



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
of**

**Preliminary Assessment
For Methamphetamine at
3016 – 3018 Sumac Street
Fort Collins, Colorado
February 4, 2015**

**Prepared by
Century Environmental Hygiene LLC
3201 E. Mulberry St, Unit C
Fort Collins, CO 80524**

(298 Regulatory Violations of 6 CCR 1014-3)

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
Bailey, CO 80421



June 10, 2016

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EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) is an independent S-Corporation registered in Colorado. 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.*

This review pertains to the document identified as:

Preliminary Assessment
For Methamphetamine
Prepared for:
Mr. Gary Richie
9254 S. Saddle Horn Drive
Idaho Falls, ID 83404
Assessment Location:
3016 – 3018 Sumac Street
Fort Collins, Colorado
February 4, 2015
Project #4598.13

The purpose of this review is to document regulatory violations associated with regulatory work regarding the assessment of methamphetamine affected properties (6 CCR 1014-3). The level of scrutiny employed in this review is that which has been established by the CDPHE.

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} CEH was one of the companies caught in a news “sting

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

² 1812 164th Place, Thornton CO (4/23/09) <http://forensic-applications.com/meth/164thCriticalReview.pdf>

³ Property address sealed by court order (9/23/09)

⁴ 24018 Deer Valley Road, Golden, CO (8/25/10) <http://forensic-applications.com/meth/DVRCriticalReview.pdf>

⁵ Columbine Apartments, Unit A107 605 Wickes Ave. Craig, CO 81625 (12/30/07) <http://forensic-applications.com/meth/columbinepreliminaryassessment.pdf>

⁶ 19042 E 53rd Ave., Denver, CO (12/10/08) <http://forensic-applications.com/meth/gollaspa.pdf>

⁷ 3251 S. Elati Street, Englewood, CO, http://forensic-applications.com/meth/Regulatory_audit_CEH_Elati.pdf

⁸ Apartment C-105, Blue Ridge Apartments, 775 West Lake Street, Fort Collins, Colorado 80521-4515



operation”⁹ for performing fraudulent work in Colorado, and was one of the companies that provided the impetus for the need to revise the State regulations and prevent such fraudulent behavior.

FACTs has identified the same recurring patterns of incompetency and violations of regulations exhibited in previous assessments; therefore, it would appear that the violations identified in this audit are willful and intentional.

For this regulatory audit, FACTs has identified no fewer than 298 regulatory violations.

REGULATORY TIMEFRAMES

This CEH report falsely claims the work was started under one set of regulations and completed under a different set of regulations and the work was compliant with both sets of regulations. In fact, the work was not compliant under either set of regulations and the opening statement in the report is false:

Century Environmental Hygiene, LLC (CEH) was retained by the (sic) Mr. Gary Richie to perform a Preliminary Assessment (PA) for methamphetamine (meth) at 3016-3018 Sumac Street, Fort Collins, CO. The PA was performed by Paul Jaeckel, IH on 11/25/13 and 1/21/15. The assessment started prior to approval of regulatory revisions and was therefore conducted in accordance with the 2005 regulations and subsequently in accordance with the revised regulations.

In fact, there is no documentation to indicate that Mr. Paul Jaeckel is an Industrial Hygienist, or had ever received any documented training in the assessment of illegal drug laboratories. In 2013, Mr. Jaeckel was unlawfully performing assessments, since he was not authorized under the regulations that were effective in 2013 to perform the regulatory work.

Similarly, the “Interim Authorization” issued by Ms. Colleen Brisnehan, a regulator with the Colorado Department of Public Health and Environment (CDPHE), and used by CEH in their work is questionable since the issuance of the “Interim Authorization,” by regulations,¹⁰ was restricted exclusively to those consultants who

...as of the effective date of this Part 2 of these regulations, are performing assessment or decontamination activities **subject to these regulations** may continue to perform such activities, as long as they comply with the requirements of this section 3.

In the case of CEH, neither consultant identified (Mr. Paul Jaeckel nor Mr. James Dennison) had been performing work in accordance with the regulations. Indeed, the work by these two individuals was historically so grossly incompetent and fraudulent that CEH was one of the reasons Senator Tochtrop solicited the help of FACTs, Inc. to promulgate Bill SB 13-219 which was intended to put an end to untrained consultants

⁹ ABC News videos are available here: <http://www.forensic-applications.com/meth/coloregs.html>

¹⁰ Colorado 6 CCR 1014-3, Part 2, (3.1)



performing invalid assessments by establishing a licensing program for individuals authorized to perform property assessments.

However, in violation of Colorado statutes,¹¹ Ms. Brisnehan (CDPHE) was not only a regulator with the State of Colorado, but she was simultaneously sitting on the Board of Directors for a commercial organization called the “Colorado Association of Meth and Mold Professionals” (CAMMP). Without full disclosure, Ms. Brisnehan would, in violation of Colorado Criminal Statutes,¹² assist her membership in the falsification of assessment documents¹³ and would actually enter the field and provide hands-on assistance in the collection of unlawful samples and the performance of fraudulent work.¹⁴ When challenged, Ms. Brisnehan’s office would automatically defend the fraudulent work performed by members of her organization without disclosing that she was on the Board of Directors for the organization to which the fraudulent consultant belonged.¹⁵

Ms. Brisnehan (CDPHE) would go to extreme lengths to protect the fraudulent consultants including knowingly providing false information to law enforcement agencies regarding the regulations.¹⁶

As it happens, Mr. Dennison was a member of Ms. Brisnehan’s commercial organization, and therefore, Ms. Brisnehan ignored the State regulations and automatically granted “Interim Authorization” to the CEH consultants in violation of State regulations.

Regulatory Falsification of Public Documents

Furthermore, for this project, Ms. Brisnehan (CDPHE) continued her criminal regulatory abuses by knowingly falsifying the information in the February 6, 2015 “Approval of

¹¹ Colorado Revised Statutes §24-50-117 *Prohibited activities of employees*

¹² Colorado Revised Statutes §18-8-404. *First degree official misconduct*

¹³ See for example: 4690 West 76th Ave., Westminster, CO <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

¹⁴ See for example: 4893 S Johnson Street, Denver, CO http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

¹⁵ See for example: 100 W. Spaulding Street, Lafayette, Colorado http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

¹⁶ See for example: Misinformation provided by Colleen Brisnehan, CDPHE, as referenced in “Citizen Request #4967, Tuesday, September 4, 2012 4:00 PM, Sgt. Harrell, Vice and Narcotics, Colorado Springs Police Department, 705 S Nevada Avenue, Colorado Springs,” concerning: METHAMPHATAMINE (*sic*) LABORATORY REPORT, 2045 Farnsworth, Colorado Springs, CO 80916, Submitted to Mr. John Hermes, ReMax Company, Colorado Springs, Colorado. Prepared by Health and Environmental Technology, LLC, (Robert M. Rodosevich), May 29, 2012 (Review located here: http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf)



Variance”¹⁷ she issued regarding the work by CEH. In that variance, Ms. Brisnehan knowing falsified the public record by stating:

The project at 3016-3018 Sumac Street was initiated prior to the December 15, 2014 effective date of the Regulations Pertaining to the Cleanup of Methamphetamine-Affected Properties, 6 CCR 1014-3 (the Regulations). Therefore, preliminary assessment samples were collected in accordance with the Regulations as they existed prior to the December 15, 2014 effective date.

In fact, Ms. Brisnehan was fully aware that the samples thus collected by CEH were **not** “...collected in accordance with the Regulations as they existed prior to the December 15, 2014 effective date” but were in fact, collected **in violation** of the Regulations as they existed prior to the December 15, 2014 effective date.

For example, CEH specifically requested variances for the following samples:

Sample 112513PJ13
Sample 112513PJ15
Sample 112513PJ17
Sample 112513PJ18

Ignoring for a moment that the consultant in question was not even authorized to collect the samples in the first place, each of the above samples were collected in a manner that was in violation of the Regulations as they existed prior to the December 15, 2014 effective date *viz*:

Sample 112513PJ13

According to the Regulations under which the samples were collected:

Any composite sampling must consist of like media, matrices or substrates. **The mixing of media, matrices or substrates is not permitted.**

Yet according to the CEH report, this sample (112513PJ13) consisted of mixed matrices:

112513PJ13-a Center, 3" castiron (<i>sic</i>) drain pipe	Metal substrate
112513PJ13-b Center, 1.5" copper pipe	Metal Substrate
112513PJ13-c Northeast side, romex wire	Plastic Substrate

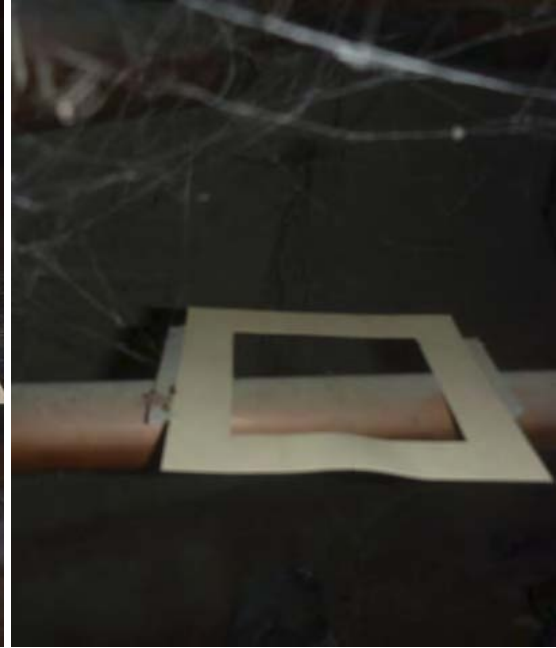
Furthermore, during the sampling, the consultant falsely reported the surface areas collected as 600 cm², when in fact, as is typically for this consultant, the consultant merely rested a template on the surface, and falsely presumed the surface must therefore be 100 cm². In fact, as demonstrated by the consultant’s own photographs:

¹⁷ Colleen Brisnehan, Hazardous Waste Corrective Action Unit, Hazardous Waste Program *Approval of Variance under 6 CCR 1014-3 3016-3018 Sumac Street, Fort Collins, Colorado* (February 6, 2016)





CEH Sample 112513PJ13-a



CEH Sample 112513PJ13-b

Finally as described later in this discussion, the collection of composite samples at this property was prohibited by regulations and the collection of the prohibited samples was in violation of §6.2.1; none of the composite samples were permitted at the property.

Sample 112513PJ15

As discussed above, the regulations prohibited the collection of mixed matrices in composite sampling, and required the collection of 100 cm². For this sample, CEH did neither – instead, CEH actually collected mixed matrices from surfaces of indeterminate surface area, which CEH then falsely reported to the laboratory as 100 cm²:



112513PJ15-a



112513PJ15-b
CEH Photographs



112513PJ15-c



Furthermore, for this sample, in violation of the regulations, the samples incorporated porous surfaces. According to the regulations in effect at the time the samples were collected:

Wipe sampling shall **not** be used to demonstrate that cleanup levels have been met on porous surfaces.

The collection of composite samples at this property was prohibited by §6.2.1.

Sample 112513PJ17

According to the Regulations under which the samples were collected:

Any composite sampling must consist of like media, matrices or substrates. **The mixing of media, matrices or substrates is not permitted.**

Yet according to the CEH report, this sample (112513PJ17) again consisted of mixed matrices:

- | | |
|--|-------------------|
| 112513PJ17-a Center, 3" castiron (<i>sic</i>) drain pipe | Metal substrate |
| 112513PJ17-b Center, 1.5" copper pipe | Metal Substrate |
| 112513PJ17-c Northeast side, Romex wire | Plastic Substrate |

Furthermore, during the sampling, the consultant again falsely reported the surface areas collected, as demonstrated by the consultant's own photographs the sample areas were actually indeterminable:



112513PJ17-a



112513PJ17-b
CEH Photographs



112513PJ75-c

The collection of composite samples was in violation of §6.2.1.

Sample 112513PJ18

As discussed above, the regulations prohibited the collection of mixed matrices in composite sampling, and prohibited the collection of samples from porous surfaces. For this sample, CEH, in violation of the regulations, mixed matrices and collected samples



from porous surfaces. Furthermore, CEH then falsified the report and falsely claimed to have collected a total of 600 cm², which is contradicted by their own photographs:



112513PJ18-a



112513PJ18-b
CEH Photographs



112513PJ18-c

The collection of composite samples was in violation of §6.2.1.

Therefore, when Ms. Brisnehan (CDPHE) stated the basis of her variance approval as:

[The] preliminary assessment samples were collected in accordance with the Regulations as they existed prior to the December 15, 2014 effective date.

Ms. Brisnehan (CDPHE) was fully aware that she was falsifying the facts and **none** of the samples were collected in accordance with the regulations. However, in accordance with her historical fabrications, since Mr. Dennison was a member of her commercial group, Ms. Brisnehan knowingly falsified the public record with the intent to unlawfully obtain a benefit for her fellow CAMMP member, but constituting an unauthorized exercise of her official function, she falsified the public record and used the fabricated excuse to issue the variance.

In any event, according to the regulations, in order to obtain a Variance, according to the regulations, the consultant must apply for the variance *prior* to the anticipated variation from regulation:

10.0 Variances.

10.1 Contractors and Consultants may apply for authorization to vary their procedures from those prescribed in these regulations. Persons seeking authorization for one or more variances must submit requests in writing to the Department, and provide the following information:

10.1.1 The citation of the regulation from which a variance is sought.

10.1.2 An explanation of the basis for the request for a variance.

10.1.3 Any supporting documentation (photographs, etc.).



10.1.4 A description of the manner in which the person requesting the variance proposes to meet the intention of the regulatory requirement, or other justification for the proposed alternate procedure.

For this property, CEH applied for the variation *after* the regulatory violations had already occurred, and CEH failed to provide the mandatory information in the request for variance. However, since Mr. Dennison was a member of Ms. Brisnehan's commercial organization, Ms. Brisnehan simply ignored State regulations, falsified the public record, and automatically issued her commercial colleague with a falsified variance.

It is within this milieu of public corruption that the report for 3016 – 3018 Sumac Street, Fort Collins, Colorado was prepared, and it is from this perspective the following audit has been performed.

Regulatory Auspices

Since the work at this subject property is presented as being compliant under two sets of regulations, we have evaluated the work under those two sets of regulations referenced by the consultant:

- 1) The regulations that were in effect when the initial work was performed (6 CCR 1014-3 (2005))
- 2) The regulations that were in effect when the report was issued 6 CCR 1014-3 (2014)

In reality, since none of the work performed at the property prior to the effective date of the current regulations was valid, it would have been extremely easy for an ethical and legitimate Industrial Hygienist to comply with the 2005 version of the regulations for the timeframe to which they applied, as well as the 2014 revision of the regulations for the timeframe to which they applied.

An excellent example of how that would be accomplished can be seen in the work performed at 96 Hofer Lane, Evergreen, Colorado. For that property, a Preliminary Assessment was performed on December 12, 2014 pursuant to the 2005 regulations that were in effect at the time of the PA. Three days later, the 2014 revisions came into effect and the property was cleaned and cleared pursuant to the new revised 2014 regulations that became effective on December 15, 2015.

PART 1: REVIEW PURSUANT TO 6 CCR 1014-3 (2005)

In the CEH report, the consultant explicitly stated the work was performed in compliance with the 2005 regulations:

The assessment started prior to approval of regulatory revisions and was therefore conducted in accordance with the 2005 regulations and subsequently in accordance with the revised regulations.



Therefore, the following section is an evaluation of compliance for all work performed during that effective timeframe, and all cited rubrics are for those as the regulations existed at the time.

Failure to Provide Authorized Personnel

During the timeframe the Preliminary Assessment was performed for this subject property, the State of Colorado had several State statutes, and one regulation specifically pertaining to the assessment and remediation of methamphetamine contaminated properties. The statutes and regulations contain mandatory provisions.

One of the mandatory provisions, pursuant to state regulations promulgated by the Colorado State Board of Health and designated as “6 CCR 1014-3, *Regulations Pertaining To The Cleanup Of Methamphetamine Laboratories*” states that assessments of properties within the scope of the regulation can only be performed by authorized Industrial Hygienists meeting the definition of Section 24-30-1402 of the Colorado Revised Statutes. According to the regulations, during the assessment, the Industrial Hygienist must perform hypothesis testing wherein:

*The strength of evidence needed to reject the hypothesis is low, and is only that which would lead a reasonable person, **trained in aspects of methamphetamine laboratories**, to conclude the presence of methamphetamine, its precursors as related to processing, or waste products.*

To our knowledge, Mr. Paul Jaeckel was, and remains, an “asbestos technician” who is not an Industrial Hygienist, does not meet the statutory definition of an Industrial Hygienist, and has not received any legitimate training in the assessment of methamphetamine affected properties. As such, the CDPHE had no authority to grant Mr. Jaeckel permission to perform the work.

Mr. Jaeckel’s statement in the report is patently false when he says

The consultant is authorized by CDPHE to perform PAs at the time of this assessment (interim authorization on list dated 12/31/14).

since the work was performed fully one year *before* the authorization was given, and prior to December 15, 2014 (the effective date of the new regulations) the CDPHE had no authorization to authorize anyone to perform such work.

Further, in violation of 6-CCR 1014-3 (2005), §8.21 no “Consultant statement of qualifications,” was included in this report, as required by the 2005 regulations, which would have establish that the work was not performed by an Industrial Hygienist, or that the individual, Mr. Jaeckel, had any knowledge of the assessment of illegal drug laboratories.

Nothing within the provided documentation demonstrates that Mr. Jaeckel was authorized to perform an assessment of clandestine drug laboratories, pursuant to pertinent regulations 6 CCR 1014-3 (2005). Considering the gross lack of technical



competency exhibited by the author of this CEH report (here and historically), one may reasonably conclude that Mr. Jaeckel has never received any kind of training in either the State requirements or illegal drug laboratory assessment.

Violation of Section 4.0

According to Colorado State regulation 6 CCR 1014-3, when a Preliminary Assessment is conducted specific elements must be included (as specified in both the 2005 and the 2014 versions):

6 CCR 1014-3 4.0 Preliminary Assessment. A preliminary assessment shall be conducted by the consultant, in accordance with section 6.7 of this regulation, prior to the commencement of property decontamination. ... Information collected during the preliminary assessment shall include, but not be limited to, the following:

Violation of §4.2

According to State regulations (2005), during the Preliminary Assessment, the **Industrial Hygienist** shall perform and provide:

4.2 Review of available law enforcement reports that provide information regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination or waste disposal.

Nowhere in the reviewed report has Mr. Jaeckel documented that he made any attempt to obtain law enforcement documents or ascertain the availability of such documents. In his report, Mr. Jaeckel states:

The Fort Collins Police Records Department did a search back 7 years and did not find any police reports pertaining to meth for this property.

However, this language, as described below appears to be boiler-plate language used at properties regardless of actual site conditions. In the past, CEH has made false statements in their reports regarding law enforcement documents. For example, in an August 10, 2009, report of a botched assessment for 24018 Deer Valley Road, Golden, CO, in his report, Mr. Jaeckel falsely stated:

2. Description of manufacturing methods and chemicals used. As police reports were not available, it is assumed that meth cooking may or may not have occurred, and if it occurred, it was probably using the Red Phosphorus method of manufacturing, and cooking could have occurred in any part of the house.

In fact, Mr. Jaeckel simply falsified his report since law enforcement documentation was readily available and on public view for the property at Deer Valley Road, and those documents clearly identified the manufacturing process, the location of the manufacturing in the property, the dates of law enforcement actions, and the chemicals identified at the property by law enforcement. Therefore, since CEH has an established history of providing falsified information in their reports, there is no confidence to the claim that CEH made any attempt to obtain any pertinent law enforcement documents.



In this case, although CEH initially states:

The Fort Collins Police Records Department did a search back 7 years and did not find any police reports pertaining to meth for this property.

A few sentences later, CEH then references chemicals identified in police reports for this site:

Chemicals identified in police reports for this site that are sometimes associated with meth cooking included: none identified.

Therefore, the section appears to simply be boiler-plate; certainly nowhere in the report, has CEH provided any evidence of any attempt to identify the availability of law enforcement documents.

Violation of §4.3 (16 Violations)

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist must perform specific duties that determine the potential for contamination migration, establish the grounds for decontamination and prepare the foundation for post clearance sampling by determining functional spaces. The Regulations explicitly require the Industrial Hygienist to provide:

4.3. Identification of structural features that may indicate separate functional spaces, such as attics, false ceilings and crawl spaces, basements, closets, and cabinets.

CEH failed to perform its duties and fulfill regulatory requirements by failing to identify functional spaces within the subject property that may be associated with unique contamination, as required by regulation. Pursuant to this section of the regulations, the Industrial Hygienist is required to consider:

According to State regulations 6 CCR 1014-3 (Section 3)

“Functional space” means a space where the spread of contamination may be expected to occur relatively homogeneously, compared to other functional spaces. The “functional space” may be a single room or a group of rooms, designated by a consultant who, based on professional judgment, considers the space to be separate from adjoining areas with respect to contaminant migration. Other typical examples of functional spaces include a crawl space, an attic, and the space between a dropped ceiling and the floor or roof deck above.

In the reviewed report, CEH failed to perform the regulatory mandated identification of structural features that may indicate separate functional spaces. In all, CEH failed to identify the following 16 (sixteen) functional spaces:



Unit	Room	FS #
3016	Attic	1
3016	Bathroom	2
3016	Bedroom 1	3
3016	Bedroom 2	4
3016	Crawlspace	5
3016	Garage	6
3016	Laundry Room	7
3016	Living room - Kitchen	8
3018	Attic	9
3018	Bathroom	10
3018	Bedroom 1	11
3018	Bedroom 2	12
3018	Crawlspace	13
3018	Garage	14
3018	Laundry Room	15
3018	Living room - Kitchen	16

The establishment of Functional Spaces is absolutely integral to the utility of the Preliminary Assessment. Without the assessment and identification of the Functional Spaces, decontamination cannot properly occur, and without the identification of the Functional spaces, final clearance sampling cannot occur since State regulations require the clearance sampling to be based on those Functional Spaces that have been identified in the Preliminary Assessment.

Violation of §4.4

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall identify the manufacturing process used on site. The information is imperative and indispensable during the Preliminary Assessment, since the decontamination efforts may be incumbent on the type of manufacturing process used. Furthermore, the post decontamination sampling shall be incumbent on the type of process used. The state regulations explicitly require the Industrial Hygienist to:

4.4. Identification of manufacturing methods based on observations and law enforcement reports.

This information is imperative since final verification sampling cannot occur without this vital information since, according to regulations:

7.3. If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead shall not exceed a concentration of 40 µg /ft², and vapor samples for mercury shall not exceed a concentration of 1.0 µg /m³.

And:

7.2. If there is evidence of iodine contamination on materials or surfaces that will not be removed, surface wipe samples for iodine shall not exceed a concentration of 22 µg/100 cm².



In his report for this subject property, Mr. Jaeckel makes the following statement:

2.2 Manufacturing methods. As no police reports were identified and no observations of cooking were found during the PA, it is assumed that cooking may or may not have occurred, and if it did, it most likely used the Red Phosphorus method or Birch method.

This is boiler plate language we have seen used in other CEH reports.¹⁸ Since Mr. Jaeckel has no documented training in illegal drug laboratories or their assessment, and has no documentation that would suggest he is an Industrial Hygienist, there is no expectation that Mr. Jaeckel would possess the necessary skill set to determine if such disposal occurred. However, since Mr. Jaeckel stated that Red Phosphorus method was likely, and the Red Phosphorus method uses iodine, why then did Mr. Jaeckel fail to address iodine in the assessment as required by regulations?

Violation of §4.5

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.5. Identification of chemicals used, based on observations, law enforcement reports, and knowledge of manufacturing method(s).

There is no indication that CEH made any attempt to assess the site for chemicals or their historical use. CEH failed to perform its professional, regulatory obligations and duties and failed to fulfill this regulatory requirement by failing to identify the chemicals that may have been present. CEH stated that the “Red Phosphorous” method or the Birch method was “most likely used” at the site, yet there is no indication CEH assessed the property for the same.

Violation of §4.6 (26 Violations)

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.6 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, or cooking areas, or based on professional judgment of the consultant; or the consultant may determine that assessment sampling is necessary to verify the presence or absence of contamination. If the consultant determines that assessment sampling is necessary, such sampling shall be conducted in accordance with the sampling protocols presented in Appendices A and D. Sample analysis shall be conducted in accordance with the method requirements presented in Appendices B and D.

CEH failed to perform its duties and fulfill regulatory requirements by failing to collect samples pursuant to Appendix A.

¹⁸ See for example, the invalid assessment performed at 728 Cherry Street, Fort Collins, Colorado http://forensic-applications.com/meth/CEH_Cherry_PA_RA.pdf



However, had Mr. Jaeckel actually been familiar with Colorado’s Regulations, CEH would have known that Appendix A of Colorado’s regulations state:

Biased Sampling

Biased sampling is the type of authoritative sampling that intends **not to estimate average concentrations** or typical properties, but to estimate “worst” or “best” cases (as described in ASTM Method D6051-96 (2001), Standard Guide for Composite Sampling and Field Subsampling for Environmental Waste Management Activities. As described later in this protocol, the aim of the consultant performing post-decontamination sampling is to demonstrate the worst-case scenario in the drug laboratory. The term “biased,” as used here, refers to the collection of samples with expected high concentrations. For example, a sample taken at the source of the actual “cook,” known release, spill or storage area could serve as an estimate of the “worst-case” concentration found in the functional space.

The Colorado regulations continue with:

Sampling Theory

The type of sampling used for stationary structures and vehicles described in this protocol is a type of sampling recognized as “authoritative” sampling. Authoritative sampling is a nonstatistical sampling design that **does not** assign an equal probability of being sampled to all portions of the population. Consultants using this protocol will have a priori knowledge of the property to be sampled. The a priori knowledge, in the hands of a competent consultant, permits immediate inclusion/exclusion of sampling areas, based on professional judgment. As such, the weight of validity of the data gathered with authoritative sampling is largely dependent on the knowledge and competency of the sampler.

Since Mr. Jaeckel has no documented training in the assessment of illegal drug laboratories, it would appear that Mr. Jaeckel was unaware of the fact that several of his samples were collected from areas expected to have the lowest levels of contamination (for example, middle of walls).

Of the 38 aliquots collected pursuant to the 2005 revision only 12 aliquots were collected from surfaces expected to have the highest concentrations, the remaining samples were all collected from those areas with the lowest expectation of contamination. The noncompliant samples are as follows:

Sample Suite	Room	Location
112513PJ-05	Crawlspace	Furnace
112513PJ-08	Kitchen	Cabinet left of window
112513PJ-08	Dining area	Floor, southwest side
112513PJ-08	Living room	West wall, south side
112513PJ-09	Laundry room	Door from kitchen, center
112513PJ-09	Laundry room	North wall, electrical panel
112513PJ-09	Laundry room	South wall, center
112513PJ-10	Bathroom	North wall, side of cabinet
112513PJ-10	Bathroom	Floor, southeast corner



Sample Suite	Room	Location
112513PJ-10	Hallway	East wall, center
112513PJ-11	N Bedroom	Closet door exterior, left side
112513PJ-11	N Bedroom	North wall, window sill, center
112513PJ-11	N Bedroom	Top of entry door frame
112513PJ-12	S Bedroom	Closet shelf, left side
112513PJ-12	S Bedroom	East wall, window tracking
112513PJ-12	S Bedroom	Ceiling, north side
112513PJ-14	Garage	Entry door from laundry room
112513PJ-14	Garage	Garage door interior, right side
112513PJ-15	Attic	West side, metal roof vent
112513PJ-15	Attic	Metal plate for ridgeline support
112513PJ-16	HVAC	Crawl space, furnace
112513PJ-16	HVAC	Living room, return duct
112513PJ-18	Attic	East side, metal roof vent
112513PJ-18	Attic	Metal plate for ridgeline support
112513PJ-19	Garage	East wall, north side
112513PJ-19	Garage	East wall, south side
112513PJ-19	Laundry room	East wall

Low Probability Non-compliant Samples Nov. 25th, 2013

Violation of §4.6 (7 Violations)

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.6 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, or cooking areas, or based on professional judgment of the consultant; or the consultant may determine that assessment sampling is necessary to verify the presence or absence of contamination. If the consultant determines that assessment sampling is necessary, such sampling shall be conducted in accordance with the sampling protocols presented in Appendices A and D. Sample analysis shall be conducted in accordance with the method requirements presented in Appendices B and D.

Porous Surfaces - Vacuum Sampling

Vacuum sampling shall be used to determine the extent of contamination on porous surfaces, including carpeting, drapery, upholstery, clothing, and other soft goods.

In their report, CEH clearly documents that the following Samples were collected from prohibited porous surfaces.

112513PJ-15	Attic	West side, metal roof vent
112513PJ-15	Attic	Metal plate for ridgeline support
112513PJ-16	HVAC	Living room, return duct
112513PJ-18	Attic	East side, metal roof vent
112513PJ-18	Attic	Metal plate for ridgeline support
112513PJ-19	Garage	East wall, south side
112513PJ-07	Living room	Return vent

Table of Samples Collected from Prohibited Surfaces



Violation of §4.7

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including providing:

4.7. Identification and documentation of chemical storage areas.

In his report, Mr. Jaeckel again contradicts his earlier assertion that no police reports were available for this site by referencing police reports for this site:

Chemical storage areas. Chemical storage areas identified in police reports for this sit(sic) included: none identified.

This appears to be boiler-plate language, since, in previous reports, CEH has similarly claims there was no chemical storage in spite of photographic evidence to the contrary.¹⁹

Violation of §4.8

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including providing:

4.8. Identification and documentation of waste disposal areas.

In his report, Mr. Jaeckel states:

Areas of contamination or waste disposal. Areas of contamination or waste disposal identified in police reports for this site included: none identified. Areas of contamination or waste disposal identified in the PA included: none identified. No staining, etching, fire damage or other signs of meth manufacturing or use were observed. No On-Site Wastewater Treatment System (OWTS) is known to be present. The property is stated by assessor as being served by sanitary sewer. No signs of disposal to the sanitary sewer were identified.

Since there were no photographs of the plumbing system as required (see discussion later), there is no way to know if the above statement is correct.

Violation of §4.9

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including providing :

4.9. Identification and documentation of cooking areas.

Since Mr. Jaeckel has no documented training in any aspect of illegal drug laboratories, or the assessment of the same, and since CEH failed to document they made any attempt to ascertain the availability of any law enforcement documents, it would be virtually impossible for CEH to make this mandatory determination.

¹⁹ See for example: 728 Cherry Street, Fort Collins, Colorado, http://forensic-applications.com/meth/CEH_Cherry_PA_RA.pdf



In fact, in other properties assessed by CEH, we have seen CEH fail to identify such areas, even when those areas are patently obvious or have been identified in law enforcement documents.²⁰

Violation of §4.11

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.11. Inspection of plumbing system integrity and identification and documentation of potential disposal into the sanitary sewer or an individual sewage disposal system (ISDS). ... et seq.

Mr. Jaeckel failed to provide any documentation that would indicate he performed a plumbing inspection. There is no mention of the condition or integrity of the plumbing system in the report.

Violation of §5.8 (5 Violations)

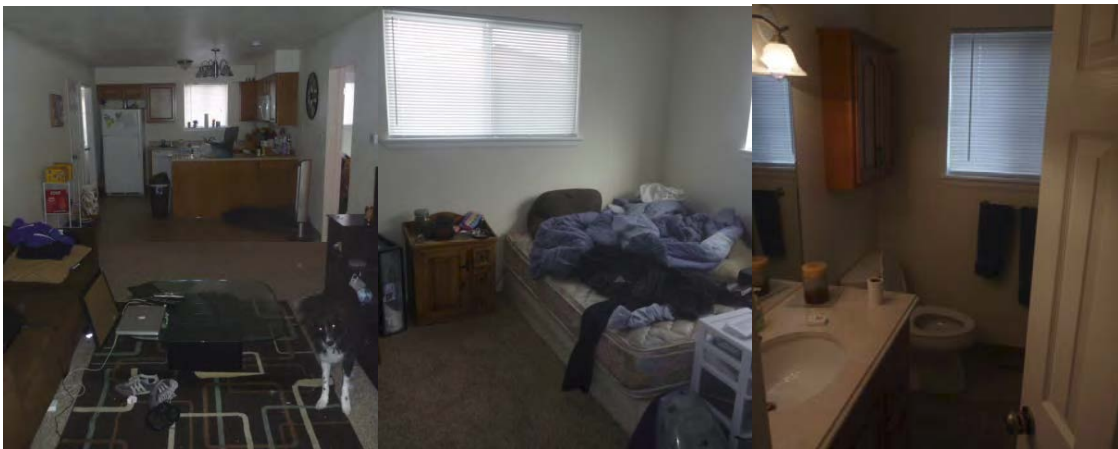
According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

5.8. Personal Property

5.8.1 Personal property must either be decontaminated to the cleanup levels specified in section 7.0 of this regulation, or properly disposed in accordance with these regulations.

5.8.2 Personal property that will not be disposed of must be sampled in accordance with procedures described in Appendix A of this regulation. Discrete samples must be collected from each individual item, except as provided in 5.8.3.

During the 2013 assessment, CEH identified significant quantities of personal items at the residence; a few example are included in the photographs below:



CEH Photographs of Personal Property

²⁰ See for example: 24018 Deer Valley Road Golden, CO, <http://forensic-applications.com/meth/DVRMPA.pdf>





CEH Photographs of Personal Property

However, in the final report, CEH states:

The property contained no personal property as of 1-21-15

According to the Statutes that were in effect in 2013 upon discovery and notification:

25-18.5-103. Discovery of illegal drug laboratory - property owner - clean-up - liability.

(3) A person who removes personal property or debris from a drug laboratory shall secure the property and debris to prevent theft or exposing another person to any toxic or hazardous chemicals until the property and debris is appropriately disposed of or cleaned according to board rules.

CEH has entirely failed to address the personal property in the residences and has entirely failed to identify the disposition of the same. Since there was at least five rooms containing personal items, each room has been treated as a separate violation.



Violation of §6.0

According to the regulations, during the collection of samples for a Preliminary Assessment, the Consultant is required to comply with specific provisions:

6.0 Sampling and Analytical Procedures.

6.0.1 Except as provided in 6.0.2, assessment sampling **shall** be conducted as part of the preliminary assessment to characterize the nature and extent of contamination. Assessment sampling and laboratory analysis **shall** be conducted in accordance with Appendices A, B and D of these regulations.

Violation of §6.1.1 (26 Violations)

During the performance of a Preliminary Assessment, State regulations require that samples shall be collected from:

6.1.1. Areas expected to **have the highest levels** of contamination, such as cooking areas, chemical storage areas, and waste disposal areas

As previously discussed, the consultant was required to collect samples from those locations with the highest expected levels of contamination. For this property, of the 38 aliquots collected, only 12 met this requirement.

Violation of §6.2.1 (35 Violations)

During the performance of a Preliminary Assessment, mandatory Colorado regulations required:

6.2.1. Discrete sampling is **required** in all cases, except as provided in 6.2.2 of these regulations.

6.2.2. Composite sampling may **only** be conducted in situations where contamination is **expected to be relatively evenly dispersed throughout a given area**, and composite sampling will provide an accurate representation of the area sampled, as described in Appendix A.

A legitimate Industrial Hygienist, trained in the aspects of illegal drug laboratory assessments, would have known that contamination under these circumstances exhibits very large sampling error; a legitimate Industrial Hygienist would have known that field data from properly characterized properties exhibit a lognormal distribution (large variations of concentration). That is, the contamination under the circumstances of the subject property will **never** be "...expected to be relatively evenly dispersed throughout a given area..." and the geometric standard deviations can be huge.^{21, 22}

²¹ Washington State Department of Health: Summary Results from a Pilot Study to Evaluate Variability and Distribution of Methamphetamine Residue in Remediated Residential Illegal Drug Labs, as reported in NIOSH Method 9106 (DRAFT)

²² Martyny JW, Arbuckle SL, McCammon CS, Esswein EJ, Erb N, *Chemical Exposures Associated with Clandestine Methamphetamine Laboratories*, (http://www.njc.org/pdf/chemical_exposures.pdf , May 10, 2004).



In spite of this, Mr. Jaeckel knowingly in violation of the regulations used prohibited composite sampling.

A legitimate Industrial Hygienist would have known the anticipated data distribution of data and a legitimate Industrial Hygienist would also have known that the composite sampling employed by CEH at this subject property was prohibited by state regulations for this very reason.

When we look at the results produced by Mr. Jaeckel's sample collection, we see the expected lognormal distribution; the one-tail percentage point Shapiro Wilks W Test is 0.8290; the normal W-Test statistic for Mr. Jaeckel's results is only 0.6317 and is therefore rejected. However, the lognormal fit for Mr. Jaeckel's results is 0.9776 (almost perfect log normality). That is to say, the concentrations (as expected) were not evenly distributed but in fact were wildly unevenly distributed with a whopping GSD of 10.7. If CEH had any legitimate training in this area, they would have known this and they would have known composite sampling at this site was prohibited by regulations.

Therefore, all his composite samples for this property are invalid. This is what happens when untrained "asbestos technicians" with no known knowledge of illegal drug laboratories attempt to pretend they are Industrial Hygienists and fraudulently represent themselves as such.

Violation of §6.2.1 (36 violations)

CEH failed to comply with the composite sampling techniques as described in Regulations. According to regulations:

APPENDIX A
METHAMPHETAMINE LABORATORIES
SAMPLING METHODS AND PROCEDURES

Any composite sampling must consist of like media, matrices or substrates. The mixing of media, matrices or substrates is not permitted.

Sample Suite	Substrates
112513PJ-08	Laminated wood
	Plastic - vinyl
	Painted drywall
112513PJ-09	Painted wood
	Metal
	Painted drywall
112513PJ-10	Varnished wood
	Plastic - vinyl
	Painted drywall



Sample Suite	Substrates
112513PJ-11	Painted wood
	Painted drywall
	Painted drywall
112513PJ-12	Laminated wood
	Plastic - vinyl
	Painted drywall
112513PJ-13	Metal
	Metal
	Plastic - vinyl
112513PJ-14	Painted wood
	Metal
	Metal
112513PJ-15	Plastic - vinyl
	Mixed wood metal
	Mixed wood metal
112513PJ-16	Metal
	Metal
	Mixed wood metal
112513PJ-17	Metal
	Metal
	Plastic - vinyl
112513PJ-18	Plastic - vinyl
	Mixed wood metal
	Mixed wood metal
112513PJ-19	Painted drywall
	Painted drywall
	Porous drywall

Table of Invalid Samples – Mixed Matrices

Violation of Field Blank Requirements

According to the Regulations, specific number of field blanks is required:

6.6. Quality Control/Quality Assurance (QA/QC) samples, including sample blanks, field duplicates, matrix spike and matrix spike duplicates, shall be collected and/or analyzed as specified in the sampling and analysis protocols presented in Appendices A, B and D of these regulations.

Appendix A

10. At least one sample media blank, treated in the same fashion but without wiping, should be submitted for every 10 samples collected.

For this property (3016 Sumac), CEH submitted a total of 11 field samples (four of the samples were for 3018 Sumac), therefore, two field blanks were required. However, for this property (3016 Sumac), CEH only submitted a single field blank.

Violation of Clearance Criteria (8 Violations)

According to the regulations, in order to determine compliance for a structure, specific conditions must be met.



Buildings and Structures

Wipe Sample and/or Vacuum Sample

For drug laboratories, as defined in section 25-18.5-101, C.R.S., whose structural floor plan is not greater than 1,500 square feet, surface sampling shall be collected according to the following schedule. Exception: for pre-decontamination scenarios, any and all other data may be used in lieu of sampling to reject the hypothesis and deem the area to be contaminated.

- For any given *functional space*, at least 500 cm² of surface shall be sampled, unless the area is assumed to be non-compliant.

The required sample area shall be composed of no fewer than three discrete samples. Should composite samples be collected, each composite shall consist of no greater than five discrete samples collected in accordance with the procedures outlined in the section in this appendix on Composite Sampling.

Thus, in order to declare compliance, the Consultant would have needed to ensure that the correct number of valid samples were collected from each Functional Space, and the concentration of methamphetamine was below the regulatory limit.

In their report, CEH explicitly states that their sampling was to be used as a certification of compliance:

All compliance determinations for 3016 Sumac are being made relative to the 2005 regulations except for the attic and crawlspace.

Yet as already noted, CEH failed to identify the Functional Spaces as required and none of the composites samples at the subject property were valid. The following table summarizes the deficiencies:

Room	Minimum Area Required Cm ²	Area Actually Collected	Compliance Demonstrated?	Compliance Deficiencies
Attic	500	600	No	3, 4, 5, 6
Bathroom	500	400	No	1, 3, 4, 5, 6
Bedroom 1	500	600	No	3, 4, 5, 6
Bedroom 2	500	600	No	3, 4, 5, 6
Crawlspace	500	600	No	3, 4, 5, 6
Garage	500	400	No	1, 3, 4, 5, 6, 7
Laundry Room	500	600	No	3, 4, 5, 6
Living - Kitchen - Hall	500	700	No	3, 4, 5, 6
Ventilation system	-	300	No	5

Categories of Compliance Deficiency:

- 1) Insufficient surface area
- 2) Prohibited porous surfaces
- 3) Prohibited composites due to uneven distribution
- 4) Prohibited composite due to mixed matrices
- 5) Unauthorized personnel
- 6) Samples not collected from area of highest expected concentration
- 7) Methamphetamine concentration exceeded maximum clearance level



Therefore, none of the samples collected from 3016 Sumac could be used to determine compliance pursuant to either the 2005 Regulations or the 2014 revision. That is, 3016 Sumac remains a noncompliant illegal drug laboratory and methamphetamine affect property pursuant to regulations, habitation of which is prohibited and entry into which is restricted.

Conclusions

As identified in detail in the above discussion, there were no fewer than 170 regulatory violations of the Regulations as those regulations existed at the time the work was performed in 2013. Furthermore, NONE of the samples collected during the assessment were valid.

PART 2: REVIEW PURSUANT TO 6 CCR 1014-3 (2014)

According to CEH, they then performed another Preliminary Assessment at the same property in January 2015, under the auspices of the 2014 Regulatory revision. Therefore, the following comments and observations pertain to the 2014 revision and exclusively those provisions. As will be seen, again virtually none of the work was performed pursuant to the mandatory regulatory requirements.

During the performance of a Preliminary Assessment for methamphetamine contamination in a property, the Consultant is required by regulations to perform specific mandatory tasks and provide specific mandatory documentation.

Failure to Provide Qualified Personnel

Violation of Section 4.0

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

PART 2: TRAINING AND CERTIFICATION REQUIREMENTS

3.0 Interim Authorization

3.1 Persons who, as of the effective date of this Part 2 of these regulations, are performing assessment or decontamination activities subject to these regulations may continue to perform such activities, as long as they comply with the requirements of this section 3.

There is no evidence that Mr. Jaeckel, has ever been "...performing assessment or decontamination activities subject to these regulations..." Certainly as demonstrated above, even for this property, virtually no aspect of the regulations had been followed.

To date, (June 9, 2016), FACTs has been unable to find a single valid drug laboratory assessment performed by Mr. Jaeckel; and to date, all such assessments performed by Mr. Jaeckel and reviewed by FACTs have been fatally flawed and invalid.

There is no evidence that Mr. Jaeckel was ever eligible to be granted interim authorization by the CDPHE as defined in 6 CCR 1014-3 or to perform



sampling/assessments at methamphetamine affected properties. Similarly, there is no documented evidence that Mr. Jaeckel is an Industrial Hygienist, as required by regulation to perform such assessments, and there is no evidence that Mr. Jaeckel has received any kind of training in clandestine drug laboratories or would otherwise have any specialized knowledge or training in the assessment of illegal drug laboratories. Due to the fact that Mr. Jaeckel has no knowledge of illegal drug laboratories, does not meet the statutory definition of an Industrial Hygienists, and otherwise has no documented training in the pertinent regulations, it is not surprising that his current work at the subject property was so deficient and was fatally flawed.

Under the new regulations, FACTs has reviewed only three reports^{23, 24, 25} by CEH (not including this review). In those three reports, FACTs has identified no fewer than 623 (six hundred and twenty three) regulatory violations. In violation of Regulations, the CDPHE has intentionally ignored the deceptive trade practices of CEH. According to 6 CCR 1014-3:

3.0 Notification and Imposition

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

Although the Department has been made aware of these violations, in violation of the Regulations and in violation of Colorado Criminal Code Title 18, 18-404, Ms. Brisnehan (CDPHE) has not performed her regulatory duties and obligations. CRS 18-8-404 states:

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

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

As documented here, the actions of Ms. Brisnehan, in our opinion, are in clear violation of the Regulations and the statutes.

Violation of §4.2

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

²³ 728 Cherry Street, Fort Collins, Colorado, http://forensic-applications.com/meth/CEH_Cherry_PA_RA.pdf

²⁴ 1339 E. 7th Street, Loveland, CO, http://forensic-applications.com/meth/CEH_E7th_Screening_RA.pdf

²⁵ 2102 Clarice Court, Loveland, CO, http://forensic-applications.com/meth/CEH_Clarice_Screening_RA.pdf



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

As discussed in Part 1 of this audit, there is no indication the CEH made any attempt to contact any law enforcement agencies for information regarding the property.

Violation of §4.5

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific mandatory functions including:

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

As already stated, CEH appears to simply use the same language in their reports regardless of actual site conditions. In his report, Mr. Jaeckel makes the following statement:

2.2 Manufacturing methods. As no police reports were identified and no observations of cooking were found during the PA, it is assumed that cooking may or may not have occurred, and if it did, it most likely used the Red Phosphorus method or Birch method.

The language is virtually the same as used elsewhere: ²⁶

2.2 Manufacturing methods. As no police reports were identified, it is assumed that cooking may or may not have occurred, and if it did, it most likely used the Red Phosphorus method or Birch method.

Since Mr. Jaeckel has no documented training in illegal drug laboratories or the assessment of the same, and has no documentation that would suggest he would possess the necessary skills to perform such a task, and has never been able to document a single compliant assessment under Colorado 6 CCR 1014-3, and has established a record of fabrications and fraudulent assessments, there is no expectation that Mr. Jaeckel would possess the necessary skill set to determine if such manufacturing occurred. However, since Mr. Jaeckel stated that Red Phosphorus method was likely, and the Red Phosphorus method uses iodine, why then did Mr. Jaeckel fail to address iodine in the assessment as required by regulations?

Violation of §4.6

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific mandatory functions including:

²⁶ See for example, the invalid assessment performed at 728 Cherry Street, Fort Collins, Colorado http://forensic-applications.com/meth/CEH_Cherry_PA_RA.pdf



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

Inherent in this language is the supposition that the consultant would have the appropriate training and knowledge to make such decisions and observations.

For this subject property, the consultant who performed the work has never provided any documentation which would indicate that he has any knowledge or training in Industrial Hygiene, or in the assessment of illegal drug laboratories. As such, there is no expectation that the consultant would possess the necessary skills or knowledge to fulfill the regulatory requirements. This opinion is supported by incompetence and regulatory violations exhibited by the consultant as documented in the past, and in this review.

Violation of §4.7

According to mandatory State regulations, the consultant is required to perform specific tasks including:

4.7 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, cooking areas, use areas, or the professional judgment of the Consultant.

As already demonstrated, the consultant failed to document any pertinent law enforcement reports and failed to identify those contamination indicators that were present at the property.

Violation of §4.8

According to mandatory State regulations, the consultant is required to perform specific tasks including:

4.8 Identification and documentation of chemical storage areas, waste disposal areas, cooking areas, and/or use areas, if known.

As already demonstrated, there is no expectation the consultant would possess the necessary skills to complete this task.

Violation of §4.10

According to mandatory State regulations, during the performance of a Preliminary Assessment, the consultant is required to perform specific tasks including:

4.10 Description of plumbing system, including identification and documentation of potential disposal into the sanitary sewer or an on-site wastewater treatment system (OWTS).

There is no description of the plumbing system as required by regulation. Since Mr. Jaeckel failed to provide photo documentation of site conditions (as those conditions



pertain to plumbing), there is now no way to know how the plumbing system has been impacted, if at all.

Violation of §4.14

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific duties, including:

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

As mentioned, nowhere in the Preliminary Assessment do we see photographs of any of the plumbing.

Violation of §4.15

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific duties, including:

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

As discussed below, sampling was not conducted pursuant to the requirements of Section 6 and to the extent that the mandatory information is missing from the report, there is nothing to demonstrate or document the samples were collected in a manner consistent with the regulations.

Violation of §4.16 (3 Violations)

During the performance of a Preliminary Assessment, the Consultant is required by Ms. Brisnehan to perform specific duties, including:

4.16 Documentation of personal property assessment and discussion of items that require decontamination or disposal, and items that can be released to the owner because the Consultant has determined, in accordance with Section 5.11.1.4 of this Part 1, that they are not contaminated

As already mentioned, in 2013, CEH photographed a very large amount of personal belongings in the property. Then, in 2015, CEH stated:

The property contained no personal property as of 1-21-15

According to the regulations applicable in 2015, when CEH performed additional site assessment activities:

“Removal” means the taking out or stripping of material or surfaces from methamphetamine-affected properties up to, but not including, demolition. Removal includes taking personal property out of a structure, and physically separating contamination from material or surfaces.



“Subject property” means the real property that is the subject of a screening level assessment, preliminary assessment, or decontamination and removal under these regulations.

5.0 Decontamination and Removal Procedures.

No person other than a Contractor in good standing may conduct decontamination or removal of contaminated materials. Decontamination and removal must be overseen at all times by a Decontamination Supervisor.

CEH entirely failed to identify how the personal items were removed, by whom, and how the materials were sampled.

Additionally, According to Ms. Brisnehan with the CDPHE, window blinds are considered “personal property” and need to be treated as such. FACTs disagrees with this interpretation; nevertheless, according to Ms. Brisnehan, Mr. Jaeckel was required to identify the following as “personal property”:



CEH Photographs of Personal Property (Window Blinds)





CEH Photographs of Personal Property (Window Blinds)

Violation of §4.17.1

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific tasks and provide specific information including:

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

Additionally, during the performance of a Preliminary Assessment, the Consultant is required by regulations to provide specific information including:

4.17 ...Documentation of clearance sampling shall include:

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

Nowhere in the report is there any description to document that CEH used the mandatory wiping procedure as described in §6.2.7.

Violation of §4.17.2

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

4.17.2 Documentation of the analytical methods used and laboratory QA/QC documentation, including the laboratory analytical report and chain-of-custody documentation.

As described below, CEH failed to complete the chain-of-custody as required.

Violation of §4.17.4

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

4.17.4 Documentation of variations from standard practices.



Nowhere in his report for this subject property has Mr. Jaeckel documented the many deviations and variations from the standard practices (regulations) as identified in this review.

Violation of §4.17.4

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

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

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

In the report, CEH makes no such certification as required (probably since they understood that their work was not in any way compliant with the regulations). Instead, CEH (falsely) stated:

I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, Part 1, §4 except as noted for work performed in accordance with prior regulations.

As documented in this review, the work was not in compliance with 6 CCR 1014-3 (2005) and the work was not in compliance with 6 CCR 1014-3 (2014).

Review of Section 6 Violations

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

Violation §6.1.3

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific duties including:

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

As described below, the mandatory elements were not performed as required.

Violation of §6.1.3.2

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific duties including:



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

As discussed earlier in this report, law enforcement documents were not obtained, and therefore, the methamphetamine production process (if any at all) was not determined by CEH. Furthermore, as already documented, the CEH consultant has no documented training in the assessment of illegal drug laboratories (as evidenced by the technical incompetence exhibited by CEH at this property); therefore, there is no expectation that the author of the CEH report would possess the necessary skill set to determine if the P2P process was used at the property. Therefore, compliance with this section could not have been met.

Violation of §6.1.3.3

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific duties including:

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

In his report, Mr. Jaeckel states that the Red Phosphorous method was likely used at the subject property. As such, if Mr. Jaeckel had any training in illegal drug laboratories, he would have known that the Red Phosphorous method involves iodine and that may account for the staining observed in the photographs in his report. As discussed earlier in this report, law enforcement documents were not obtained, and therefore, the production process (if any at all) was not determined by the CEH consultant. Furthermore, as already documented, the CEH consultant has no documented training in the assessment of illegal drug laboratories and therefore, there is no expectation that the author of the report would possess the necessary skill set to determine what process, if any, was used at this subject property. Therefore, compliance with this section could not have been met.

Violation of §6.1.3.5

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific duties including:

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.

As already discussed, law enforcement documents were not obtained, and therefore, the production process (if any at all) was not determined by CEH consultant. Furthermore, as already stated, the CEH consultant has no documented training in the assessment of illegal drug laboratories and therefore, there is no expectation that the author of the report would possess the necessary skill set to determine what process, if any, was used at this subject property. Therefore, compliance with this section could not have been met.

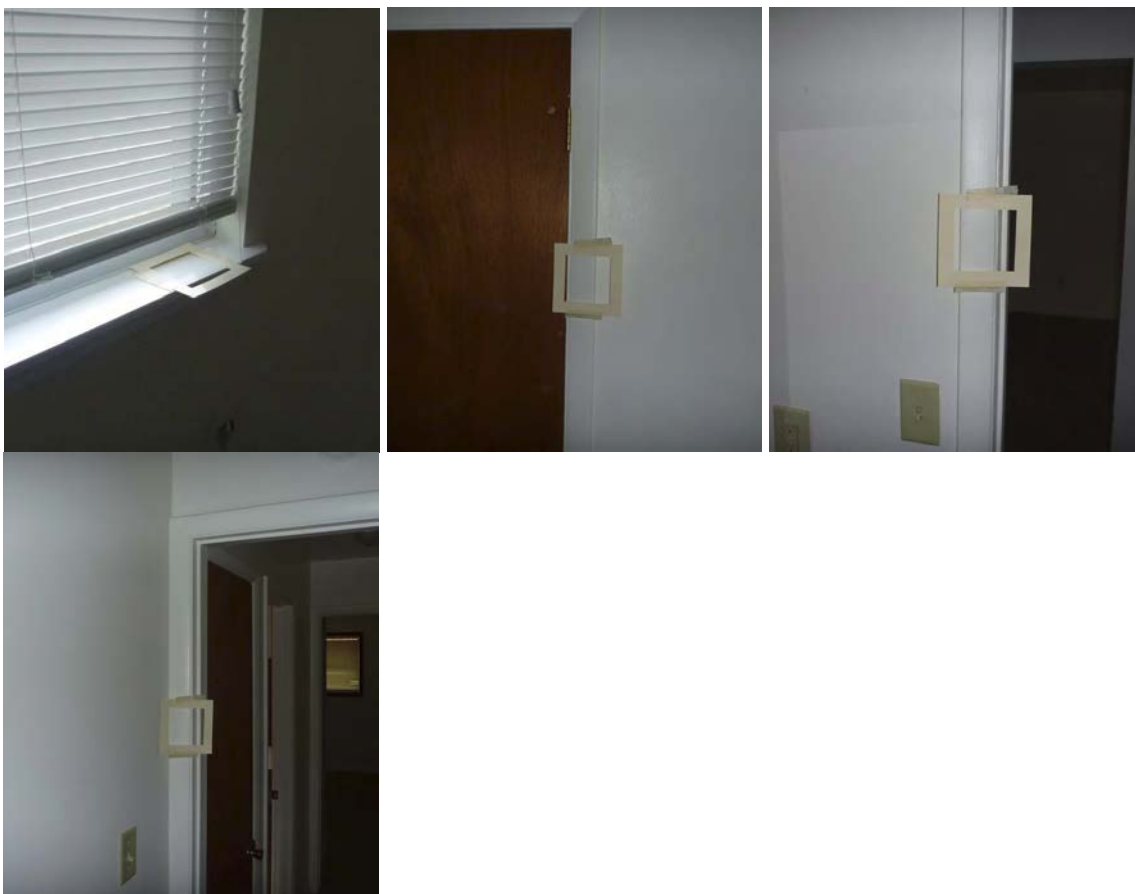


Violation of §6.2.2 (4 Violations)

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform sampling pursuant to mandated protocols including:

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

Historically, the consultant performing work at the subject property has been documented as merely holding a 100cm² template to a surface, and erroneously believing that the area within the confines of the template are measurable surface, when in fact, the areas within the confines of the template may be empty air.



CEH Photographs

Violation of §6.2.7 (28 Violations)

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

6.2.7 Wipe the surface using one of the following methods:



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

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

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

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

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

Since, in violation of §4.15.1, CEH failed to describe their sampling procedure, there is nothing in the CEH report to suggest or document that the samples were collected pursuant to regulations. Since, as documented above, this consultant historically does not follow regulations, there is no reason to believe that for this property, the Consultant would miraculously start performing sampling pursuant to the regulations. In any event, it was Mr. Jaeckel's responsibility to document the sampling procedure, as required by regulation; but nowhere in Mr. Jaeckel's report do we find this documentation.

For this property, CEH failed to describe their sampling procedure and as such, there is no documentation to demonstrate compliance for the 28 aliquots collected at the property in 2015. Therefore, it would appear that ALL of the samples thus collected at this subject property by the CEH consultant are invalid.

Violation of §6.2.14

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. Document sample(s) collected from a single methamphetamine-affected property on one Chain-of-Custody Record. Every transfer of custody shall be noted and signed for and a copy of the record shall be kept by each individual who has signed it. Samples shall be sealed, labeled, and secured. All samples collected shall be transported directly to the laboratory. Shipping samples overnight is considered direct transport, and the shipping label shall be considered part of the Chain-of-Custody Record. Retain all sample documents for the project record and include them in the project reports. At a minimum, the Chain-of-Custody Record shall include the following:

Violation of §6.2.14.3

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.3 sampler name and contact information;



Nowhere on the chain-of-custody is the mandatory information included. Nowhere on the chain-of-custody has the sampler been identified. Nowhere on the chain-of-custody is the appropriate contact information provided.

Violation of §6.2.14.8 (9 Violations)

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.8 sample collection time and date;

Nowhere on the chain-of-custody is the sampling collection time recorded.

Violation of §6.2.14.9 (9 Violations)

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.9 sample matrix;

This information is missing for 9 samples on the chain of custody; the matrix as used by the laboratory on the chain-of-custody is not the same use of the word matrix as used in the regulations.

Violation of §6.2.14.11

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.11 sample preservatives, if applicable; ...

This information is missing from the chain-of-custody.

Violation of §6.3 (4 Violations)

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

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

6.3.4 Combine no more than 4 aliquots in a single composite sample.

6.3.6 Collect all individual aliquots from 100 cm² sampling areas.

For this property, CEH collected at least one sample that either contained eight separate aliquots (in violation of §6.3.4) or, in violation of §6.3.6, whose individual aliquots were greater than 100cm².



Sample Location		Sample #	Area(cm ²)	µg Meth	µg Meth /100cm ²
Date of Sampling: January 21, 2015					
Unit 3016, south bedroom		012115PJ-01	800	<0.05	<0.006
a	East wall, south side				
b	Entry door interior, center				
c	Ceiling, west side				
d	South window sill, right side				

As can be seen, Sample 012115PJ-01 consisted of 800 cm² which is twice the allowable size. CEH did NOT receive a variance from the state for this deviation from standard since the February 6, 2015 letter from CDPHE explicitly covered only those samples that were collected during the 2013 time-frame, and not the samples collected in 2015. According to the variance letter (that, in violation of 6 CCR 1014-3 was issued after the violations and was issued without a formal request according to the requirements of §10.1 (10.1.1 through 10.1.4):

The variance request is sought to allow procedures prescribed in the Regulations as they existed prior to December 15, 2015 to be used for the preliminary assessment and clearance, specifically:

...

2. Section 6.3.6: Collect all individual aliquots from 100 cm² sampling areas.

Century requests a variance to allow the use of aliquots in composite samples that are greater than 100 cm² of surface area, as allowed by the previous version of the regulation.

The samples for which the variance is sought were collected in accordance with the Regulations as they existed at the time. Therefore, the variance is sought only to allow sampling conducted under the previous version of the Regulations to be used for compliance with the current Regulations.

Violation of §6.5

According to mandatory State regulations, the consultant is required to perform the sampling pursuant to specific protocols including:

6.5 Vapor Sample collection procedures. If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, vapor samples for mercury shall be collected in accordance with the procedures for sample collection described in NIOSH Method 6009 as incorporated in Section 9 of this Part 1.

As already documented, there is no evidence that the CEH consultant attempted to ascertain the availability of or obtain any law enforcement documents, and there is no documentation to indicate that the author of the CEH report has ever received any kind of training in illegal drug laboratories or their assessment, and therefore would not be



expected to possess the necessary skills needed to identify if a P2P manufacturing process had occurred. Therefore, since Mr. Jaeckel with CEH does not address the process, or even describe how or why the contamination was present at the subject property, it remains possible that a P2P process occurred in the property, and the issue remains unresolved.

Violation of §6.9.7 (20 Violations)

According to mandatory State regulations, the consultant is required to perform the sampling pursuant to specific protocols including:

6.9.7 The interior of major appliances (microwaves, refrigerators, freezers, ovens, and dryers) **must** be sampled using **discrete** samples.

The CEH consultant failed to provide an inventory of the appliances in the property. However, clearly visible from the photographs are numerous appliances in both 3016 Sumac and 3018 Sumac:



CEH Photographs

As previously described none of the “clearance” samples collected during the 2013 assessment were valid, therefore, we know that none of the areas were cleared. Therefore, although CEH declared the property at 3016 Sumac “compliant” they did so



without the collection of any valid samples pursuant to the regulations that were in effect at the time.

Similarly, CEH entirely failed to perform the sampling of the interior of the appliances for both units as required.

According to Ms. Brisnehan with the CDPHE, Section 6.9.7, cited above, requires the consultant to collect a sample from the exterior of the appliances as well. Although we do not agree with Ms. Brisnehan's personal interpretations, Mr. Jaeckel failed to collect a sample from the exterior of the appliances. Therefore, at a minimum, CEH failed to collect the following clearance samples:

1. Interior of the refrigerator in 3016
2. Exterior of the refrigerator in 3016
3. Interior of the refrigerator in 3018
4. Exterior of the refrigerator in 3018
5. Interior of the clothes washing machine in 3016
6. Exterior of the clothes washing machine in 3016
7. Interior of the clothes washing machine in 3018
8. Exterior of the clothes washing machine in 3018
9. Interior of the clothes dryer in 3016
10. Exterior of the clothes dryer in 3016
11. Interior of the clothes dryer in 3018
12. Exterior of the clothes dryer in 3018
13. Interior of the dishwasher in 3018
14. Exterior of the dishwasher in 3018
15. Interior of the dishwasher in 3016
16. Exterior of the dishwasher in 3016
17. Interior of the microwave oven in 3018
18. Exterior of the microwave oven in 3018
19. Interior of the microwave oven in 3016
20. Exterior of the microwave oven in 3016

Violation of §6.9.11.1 (26 Violations)

According to mandatory State regulations, the consultant is required to perform the sampling pursuant to specific protocols including:

6.9.11.1 Areas expected to have the highest levels of contamination, such as cooking areas, chemical storage areas, and waste disposal areas.

Of the 28 samples collected in 2015, according to the 2014 regulations, only two of the samples were collected from areas expected to have the highest levels of contamination:

012115PJ-06	S Bedroom	South wall, east side
012115PJ-03	Living room	south wall, west end



The remaining 26 sample aliquots were all collected from areas that would have had lower concentrations than other surrounding surfaces.

Failure to Comply with §7.2

According to the regulations, the consultant is required to perform specific sampling based on site conditions including:

7.2 If there is evidence of iodine contamination on materials or surfaces that will not be removed, surface wipe samples for iodine shall not exceed a concentration of 22 µg/100 cm².

As documented previously in this discussion, since Mr. Jaeckel has no documented training in illegal drug laboratories or their assessment, and has no documentation that would suggest he is an Industrial Hygienist, there is no expectation that Mr. Jaeckel would possess the necessary skill set to determine if such iodine contamination was present.

Failure to Comply with §7.3

According to the regulations, the consultant is required to perform specific sampling based on site conditions including:

7.3 If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead shall not exceed a concentration of 40 µg /ft², and vapor samples for mercury shall not exceed a concentration of 1.0 µg /m³.

Since Mr. Jaeckel has no documented training in illegal drug laboratories or their assessment, and has no documentation that would suggest he is an Industrial Hygienist, there is no expectation that Mr. Jaeckel would possess the necessary skill set to determine if a P2P laboratory had been present.

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. Jaeckel (CEH) has violated the Colorado Consumer Protection Act, and as a result, the registered owner of this subject property (and several others named in previously audited CEH reports), and the general public, have been harmed.

We recommend that the situation be forwarded to the District Attorney for proper evaluation, and to determine if the case rises to the level of criminal conduct.



Colorado Criminal Code CRS 18-5-113. Criminal impersonation

Mr. Jaeckel has repeatedly held himself out to be an Industrial Hygienist. As documented in this review (and in other historical documents referenced in this review) there is nothing in the present documentation that would indicate that Mr. Jaeckel is an Industrial Hygienist meeting the State definition.

The incompetence demonstrated in the current report should be sufficient to demonstrate that Mr. Jaeckel is not an Industrial Hygienist and is not competent to perform the work and may be falsely representing himself as an Industrial Hygienist (interim authorization notwithstanding).

Colorado Case law defines criminal impersonation as knowingly assuming a false or fictitious identity or capacity, and in that identity or capacity, doing any act with intent to unlawfully gain a benefit or injure or defraud another (*People v. Brown*, 193 Colo. 120, 562 P.2d 754 (1977); *People v. Borrego*, 738 P.2d 59 (Colo. App. 1987)). To falsely impersonate means to pretend to be a particular person without lawful authority (*People v. Horkans*, 109 Colo. 177, 123 P.2d 824 (1942); and to perform an act in assumed character for benefit. It is an offense under the code to falsely impersonate another, and in such assumed character to do any act whereby any benefit might accrue to the offender or to another person. (*People v. Horkans*, 109 Colo. 177, 123 P.2d 824 (1942)). Venue is not an element of the crime of criminal impersonation (*People v. Perez*, 129 P.3d 1090 (Colo. App. 2005)). Although the code does not require two overt acts to be committed, (rather the code requires assuming a false identity and doing an act with the intent to gain a benefit (*People v. Johnson*, 30 P.3d 718 (Colo. App. 2000)), Mr. Jaeckel has repeatedly performed these acts. The requisite intent to gain a benefit may be inferred from the accused's knowing use of a false identity and the acknowledged intent to secure some advantage from the impersonation (*People v. Borrego*, 738 P.2d 59 (Colo. App. 1987)). The common meaning of "assumes a false or fictitious identity" is not to hold oneself out as someone that he or she is not; it requires the assumption of the identity of another person, whether that other person is real or fictitious (*People v. Jones*, 841 P.2d 372 (Colo. App. 1992)). For example, an attorney with a suspended license who continues to practice law is guilty of criminal impersonation for practicing law. The courts have held that "continuing to represent himself as an attorney and performing legal work when he was aware that he had no valid license to do so amounts to the assumption of a false or fictitious capacity for purposes of the criminal impersonation statute." (*People v. Bauer*, 80 P.3d 896 (Colo. App. 2003)).

Colorado Criminal Code – Fraud; Offering a false instrument for recording

According to Colorado Revised Statute §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.

One of two mental states necessarily must have been present in the performance of the CEH work at this subject property: 1) Either Mr. Jaeckel knew that the work he was performing was grossly incompetent and not in compliance with State Regulations (as demonstrated above) or, 2) Mr. Jaeckel was unaware of the fact that his work was deviating from mandatory State requirements.

If Mr. Jaeckel did not know that his work was deviating from mandatory State requirements, then that is sufficient to surmise that he lacked the technical competency and therefore authority to perform the work in the first place since it was his professional obligation to conform to those regulations and perform work pursuant to those regulations.

However, since Mr. Jaeckel has specifically referenced 6 CCR 1014-3 and explicitly stated that he was aware of those requirements and since FACTs has identified hundreds of similar regulatory violations in the past regarding Mr. Jaeckel's work, one must conclude that Mr. Jaeckel knowingly and willfully performed work that deviated from mandatory State requirements.

Pursuant to State statute and state regulations, the "Preliminary Assessment Report" must be filed with the State of Colorado (indeed the report we reviewed was obtained from the State of Colorado through the Colorado Open Records Act) Therefore, we believe the facts objectively establish that Mr. Jaeckel was aware of such recording and was aware of the false statements made therein.

CONCLUSION

For this regulatory audit, FACTs has identified no fewer than 298 regulatory violations within the Preliminary Assessment report performed by Mr. Jaeckel with Century Environmental Health at the property located at 3016 – 3018 Sumac Street, Fort Collins, Colorado.

Based on the totality of circumstances, compliance was not demonstrated in any of the rooms, attics, crawlspaces, or HVAC systems in the structure housing 3016 – 3018 Sumac Street, Fort Collins, Colorado.



Appendix A

Reviewer's Statement of Qualifications





Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	W32nd Ave	Form # ML15
June 8, 2016		

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 628 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,720 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 testimony regarding criminal activities of staff members at the Colorado Department of Public Health Environment..



Multijurisdictional Counterdrug Task Force Training

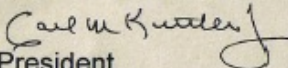


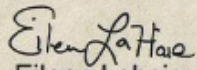
This is to certify that
Caoimhin P. Connell

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



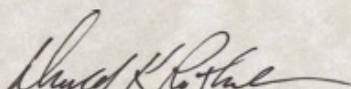
Certificate of Training

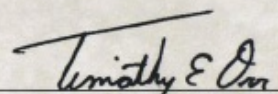
This certifies that

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>



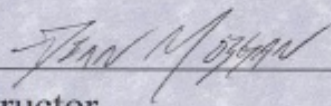
Park County Sheriff's Office Certificate of Completion

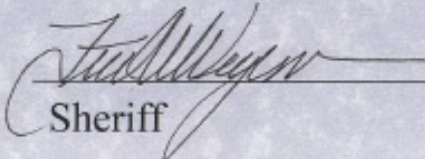
Caoimhin Connell

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 date. Recertification must be per 5 CCR 1005-2.



Certificate of Achievement

awarded to:

Caoimhin P. Connell

Has successfully completed Methamphetamine Lab Cleanup Management and Supervision training in accordance with 29 CFR 1910.120 and State Regulations Pertaining to the Cleanup of Methamphetamine Laboratories (8Hrs.)

June 1st, 2005

Date

Signed

HAZMAT Plans & Programs, Inc. 30 S. Havana St. Suite 304F Aurora, Colorado 80012 (303) 360-9801
"Safety Plans, Programs and Training Tailored To The Needs Of Your Business"

CERTIFICATE OF COMPLETION

COLORADO LAW ENFORCEMENT ASSOCIATIONS TRAINING PROJECT

This Certifies That

Caoimhin Connell

Has Attended the

CLEAT 40-HOUR

Train the Trainer Course

Hosted by Breckenridge Police Department
August 14-18, 2006

Karen M. Renshaw, CAE
Executive Director
Colorado Association of Chiefs of Police



John L. Kammerzell
Executive Director
Police Officer Standard & Training



Donald E. Christensen
Executive Director
County Sheriffs of Colorado





SINCE 1973

This is to certify that

Caoimlin P. Connell

*Has completed a 24 hour training program in Vehicle Identification Number
Inspection*

Presented this 24th day of May, 2008

CATI President

VIN Inspector Training Coordinator

State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING
AWARDS THIS CERTIFICATE
TO

CAOIMHIN PADRAIG CONNELL

May 6, 2004

Date

B- 10670

Number

*For fulfilling the prescribed requirements for certification. This certificate expires three years from date of
issuance unless the certificate holder meets the requirements for continued certification as established by law
and the P.O.S.T. Board.*

Governor

Attorney General, Board Chairperson

**Rocky Mountain
High Intensity Drug Trafficking
Area**



Certifies that



Caoimhín Connell

has attended

16 hours of

MCTC / RMHIDTA Indoor Marijuana Grows

Centennial, CO

August 28-29, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

CERTIFICATE OF TRAINING

THIS IS TO CERTIFY THAT

Caoimhín Connell

Has completed 4 hours of successful training for

The Hazards of Hash Oil Extraction

Held at IRIS Fire Investigations in Englewood, CO

on this 7th day of November, 2014

Robert K. Toth
IRIS Fire Investigations, President



COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

December 30, 2014

Caoimhin Connell
Forensic Applications Consulting Technologies Inc
185 Bounty Hunter Ln
Bailey, CO 80421

Consultant Interim Authorization Approval

Dear Caoimhin Connell:

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Department) has reviewed the application for Consultant Interim Authorization and has determined the application to be complete and in compliance with 6 CCR 1014-3, Regulations Pertaining to the Cleanup of Methamphetamine-Affected Properties (the Regulations).

The Department approves the application for **Consultant Interim Authorization**. This interim authorization approval shall expire on June 15, 2015.

Assessment and sampling of methamphetamine-affected properties may only be conducted by Consultant Firms that have received interim authorization under Part 2, Section 3.2.4 of the Regulations. Therefore, this interim authorization may only be used to conduct assessment and sampling of methamphetamine-affected properties for a Consultant Firm that has received interim authorization approval from the Department.

Approved By: _____

Date: _____

12/30/2014





COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

December 30, 2014

Forensic Applications Consulting Technologies Inc
185 Bounty Hunters Ln
Bailey, CO80421

Consultant Firm Interim Authorization Approval

Dear Forensic Applications Consulting Technologies Inc:

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Department) has reviewed the application for Consultant Firm Interim Authorization and has determined the application to be complete and in compliance with 6 CCR 1014-3, Regulations Pertaining to the Cleanup of Methamphetamine-Affected Properties (the Regulations).

The Department approves the application for **Consultant Firm Interim Authorization**. The firm shall only utilize individuals who have received interim authorization under Part 2, Section 3.2.1 of the Regulations to conduct assessment and sampling of methamphetamine-affected properties. This interim authorization approval shall expire on June 15, 2015.

The Regulations require submittal of electronic copies of reports to the Department. Electronic copies of reports should be submitted via email to cdphe_methlabdocuments@state.co.us. The words "report" or "report submittal" should be included in the email subject line, and the property address should be included in the body of the email.

Alternatively, compact disks with electronic copies of reports may be mailed to:

Colorado Department of Public Health and Environment
Hazardous Material and Waste Management Division
4300 Cherry Creek Drive South
Denver, CO 80246-1530
Attn: Colleen Brisnehan or Richard Mruz

Packages may also be hand delivered to the Department's mail room located in the northwest corner of Building B (700 South Ash Street).

Approved By: _____

Date: 12/30/2014

