



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
of:**

**Screening Level Assessment Report
By
James Dennison
Century Environmental Hygiene LLC**

For:



(108 Violations of 6 CCR 1014-3)

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
Bailey, CO 80421



December 15, 2015

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
REVIEW OF THE DOCUMENT	4
Failure to Comply with Section 3.1	4
Failure to Comply with Section 3.5	5
Failure to Comply with Section 3.7	5
Failure to Comply with Section 3.7.1 (3 Violations)	6
Failure to Comply with Section 3.7.2 (7 Violations)	6
Failure to Comply with Section 3.7.3 (4 Violations)	6
Failure to Comply with Section 3.7.4	7
Failure to Comply with Section 3.7.5 (14 Violations)	7
Failure to Comply with Section 3.7.6.1 (4 Violations)	7
Failure to Comply with Section 3.7.6.3 (2 Violations)	8
Failure to Comply with Section 6	8
Failure to Comply with Section 6.1.3.2	8
Failure to Comply with Section 6.1.3.3	10
Failure to Comply with Section 6.1.3.5	10
Failure to Comply with Section 6.2.1 (8 violations)	10
Failure to Comply with Section 6.2.2 (8 violations)	11
Failure to Comply with Section 6.2.3	11
Failure to Comply with Section 6.2.4 (8 violations)	11
Failure to Comply with Section 6.2.5 (2 violations)	11
Failure to Comply with Section 6.2.7 through 6.2.10 (8 violations)	12
Failure to Comply with Section 6.2.12	12
Failure to Comply with Section 6.2.12.5	13
Failure to Comply with Section 6.2.14	13
Failure to Comply with Section 6.2.14.3	13
Failure to Comply with Section 6.2.14.5 (3 Violations)	13
Failure to Comply with Section 6.2.14.6 (3 Violations)	13
Failure to Comply with Section 6.2.14.9 (3 Violations)	13
Failure to Comply with Section 6.2.14.12 (3 Violations)	14
Failure to Comply with Section 6.2.15	14
Failure to Comply with Section 6.3.6 (8 violations)	14
Failure to Comply with Section 6.7 (3 violations)	15
Failure to Comply with Section 6.7.1.2 (3 violations)	15
Violation of CRS §18-5-114 Offering a false instrument for recording	16
Colorado Consumer Protection Act	17
Violation of the AIHA/ABIH Code of Ethics	17
Violation of ABIH (I)(A)(1)	17
Violation of AIHA (I)(A)(1)	18
Violation of ABIH (I)(A)(5)	18
Violation of ABIH (I)(A)(6)	18
Violation of AIHA (I)(A)(5)	18
Violation of ABIH (II)(A)(1)	18
Violation of ABIH (II)(A)(2)	18
Violation of AIHA (II)(A)(2)	19
Violation of ABIH/AIHA (II)(A)(3)	19
Violation of ABIH/AIHA (II)(C)(1)	19
Violation of AIHA (II)(C)(2)	19
CONCLUSION	19
Appendix C	20
Reviewer's Statement of Qualifications	20



EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) is an independent S-Corporation registered in Colorado. At the request of the registered owner of the subject property referred to in this audit, FACTs has performed a regulatory audit on the report identified as:

Century Environmental Hygiene LLC
Methamphetamine Screening Sampling
[REDACTED], CO
CEH Project Number: 5086.15
December 1, 2015
Prepared for
[REDACTED] LLC

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*.

The level of scrutiny employed in this review is that which has been established by the Colorado Department of Public Health and Environment (CDPHE) in their review of other reports.

The Consultant in question, Century Environmental Hygiene, LLC (CEH), has an extended documented history of gross technical incompetence, botched illegal drug laboratory assessments, falsified real estate documents and regulatory violations.^{1,2,3,4,5,6,7,8,9} We believe that Mr. Dennison's (CEH) deceptive work has been

¹ 3509 Montrose Street, Evans CO (4/5/06) <http://forensic-applications.com/meth/Initial-review.pdf>

² 728 Cherry Street, Fort Collins, Colorado (403 Regulatory violations)

³ 1812 164th Place, Thornton CO (4/23/09) <http://forensic-applications.com/meth/164thCriticalReview.pdf>

⁴ Property address sealed by court order (9/23/09)

⁵ 24018 Deer Valley Road, Golden, CO (8/25/10) <http://forensic-applications.com/meth/DVRCriticalReview.pdf>

⁶ Columbine Apartments, Unit A107 605 Wickes Ave. Craig, CO 81625 (12/30/07) <http://forensic-applications.com/meth/columbinepreliminaryassessment.pdf>

⁷ 19042 E 53rd Ave., Denver, CO (12/10/08) <http://forensic-applications.com/meth/gollaspa.pdf>

⁸ 3251 S. Elati Street, Englewood, CO, http://forensic-applications.com/meth/Regulatory_audit_CEHElati.pdf



reported to the Colorado Attorney General's Office on several occasions, and to date, there has been no enforcement actions.

During our audit for this subject property, FACTs has identified the same recurring patterns of incompetency and regulatory violations exhibited in previous assessments. Therefore, due to this recurring pattern, it would appear that the violations identified in this audit are willful and intentional.

For this regulatory audit, FACTs has identified no fewer than 108 regulatory violations.

REVIEW OF THE DOCUMENT

According to Colorado Regulations 6 CCR 1014-3, the provisions of 6 CCR 1014-3 apply when:

- 1.2 Applicability - The requirements of this Part apply:
 - 1.2.3. When screening level sampling is conducted at a property that has not been deemed a methamphetamine-affected property.

In his report, Mr. Dennison explicitly states he was performing screening level sampling at the property:

Methamphetamine screening sampling at [REDACTED] E. [REDACTED], L [REDACTED], CO

At your request, Century Environmental Hygiene, LLC (CEH) collected methamphetamine (meth) screening sample(s) from the properties located at [REDACTED], [REDACTED], CO.

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

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

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

Failure to Comply with Section 3.1

During screening sampling, the Consultant is required to personally perform specific tasks:

⁹ Apartment C-105, Blue Ridge Apartments, 775 West Lake Street, Fort Collins, Colorado 80521-4515

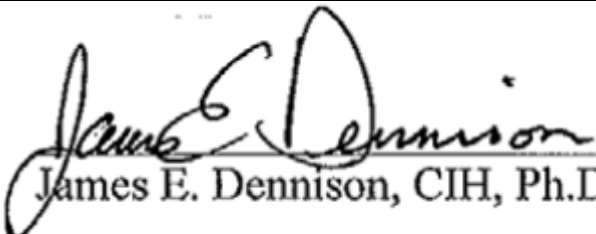


3.1 No person other than a Consultant in good standing may conduct screening level assessments. The Consultant shall personally inspect the subject property to gather all of the information necessary to prepare a Screening Level Assessment Report.

The available documentation for this subject property indicates that Mr. Dennison did not actually perform the work himself. Paragraph §6.2.14.12 requires the signature and date for each person relinquishing or receiving sample custody. Therefore, had Mr. Dennison performed the work himself, according to the regulations, he would had had to sign the samples over to another person at some point. However, the chain-of-custody indicates that only one person handled the samples prior to analysis:

NOTE: REI will analyze incoming samples based upon information received and will not be responsible for errors or omissions in calculations resulting from the inaccuracy of original data. By signing client/company representative as indicated on this Chain of Custody shall constitute an analytical services agreement with payment terms of NET 30 days, failure to comply with payment terms may result in a 1.5% monthly interest surcharge.	
Relinquished By: <i>[Signature]</i>	Date/Time: 11-24-15
Laboratory Use Only	
Received By: <i>Tester Horvath</i>	Date/Time: 11/24/15 2:55
Results:	Carrier: Hand
Contact	Phone Email Fax
Date	Time Initials

The signature on the chain-of-custody is significantly different from the signature that is specifically identified as that of James E Dennison in the report:



James E. Dennison, CIH, Ph.D.

Therefore, it would appear that in violation of State regulations, someone other than Mr. Dennison collected the samples on site. CEH has a very long history of using unqualified, unauthorized, and untrained employees to perform work in Colorado.

Failure to Comply with Section 3.5

During screening sampling, the Consultant is required to provide specific documentation pursuant to Section 3.7:

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

As delineated later in this discussion, Mr. Dennison failed to collect samples pursuant to the mandatory provisions.

Failure to Comply with Section 3.7

During screening sampling, the Consultant is required to provide specific documentation pursuant to Section 3.7:



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

Failure to Comply with Section 3.7.1 (3 Violations)

During screening sampling, the Consultant is required to provide specific documentation pursuant to Section 3.7.1:

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

1. Nowhere in the report do we find where Mr. Dennison provided the property description
2. Nowhere in the report do we find where Mr. Dennison provided the number of structures present
3. Nowhere in the report do we find where Mr. Dennison provided the type of structures present

Failure to Comply with Section 3.7.2 (7 Violations)

During screening sampling, the Consultant is required to provide specific documentation pursuant to Section 3.7.2:

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

Nowhere in the report do we find where Mr. Dennison provided a description of the following:

1. structural features in all buildings
2. attics
3. false ceilings
4. crawl spaces
5. basements including
6. identification of structural features connected to adjacent units
7. common areas

Failure to Comply with Section 3.7.3 (4 Violations)

During screening sampling, the Consultant is required to provide specific documentation pursuant to Section 3.7.3:

3.7.3 Identification and documentation of common ventilation systems connected to other units or common areas.

Nowhere in the report do we find where Mr. Dennison provided a description of the following:

1. Identification of common ventilation systems connected to other units



2. Identification of common ventilation systems connected to common areas
3. Documentation of common ventilation systems connected to other units
4. Documentation of common ventilation systems connected to common areas

Failure to Comply with Section 3.7.4

During screening sampling, the Consultant is required to provide specific documentation pursuant to Section 3.7.3:

3.7.4 Summary of observations made during inspections.

Nowhere in the report do we find where Mr. Dennison provided a summary of observations made during inspections.

Failure to Comply with Section 3.7.5 (14 Violations)

During screening sampling, the Consultant is required to provide specific documentation including:

3.7.5 Photographic documentation of property conditions.

Nowhere in the report do we find photographic documentation of any property conditions. Photographs are missing of the following areas:

1. Exterior grounds
2. 1339 Attic
3. 1339 Back bedroom
4. 1339 Bathroom
5. 1339 Front bedroom
6. 1339 Garage
7. 1339 Kitchen
8. 1339 Living room
9. 1341 Attic
10. 1341 Back bedroom
11. 1341 Bathroom
12. 1341 Front bedroom
13. 1341 Kitchen
14. 1341 Living room

Failure to Comply with Section 3.7.6.1 (4 Violations)

During screening sampling, the Consultant is required to provide specific documentation including:

3.7.6 Documentation of screening level sampling shall include:

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



1. Nowhere in the report do we find where Mr. Dennison provided documentation or a description of the sampling procedures used
2. Nowhere in the report do we find where Mr. Dennison provided documentation or a description of sample collection
3. Nowhere in the report do we find where Mr. Dennison provided documentation or a description of handling,
4. Nowhere in the report do we find where Mr. Dennison provided documentation or a description of quality assurance/quality control (QA/QC)

Failure to Comply with Section 3.7.6.3 (2 Violations)

During screening sampling, the Consultant is required to provide specific documentation including:

3.7.6.3 results of sampling, including a description of sample locations and a computer generated figure illustrating the layout of the building(s) and sample locations and identification. Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way. Spiked samples submitted for analysis shall not be used for purposes of compliance with the regulation

1. Nowhere in the report do we find where Mr. Dennison provided a computer generated figure illustrating the layout of the building(s)
2. Nowhere in the report do we find where Mr. Dennison provided a computer generated figure illustrating sample locations and (s)

Failure to Comply with Section 6

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

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

Failure to Comply with Section 6.1.3.2

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

6.1.3.2. Wipe sampling shall be used to determine the extent of lead contamination on all surfaces at properties whenever the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacture was used on the property.

Mr. Dennison has never been able to provide any documentation to indicate that he has ever received any training in or knowledge of illegal drug laboratory operations or the



assessment of illegal drug laboratories. In previous reports¹⁰ for example, Mr. Dennison has stated his entire training in such matters as follows:

Attended meth lab training classes

There is no indication provided in the documentation that Mr. Dennison has attended any such classes. Indeed, given the gross technical incompetence exhibited in the CEH work at the subject property, and the statements made in his previous reports, one would conclude that Mr. Dennison has never actually received any legitimate training in the assessment of clandestine laboratories. For example, in one of his previous reports¹¹ his “Brief Bio,” Mr. Dennison claims that he

Sampled first known phenyl-2-propanone method meth lab

The phenyl-2-propanone method has been in existence since at least 1944:¹² if Mr. Dennison had received any legitimate training in clandestine drug laboratories, he would have been aware of that fact. It is possible Mr. Dennison is referring to a P-2-P laboratory located at 19042 E 53rd Avenue, Denver, Colorado, wherein CEH performed some sampling. However, the site in question was making the drug ecstasy, not methamphetamine. The work performed by CEH at that property was characteristically deficient, not compliant with state regulations, and ultimately the Preliminary Assessment¹³ and final clearance sampling was performed by FACTs, Inc. who ultimately issued the Decision Statement¹⁴ to release the property.

Since Mr. Dennison has not provided any information regarding his training, there is no indication that Mr. Dennison would have the necessary skill set to identify a P2P laboratory and therefore, it would have been impossible for Mr. Dennison to have met the requirements of §6.1.3.2

¹⁰ See for example: Preliminary Assessment For Methamphetamine Prepared for: Metro Brokers Dubrova and Associates ATTN: Ms. Marina Dubrova 550 South Wadsworth Blvd. Suite 590 Lakewood, CO 80226 Assessment Location: 2745 S. Hooker Street Denver, CO April 13, 2011 Project 3165.11

¹¹ Ibid.

¹² Crossley FS, Moore ML, *Studies on the Leuckart reaction*; J Org Chem 9, 5291 (1944)

¹³ Preliminary Assessment of an Identified Illegal Drug Laboratory 19042 E 53rd Avenue Denver, Colorado, December 10, 2008

¹⁴ Final Verification Sampling and DECISION STATEMENT of an Identified Illegal Drug Laboratory At: 19042 E 53rd Avenue Denver, Colorado, March 7, 2009



Failure to Comply with Section 6.1.3.3

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

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

There is nothing in the documentation that would indicate Mr. Dennison would have the necessary skill set to identify the presence of iodine and therefore, it would have been impossible for Mr. Dennison to have met the requirements of §6.1.3.3

Failure to Comply with Section 6.1.3.5

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

6.1.3.5 Vapor sampling shall be used to determine the extent of mercury contamination whenever the preliminary assessment indicates the P2P method of methamphetamine manufacture was used on the property.

There is nothing in the documentation that would indicate Mr. Dennison would have the necessary skill set to identify the presence of a P2P laboratory and therefore, it would have been impossible for Mr. Dennison to have met the requirements of §6.1.3.5

Failure to Comply with Section 6.2.1 (8 violations)

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

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

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

6.2.1.1 Cotton gauze material.

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

6.2.1.3 Tightly knitted continuous filament polyester.

There is nothing to indicate Mr. Dennison has ever used the mandatory sampling materials, since, in violations of §3.7.6.1. Mr. Dennison has not provided the mandatory sampling description as required. Since Mr. Dennison claims to have collected eight aliquots, this would constitute eight violations.



Failure to Comply with Section 6.2.2 (8 violations)

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

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 his report, Mr. Dennison explicitly states that he did not use a reliable or accurate method to delineate the surface areas:

Both samples were 400 cm², but due to the nature of the test protocol, the area is very approximate.

Failure to Comply with Section 6.2.3

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

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

Nowhere in the CEH report do we find where Mr. Dennison has provided the mandatory sketch.

Failure to Comply with Section 6.2.4 (8 violations)

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

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

Since, in violation of §3.7.6.1, Mr. Dennison has not provided the mandatory sampling description as required there is nothing to indicate Mr. Dennison has ever used the mandatory sampling materials. Since Mr. Dennison claims to have collected eight aliquots, this would constitute eight violations.

Failure to Comply with Section 6.2.5 (2 violations)

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

6.2.5 Use a new set of clean, non-powdered impervious gloves for each sample to avoid contamination of the sample media by previous samples and to prevent contact with the substance.



In violation of §3.7.6.1, Mr. Dennison has not provided the mandatory sampling description, as required. There is nothing in the CEH report to indicate Mr. Dennison used gloves. Since Mr. Dennison claims to have collected two sets of composites, this would constitute two violations.

Failure to Comply with Section 6.2.7 through 6.2.10 (8 violations)

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

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).

To our knowledge, Mr. Dennison has never complied with the mandatory sampling protocols and since, in violation of §3.7.6.1, Mr. Dennison has not provided the mandatory sampling description as required there is nothing to indicate Mr. Dennison used the mandatory sampling protocol. Since Mr. Dennison claims to have collected eight aliquots, this would constitute eight violations.

Failure to Comply with Section 6.2.12

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

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:

Although he collected a blank, Mr. Dennison instructed the laboratory to not analyze the blank. Therefore, the blank was not “...prepared and handled in the same fashion but without wiping, for every 10 samples collected...” since the other samples were analyzed, and the blank was treated differently.



Failure to Comply with Section 6.2.12.5

During screening sampling, the Consultant is required to perform specific activities pursuant to Section 6:

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

Since, in violation of §6.2.14.6 Mr. Dennison failed to identify the number of aliquots on the chain-of-custody, and since in violation of §3.7.6.1, Mr. Dennison failed to provide the mandatory description of his QA/QC as required, there is nothing to indicate the blank used by Mr. Dennison was a four part composite as required. Indeed, the chain – of-custody indicates the blank was a single piece of wipe material.

Failure to Comply with Section 6.2.14

During the performance of screening sampling, the Consultant 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:

Failure to Comply with Section 6.2.14.3

6.2.14.3 sampler name and contact information;

The identity of the person collecting the samples is not given. Under the chain-of-custody, asking for the “Sampler’s initials” is the mysterious designation “4ALI”

Failure to Comply with Section 6.2.14.5 (3 Violations)

6.2.14.5 sample area;

In his report, Mr. Dennison has explicitly stated that he doesn’t know what the surface area of his samples actually is: “...*the area is very approximate...*” Therefore, the areas provided on the chain-of-custody cannot be correct when they are identified as 400 cm².

Failure to Comply with Section 6.2.14.6 (3 Violations)

6.2.14.6 number of sample aliquots;

The number of aliquots is not identified on the chain-of-custody.

Failure to Comply with Section 6.2.14.9 (3 Violations)

6.2.14.9 sample matrix;

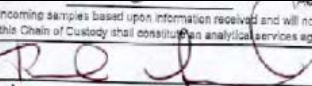
The matrix of the aliquots is not identified on the chain-of-custody (the use of “matrix” as given by the lab on the chain-of-custody is not the same definition of matrix as used in the regulations).



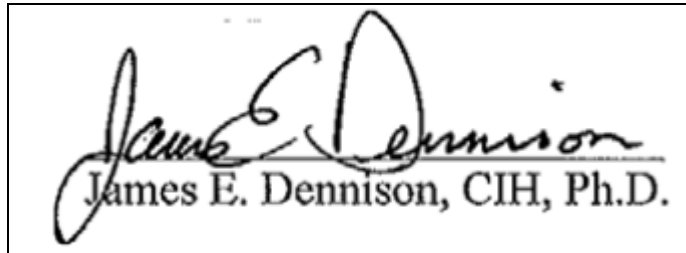
Failure to Comply with Section 6.2.14.12 (3 Violations)

6.2.14.12 signature and date for each person relinquishing or receiving sample custody.

NOTE: REI will analyze incoming samples based upon information received and will not be responsible for errors or omissions in calculations resulting from the inaccuracy of original data. By signing client/company representative as indicated on this Chain of Custody shall constitute an analytical services agreement with payment terms of NET 30 days, failure to comply with payment terms may result in a 1.5% monthly interest surcharge.

Relinquished By:		Date/Time:	11-24-15					
Laboratory Use Only								
Received By:	Tester Horvath	Date/Time:	11/24/15 2:55					
Carrier:	Hand							
Results:	Contact	Phone	Email	Fax	Date	Time	Initials	Signature

If, as required by regulation, Mr. Dennison personally performed the sampling, then his signature should be on the chain-of-custody or otherwise indicated. The signature of Mr. Dennison is considerably different from that shown:



Failure to Comply with Section 6.2.15

During the performance of screening sampling, the Consultant is required by regulations to provide specific information and documentation including:

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

Nowhere in the screening report is the information provided and nowhere in the report does Mr. Dennison address the issue of painted over surfaces.

Failure to Comply with Section 6.3.6 (8 violations)

During the performance of screening sampling, the Consultant is required by regulations to perform specific duties pursuant to specific protocols, including:

6.3.6 Collect all individual aliquots from 100 cm² sampling areas.

In his report, Mr. Dennison explicitly states that he did not use a reliable or accurate method to delineate the surface areas:

Both samples were 400 cm², but due to the nature of the test protocol, the area is very approximate.



Failure to Comply with Section 6.7 (3 violations)

During the performance of screening sampling, the Consultant is required by regulations to perform specific duties pursuant to specific protocols, including:

6.7 Screening level sampling protocols for buildings.

6.7.1 For screening assessments performed in connection with a proposed transaction for the purchase of a single-family dwelling, or the purchase of a single unit of a multi-unit building (e.g., a condominium):

6.7.1.1 a minimum of two (2) 4-aliquot composite samples must be collected, with at least one aliquot being collected from each room. At least one composite sample must include an aliquot from the cold air return of a heating system, if it is a forced air system.

1. For this property, no aliquot was collected for Unit 1339 front bedroom
2. For this property, no aliquot was collected for Unit 1339 back bedroom
3. For this property, no aliquot was collected for the second bedroom in Unit 1341

Failure to Comply with Section 6.7.1.2 (3 violations)

During the performance of screening sampling, the Consultant is required by regulations to perform specific duties pursuant to specific protocols, including:

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

For this property, there is no sample for the exhaust fan associated with the space heater located in Unit 1339:





(Photograph by FACTs)

Violation of CRS §18-5-114 Offering a false instrument for recording

In other reports, Mr. Dennison with CEH explicitly states that he is aware of the requirements of 6 CCR 1014-3 and therefore, he is aware of the fact that 6 CCR 1014-3 requires the screening report to be supplied to a government entity:

6 CCR 1014-3 Part 1

3.7.7 The Consultant shall provide an electronic copy of the Screening Level Assessment Report to the Department within thirty (30) days of receipt of laboratory results.

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.

Therefore, based on the best information available, Mr. Dennison with CEH, prepared a report that was materially defective knowingly the document was to be offered 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 a written instrument knowing that written instrument contained material false statements or material false information, and with intent to defraud, he presented or offered 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.

Colorado Consumer Protection Act

In Colorado, consumers are protected against deceptive trade practices as delineated in the Colorado Consumer Protection Act, CRS Title 6, Article 1. According to those statutes, a person engages in a deceptive trade practice when, in the course of such person's business or occupation, that person knowingly makes a false representation as to the certification of their services, and/or knowingly makes a false representation as to the characteristics of their services and/or represents their services are of a particular standard, quality, or grade if he knows or should know that they are not as specified.

We believe that Mr. Dennison with CEH has violated the Colorado Consumer Protection Act, and as a result, the registered owner of this subject property, and the general public, have been harmed. Since Mr. Dennison has held himself out to be an expert in the area of clandestine drug laboratory assessments, it would be difficult for him to argue that he was unaware that his work on this property was grossly incompetent and grossly deviant from standards.

Violation of the AIHA/ABIH Code of Ethics

It is also our belief that the work performed by Mr. Dennison with CEH constituted a violation of the Code of Ethics of the American Board of Industrial Hygienists and the American Industrial Hygiene Association and fails to meet a minimum standard of professional care. Specifically, it appears that Mr. Dennison has violated the following professional Codes of Ethics:

- Violation of ABIH (I)(A)(1)
- Violation of AIHA (I)(A)(1)
- Violation of ABIH (I)(A)(5)
- Violation of ABIH (I)(A)(6)
- Violation of AIHA (I)(A)(5)
- Violation of ABIH (II)(A)(1)
- Violation of AIHA (II)(A)(1)
- Violation of ABIH (II)(A)(2)
- Violation of AIHA (II)(A)(2)
- Violation of ABIH/AIHA (II)(A)(3)
- Violation of ABIH/AIHA (II)(A)(5)
- Violation of ABIH/AIHA (II)(A)(6)
- Violation of ABIH/AIHA (II)(C)(1)
- Violation of AIHA (II)(C)(2)

Violation of ABIH (I)(A)(1)

Comply with laws, regulations, policies and ethical standards governing professional practice of industrial hygiene and related activities.



Violation of AIHA (I)(A)(1)

Comply with laws, regulations, policies, and ethical standards governing professional practice of industrial hygiene and related activities, including those of professional associations and credentialing organizations.

Clearly, as described above, Mr. Dennison failed to comply with the mandatory Colorado Regulations in the performance of this work.

Violation of ABIH (I)(A)(5)

Report apparent violations of the ethics code by certificants and candidates upon a reasonable and clear factual basis.

To our knowledge, Mr. Dennison has failed to report his violations to the ABIH.

Violation of ABIH (I)(A)(6)

Refrain from any public behavior that is clearly in violation of accepted professional, ethical or legal standards.

We believe the clearly deviant behavior of Mr. Dennison is a violation of accepted professional standards.

Violation of AIHA (I)(A)(5)

Refrain from any public behavior that is clearly in violation of accepted professional, ethical or legal standards.

Clearly, as described above, Mr. Dennison failed to refrain from public behavior that is in violation of the accepted professional and legal standards, by performing work in the public arena that appears to be in violation of environmental regulations and criminal statutes.

Violation of ABIH (II)(A)(1)

Deliver competent services with objective and independent professional judgment in decision-making.

As described in this review, Mr. Dennison failed to perform the necessary work in a competent manner.

Violation of ABIH (II)(A)(2)

Recognize the limitations of one's professional ability and provide services only when qualified. The certificant/candidate is responsible for determining the limits of his/her own professional abilities based on education, knowledge, skills, practice experience and other relevant considerations

Mr. Dennison has no documented training in this area of practice.



Violation of AIHA (II)(A)(2)

Recognize the limitations of one's professional ability, and provide services only when qualified. The member is responsible for determining the limits of his/her own professional abilities based on education, knowledge, skills, practice experience, and other relevant considerations.

As described above, Mr. Dennison has clearly performed work for which he was not capable or qualified. If, on the other hand, Mr. Dennison argues that he was capable and qualified, one must then conclude that his work was intentionally deficient, which we believe may constitute criminal fraud.

Violation of ABIH/AIHA (II)(A)(3)

Make a reasonable effort to provide appropriate professional referrals when unable to provide competent professional assistance.

Mr. Dennison failed to refer the work to a competent Industrial Hygienist.

Violation of ABIH/AIHA (II)(C)(1)

Follow appropriate health and safety procedures, in the course of performing professional duties, to protect clients, employers, employees and the public from conditions where injury and damage are reasonably foreseeable.

By performing grossly deficient work, as described above, one can reasonably foresee that any occupants of the property, Mr. Dennison's client, and the general public, are now placed at a higher risk of chemical and financial injury and damage due to his lack of technical competency.

Violation of AIHA (II)(C)(2)

Inform appropriate management representatives and/or governmental bodies of violations of legal and regulatory requirements when obligated or otherwise clearly appropriate.

Mr. Dennison has presented himself as familiar with State Regulation 6 CCR 1014-3. Therefore, Mr. Dennison must be aware of the fact that his work is in gross violation of those regulations. Therefore, Mr. Dennison had the professional obligation to bring his regulatory violations to the attention of the Governing Body with jurisdiction over this subject property. The public record does not contain any information to indicate that Mr. Dennison has reported his violations to anyone.

CONCLUSION

For this regulatory audit, FACTs has identified no fewer than 108 regulatory violations (6CCR 1014-3) within the screening sampling performed by Mr. Dennison with Century Environmental Health at the property located at [REDACTED], [REDACTED] CO.



Appendix C

Reviewer's Statement of Qualifications

