



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
Of
Methamphetamine Screening Level Assessment
By
Foothills Environmental, Inc.
(110 Regulatory Violations)**

**Property Located at:
767 West Cleveland Circle
Lafayette, Colorado 80026**

This Review Has Been Prepared By:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.
185 Bounty Hunter's Lane
Bailey, CO 80421



August 17, 2015

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
REVIEW OF THE DOCUMENT	4
Inability to Comply with Section 3.3	4
Violation of Section 3.5.....	5
Violation of Section 3.6.1	5
Violation of Section 3.7.2 (Failure to Identify Attic)	5
Violation of Section 3.7.2 (Failure to Identify Large Garage).....	6
Violation of Section 6.1.3	7
Violation of Section 6.1.3.2	7
Violation of Section 6.1.3.3	7
Violation of Section 6.1.3.5	7
Violation of Section 6.2.2 (Collection of 100 cm ² , Three Violations)	8
Violation of Section 6.2.7 (12 Violations)	10
Violation of Section 6.2.11 (12 Violations)	11
Violation of Section 6.2.14	11
Violation of Section 6.2.14.2	12
Violation of Section 6.2.14.2	12
Violation of Section 6.2.14.6 (12 Violations).....	12
Violation of Section 6.2.14.7 (12 Violations).....	12
Violation of Section 6.2.14.8 (12 Violations Collection Time).....	12
Violation of Section 6.2.14.8 (12 Violations Collection Date)	12
Violation of Section 6.2.14.9 (12 Violations).....	12
Violation of Section 6.2.14.11	12
Violation of Section 6.2.15.....	12
Violation of Section 6.3.6 (Three Violations).....	13
Violation of Section 6.7.1 (Two Violations)	13
Violation of Section 6.7.1 (Garage Violation).....	13
Violation of Section 6.7.1.2 (Failure to Sample Kitchen Exhaust)	13
Violation of Section 6.7.1.2 (Two Violations - Failure to Bathroom Exhausts).....	14
Colorado Consumer Protection Act.....	14
Violation of the AIHA/ABIH Code of Ethics	14
Violation of ABIH (I)(A)(1)	15
Violation of AIHA (I)(A)(1)	15
Violation of ABIH (I)(A)(5)	15
Violation of ABIH (I)(A)(6)	16
Violation of AIHA (I)(A)(5)	16
Violation of ABIH (II)(A)(1)	16
Violation of AIHA (II)(A)(1)	16
Violation of ABIH (II)(A)(2)	16
Violation of AIHA (II)(A)(2)	16
Violation of ABIH/AIHA (II)(A)(3).....	16
Violation of ABIH/AIHA (II)(A)(5).....	16
Violation of ABIH/AIHA (II)(A)(6).....	17
Violation of ABIH/AIHA (II)(C)(1).....	17
Violation of AIHA (II)(C)(2)	17
CONCLUSION.....	17
Appendix A	18
Reviewer's Statement of Qualifications.....	18



EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) is a private S-Corporation in the State of Colorado offering classical Industrial Hygiene services.

FACTs is performing a series of regulatory audits on public domain documents. This document has been prepared by Forensic Applications Consulting Technologies, Inc. in response to the Boulder County Department of Health, as part of an ongoing Motion for Judicial Review in response to unlawful actions by personnel employed by the Colorado Department of Public Health and Environment (CDPHE), and pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure*.

This review pertains to the document identified as:

SCREENING LEVEL ASSESSMENT REPORT

767 West Cleveland Circle
Lafayette, Colorado 80026

Prepared For
Tim McWilliams
1502 South Vona Court
Superior, CO 80027

Prepared By
Foothills Environmental, Inc.
1320 Simms Street, Suite 102
Golden, CO 80401
April 18, 2015

The purpose of this review is to document regulatory violations associated with regulatory work regarding the sampling of methamphetamine contaminated properties (6CCR 1014-3). The consulting firm in question, Foothills Environmental Inc., has a long history of invalid assessments, regulatory violations, and falsified Real Estate documentation.^{1, 2}

The level of scrutiny employed in this review is that which has been established by Mr. Michael Richen (Boulder County Department of Health) in his review of work performed by FACTs, Inc.

During this regulatory audit, FACTs identified no fewer than 110 individual regulatory violations in ten broad regulatory categories regarding the assessment of methamphetamine affected properties.

¹ 1170 Garrison Street Lakewood, Colorado 80215 http://forensic-applications.com/meth/Censored_Compliance_Audit.pdf

² 4383 Tennyson Street, Denver, Colorado 80212 http://www.forensic-applications.com/meth/FEI_Tennyson_audit.pdf



REVIEW OF THE DOCUMENT

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

Colorado Regulations 6 R 1014-3 states:

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

In reviewing the report Foothills Environmental Inc. (FEI) prepared for 767 West Cleveland Circle, Lafayette, Colorado 80026 (the subject property), the following deficiencies have been identified:

Inability to Comply with Section 3.3

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

3.3 The Consultant shall document any observed signs that the subject property is a methamphetamine-affected property. If any signs of a methamphetamine-affected property are observed, then the preliminary assessment requirements of Section 4 and Section 6 of this Part 1 apply in lieu of this section.

The regulations were revised in 2014 to counter the serious problem created by fraudulent and incompetent consultants who were performing invalid assessments. Forensic Applications Consulting Technologies, Inc. (the author of this review), helped the State Legislature write the statutory language that eventually became codified and required the Colorado Department of Public Health and Environment (CDPHE) to revise the regulations. Unfortunately, the task for the revision was given to the CDPHE regulator who, in violations of Colorado's criminal statutes, had helped create the problem in the first place.³

The regulations required the CDPHE to restrict Interim Authorization for performing assessments under the regulations exclusively to those consultants who were A) *bona fide* Industrial Hygienists, and B) had an history of performing valid assessments under the old regulations. Instead, the CDPHE gave *carte blanc* Interim Authorization to anyone who applied, including the fraudulent consultants who had created the serious problems in the first place.

³ See for example, the discussion here: http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf



For this subject property, the consultant in question has never provided any documentation that indicates that he has any knowledge in illegal drug laboratories or their assessment. As such, there is no expectations that the consultant would possess the necessary skills or knowledge to fulfill these requirements. This opinion is validated by gross incompetence and regulatory violations of the consultant as documented in this review.

Violation of Section 3.5

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

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

As delineated below, for this subject property, the Consultant failed to comply with this section by failing to comply with Section 6.

Violation of Section 3.7.6.2

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

3.7.6 Documentation of screening level sampling shall include:

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

As described below, FEI failed to complete the chain-of-custody as required by regulations.

Violation of Section 3.7.2 (Failure to Identify Attic)

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

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

In their report, FEI erroneously states:

An access hatch is located on the ceiling closet of the 2nd floor for storage, but not considered an attic.



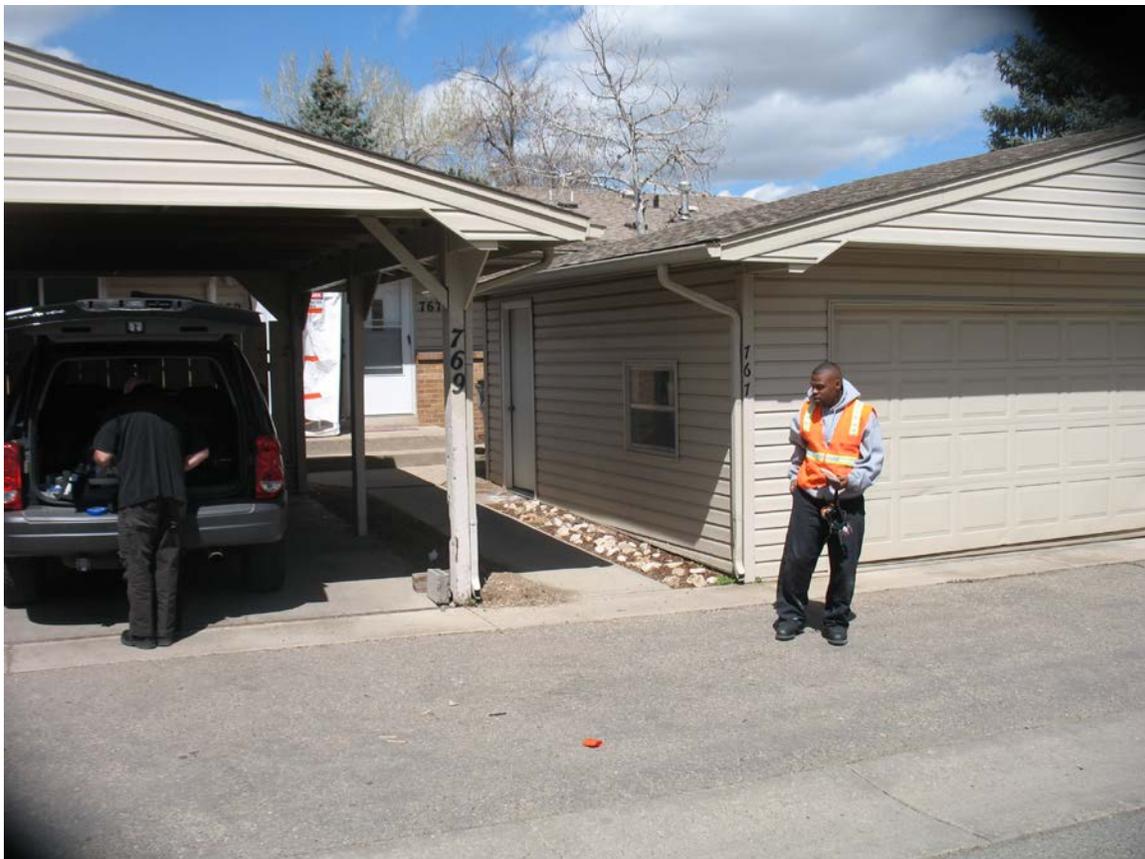
In fact, as documented elsewhere,^{4,5} the structures in question do have attics, and those attics are suitable for entry and storage and have been documented elsewhere as being contaminated. The consultant failed to perform this mandatory regulatory obligation.

Violation of Section 3.7.2 (Failure to Identify Large Garage)

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

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

In their report, FEI entirely failed to even note that the property includes a garage (and therefore, also as described below, failed to collect a sample from the garage.) The photograph below (taken by FACTs during a legitimate assessment at the neighboring property) documents the presence of a garage at 767 West Cleveland Circle, Lafayette, Colorado 80026 (the garage for 767 Cleveland is clearly identified in the following photograph with the Street Number 767 on the garage.)



⁴ http://forensic-applications.com/meth/Cleveland_PA.pdf

⁵ http://forensic-applications.com/meth/Cleveland_Post_Decon.pdf



Violation of Section 6.1.3

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

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

Violation of Section 6.1.3.2

During the performance of a Screening Assessment, the Consultant is required by regulations to perform specific mandatory functions 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.

Nowhere in their documentation has FEI addressed this issue and nowhere in their documentation does FEI indicate they would have the necessary skills to identify a P-2-P laboratory or any of the various alternative pathways used during a P-2-P production.

Violation of Section 6.1.3.3

During the performance of a Screening Assessment, the Consultant is required by regulations to perform specific mandatory functions 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.

Nowhere in the FEI documentation is this issue addressed – furthermore, nowhere in their documentation has FEI indicated they would have the necessary skills to identify a Red-P laboratory or a tincture reduction laboratory or any of the various alternative pathways using iodine.

Violation of Section 6.1.3.5

During the performance of a Screening Assessment, the Consultant is required by regulations to perform specific mandatory functions 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.

Nowhere in their documentation has FEI addressed this issue and nowhere in their documentation does FEI indicate they would have the necessary training or skills to identify a P-2-P laboratory or any of the various alternative pathways used during a P-2-P production.



Violation of Section 6.2.2 (Collection of 100 cm², Three Violations)

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

6.2.2 Delineate a 100 cm² area on the surface to be sampled, either by attaching a physical template to the surface (being careful not to touch the area within the template), or by an equivalently reliable and accurate method. The area within the template (i.e., the sample area) shall be 100 cm².

In their report, FEI falsely claims to have sampled 100 cm². And yet, their photographs clearly document the fact that FEI did **not** collect 100cm² samples. For example, in the photograph below, we see that although FEI has used a 100 cm² template, the template only covers 41 square centimeters of surface, and not 100 cm² as falsely claimed by FEI.



We see a similar example of poor sampling protocol and false reporting in the next photograph.





And again:



This poor sampling technique, is not just a violation of regulations, it also under-reports the concentration of methamphetamine. That is, the invalid sampling method results in a high probability to fail to report methamphetamine contamination above the Regulatory PQL when in fact contamination is present.



Violation of Section 6.2.7 (12 Violations)

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

6.2.7 Wipe the surface using one of the following methods:

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

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

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

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

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

In the FEI report, FEI conclusively document they did not follow this protocol. In their report, FIE states the following:

The "S" method was used to collect the samples in accordance with 6 CCR 1014-3 Part 1, Section 6.2.7 through 6.2.11.

As can be seen, the "S" method is more than just wiping the sample in an "S" pattern, and the "S" pattern must be re-done sideways (resulting in an "N" pattern) and then repeated a third time using a concentric square pattern. According to Mr. Richen, with the Boulder County Department of Health failure to collect samples using the "N" pattern and the concentric square method as described in §6.2.7 invalidates each sample. Section 6.2.7.1 states:

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.

Therefore, according to Mr. Richen, each such sample is invalid, and therefore all samples collected by FEI on this project are invalid.

Furthermore, on February 19, 2015, FACTs officially requested a variance from the provisions of 6.2.7 through 6.2.10, especially where it was physically impossible to comply with this sampling requirement. In her response to our request,⁶ Ms. Colleen

⁶ February 27, 2015, letter from Colleen Brisnehan, Hazardous Waste Corrective Action Unit, Hazardous Waste Program, to Mr. Caoimhín P. Connell, Forensic Applications Consulting Technologies, Inc., 185 Bounty Hunter's Lane, Bailey, Colorado 80421, RE: Request for Variance under 6 CCR 1014-3, 788 West



Brisnehan with the Colorado Department of Public Health and Environment (CDPHE) *explicitly rejected* such a variance from the regulations:

The Regulations, as amended, merely add a third pass to increase sample recovery. The sample collection procedure included in the Regulations is based on wipe sample collection procedures developed by the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH). The sample collection procedure using the “S” method is also referenced in the NIOSH analytical methods for methamphetamine. The Department does not consider the deviations proposed by FACTs to be *de minimis* variations from standard sampling requirements. The Department is not willing to provide FACTs a “blank check” to determine when it will or will not comply with the sample collection requirements. Therefore, the Department has determined that approval of this variance may result in substantial deviation from the intent of the regulatory requirement. This variance request is denied.

Based on the February 27, 2015, letter from Colleen Brisnehan, an employee of the CDPHE, and the previous statements made by Mr. Richen with the Boulder County Department of Health, the method used by FEI at the subject property is prohibited, and therefore, ALL of the samples thus collected by FEI at the subject property are invalid.

Violation of Section 6.2.11 (12 Violations)

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

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

FEI claims they followed Section 6.2.11:

The “S” method was used to collect the samples in accordance with 6 CCR 1014-3 Part 1, Section 6.2.7 through 6.2.11.

As already mentioned, the cited rubric requires much more than simply wiping the surface in an “S” like pattern, and nowhere in the FEI report are the collection times for each sample provided, as required by regulations.

Violation of Section 6.2.14

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

6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. Document sample(s) collected from a single methamphetamine-affected property on one Chain-of-Custody Record. **... At a minimum, the Chain-of-Custody Record shall include the following:**

Lois Court, Louisville, Colorado, cc: Mr. Dan Miller - Colorado Attorney General Office, Michael Richen - Boulder County Public Health



Violation of Section 6.2.14.2

6.2.14.2 subject property address;

The chain-of-custody only contains a partial address.

Violation of Section 6.2.14.2

6.2.14.3 sampler name and contact information;

Although the contact information is provided for the company, the person who collected the samples has not been identified as required.

Violation of Section 6.2.14.6 (12 Violations)

6.2.14.6 number of sample aliquots;

Nowhere on the chain-of-custody for this subject property has FEI documented the number of aliquot per sample; 12 samples therefore, 12 violations.

Violation of Section 6.2.14.7 (12 Violations)

6.2.14.7 number of containers for each sample;

Nowhere on the chain-of-custody has FEI documented this mandatory provision.

Violation of Section 6.2.14.8 (12 Violations Collection Time)

6.2.14.8 sample collection time ...

Nowhere on the chain-of-custody has FEI documented this mandatory provision.

Violation of Section 6.2.14.8 (12 Violations Collection Date)

6.2.14.8 sample collection ... date.

Nowhere on the chain-of-custody has FEI documented this mandatory provision.

Violation of Section 6.2.14.9 (12 Violations)

6.2.14.9 sample matrix;

Nowhere on the chain-of-custody has FEI documented this mandatory provision.

Violation of Section 6.2.14.11

6.2.14.11 sample preservatives, if applicable; and

Nowhere on the chain-of-custody has FEI addressed this mandatory provision.

Violation of Section 6.2.15

During the performance of a Screening Level Assessment, the Consultant is required by regulations to identify specific property conditions including:



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

Nowhere in the FEI report, do we see where FEI addressed this mandatory provision.

Violation of Section 6.3.6 (Three Violations)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to follow specific sampling protocols for composite samples including:

6.3.6 Collect all individual aliquots from 100 cm² sampling areas.

As already addressed elsewhere, FEI failed to collect 100 cm² for at least three of its samples.

Violation of Section 6.7.1 (Two Violations)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to follow specific sampling protocols for composite samples including:

6.7.1.1 a minimum of two (2) 4-aliquot composite samples must be collected, with at least one aliquot being collected from each room...

FEI failed to comply with this provision, and failed to collect a minimum of two 4-aliquot samples (indeed, at no time, according to their official report, did FEI collect ANY 4-aliquot samples at the property).

Violation of Section 6.7.1 (Garage Violation)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to follow specific sampling protocols for composite samples including:

6.7.1.1 a minimum of two (2) 4-aliquot composite samples must be collected, with at least one aliquot being collected from each room...

FEI failed to comply with this provision, and failed to collect a sample from the garage at the property.

Violation of Section 6.7.1.2 (Failure to Sample Kitchen Exhaust)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to follow specific sampling protocols for composite samples including:

6.7.1.2 All exhaust fans (including, but not limited to, kitchen, bathrooms, attic vent fans, or whole house exhaust fans) must also be sampled.

FEI failed to comply with this provision, and failed to collect a sample from the kitchen exhaust.



Violation of Section 6.7.1.2 (Two Violations - Failure to Bathroom Exhausts)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to follow specific sampling protocols for composite samples including:

6.7.1.2 ... Exhaust fan samples **shall** be collected from **inside** the fan compartment, the fan blade, or the back side of the fan grill.

FEI documented in their report they collected a (invalid) sample from the **outside** of the fan compartments, in violation of regulations.

Colorado Consumer Protection Act

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

We believe that Mr. Gonzales of Foothills Environmental, Inc. (FEI) has violated the Colorado Consumer Protection Act, and as a result, the registered owner of this subject property (and several others named above), and the general public, have been harmed.

Violation of the AIHA/ABIH Code of Ethics

In their report, FEI makes the following statement:

Methamphetamine Assessments – Mr. Gonzalez is a Certified Industrial Hygienist as defined in Section 24-30-1402, Colorado Revised Statutes with experience in conducting Methamphetamine Assessments. Mr. Gonzalez has performed Methamphetamine Assessments since 2004. As a Certified Industrial Hygienist, Mr. Gonzalez has the experience, training, and knowledge in various sampling techniques and the ability to recognize and evaluate hazards that may be associated with Clandestine Drug Laboratories.

Based on the available record, Mr. Gonzalez has never performed a valid illegal drug laboratory assessment in a property pursuant to Colorado Regulations. There is nothing in the available documentation that indicates that Mr. Gonzales has ever received any kind of training that would equip him with any kind of skill specific to illegal drug laboratories or their assessment.

Certainly, there is nothing about being a “Certified Industrial Hygienist” that automatically imparts any kind of expertise in clandestine drug laboratories. Indeed, one could be a Certified Industrial Hygienist and have no experience whatsoever in any kind of sampling. The author of this compliance audit (Connell) was on two of the regulatory



committees that wrote the original regulations for the State of Colorado, and was called to testify before the Colorado Board of Health during the regulatory approval process. During that hearing, before the State Board of Health, the committees tasked with developing the regulations pursuant to CRS §25-18.5-103 were informed by the Colorado Board of Health that the board would automatically and summarily reject any proposed regulations regardless of any other provisions if the new regulations included a provision that a Certified Industrial Hygienist would be exclusively permitted to perform the assessment work. The Colorado Board of Health went on record saying that certification in industrial hygiene by the ABIH was not considered a mark of competency in industrial hygiene or clandestine drug lab assessments.

The work performed by Mr. Gonzalez constituted a violation of the Code of Ethics of the American Board of Industrial Hygienists and the American Industrial Hygiene Association and fails to meet a minimum standard of professional care. Specifically, 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 in this review, Mr. Gonzales has (knowingly) 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. Gonzalez 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.

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 in this document, Mr. Gonzalez has failed to refrain from behavior that is in violation of the accepted professional and legal standards, by violating both.

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

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

Violation of AIHA (II)(A)(1)

Deliver competent services in a timely manner, and with objective and independent professional judgment in decision-making.

As described in this document, and as evidenced with 110 regulatory violations, Mr. Gonzalez has not performed 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

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 evidenced in this review, Mr. Gonzalez has clearly performed work for which he was not capable or qualified. If, on the other hand, Mr. Gonzalez argues that he was capable and qualified, one must then conclude that his work was intentionally deficient, which may constitute criminal fraud.

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

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

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

Violation of ABIH/AIHA (II)(A)(5)

Properly use professional credentials, and provide truthful and accurate representations concerning education, experience, competency and the performance of services.



By claiming in his report to have performed additional clandestine drug lab assessments since 2004, Mr. Gonzalez falsely and axiomatically claims to have *properly* performed that work. However, since available documentation exists that indicates that Mr. Gonzalez has NEVER performed a valid clandestine drug laboratory assessment (and Mr. Gonzalez has been informed of his failure to perform valid assessments), one is forced to conclude that Mr. Gonzales is intentionally misleading the client or has simply fabricated his experience.

Violation of ABIH/AIHA (II)(A)(6)

Provide truthful and accurate representations to the public in advertising, public statements or representations, and in the preparation of estimates concerning costs, services and expected results.

Mr. Gonzalez falsely presented himself to the public as a competent Industrial Hygienist qualified to perform clandestine drug laboratory assessments pursuant to Colorado Regulations 6 CCR 1014-3. Clearly, as described above, Mr. Gonzalez is not capable or qualified to perform the required work in a proper or professional manner.

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, and demonstrating an history of habitual gross incompetence, one can reasonably foresee that Mr. Gonzalez's clients, and the general public, are now placed at risk of injury and damage due to his incompetency.

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. Gonzalez states he is familiar with State Regulation 6 CCR 1014-3. Therefore, Mr. Gonzalez must be aware of the fact that his work is in gross violation of those regulations. Therefore, Mr. Gonzalez had the professional obligation to bring his regulatory violations to the attention of the Governing Body.

Although the ABIH no longer takes its Ethical Code seriously, we recommend that this audit be provided to the ABIH Ethic Committee.

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

CONCLUSION

Based on our review, for this one project alone at 767 West Cleveland Circle, Lafayette, Colorado 80026, Foothills Environmental Inc. has committed no fewer than 110 individual regulatory violations in ten broad regulatory categories.



Appendix A

Reviewer's Statement of Qualifications





Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	General	Form # ML15
August 13, 2015		

Caoimhín P. Connell, has been involved in clandestine drug lab investigations 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 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 Air Force, the National Safety Council, and the American Industrial Hygiene Association (of which he is a member and serves 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 597 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,412 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 contributing 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 applicable to those original regulations.

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.



Multijurisdictional Counterdrug Task Force Training

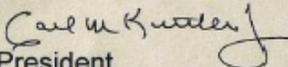


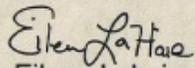
This is to certify that
Caoimhin P. Connell

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



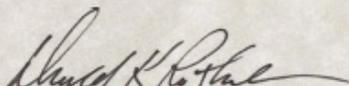
Certificate of Training

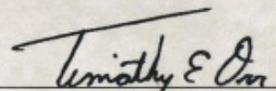
This certifies that

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>



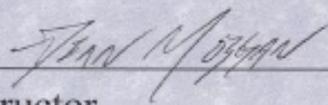
Park County Sheriff's Office Certificate of Completion

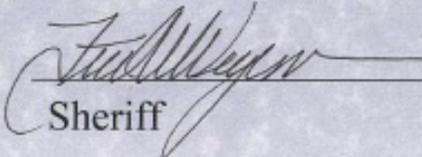
Caoimhin Connell

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

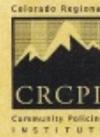
P. Ritch Wagner
Instructor



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





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

