applications.com/meth/CriticalReviewMaxwell.pdf>

⁴⁰ See: http://forensic-applications.com/meth/Critical_review_Race.pdf

⁴¹ See: http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf

⁴² See: http://forensic-applications.com/meth/Vondelpark_audit_censored.pdf

⁴³ See: http://forensic-applications.com/meth/E66th_PA_regulatory_audit_HUD.pdf

⁴⁴ See: <http://forensic-applications.com/meth/164thCriticalReview.pdf>

⁴⁵ See: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

⁴⁶ See: http://forensic-applications.com/meth/Reg_audit_shady_crest.pdf

⁴⁷ See: <http://forensic-applications.com/meth/ReviewofQuestreportdelivery.pdf>

⁴⁸ See: <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

⁴⁹ See: http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf



above addresses, the regulatory violations associated with submitted fraudulent documents were known to staff at CDPHE, TCH and Boulder County Public Health.

Eventually, the problem became so serious, a couple of local TV news channels became aware of the situation and produced news segments,⁵⁰ highlighting the problem. Colorado State Senator Lois Tochtrop asked FACTs Inc. to help her office correct the problem of fraud associated with the proper conducting 6 CCR 1014-3. In response, FACTs helped Sen. Tochtrop's office prepare Senate Bill SB13-219. The intention of this bill was to dissuade unauthorized consultants from performing assessments of illegal drug laboratories (methamphetamine) and levy severe penalties on these unauthorized consultants.

The bill passed, was signed into law by Gov. Hickenlooper and became effective December 15, 2014. The bill allowed the imposition of a \$15,000 per violation per day fine for violators of the regulations and required regulatory oversight by the CDPHE. Inexplicably, the State of Colorado CDPHE assigned the task of revising this regulation and its enforcement to the very two people who helped created the associated problem in the first place - Ms. Brisnehan and Mr. Schieffelin. (All assessment, remediation and clearance reports associated with methamphetamine affected properties are now sent directly to Ms. Brisnehan at the CDPHE, supposedly for review and acceptance/rejection).

The new regulations required State licensing and a demonstration of proficiency in order for consultants to perform work on methamphetamine affected properties (language changed from "illegal drug laboratory" in original version). The new regulation permitted interim authorization (from December 15, 2014 to June 15, 2015) to continue to perform assessments exclusively for those meeting the statutory definition of "Industrial Hygienist" in Colorado, and who were in compliance with the old (prior to December 15, 2014) regulations. The "new" regulations read:

6 CCR 1014-3 Part 2

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.

Yet, in violation of the new regulations, Ms. Brisnehan (CDPHE) granted "interim authorization" to the very consultants who had been performing the fraudulent assessments and to each of the members of her "CAMMP organization" who had been previously performing the illegal assessments of methamphetamine affected properties. Ms. Brisnehan (CDPHE), ultimately, in violation of the regulations, granted full state "certification" as personal favors.

In spite of regulations, these consultants still could not produce proof of any documentable training, and who could not demonstrate eligibility in this particular field.

⁵⁰ Two news videos can be viewed here: <http://www.forensic-applications.com/meth/coloregs.html>



(Unfortunately, these “certified” consultants are the ones a property owner must now hire to perform an assessment at a contaminated property.)

Virtually immediately, (literally on the effective date of the new regulations), the fraudulent consultants, now under the “protection” of Ms. Brisnehan, have continued to violate State regulations knowing they can now operate with impunity and continue with deceptive trade practices.

Similarly, with the guidance and assistance of the CDPHE, the Boulder County Health Department and the TCHD continued to ignore the regulations, and with the assistance of CDPHE, members of the TCHD moved from passively ignoring the regulations to actively assisting in fraudulent assessment of properties⁵¹

Starting in January 2015, the CDPHE began to involve Mr. Michael Richen with the Boulder County Public Health (BCPH) in actively hiding contaminated property from public view. For the previous years from 2005 to 2015, Boulder County Public Health passively ignored fraudulent property assessments, stating they would not get involved as long as the CDPHE was not taking actions against fraudulent consultants. However, on their county web site, BCPH actively promoted the services of CAMMP consultants engaged in fraudulent activities.

For example, on January 14, 2015, Ms. Melanie Del Hierro, with the Denver Investment Group, Inc. contacted FACTs and stated that she had purchased a property located at 100 West Spaulding Street, Lafayette, CO (Boulder County) and had been informed that the property had been a contaminated meth-lab but had been cleaned “according to all EPA regulations.” Ms. Del Hierro provided FACTs with a copy of the “clearance report” and asked us to review the document for compliance with State regulations. FACTs reviewed the document and found the work had been performed by a member of the CAMMP with a very long history of fraudulent assessments, and falsified reports. Our review found no fewer than 143 regulatory violations and that virtually no aspect of State regulations had been followed. At the request of the property owner, FACTs issued our audit⁵² and found that the property had never been cleaned and was never verified as required by Statutes and Regulations.

On January 23, 2015, Mr. Michael Richen with the Boulder County Public Health sent FACTs a letter stating that the BCPH had, in association with CDPHE, determined there were no violations at the 100 West Spaulding Street property. On February 9, 2015, Mr. Schieffelin (CDPHE) issued a letter⁵³ regarding the Spaulding Street property which falsely laid out straw-man arguments against FACTs, and stated that our findings regarding the Spaulding Street property were invalid, and the later work performed at the

⁵¹ See for example: http://www.forensic-applications.com/meth/Weecycle_audit_censored.pdf

⁵² Regulatory Audit, 100 Spaulding, Lafayette: http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

⁵³ See: http://forensic-applications.com/meth/Schieffelin_spaulding_2015.pdf



property (performed by a CAMMP member) was performed in accordance with State regulations.

The knowingly false assertions made by CDPHE were provided to a variety of recipients including Ms. Melanie Del Hierro, effectively falsifying the regulatory status of the property. In their letter, CDPHE failed to mention they had no authority, at that point in time, to comment on the work, which had occurred under the old regulations (prior to December 15, 2014); and CDPHE also failed to mention that the consultant who had performed the invalid work at this property had a long history of fraudulent work, and was a fellow CAMMP member on a board which Ms. Brisnehan served as a Director (a conflict of interest on her part).

On March 16, 2015, in violation of Colorado Criminal Code CRS 18-8-404 *First degree official misconduct* and in violation of 6 CCR 1014-3 Part 3 §3.2, as retaliation for Mr. Connell's (FACTs) March 25, 2013, testimony against her, Ms. Brisnehan, in her regulatory role with the CDPHE, capriciously and with malice, refused to grant Mr. Connell the State mandated authorization to continue to perform work regarding the regulatory assessment of methamphetamine affected properties in Colorado (in spite of the fact that Mr. Connell is the only consulting Industrial Hygienist in Colorado with documentable training in this field, and was the primary author of the assessment section of the original regulations).

In her action, Ms. Brisnehan (CDPHE) alleged that FACTs had committed regulatory violations, but, in violation of mandatory State regulations, Ms. Brisnehan refused to comply with the State regulations that required her to provide an explanation of the alleged violations. To date, the CDPHE has not been able to demonstrate any material compliance violations against FACTs, or its employees.

In retaliation for the FACTs independent regulatory audit of the Spaulding Street property, and in violation of Colorado criminal code CRS 18-8-404, more recently Mr. Richen with Boulder County Public Health, knowingly fabricated allegations against FACTs that culminated with three separate letters.^{54,55,56} In these three letters Mr. Richen knowingly provided false information to our client, the Boulder County Housing Authority, BCHA, (which receives Federal Funding) regarding work conducted by FACTs at three properties managed by this organization. FACTs responded with three

⁵⁴ See: http://forensic-applications.com/meth/BCDH_Secure/Richens_401rejection_letter.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ_01

⁵⁵ See: http://forensic-applications.com/meth/BCDH_Secure/Richens_Cleveland_rejection.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ_01

⁵⁶ See: http://forensic-applications.com/meth/BCDH_Secure/Richens_rejection_letter_Wedge.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ_01



letters rebutting the fabrications in each of the three BCPH letters.^{57,58,59} Mr. Richen explicitly informed our client (Boulder County Housing Authority) that its actions were approved by Ms. Brisnehan, CDPHE. Mr. Richen then prohibited the BCHA (through the Boulder County Attorney's office) from paying FACTs for the legitimate work performed at several properties managed by the BCHA, and required FACTs client (BCHA) to hire a consultant from Ms. Brisnehan's list to redo the work that had already been performed and *was in total compliance with state regulations*.

To date, FACTs has performed reviews of 48 reports prepared by State Certified (but otherwise untrained and/or fraudulent consultants) under the new regulations (6 CCR 1014-3 (2014), and we have identified no fewer than 15,025 (thirteen thousand, and twenty five) regulatory violations. In violation of 6 CCR 1014-3 Part 3, Section 3.0 *Notification and Imposition*, Ms. Brisnehan (CDPHE) is helping to hide these violations and is failing to perform her lawful duty of enforcing the regulations to protect the citizens of Colorado. A complete list of the audits performed by FACTs can be found at: <http://www.forensic-applications.com/meth/coloregs.html>

By ignoring the violations, the CDPHE is allowing the continued falsification of real estate documents falsely presented as affirmation of compliance with State regulations.

The expenditure of federal Brownsfields funds for invalid assessments directed to fraudulent consultants has continued with the advent of the new regulations, and as recent as June 4, 2015, the State of Colorado hired a CAMMP consultant with an extended history of fraudulent assessments^{60,61,62,63,64,65,66,67} to perform an evaluation at the

⁵⁷ See: http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection_401.pdf
This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust
Password: DoJ_01

⁵⁸ See: http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust
Password: DoJ_01

⁵⁹ See: http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection_Wedgewood.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ_01

⁶⁰ See for example: 131 South Benton Street Denver, CO <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

⁶¹ See for example: 100 W. Spaulding Street, Lafayette, Colorado http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

⁶² See for example: 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

⁶³ See for example: 788 W. Lois Ct., Louisville, CO 80027

⁶⁴ See for example: 1138 West 32nd Street, Unit 201, Denver, CO http://www.forensic-applications.com/meth/Addendum_2_Woellner_1138_32_St.pdf



property located at 11767 Grant Street, Northglenn, Colorado 80233 (located in the jurisdiction of the Tri-County Health Department). FACTs review⁶⁸ of that report indicated no fewer than 113 regulatory violations that were subsequently hidden from the property owner by TCHD and the CDPHE. The property owner was initially a client of FACTs, and she has now been harmed and victimized by both TCHD and the CDPHE.

FACTs has first-hand knowledge and objective documentation that, in violation of multiple Colorado statutes, including criminal statutes and environmental statutes, Ms. Coleen Brisnehan and her manager Mr. Joe Schieffelin (CDPHE) have knowingly engaged in activities that are in violation of those codes and in violation of ethical considerations.

The actions by the CDPHE employees have been performed in conjunction with two employees of the Tri-County Health Department and one member of the Boulder County Public Health. The actions have resulted in harm to hundreds of owners of properties in those jurisdictions in Colorado.

These actions by State (CDPHE) and local (TCHD and BCDH) employees has placed property owners (and any home buyer in general) in an intractable position since home owners are now forced to hire one of Ms. Brisnehan's (CDPHE) otherwise fraudulent, incompetent and untrained consultants to perform work that is ultimately in violation of the regulations. As a result, the statutory liability immunity as defined by CRS 25-18.5-103(2)(a) is *jeopardized* since the work being performed is invalid. This statute reads:

(2) (a) Except as specified in paragraph (b) of this subsection (2), once a property owner has received certificates of compliance from a contractor and a consultant *in accordance with section 25-18.5-102 (1) (e)*, or has demolished the property, or has met the clean-up standards and documentation requirements of this section as it existed before August 7, 2013, the property owner:

(II) Is immune from a suit brought by a current or future owner, renter, occupant, or neighbor of the property for health-based civil actions that allege injury or loss arising from the illegal drug laboratory.

There now have been hundreds of properties for which invalid assessments have been performed, resulting in thousands of regulatory violations, hundreds of thousands of dollars spent on invalid assessments resulting in falsified real estate documents, and, most disturbingly, people moving into properties still contaminated with methamphetamine.

⁶⁵ See for example: 410 Garfield Avenue, Carbondale, CO 81623 http://www.forensic-applications.com/meth/Addendum_4_Woellner_410_Garfield.pdf

⁶⁶ See for example: 8347 S Reed Street, Unit 2 Littleton CO 80128 http://forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf

⁶⁷ See for example: 11767 Grant Street, Northglenn, Colorado 80233 http://forensic-applications.com/meth/Grant_Regulatory_review.pdf

⁶⁸ See: http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf



DISCOVERY AND NOTIFICATION

More recently, Ms. Brisnehan has been intentionally misleading Colorado Citizens by claiming that the work by FACTs is invalid and cannot be used. The claim is false, and Ms. Brisnehan, who has an extended history of knowingly falsifying information, has never been able to provide any regulatory language or statutory language to support her personal opinions. In her responses, Ms. Brisnehan always fails to mention that a law suit is pending against her and the CDPHE.

The CDPHE responded to a February 2017 court decision against them by attempting to intimidate the Judge by filing a personal law suit against the Judge who issued the decision. The CDPHE included a caveat that the CDPHE would drop the law suit against the Presiding Judge, if the Judge reversed her legal decision. The Judge, did not reverse her decision and instead issued a harsh rebuttal (via the Colorado Attorney General's Office) pointing out that the CDPHE had failed to provide any support its allegations against FACTs. As of July 11, 2017, the CDPHE, realizing it had created yet more problems for itself, withdrew its law suit against the Judge, who denied the CDPHE's request for summary dismissal.

Yet however flawed, the Colorado regulations nevertheless become applicable when the owner of a property has received "notification" from a cognizant authority that a property is or *may* be noncompliant, or methamphetamine *may* be present, or there is a potential for contamination. The discovery upon which the notification is based may be from a peace officer "...or when a "drug laboratory" is otherwise discovered."⁶⁹

For some properties, in an effort to gain unlawful benefit for her friends, Ms. Brisnehan with the CDPHE has intentionally lied to property owners and claimed that "discovery" can only occur if the sampling has been performed pursuant to State screening regulations.⁷⁰ However, on other properties, Ms. Brisnehan has claimed that discovery occurs if the sampling has been performed by one of her favored consultants, even when the sampling has not been performed pursuant to any State regulations. Although Ms. Brisnehan constantly changes her interpretation of the regulations to gain an unlawful benefit for her friends, the State statutes and State regulations are otherwise very clear about the "discovery" process and explicitly state the following:

State Statutes

C.R.S. §25-18.5-103. Discovery of illegal drug laboratory - property owner - cleanup - liability (1) (a) Upon notification from a peace officer that chemicals, equipment, or supplies of an illegal drug laboratory are located on a property, or when an illegal drug laboratory is otherwise discovered and the property owner has received notice, the owner of any contaminated property shall meet the clean-up standards for property established by the board in section 25-18.5-102; except that a property owner may, subject to paragraph (b) of this subsection (1), elect instead to demolish the contaminated property.

⁶⁹ CRS §25-18.5-103

⁷⁰ See for example, the documentation associated with 3731 South Uinta Street, Denver, CO



Similarly, State regulations explicitly state:

Colorado Regulation 6 CCR 1014-3 REGULATIONS PERTAINING TO THE CLEANUP OF METHAMPHETAMINE-AFFECTED PROPERTIES

1.2 Applicability - The requirements of this Part apply:

1.2.1 When an owner of property has received notification from a peace officer that chemicals, equipment, or supplies indicative of a methamphetamine-affected property are or have been located at the property.

1.2.2 When a methamphetamine-affected property is otherwise discovered, and the owner of the property where the methamphetamine-affected property is located has received notice.

State statutes and regulations are clear in their language on this matter and nothing in State law supports Ms. Brisnehan's changing personal interpretations.

The work performed by FACTs for this property and others is completely lawful and applicable and is in complete compliance withal State of Colorado Regulations and Statutes. Our protocols are scientifically valid, and neither the State of Colorado, nor anyone else has been able to show any deficiency in our work.

This document has been prepared by Forensic Applications Consulting Technologies, Inc., pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure.*

