



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
of
Documentation Regarding a
Methamphetamine Affected Property**

**Located at:
2301 Pearl Street, #29
Boulder, CO 80302**

**Prepared by:
Foothills Environmental, Inc.**

(Identifying 283 Regulatory Violations of 6 CCR 1014-3)

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
Bailey, CO 80421



July 6, 2016

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EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) is an independent, Industrial Hygiene consulting firm providing independent consulting services for both the private and the public sectors.

FACTs was provided with Public Domain Documents and, at the request of a client, asked to perform an objective regulatory (6 CCR 1014-3) audit of the documents.

This audit pertains to the documents identified as:

PRELIMINARY ASSESSMENT REPORT

Property Location
2301 Pearl Street, #29
Boulder, CO 80302
Prepared For
Lisah Brown
2217 Juniper Court
Boulder, CO 80304
Prepared By
Foothills Environmental, Inc.
11099 West 8th Avenue
Lakewood, CO 80401
February 9, 2016
FEI Project Number: ME16010

And

METHAMPHETAMINE CLEARANCE ASSESSMENT REPORT

Prepared for:
Lisah Brown
2217 Juniper Court
Boulder, CO 80304
Project Location:
2301 Pearl Street, #29
Boulder, CO 80304
Report Date:
March 18, 2016
Foothills Environmental Project Number:
ME16010-1

Regulatory Misconduct

Currently, criminal misconduct has greatly complicated the ability of a property owner to bring a methamphetamine affected property into compliance with pertinent regulations. During the last 18 months, personnel with the Boulder County Health Department, with assistance from staff at the Colorado Department of Public Health and Environment, has been engaged in the illegal falsification of documents related to real estate compliance issues, including knowingly falsifying information on compliance matters.

Mr. Michael Richen, with the Boulder County Health Department has, in violation of Colorado Revised Statutes §18-8-404, with the intent to obtain a benefit for “preferred



contractors” (and to maliciously cause harm to others) knowingly falsified documents related to property compliance reports and violated both State Statutes and lawfully adopted regulation relating to his office.

Since February 10, 2015, alone,¹ Mr. Richen has attempted to hide no fewer than 2,740 (two *thousand*, seven hundred and forty) regulatory violations associated with 13 (thirteen) invalid assessments of methamphetamine affected properties in his jurisdiction.^{2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14}

¹ Prior to promulgation of the current regulatory revisions, Mr. Richen has, with the intent to obtain a benefit for “preferred contractors” knowingly falsified documents related to property compliance reports, such as that for 100 W. Spaulding Street, Lafayette, Colorado, (http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf).

² See for example: 769 Cleveland Cir, Lafayette, CO (2/10/2015) Documenting 189 violations. Audit available from: http://forensic-applications.com/meth/Boatman_Cleveland_PA_RA.pdf

³ See for example: 2330 Wedgewood Ave., Building 7, Longmont, CO 80503 (3/15/2015) Documenting 345 violations; audit available from: http://forensic-applications.com/meth/Boatman_Screening_Wedge7_RA.pdf

⁴ See for example: 771 Cleveland Circle Lafayette, CO 80026 (3/17/2015) Documenting 41 violations; audit available from: http://forensic-applications.com/meth/Woellner_771_Cleveland.pdf

⁵ See for example: 731 Excelsior Place, Lafayette, CO 80026 (3/25/2015) Documenting 344 violations; audit available from: http://forensic-applications.com/meth/Boatman_Excelsior_PA_RA.pdf

⁶ See for example: 2000 Sunset Way, Unit #7318, Longmont, CO 80501 (4/8/2015) Documenting 301 violations; audit available from: http://forensic-applications.com/meth/WEC_103_PA_Clearance_RAdocx.pdf

⁷ See for example: 767 West Cleveland Circle, Lafayette, Colorado 80026 (4/18/2015) Documenting 110 violations; audit available from: http://forensic-applications.com/meth/FEI_Screening_Cleveland_RA.pdf

⁸ See for example: 502C West South Boulder Road, Louisville, CO 80027 (Screening) (4/18/2015) Documenting 146 violations; audit available from: http://forensic-applications.com/meth/Boatman_502C_PA_RA.pdf

⁹ See for example: 502C West South Boulder Road, Louisville, CO 80027 (PA) (4/28/2015) Documenting 211 violations; audit available from: http://forensic-applications.com/meth/Boatman_502C_PA_RA.pdf

¹⁰ See for example: 1815 Regal Ct., Unit B, Louisville, CO 80027, (PA) (6/28/2015) Documenting 234 violations; audit available from: http://www.forensic-applications.com/meth/Boatman_Regal_PA_RA.pdf

¹¹ See for example: 1815 Regal Ct., Unit B, Louisville, CO 80027, (Screening) (6/28/2015) Documenting 90 violations; audit available from: http://www.forensic-applications.com/meth/Boatman_Screening_Regal_RA.pdf

¹² See for example: 1815 Regal Ct., Unit B, Louisville, CO 80027, (Clearance) (7/3/2015) Documenting 357 violations; audit available from: http://forensic-applications.com/meth/Boatman_Regal_Clearance_RA.pdf

¹³ See for example: 1339 E. 7th Street, Loveland, CO (12/1/2015) Documenting 108 violations



The contractor for this property, Foothills Environmental Inc. (FEI) is one of the “preferred contractors” for which Mr. Richen has extended unlawful benefit. Of the over 2,740 regulatory violations identified above, 110 of those regulatory violations (not including the violations identified in this audit) were committed by FEI¹⁵

In turn, FEI is permitted to perform illegal assessments, and is permitted to falsify documents under the unlawful protection of Ms. Coleen Brisnehan, a regulator with the Colorado Department of Public Health and Environment, (CDPHE). For example, Mr. Andrea Gonzales with Foothills Environmental, Inc. performed an invalid screening assessment at a property located at 4383 Tennyson Street, Denver, CO 80212, for which there were no fewer than 343 regulatory violations. The work was performed for Ms. Melanie Granberg, an attorney with Gablehouse Granberg, LLC. Ms. Granberg was a co-founder of and also served on the Board of Directors of a private commercial organization called “Colorado Association of Meth and Mold Professionals” (CAMMP). In violation of Colorado Revised Statutes, CRS §24-50-117¹⁶ Ms. Brisnehan with the CDPHE also served on the same board and has been extending unlawful benefits to her fellow board members by virtue of knowingly fabricating materially false statements on a public record, intended to be filed with a public office, in an attempt to hide the invalid assessment.¹⁷

In any event, the contractor in question, FEI, has an extended history of performing invalid assessments of methamphetamine affect properties, making false claims on written instruments intended to be filed with public officials, and issuing false certifications of compliance.¹⁸ Therefore, since this contractor has such a long, documented history of knowingly making false statements in his reports (and indeed, making false statements in the current report), it becomes difficult to know, with any degree of confidence, if the contractor has falsified information contained in the report prepared for this subject property.

Summary of Findings

Using the level of scrutiny established by the CDPHE for reviewing such documents, FACTs has identified no fewer than 283 (two hundred and eighty three) regulatory violations associated with the work performed by FEI at 2301 Pearl Street, Unit #29, Boulder, CO 80302.

¹⁴ See for example: 598 Cleveland Avenue in Louisville, CO 80027 (4/20/2016) Documenting 264 violations; audit available from: http://forensic-applications.com/meth/QUEST_Cleveland_Screen_RA_Redacted.pdf

¹⁵ 767 West Cleveland Circle, Lafayette, Colorado 80026 (4/18/2015) Documenting 110 violations; audit available from: http://forensic-applications.com/meth/FEI_Screening_Cleveland_RA.pdf

¹⁶ Prohibited activities of employees

¹⁷ A detailed description of the illegal activities can be found here: http://www.forensic-applications.com/meth/FEI_Tennyson_SA_CA_RA.pdf

¹⁸ See for example: 1170 Garrison Street Lakewood, Colorado 80215, http://forensic-applications.com/meth/Censored_Compliance_Audit.pdf



Based on the best information available, since no legitimate Preliminary Assessment has yet been performed, any and all cleaning at the apartment would have been prohibited.

Since the final clearance sampling must be based on a **legitimate** Preliminary Assessment, and no legitimate Preliminary Assessment has occurred at this property, none of the sampling performed by Mr. Gonzalez can be used for regulatory compliance.

The property at 2301 Pearl Street, Unit #29, Boulder, CO 80302, remains, by Colorado statutes, a non-compliant illegal drug laboratory - entry into which is restricted by State statutes.

PRELIMINARY ASSESSMENT

During the performance of a Preliminary Assessment of a methamphetamine affected property, the Consultant is required by regulations to perform specific mandatory tasks and provide specific mandatory documentation: however, those regulatory requirements were not met by Mr. Gonzalez at this property, as described in the following sections.

Violation of §4.0 Preliminary Assessment.

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform and fulfill specific elements that constitute a Preliminary Assessment. For this project, Mr. Gonzalez failed to perform those activities, as delineated below.

Violation of §4.3.1 (4 Violations)

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

4.3 Description of structural features in all buildings, such as attics, false ceilings, crawl spaces, and basements, including:

4.3.1 If the building has an attic, a description of the integrity of the building ceiling (i.e., attic floor), any signs of access, storage, manufacturing, or venting into the attic (e.g., holes cut in ceiling for the purpose of venting gases from a cook), and a description of observations of the ducting associated with all bathroom and kitchen exhaust vents. If preliminary assessment sampling is conducted, include the results of sampling in accordance with Section 6 of this Part 1.

This requirement is important; a legitimate, trained assessor would understand that the reason behind the regulatory requirement is in response to the fact that emissions through a structure are convoluted and can be circuitous. Contaminants from, say a location on the ground floor, can migrate to the attic through the hollow walls and other conduits to the attic, where the contaminants may be spread to other units in a multi-unit structure such as this subject property. By checking the attic in the building, as required by regulation, one can determine if migration into other units was a probability. Similarly, contamination in a unit on, say, the second floor of a structure, may migrate to a



crawlspace and contribute to contamination in a crawlspace from whence contamination may migrate to other units.

Mr. Gonzalez has failed to meet this obligation and Mr. Gonzalez never even determined if the building has an attic. In his report, Mr. Gonzalez notes:

The condo does not have a crawl space or attic. The condo does not share a common hallway or space with other condos.

In fact, it would appear that not only does the structure have an attic, but, a common pipe chase traverses each of the units to the attic where it penetrates the attic. See the photograph below taken by this reviewer, (Connell) on January 15, 2016.



Photograph by FACTS

As can be clearly seen in the photograph, the structure appears to have an attic, and it would also appear that common flue-stacks are penetrating the attic.



We have documented the following four violations:

1. Mr. Gonzalez failed to determine if the building has an attic as required
2. Mr. Gonzalez failed to provide a description of the integrity of the building ceiling (i.e., attic floor), as required
3. Mr. Gonzalez failed to identify any signs of access, storage, manufacturing, or venting into the attic, as required
4. Mr. Gonzalez failed to provide a description of observations of the ducting associated with all bathroom and kitchen exhaust vents, as required.

Violation of §4.3.2 (8 Violations)

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

4.3.2 A description of the integrity of the building floor, and if there is a crawl space, a description of any signs of access, storage, venting, or disposal related to methamphetamine manufacturing, integrity of any vapor barriers, and any signs of disposal onto the soil of the crawl space. The soil investigation shall be conducted in accordance with the assessment procedures in Section 6 of this Part 1. If the vapor barrier is intact and in good condition, and if there is no indication of chemical disposal, the soil beneath the vapor barrier may be presumed to meet the cleanup criteria, and no soil sampling is required.

Nowhere in the FEI report do we find where Mr. Gonzalez has provided the mandatory inspection or description. In the past, on previous FEI documents reviewed by FACTs, Mr. Gonzalez has simply falsified the information in his reports,¹⁹ or otherwise, been given an unlawful pass by Mr. Brisnehan (CDPHE).²⁰

As such, the following mandatory functions are missing from the Preliminary Assessment:

1. Mr. Gonzalez failed to determine if the building had a crawlspace.
2. Mr. Gonzalez failed to provide a description of the integrity of the building floor,
3. Mr. Gonzalez failed to provide a description of any signs of access into the crawlspace
4. Mr. Gonzalez failed to provide a description of any signs of storage in the crawlspace
5. Mr. Gonzalez failed to provide a description of any signs of venting in the crawlspace
6. Mr. Gonzalez failed to provide a description of any signs of disposal related to methamphetamine manufacturing in the crawlspace

¹⁹ See for example: 769 Cleveland Cir, Lafayette, CO (2/10/2015) Documenting 189 violations. Audit available from: http://forensic-applications.com/meth/Boatman_Cleveland_PA_RA.pdf

²⁰ A detailed description of the illegal activities can be found here: http://www.forensic-applications.com/meth/FEI_Tennyson_SA_CA_RA.pdf



7. Mr. Gonzalez failed to provide a description of integrity of vapor barriers in the crawlspace
8. Mr. Gonzalez failed to provide a description of any signs of disposal onto the soil in the crawlspace

Violation of § 4.5

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

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

There is no documentation to indicate that the author of the 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 signs of manufacturing methods.

Violation of § 4.9

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

4.9 Identification and documentation of signs of contamination such as staining, etching, or fire damage.

As mentioned above, the consultant has no documented training or specialized knowledge in the assessment of illegal drug laboratories, and therefore, there is no information to indicate the consultant would possess the skills necessary to identify such signs. In the past²¹ Mr. Gonzalez has similarly stated there was no staining even when overt staining was present and photographed by other investigators and even mentioned in police reports.

In the following photographs, we have depicted heavily stained areas, in other illegal drug laboratories, wherein Mr. Gonzalez similarly failed to note indicative staining even though the staining was present and was actually photographed by Mr. Gonzalez himself:

²¹ See for example: 1170 Garrison Street, Lakewood, Colorado 80215: http://forensic-applications.com/meth/Censored_Compliance_Audit.pdf





**Photographs by Andre Gonzalez
Showing “No Staining” in Other Properties
that were Heavily Stained**



Violation of § 4.11

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

4.11 For properties with multi-unit buildings, identification and documentation of other units and common areas where contamination may have spread or been tracked.

In his report, Mr. Gonzalez simply falsified the report and stated:

The condo does not share a common hallway or space with other condos.

However, Unit 29 does share common areas with other units. In the photograph below,²² one can clearly see that the Unit 29 does indeed have common areas where contamination may have been tracked. Additionally, there is an external clothes dryer or bathroom vent that terminates into the common area. The external portions of the vent were conclusively demonstrated to have been contaminated.²³ Therefore, as of January 15, 2016, we already knew that the surfaces in the common area around the vent were contaminated at concentrations greater than the State permits.

²² Photograph by FACTs, January 15, 2016.

²³ Industrial Hygiene Assessment Resulting in the Discovery of an Illegal Drug Laboratory At: 2301 Pearl Street, Unit #29, Boulder, CO. Prepared for: Hast & Co, 525 Canyon Blvd. Boulder, CO 80302, Prepared by: Forensic Applications Consulting Technologies, Inc. 185 Bounty Hunter's Lane, Bailey, CO 80421, January 20, 2016





**Photograph of Common Areas
Unit 29 (FACTs)**

Violation of § 4.11.1 (6 Violations)

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

4.11.1 If contamination above the standard is identified in any unit in a multi-unit structure with shared attics (i.e., open space with no fire walls), the shared attic spaces shall be investigated to determine whether they are also contaminated. If access is not available to inspect or sample shared attic spaces, the owner of the contaminated unit or their representative shall give notice to the owner(s) of the shared attics and the owners and tenants of the units that are immediately below the shared attic spaces that methamphetamine contamination may be present. Notice shall also be given to the homeowners' association (HOA), if one has been established. The consultant shall document any limitations on access in the final report.

For this property, as already described, Mr. Gonzalez failed to comply with the mandatory provision of §4.3.1 and never bothered to determine if the building had an attic. As it is, contamination above the standard was identified in a unit (the subject property) in a multi-unit structure. At this point, since Mr. Gonzalez failed to comply with the regulations, it is not known if the attic is shared or not.



As such, the following violations are noted:

1. The shared attic spaces were not investigated to determine whether they are also contaminated.
2. There is no indication Mr. Gonzalez advised the owner of the contaminated unit or their representative to give notice to the owner(s) of the shared attics that methamphetamine contamination may be present, as required by regulation.
3. There is no indication Mr. Gonzalez advised the owner of the contaminated unit or their representative to give notice to the owners of the units that are immediately below the shared attic spaces that methamphetamine contamination may be present, as required by regulation.
4. There is no indication Mr. Gonzalez advised the owner of the contaminated unit or their representative to give notice to the tenants of the units that are immediately below the shared attic spaces that methamphetamine contamination may be present, as required by regulation.
5. There is no indication Mr. Gonzalez advised the owner of the contaminated unit or their representative to give notice to the homeowners' association (HOA), if one has been established, as required by regulation.
6. There is no indication Mr. Gonzalez documented any limitations on access in the final report.

Violation of § 4.11.2 (6 Violations)

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

4.11.2 If a multi-unit structure has connected crawl spaces, the crawl spaces shall be investigated to determine whether the connected crawl spaces are also contaminated. If access is not available to inspect or sample connected crawl spaces, the owner of the methamphetamine-affected property or their representative shall give notice to the owner(s) of the connected crawl spaces and the owners and tenants of the units that are immediately above the connected crawl spaces that methamphetamine contamination may be present. Notice shall also be given to the HOA, if one has been established. Any limitation on access shall be documented in the final report.

As already discussed, Mr. Gonzalez entirely failed to even determine if the property has a crawlspace as required. As such the following are missing from the documentation:

1. Mr. Gonzalez failed to investigate to determine whether the connected crawl spaces are also contaminated.
2. There is no indication Mr. Gonzalez advised the owner of the methamphetamine-affected property or their representative to give notice to the owner(s) of the



connected crawl spaces, if access was not available to inspect or sample connected crawl spaces.

3. There is no indication Mr. Gonzalez advised the owner of the methamphetamine-affected property or their representative to give notice to the owners of the units that are immediately above the connected crawl spaces that methamphetamine contamination may be present.
4. There is no indication Mr. Gonzalez advised the owner of the methamphetamine-affected property or their representative to give notice to the tenants of the units that are immediately above the connected crawl spaces that methamphetamine contamination may be present.
5. There is no indication Mr. Gonzalez advised the owner of the methamphetamine-affected property or their representative to give notice to the HOA, if one has been established.
6. Mr. Gonzalez has failed to address the issue of limitation on access to the crawlspace in the final report.

Violation of § 4.12

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

4.12 For properties with multi-unit buildings, identification and documentation of any common ventilation systems connected to other units or common areas. If contamination above the standard is identified in any unit in a multi-unit building, the units **and common areas** that are connected to the unit by ventilation systems **shall be investigated** to determine whether they are also contaminated. ...

In the photograph below, the red circle in the photograph highlights the terminal of two ventilation units that communicate with the common area. As already mentioned, the exterior surfaces of the vents were conclusively known to have been contaminated, thus confirming the common area was already known to have been contaminated.

Mr. Gonzalez failed to perform his regulatory obligations and failed to address the common areas as required by §4.12.





FACTs Photograph of Contaminated Exterior Vents

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

In violation of §4.14, Mr. Gonzalez failed to provide exterior photographs of the surrounding areas, including failing to provide photographs of those common areas that were conclusively known to be contaminated.

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. Documentation of assessment sampling shall include:

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



For this project, Mr. Gonzalez appears to have merely inserted boiler-plate language and never explains why, for example, his sampling procedures were in violation of §6.2.15 which required Mr. Gonzalez to acquire a representative sample from beneath the painted-over surface. For example, Mr. Gonzalez mixed aliquots of methanol dampened samples from non-representative surfaces and even mixed new and old painted surfaces in violation of the regulations. Nowhere in the FEI report do we find any explanation of this prohibited practice.

Instead in his report, Mr. Gonzalez incorporates apparently boiler-plate language:

Samples were collected in accordance with 6 CCR 1014-3 Part 1, Section 6.2.7 through 6.2.11.

As already noted, in other reports,^{24,25,26} Mr. Gonzalez has knowingly, and with the intent to defraud, claimed that he has performed sampling pursuant to regulations when, objectively, the sampling was never performed pursuant to mandatory regulations.

Similarly, for this project, although in the Preliminary Assessment alone, FACTs has identified 167 violations, yet Mr. Gonzalez falsified the certification in his report and knowingly, with the intent to defraud, falsely stated:

I hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, Part 1, § 4.

Therefore, considering the large number of known regulatory violations by this consultant and considering the documented fabrications and knowingly false statements made by this individual, there is nothing in the documentation to demonstrate that the sampling was actually performed”... *Samples were collected in accordance with 6 CCR 1014-3 Part 1, Section 6.2.7 through 6.2.11 ...*”. Indeed, as demonstrated, below, the sampling most definitely was not performed pursuant to the referenced mandatory regulations.

Violation of §4.15.2 (2 Violations)

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

4.15.2 documentation of the analytical methods used and laboratory QA/QC requirements, including the laboratory analytical report and chain-of-custody documentation; and

²⁴ See for example: 4383 Tennyson Street, Denver, CO 80212 (http://www.forensic-applications.com/meth/FEI_Tennyson_SA_CA_RA.pdf)

²⁵ See for example: 769 Cleveland Cir, Lafayette, CO (2/10/2015) Documenting 189 violations. Audit available from: http://forensic-applications.com/meth/Boatman_Cleveland_PA_RA.pdf

²⁶ 1170 Garrison Street Lakewood, Colorado 80215, http://forensic-applications.com/meth/Censored_Compliance_Audit.pdf



1. As discussed in detail below, Mr. Gonzalez failed to provide the mandatory chain-of-custody as required by regulations.
2. As discussed in detail below, Mr. Gonzalez falsified the laboratory results and misrepresented the results of the field blank in his discussion.

Violation of §4.15.3 (2 Violations)

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

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

Mr. Gonzalez has failed to provide a computer generated figure illustrating the layout of the building(s). The only figure in the report was a floor plan of a single unit, Unit 29. We speculate that Mr. Gonzalez intentionally excluded the mandatory figures since it would have drawn attention to the fact that Mr. Gonzalez failed to identify the presence of an attic and adjoining common areas, that he falsely claimed did not exist.

Mr. Gonzalez falsely misrepresented the sample results provided by the laboratory. According to the regulations, “Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way.”

The laboratory reported sample Number 7 thusly -

Client ID Number	Lab ID Number	Sample Area (cm ²)	Reporting Limit (µg)	METHAMPHETAMINE CONCENTRATION (µg)	Reporting Limit (µg/100cm ²)	METHAMPHETAMINE CONCENTRATION (µg/100cm ²)
7	EM 1567236	0	0.05		< 0.05 µg	

Yet in his report, Mr. Gonzalez falsely and without explanation claimed Sample 7 thusly:

Sample Number	Sample Location	Sample Area	Methamphetamine Concentration
7	Field Blank	NA	< 0.02 µg

We believe this is a result of the fact that Mr. Gonzalez has no actual documented knowledge or training in methamphetamine affected property assessments, and has no documented experience in ever having completed a single valid regulatory drug laboratory assessment in Colorado and doesn’t actually understand the laboratory reports used in his discussion. For example, a field blank cannot be expressed as “µg/100cm²” and yet nowhere in his report does Mr. Gonzalez explain why his field blank is so expressed.



Violation of §4.17

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must be collected pursuant to specific protocols:

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

When this reviewer (Connell) originally prepared the regulatory language regarding sampling for the original 6 CCR 1014-3 regulation, Mr. Connell made it clear that sampling during a Preliminary Assessment was not required. (FACTs recognizes that Ms. Brisnehan, with the CDPHE, with the intent to mislead law enforcement personnel, lied to the Colorado Springs Police Department²⁷ regarding this aspect of the State regulations. Nevertheless, in spite of Ms. Brisnehan's intentional deceptions to law enforcement personnel, sampling is not now (and never has been) required by regulations during a Preliminary Assessment).

A legitimate consultant, with training in the regulatory requirements, and training in assessment of illegal drug laboratories would have known the unit was heavily contaminated without the collection of the samples used by Mr. Gonzalez.

Therefore, there can only be two reasons Mr. Gonzalez collected the samples he did collect

- 1) To waste the financial resources of the client and increase his own profits under the pretense the samples were required, or
- 2) Mr. Gonzalez was collecting Clearance Samples.

For the purposes of this discussion, we have presumed the latter. Therefore, unless Mr. Gonzalez was intentionally attempting to bilk his client out of additional funds, Mr. Gonzalez was required to comply with the sampling protocols of Section 6 of Part 1, 6 CCR 1014-3.

Violation of §6.1.3.2

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must be collected pursuant to specific protocols:

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.

²⁷ Letter from Colleen Brisnehan, to Joan Whittemore (CSPD) and Sgt. Harrell (CSPD) regarding Citizen Request #4967 (Tuesday, September 4, 2012 4:00 pm) From:, WHITTEJO@ci.colospgs.co.us to FACTs, Inc.



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 already described, there is no documentation to indicate that Mr. Gonzalez has ever received any training or has any specialized knowledge in the assessment of illegal drug laboratories and there is nothing in the public file that would indicate that Mr. Gonzalez would know what “P2P” means or how to even recognize a P2P laboratory.

Certainly there is nothing in Mr. Gonzalez’s report to indicate that Mr. Gonzalez even considered the possibility the property might be a P2P laboratory.

Violation of §6.1.3.3

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must be collected pursuant to specific protocols:

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.

We know from other projects where iodine contamination was identified, Mr. Gonzalez has entirely failed to comply with the regulations regarding iodine sampling. For example, in March of 2009, Mr. Gonzalez prepared what he called a “Preliminary Assessment (*sic*) For Methamphetamine Contamination”²⁸ for a property located at 1170 Garrison Street, Lakewood, Colorado 80215. The property, as shown in the photograph below, had staining consistent with iodine staining:

²⁸ See for example: PRELIMINARY ASSESSEMENT (*sic*) FOR METHAMPHETAMINE CONTAMINATION Property Location: 1170 Garrison Street, Lakewood, CO, Prepared By Foothills Environmental, Inc. 1320 Simms Street, Suite 102, Golden, CO 80401 March 9, 2009





**Photograph of Iodine Staining at
1170 Garrison Street Lakewood, Colorado 80215²⁹**

In fact, in that report, Mr. Gonzalez even admitted that law enforcement personnel also noted the staining:

The South Metro Drug Task Force (SMDTF) investigated the property on November 26th, 2006. The report mentions the observation of visual staining and odors associated with Methamphetamine manufacturing.

Yet in spite of the overt, prominent, and patently obvious staining in the residence, FEI simply lied in their report and claimed:

All sampling was conducted following protocols outlined by the Colorado Department of Public Health and Environment (CDPHE) 6 CCR 1014-8 Regulations. FEI did not observe staining inside the residence.

Remarkably, Mr. Gonzalez then went on to photograph the stains that he claimed didn't exist.

²⁹ FACTs, Inc. photograph Jan 8, 2009.



Therefore, for this property, given the historically falsified FEI documents, there is simply no confidence when Mr. Gonzalez states:

No staining associated with methamphetamine cooking was observed on walls, ceilings or floors.

Certainly the word iodine never even appears anywhere in the FEI report, and therefore, we can conclude that, in violation of the regulations, Mr. Gonzalez never considered the possibility of iodine being present.

Violation of §6.1.3.5

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must be collected pursuant to specific protocols:

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 mentioned, there is nothing in the public record that would indicate that Mr. Gonzalez would possess the necessary skills to know what a P2P laboratory was or even know what the acronym “P2P” means. Objectively, there is no mention of P2P anywhere in the report, and therefore, we know that the issue was never considered, as required.

Failure to comply with 6.2.1 (20 violations)

According to the Regulations, when wipe samples are collected, the consultant is required to use specific sampling materials including:

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

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

6.2.1.1 Cotton gauze material.

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

6.2.1.3 Tightly knitted continuous filament polyester.

In his report, Mr. Gonzalez has stated:

All samples were collected using 2x2 inch polyester blend gauze pads.

However, public documentation has demonstrated that Mr. Gonzalez has made this very claim even when his sampling media is not 2x2 inch polyester gauze pads³⁰ and otherwise did not meet the sampling requirements. In the referenced report, Mr. Gonzalez also stated:

³⁰ See for example the following audit found here: http://www.forensic-applications.com/meth/FEI_Tennyson_SA_CA_RA.pdf



All samples were collected using 2x2 inch polyester blend gauze pads.

This reviewer, Connell, has personally inspected the sampling materials used by Mr. Gonzalez and has firsthand knowledge that the pads identified by Mr. Gonzalez in the past as meeting regulations were not 2X2 as claimed and were not cotton gauze material, or 4-ply non-woven cotton/polyester blend, or tightly knitted continuous filament polyester. FACTs has firsthand knowledge of the sampling media used by Mr. Gonzalez on other projects, wherein Mr. Gonzalez has falsely claimed he employed acceptable media when in fact, the sampling media failed to meet any aspect of the mandatory sampling requirements. Since, as described below, Mr. Gonzalez failed to comply with mandatory sample submittal information which was supposed to include matrix information, there is nothing in the documentation to indicate Mr. Gonzalez actually did anything other than use his usual isopropyl impregnated blended rayon-polypropylene prep pads and then simply falsify his report as usual.

Failure to comply with 6.2.2 (3 violations)

According to the Regulations, when wipe samples are collected, the consultant is required to meet specific tolerances:

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.

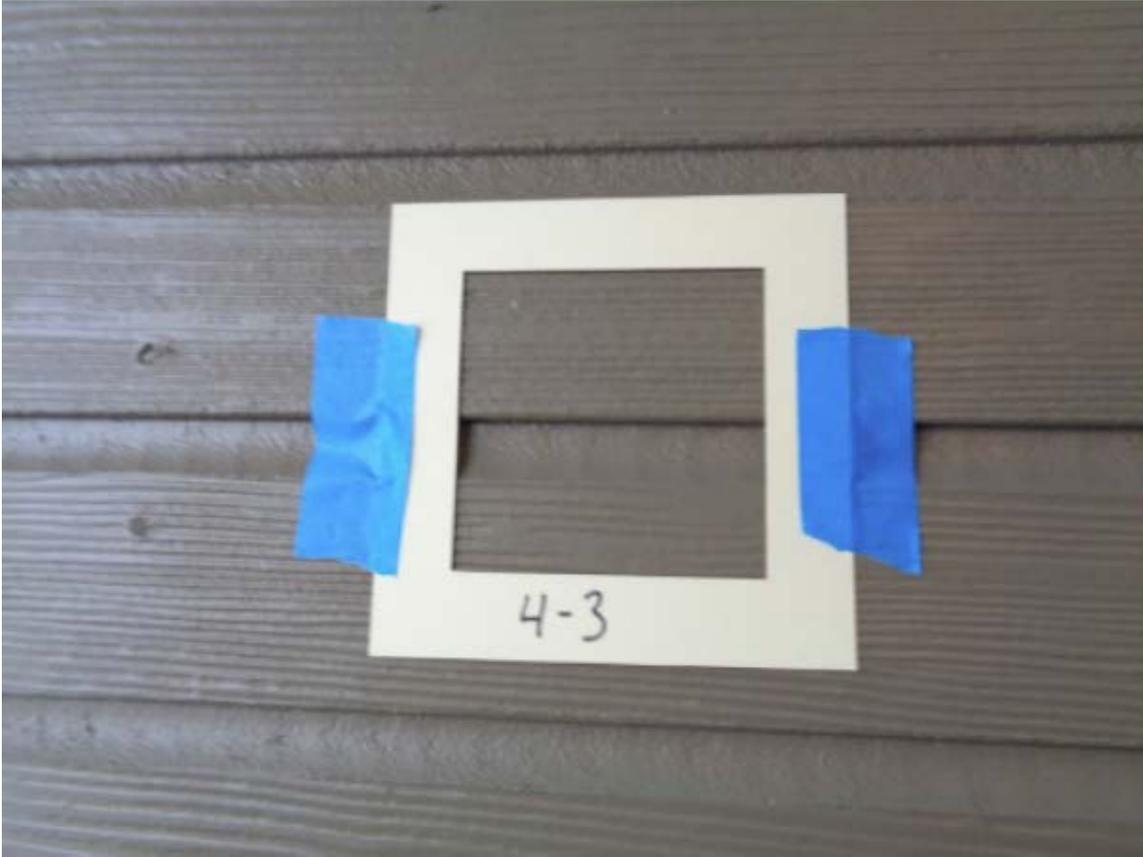
According to Colleen Brisnehan with the CDPHE,³¹ an error in the measurement within the template renders the sample unusable even if the error is as small as 1.98%. That is, according to Colleen Brisnehan with the CDPHE whereas the sampled area is required to be 100 cm², if a consultant were to collect a sample that was, say 24.95 cm by 4.1 cm, this error in measurement would be unacceptable, and would render the sample void, and would subject the consultant to a penalty of \$15,000 per infraction per day, and would require the sample to be rejected by the State of Colorado and the site would have to be re-sampled.

The above example, of 24.95 cm X 4.1 cm is actually a real life example, used by Ms. Brisnehan as an example of a measurement that is beyond tolerance, even though the theoretical area is 102 cm² (a relative percent difference of less than 2%).

For several of the samples collected by Mr. Gonzalez, at the subject property on Pearl Street, the surface area inside the template is significantly greater than the example used by Ms. Brisnehan. For example, if we look at the photograph provided by Mr. Gonzalez, below, we see that the template is affixed to a wall with a deep depression traversing the center of the template:

³¹ See: Colleen Brisnehan communication to FACTs, October 19, 2015 (Available through CORA)





Sample 4-3 Collected by Mr. Gonzalez

In his report, Mr. Gonzalez identifies his templates as a 100cm² template. Therefore, since the template is square, we know the template is a 10cm X 10 cm template and we can use the template as a reference for scale.

When we measure the area within the template for the sample collected by Mr. Gonzalez, we see that for this sample alone, the area within the template (that is the actual area of the sample) is a 120 cm and not 100 cm² as claimed by Mr. Gonzalez. When we measure the additional surface area, due to the ripples, we find that the total surface area in the template for this sample is a whopping 125 cm².

According to Ms. Brisnehan (CDPHE), a 2% error is unacceptable, and renders the sample invalid, and subjects the consultant to a fine of \$15,000 per incident per day. In this case, the relative percent difference is ten times greater than specified by Ms. Brisnehan, a whopping 24.7% error. Therefore, according to Ms. Brisnehan, none of these samples are valid. The invalid samples are 4-1, 4-3, and 4-4.

Violation of §6.2.7 (40 Violations)

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must be collected pursuant to specific protocols:

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).

6.2.11 Fold the sample media over again so that the sampled side is folded in. Place the sample media in a sample container, cap and number it, and note the number at the sample location on the sketch. Remove and discard impervious gloves. Include notes with the sketch giving any further description of the sample, including sample name and time of collection. Photograph each sample location.

In his report, Mr. Gonzalez stated:

Samples were collected in accordance with 6 CCR 1014-3 Part 1, Section 6.2.7 through 6.2.11.

In previous audits, FACTs has objectively demonstrated that Mr. Gonzalez regularly claims to have complied with regulations while at the same time, knowingly has violated those regulations and falsely certified his methods. In this case, Mr. Gonzalez failed to document that he actually complied with these sampling requirements and there is nothing in his report to document his compliance.

For this project, conclusively, we objectively know that Mr. Gonzalez did not comply with §6.2.11 as claimed since §6.2.11 requires:

Include notes with the sketch giving any further description of the sample, including sample name and time of collection.

Nowhere in the report is the mandatory sampling times included and only sampling locations are provided, no sampling descriptors. At a minimum, we know that the sample collection times for 20 aliquots is missing; thus there would be a minimum of 20 violations of this section, other sampling considerations notwithstanding.

Considering the historical falsifications and fabrications by this consultant, we believe the lack of documentation of compliance in the report is a strong argument for noncompliance. If there had been a single example anywhere in the State where Mr. Gonzalez actually had performed a legitimate Preliminary Assessment, devoid of false statements, we would concede the possibility that perhaps the work on this property was



compliant – however, to our knowledge no such compliant work has ever been performed by Mr. Gonzalez or FEI.

Violation of §6.2.12

During the performance of a Preliminary Assessment, if the Consultant collects samples they must be collected pursuant to specific protocols:

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

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

For this project, Mr. Gonzalez claims to have collected four 4-parted composites, one 2-parted composite, and one discrete. Therefore, a four parted composite field blank would have been required. However, as described later, Mr. Gonzalez failed to comply with § 6.2.14.6 and failed to document the number of aliquots submitted, we must turn to the report to try and find documentation. To that end, we see the following:

One field blank was collected for this project.

Therefore, the documentation indicates, that in violation of §6.2.12, a single pad (of noncompliant material) was submitted instead of the four combined sampling materials as required.

Finally, Mr. Gonzalez stated that he used two different alcohols, but never specified for which alcohol the field blank represented, therefore, there is also a filed blank missing for one of the alcohols.

Violation of §6.2.14

During the performance of a Preliminary Assessment, if the Consultant collects samples they must be handled pursuant to specific protocols and specific documentation must be included in the chain of custody:

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 §6.2.14.2

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.2 subject property address;



Nowhere on the chain of custody is the mandatory information given. According to Mr. Gonzalez samples were collected at:

Project Number and/or P.O. #:	ME16010
Project Description/Location:	2301 Pear Street

It would appear that the samples are actually collected from a property located at 2301 Pear Street, Canon City, CO 81212. We were also able to locate two other possible addresses with these numerals and this street name, in the US:

2301 Pear Street, Saint Joseph, MO 64503
2301 Pear Street, Greensboro, NC 27401

Violation of §6.2.14.3

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.3 sampler name and contact information;

Nowhere on the chain of custody is the mandatory information given.

Violation of §6.2.14.5

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.5 sample area;

As already described, several of the sample areas claimed by Mr. Gonzalez are false. For example, samples 4-1, 4-3, and 4-4 are all 125cm² and not 100 cm², and therefore, the value of 400cm² claimed on the chain-of-custody is also false, since the actual surface area is actually 475 cm² and not 400 as falsely claimed.

Violation of §6.2.14.6 (7 Violations)

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.6 number of sample aliquots;

Nowhere on the chain of custody is the mandatory information given. Since the information was required for 7 submittals, there are seven violations.

Violation of §6.2.14.8 (7 Violations)

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:



6.2.14.8 sample collection time ...

Nowhere on the chain of custody is the mandatory information given. Since the information was required for 7 submittals, there are seven violations.

Violation of §6.2.14.9 (7 Violations)

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.9 sample matrix;

Nowhere on the chain of custody is the mandatory information given. According to Mr. Gonzalez he mixed his matrices but nowhere in the report does he explain where, and the information was required to be on the chain-of-custody. Since the information was required for 7 submittals, there are seven violations.

Violation of §6.2.14.11

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.11 sample preservatives, if applicable; and

Nowhere on the chain of custody is the mandatory information given.

Violation of §6.2.15 (12 Violations)

During the performance of a Preliminary Assessment, if the Consultant collects samples they must be collected pursuant to specific protocols:

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

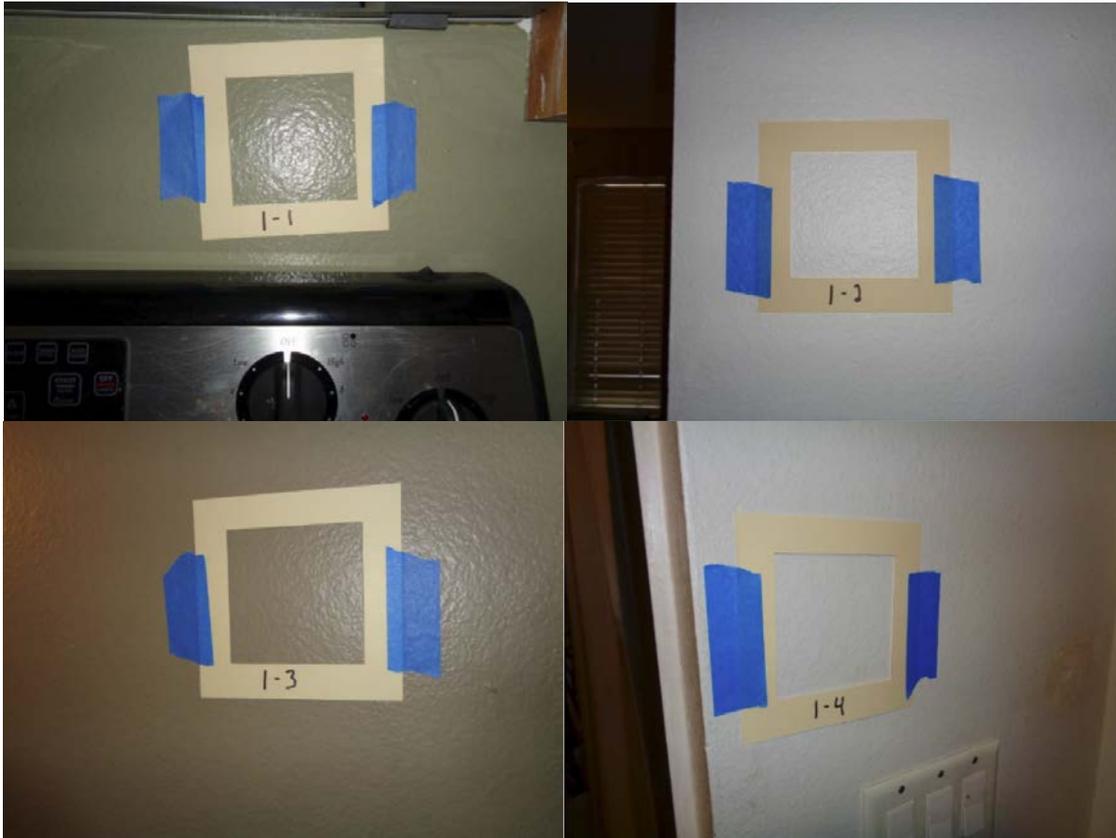
6.2.15.2 collect wipe samples from similar surfaces within the same room that were not painted after contamination was introduced, or

6.2.15.3 sample the painted over surface as set forth in 6.2.1 – 6.2.14, but use methanol instead of isopropanol as the wetting agent for the sampling media to acquire a representative sample from beneath the painted-over surface.

Ignore for a moment, that the regulations are so badly written that the stated objective of the sampling cannot be physically met. The badly written regulations notwithstanding, Mr. Gonzalez was nevertheless required to acquire a representative sample. For this project, instead of complying with the regulations, Mr. Gonzalez collected aliquots from non-representative surfaces.



For example, if we look at the Sample 1 suit, we see the following:



Photographs by Andre Gonzalez

Here we see four distinctly different surfaces represented – 1) Green paint, 2) white paint, 3) Gray paint and 4) old white paint.

Therefore, by definition, Mr. Gonzalez would have been physically incapable of “acquiring a representative sample” as required by regulations. If for no other reason, Mr. Gonzalez mixed new paint and old paint which entirely defeats the point of the sampling in the first place.

It should be remembered that at one time, Colorado had one of the most scientifically valid sampling assessments in the U.S. However, during the revision of the regulations which became effective on December 15, 2014, the CDPHE determined that the scientific protocols in the original regulations were too complicated to be understood by the untrained consultants who were performing fraudulent assessments. Therefore, without any input from the State’s stakeholders, Ms. Brisnehan removed the sampling objectives from the revised regulations to make it easier for untrained consultants from her private commercial organization who otherwise lacked the technical competence to perform valid sampling.



In any event, Mr. Gonzalez states

Gauze pads for sampling the bedroom, kitchen and living room were dampened using methanol as required for surfaces that have been recently painted.

The photographs collected by Mr. Gonzalez of his sampling locations document the fact that he collected his aliquots from non-representative surfaces in each case, and therefore, there are 12 violations of the sampling requirements found in §6.2.15.

Violation of §6.9.5

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples, they must be collected pursuant to specific protocols:

6.9.5 For buildings and structures with non-ducted heating or cooling systems that circulate indoor air, one discrete sample shall be collected from each heating or cooling unit.

Mr. Gonzalez photographed a non-ducted cooling system in the bedroom of the structure:



Photograph by Mr. Gonzalez

Mr. Gonzalez failed to collect a sample from this appliance, as required.



Violation of §6.9.11.1 (19 Violations)

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples, they must be collected pursuant to specific protocols:

6.9.11 Locations of clearance samples shall be based on information gathered during the preliminary assessment. Samples shall be collected from surfaces that have a reasonable potential to contribute to human exposure, 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.

The consultant for this project has never been able to document any training or specialized knowledge in the assessment of illegal drug laboratories. As such, it is not surprising that Mr. Gonzalez lacked the technical competence to collect samples in compliance with §6.9.11.1 – wherein Mr. Gonzalez collected samples from areas expected to have the **lowest** levels of contamination, such as interior mid-range walls.

This can be objectively demonstrated by the sample results themselves. For example, prior to Mr. Gonzalez’s arrival, it was already known that the exterior of the bathroom vent was contaminated. Therefore, we know the vent was contaminated. The documented concentration of contaminant in the vent was greater than 24 µg/100cm². (See the table below):

Sample ID	Sample Location	Sample Result µg/100 cm ²
PBMS011516-01A	Unit 29 East Exterior Vent	24.4 µg/100cm ²
PBMS011516-01B	Unit 29 East Exterior Vent	
PBMS011516-01C	Unit 29 East Exterior Vent	
PBMS011516-01D	Unit 29 West Exterior Vent	
PBMS011516-01E	Unit 29 West Exterior Vent	
PBMS011516-02A	[REDACTED]	BRL*
PBMS011516-02B	[REDACTED]	
PBMS011516-02C	[REDACTED]	
PBMS011516-02D	[REDACTED]	
PBMS011516-02E	[REDACTED]	

*Below Reportable Limit

**Table 1
Summary of Results**



Since Mr. Gonzalez has no documented training in assessing illegal drug laboratories, Mr. Gonzalez collected his samples from the walls (areas with the lowest expected contamination):



Sample Number	Sample Location	Sample Area	Methamphetamine Concentration
1	Kitchen/Living Room - walls	400 cm ²	11.43 ug/100 cm ²
2	Bedroom - walls	400 cm ²	4.85 ug/100 cm ²
3	Bathroom - walls	400 cm ²	0.47 ug/100 cm ²

It is for this reason, that Mr. Gonzalez entirely failed to properly identify the contamination levels in Unit 29.

Since the exterior of the bathroom vent was almost double the lowest value identified by Mr. Gonzalez, we can conclude that the actual concentrations in the unit were extremely elevated, and far greater than that reported by Mr. Gonzalez.

Of the 20 aliquots collected at the property, only Sample Number 5 was collected from an area expected to have the highest levels of contamination; therefore, 19 samples were in violation of §6.9.11.1.

Violation of §6.9.11 (2 Violations)

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples, they must be collected pursuant to specific protocols:

6.9.11 Locations of clearance samples shall be based on information gathered during the preliminary assessment. Samples shall be collected from surfaces that have a reasonable potential to contribute to human exposure, including:

6.9.11.2 Areas where contamination may have migrated, such as adjacent rooms or units, common areas, shared attics, shared crawl spaces, shared ventilation systems, and units connected to the contaminated unit by such attics, crawl spaces, or ventilation systems.

For this project, Mr. Gonzalez seems to have simply ignored the regulations and failed to collect samples from the common areas, and shared attics as required.

Violation of §4.17.1

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must be collected pursuant to specific protocols:

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

As already described, the deviations from the mandatory sampling procedures were never explained, and Mr. Gonzalez made no attempt to describe why he deviated from mandatory sampling protocols.

Violation of §4.17.2

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must be collected pursuant to specific protocols:



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 already described, the mandatory chain-of-custody was not included with the samples.

Violation of §4.17.3

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must be collected pursuant to specific protocols:

4.17.3 ...Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way.

As already described, Mr. Gonzalez changed the reported laboratory results to misrepresent the laboratory report.

Violation of §4.17.4

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must be collected pursuant to specific protocols:

4.17.4 Documentation of variations from standard practices.

In this document, FACTs has identified no fewer than 167 violations in the “Preliminary Assessment.” Nowhere in his report has Mr. Gonzalez explained any of the deviations, instead, with the intent to defraud, Mr. Gonzalez falsely certified his work thusly:

I hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, Part 1, § 4.



Andre Gonzalez, CIH
Project Manager

Clearly, no valid Preliminary Assessment has yet been performed at this property.

Violation of §4.17.4

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must certify the collection of those samples according to mandatory State regulations:

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.”

For this project, Mr. Gonzalez failed to provide the mandatory certification.

POST DECONTAMINATION DOCUMENTS

FACTs, Inc. reviewed the document titled:

METHAMPHETAMINE CLEARANCE ASSESSMENT REPORT

Prepared for:

Lisah Brown
2217 Juniper Court
Boulder, CO 80304

Project Location:

2301 Pearl Street, #29
Boulder, CO 80304

Report Date:

March 18, 2016

Foothills Environmental Project Number:

ME16010-1

To the extent that no legitimate Preliminary Assessment was ever performed at this property, no lawful final clearance could have occurred. Therefore, none of the “clearance sampling” employed by Mr. Gonzalez was valid. Nevertheless, FACTs has reviewed the work that was performed.

Section 6 Violations

Following a lawful decontamination of a methamphetamine affected property the consultant is required to perform specific tasks, perform specific sampling and provide specific documentation:

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

Violation of §6.1.3.2

During final clearance sampling the consultant is required to perform specific post decontamination sampling 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 already described, no Preliminary Assessment was ever performed for this property – in the documents identified by Mr. Gonzalez as a “Preliminary Assessment,” Mr. Gonzalez entirely failed to consider the presence of a P2P laboratory. No sampling in consideration of a possible P2P lab was performed at this property, and the consultant entirely failed to even consider the possibility of a P2P laboratory.



Violation of §6.1.3.3

During final clearance sampling the consultant is required to perform specific post decontamination sampling 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.

As already described, no Preliminary Assessment was ever performed for this property – in the documents identified by Mr. Gonzalez as a “Preliminary Assessment,” Mr. Gonzalez entirely failed to consider the presence of a iodine at this property. No sampling in consideration of iodine was performed at this property, and the consultant entirely failed to even consider the possibility of iodine.

Violation of §6.1.3.5

During final clearance sampling the consultant is required to perform specific post decontamination sampling 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 described, no Preliminary Assessment was ever performed for this property – in the documents identified by Mr. Gonzalez as a “Preliminary Assessment,” Mr. Gonzalez entirely failed to consider the presence of a P2P laboratory. No sampling in consideration of a possible P2P lab was performed at this property, and the consultant entirely failed to even consider the possibility of a P2P laboratory.

Failure to comply with 6.2 (20 violations)

During final clearance sampling the consultant is required to use specific sampling equipment including:

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

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

6.2.1.1 Cotton gauze material.

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

6.2.1.3 Tightly knitted continuous filament polyester.

In his report, Mr. Gonzalez has again stated:

All samples were collected using 2x2 inch polyester blend gauze pads.



As already documented, Mr. Gonzalez makes this claim even when his sampling media is not 2x2 inch polyester gauze pads³² and otherwise does not meet the sampling requirements.

Since FACTs has firsthand knowledge that Mr. Gonzalez has falsely identified his sampling materials in the past, and there is nothing in the current document to actually demonstrate that Mr. Gonzalez has used compliant materials, FACTs concludes that Mr. Gonzalez is continuing to use non-compliant sampling materials, and therefore, none of the samples collected for clearance at the property were valid.

It should be remembered that it was the regulatory responsibility of Mr. Gonzalez to document his work – failure to so do results in his inability to prove compliance. FACTs believes that the numerous false certifications and falsified reports by this consultant is sufficient grounds to conclude the work probably was never performed pursuant to regulations.

Failure to comply with 6.2.2 (4 violations)

According to the Regulations, when wipe samples are collected, the consultant is required to meet specific tolerances:

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.

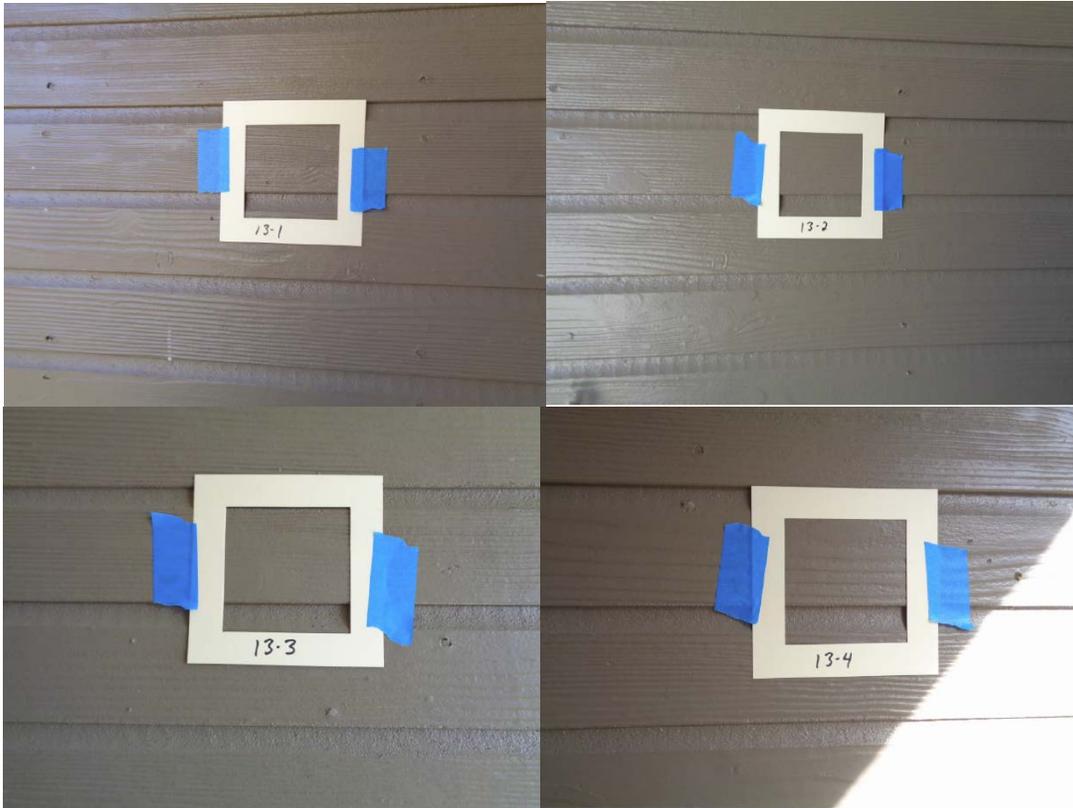
As already described above, according to Colleen Brisnehan with the CDPHE,³³ an error greater than 2% in the measurement within the template renders the sample unusable, voids the sample, and subjects the consultant to a penalty of \$15,000 per infraction per day; further, according to Ms. Brisnehan in the same referenced document from the State of Colorado, such a sample would invalidate the clearance and require the sample to be rejected by the State of Colorado and the site would have to be re-sampled.

For this clearance project, Sample 13-1, 13-2, 13-3 and 13-4 each had a surface area of approximately 125 cm² and not 100 cm² as claimed by Mr. Gonzalez. Therefore, according to Ms. Brisnehan with the CDPHE, these samples are all invalid, and cannot be used for clearance and subject the consultant to a penalty. Photographs of the samples are provided below:

³² See for example the following audit found here: http://www.forensic-applications.com/meth/FEI_Tennnyson_SA_CA_RA.pdf

³³ See: Colleen Brisnehan communication to FACTs, October 19, 2015 (Available through CORA)





Violation of §6.2.7 (40 Violations)

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples they must be collected pursuant to specific protocols:

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).

6.2.11 Fold the sample media over again so that the sampled side is folded in. Place the sample media in a sample container, cap and number it, and note the number at the sample location on the sketch. Remove and discard impervious gloves. Include notes



with the sketch giving any further description of the sample, including sample name and time of collection. Photograph each sample location.

In his report, Mr. Gonzalez stated:

Samples were collected in accordance with 6 CCR 1014-3 Part 1, Section 6.2.7 through 6.2.11.

As already describe, FACTs has objectively demonstrated that Mr. Gonzalez regularly claims to have complied with regulations while at the same time, knowingly has violated those regulations and falsely certified his methods. In this case, Mr. Gonzalez failed to document that he actually complied with these sampling requirements and there is nothing in his report to document his compliance.

Having said that, conclusively, we objectively know that Mr. Gonzalez did not comply with §6.2.11 as claimed since §6.2.11 requires:

Include notes with the sketch giving any further description of the sample, including sample name and **time of collection**. **Photograph each sample location**.

Nowhere in the post decontamination report is the mandatory sampling times included and there are no sampling descriptors. Similarly, §6.2.11 requires a photograph of each sample location, and there is no photograph for Sample 8-4 and indeed no proof that a “Sample 8-4” was even collected.

At a minimum, we know that the sample collection time for 20 aliquots is missing and we know that at least one photograph is missing; thus there would be a minimum of 21 violations of this section, other sampling considerations notwithstanding.

Finally, there is no photograph of the blank as required.

Considering the historical falsifications and fabrications by this consultant, we believe the lack of documentation of compliance in the report is a strong argument for noncompliance. If there had been a single example anywhere in the State where Mr. Gonzalez actually had performed a legitimate Preliminary Assessment, devoid of false statements, we would concede the possibility that perhaps the work on this property was compliant – however, to our knowledge no such compliant work has ever been performed by Mr. Gonzalez or FEI.

Violation of §6.2.12

During the performance of a Preliminary Assessment, if the Consultant collects samples they must be collected pursuant to specific protocols:

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

In their report, FEI simply inserted boilerplate language and falsely stated:



Field blanks were collected for this project as required. The field blanks were handled exactly as each sample was collected. The field blanks were submitted along with all other samples via chain of custody to REI located at 5801 Logan Street in Denver, CO.

We know this is a false statement for the following reasons:

1) According to the chain-of-custody, the samples were dropped off at the laboratory at 09:50. Also according to the chain-of-custody, the blank was dropped off over an hour later. Therefore, we know that the following statement is false:

The field blanks were handled exactly as each sample was collected.

2) The blank is required to be collected pursuant to the following procedures:

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

Nowhere in the report, has Mr. Gonzalez explained the discrepancy. Even if Mr. Gonzalez had rushed back up to the site, entered the site, and collected his field blank, it would have been impossible for him to then get back to the laboratory by 11:00. It is more likely, given the credibility of this consultant, that he merely lied, inserted boilerplate language, and the field blank was never collected as required.

Also, Mr. Gonzalez references multiple blanks, and yet nowhere in the report has Mr. Gonzalez explained what occurred with the other blanks that he supposedly collected.

Finally, there is no photograph of the blank as required.

For this project, Mr. Gonzalez claims to have collected three 4-parted composites, two 3-parted composite, and two discrete samples. Therefore, a four parted composite field blank would have been required. However, as described later, Mr. Gonzalez failed to comply with § 6.2.14.6 and failed to document the number of aliquots submitted for the blank, and therefore, we presume that a single pad was used instead of the required composite blank.

Violation of §6.2.14

During the collection of final clearance samples, the samples must be handled pursuant to specific protocols and specific documentation must be included in the chain of custody:

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 §6.2.14.2

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.2 subject property address;

Nowhere on the chain of custody is the mandatory information given. According to Mr. Gonzalez samples were collected at:

Project Number and/or P.O. #	ME16010-1
Project Description/Location:	2301 Pearl Street, #29

This address is, of course different from the address given in the Preliminary Assessment.

Violation of §6.2.14.3

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.3 sampler name and contact information;

Nowhere on the chain of custody is the mandatory information given.

Violation of §6.2.14.5

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.5 sample area;

As already described, several of the sample areas claimed by Mr. Gonzalez are false. For example, samples 13-1, 13-2, 13-3, and 13-4 are all 125cm² and not 100 cm² as claimed. Therefore, the value of 400cm² claimed on the chain-of-custody is also false, since the actual surface area is actually 500 cm² and not 400 cm² as falsely claimed.

Violation of §6.2.14.6 (8 Violations)

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.6 number of sample aliquots;

Nowhere on the chain of custody is the mandatory information given. Since the information was required for 8 submittals, there are eight violations.



Violation of §6.2.14.8 (8 Violations)

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.8 sample collection time ...

Nowhere on the chain of custody is the mandatory information given. Since the information was required for 8 submittals, there are eight violations.

Violation of §6.2.14.9 (8 Violations)

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.9 sample matrix;

Nowhere on the chain of custody is the mandatory information given. According to Mr. Gonzalez he mixed his matrices but nowhere in the report does he explain where, and the information was required to be on the chain-of-custody. Since the information was required for 8 submittals, there are eight violations.

Violation of §6.2.14.11

According to the regulations, Mr. Gonzalez was required to provide the following information in the chain-of-custody:

6.2.14.11 sample preservatives, if applicable; and

Nowhere on the chain of custody is the mandatory information given.

Violation of §6.9

During final clearance sampling the consultant is required to perform specific post decontamination sampling including:

6.9 Clearance level sampling protocols for buildings and personal property.
... If the subject property is a unit in a multi-unit building that has exclusive access to any auxiliary portion of the multi-unit property (such as a storage room or garage), the Consultant shall conduct clearance sampling of the unit and all such auxiliary structures.

Mr. Gonzalez failed to identify whether the underground garage has exclusive access, and failed to identify any possible storage areas.

Violation of §6.9.6 (5 Violations)

During final clearance sampling the consultant is required to perform specific post decontamination sampling including:

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



According to Ms. Brisnehan with the CDPHE, even though walls may be removed, the rooms still remain, and therefore, during the collection of composites the composites must come from the same room.

In their report, FEI states that, in violation of §6.9.6, one composite (Sample 8), had an aliquot from the bedroom, and another aliquot from the Bathroom, and yet another aliquot was collected from the living room. Mr. Gonzalez was not able to actually document if the fourth aliquot was ever actually collected. Therefore, at least two of the three aliquots were from different rooms (Although, in the report, Mr. Gonzalez claimed the sample was a 4-part composite, but cannot support the claim).

Similarly, from his report, FEI documents that in violation of §6.9.6, a Sample 9 aliquot was collected from the Bedroom, and another aliquot was collected from the Bathroom. and yet another aliquot was collected from the living room and yet another aliquot was collected from the kitchen. Therefore, at least three aliquots were collected from separate rooms.

Violation of §6.9.11.1 (7 Violations)

During the collection of clearance samples, the Consultant is required to collect the clearance samples from specific locations:

6.9.11 Locations of clearance samples shall be based on information gathered during the preliminary assessment. Samples shall be collected from surfaces that have a reasonable potential to contribute to human exposure, 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.

As already documented, the consultant for this project has never been able to document any training or specialized knowledge in the assessment of illegal drug laboratories. As such, it is not surprising that Mr. Gonzalez lacked the technical competence to collect samples in compliance with §6.9.11.1 – wherein Mr. Gonzalez collected samples from areas expected to have the lowest levels of contamination, such as the rough wood porous surfaces.

For this project, seven of the aliquots were collected from surfaces expected to have the lowest concentrations.

Violation of §6.9.11 (2 Violations)

During the performance of a Preliminary Assessment, if the Consultant collects clearance samples, they must be collected pursuant to specific protocols:

6.9.11 Locations of clearance samples shall be based on information gathered during the preliminary assessment. Samples shall be collected from surfaces that have a reasonable potential to contribute to human exposure, including:

6.9.11.2 Areas where contamination may have migrated, such as adjacent rooms or units, common areas, shared attics, shared crawl spaces, shared ventilation systems,



and units connected to the contaminated unit by such attics, crawl spaces, or ventilation systems.

For this project, Mr. Gonzalez seems to have simply ignored the regulations and failed to collect samples from the common areas and shared attics, as required. It should be noted that the common areas had already been identified as contaminated with methamphetamine at concentrations significantly greater than State clearance levels. However, it would not appear that Mr. Gonzalez ever bothered to perform any clearance sampling in these areas as required by regulation.

Section 8 Violations

Following a lawful decontamination the consultant is required to perform specific tasks, perform specific sampling and provide specific documentation:

8.0 Post-Decontamination Reporting. The Consultant shall prepare a Post-Decontamination Report, in conjunction with the Contractor, to document the decontamination process and demonstrate that the entire subject property meets the cleanup standards listed in Section 7.0 of this Part 1. The Post-Decontamination Report shall include, but not be limited to, the following, to the extent available and applicable:

Violation of §8.3

Following a lawful decontamination the consultant is required to provide specific documentation including:

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

As documented throughout this audit, Mr. Gonzalez has failed to explain why he failed to use mandatory sampling, why he misrepresented his field blanks, why his QA/QC field blanks were not submitted as required, and a myriad of other irregularities associated with the work.

Violation of §8.4

Following a lawful decontamination the consultant is required to provide specific documentation including:

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

As delineated in this audit, Mr. Gonzalez failed to provide a completed chains-of-custody. Not only did Mr. Gonzalez fail to complete the chains-of-custody, but Mr. Gonzalez included falsified information on the documents.

Violation of §8.4

Following a lawful decontamination the consultant is required to provide specific documentation including:



8.5 Results of post-decontamination clearance sampling, including a description of sample locations and a computer generated figure with sample locations and identification, and a copy of each laboratory report of post-decontamination sample results. Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way. Spiked samples submitted for analysis shall not be used for purposes of compliance with the regulation.

As described above, Mr. Gonzalez altered the results of a laboratory report in his discussion.

Violation of §8.6.6

Following a lawful decontamination the consultant is required to provide specific documentation including:

8.6.6 Documentation of variations from standard practices.

In spite of the fact there were no fewer than 116 violations in the clearance sampling, Mr. Gonzalez entirely failed to document any of the variations.

VIOLATION OF THE AIHA/ABIH CODE OF ETHICS

It is also our opinion that the work performed by Mr. Andre Gonzales with Foothills Environmental, Inc, (FEI) constitute a violation of the Code of Ethics of the American Board of Industrial Hygienists and the American Industrial Hygiene Association and fails to meet a minimum standard of professional care. Specifically, it appears that Mr. Gonzales has violated the following professional Codes of Ethics:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

As described above, Mr. Gonzales has clearly performed work for which he was not capable or qualified.

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

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

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

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

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

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

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

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

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

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 FEI work at the subject property: 1) Either Mr. Gonzales knew that the work he was performing was grossly incompetent and not in compliance with State Regulations (as demonstrated above) or, 2) Mr. Gonzales was unaware of the fact that his work was deviating from mandatory State requirements.

If Mr. Gonzales 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. Gonzales 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 Ms. Gonzales's work, one must conclude that Mr. Gonzales knowingly and willfully performed work that deviated from mandatory State requirements.

Pursuant to State statute and state regulations, the "Post Decontamination 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. Gonzales was aware of such recording and was aware of the false statements made therein.

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.

CONCLUSION

For this regulatory audit, FACTs has identified no fewer than 283 regulatory violations within the Preliminary Assessment and Final Clearance activities performed by Mr. Gonzalez with Foothills Environmental, Inc. at the property located at 2301 Pearl Street, Apt. #29, Boulder, Colorado.

Based on the totality of circumstances, compliance was not demonstrated and the property remains, by definition, a noncompliant illegal drug laboratory.



Appendix A

Reviewer's Statement of Qualifications





Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	General Distribution	Form # ML15
June 14, 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 629 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,735 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

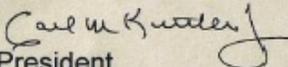


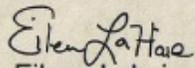
This is to certify that
Caoimhin P. Connell

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



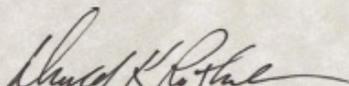
Certificate of Training

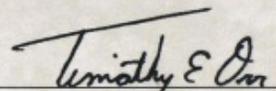
This certifies that

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>



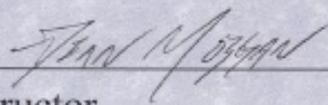
Park County Sheriff's Office Certificate of Completion

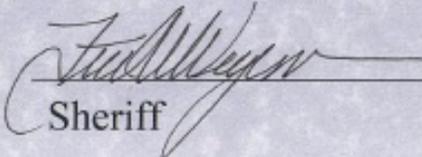
Caoimhin Connell

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

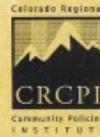
P. Ritch Wagner
Instructor



Director, Law Enforcement Liaison & Education



COPS
COMMUNITY ORIENTED POLICING SERVICES
U.S. DEPARTMENT OF JUSTICE



Certificate of Training

This is to certify that
Caoimhin Connell

(Name)

Park County Sheriff's Office

(Agency)

If the bearer of this document possesses a 40 Hour certificate pursuant to 29 CFR §1910.120, this certifies the above named has met the refresher training requirements of 29 CFR §1910.120(e)(8) and is hereby **RECERTIFIED** in Clandestine Laboratory Safety / HazWoper

Sponsored by
Rocky Mountain High Intensity Drug Trafficking Area
Colorado Regional Community Policing Institute

Caoimhin P. Connell 4/12/10
Caoimhin P. Connell, Instructor/Date
Glean HARDEY



Colorado Law Enforcement Officers' Association



This is to certify that

CAOIMHIN CONNELL

Completed **ARIDE (Advanced Roadside Impaired Driving Enforcement)**

hosted by **Loveland Police Department**

on **February 28 – March 1, 2011**

Tom Finelle
Tom Finelle, CLEOA President

M. A. [Signature]
ARIDE Instructor

State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING
HEREBY AWARDS THIS CERTIFICATE
AS INSPECTOR OF VEHICLE IDENTIFICATION NUMBERS
TO

CAOIMHIN PADRAIG CONNELL

August 27, 2008

Date

VIN INSP— **0952**

Number

For fulfilling the prescribed requirements as an Inspector of Vehicle Identification Numbers and as a peace officer in Colorado, pursuant to Title 42, Article 5, Section 206 Colorado Revised Statutes.

Bill Ritter Jr.

Governor

John W. Suthers

Attorney General, Board Chairperson

Certificate of Completion Intoxilyzer 9000 Operator Certification Course

*The Evidential Breath Alcohol Testing Program of the
Colorado Department of Public Health and Environment certifies that*

Caoimhin P Connell

User ID: **841645**

*has successfully completed the "Intoxilyzer 9000 Operator Certification Course"
to determine the alcohol concentration in breath specimens pursuant to the
State Board of Health Rules Pertaining to Testing for Alcohol and Other Drugs (5 CCR, 1005-2)
Training was provided by the Evidential Breath Alcohol Testing Program
of the Colorado Department of Public Health and Environment.*

February 21, 2013

Certificate Date

Jeffrey A. Groff

Jeffrey A. Groff, Program Manager
Evidential Breath Alcohol Testing Program



David A. Butcher

David A. Butcher, Director
Laboratory Services Division
Colorado Department of Public Health
and Environment

Certification expires 180 days from certificate date. Recertification must be per 5 CCR 1005-2.



Certificate of Achievement

awarded to:

Caoimhin P. Connell

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

June 1st, 2005

Date

Signed

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

CERTIFICATE OF COMPLETION

COLORADO LAW ENFORCEMENT ASSOCIATIONS TRAINING PROJECT

This Certifies That

Caoimhin Connell

Has Attended the

CLEAT 40-HOUR

Train the Trainer Course

Hosted by Breckenridge Police Department
August 14-18, 2006

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



John L. Kammerzell
Executive Director
Police Officer Standard & Training



Donald E. Christensen
Executive Director
County Sheriffs of Colorado



COLORADO AUTO THEFT INVESTIGATORS



SINCE 1973

This is to certify that

Caoimlin P. Connell

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

Presented this 24th day of May, 2008

Chris Fox

CATI President

[Signature]

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.

Phil Owen

Governor

Ken Salazar

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

