



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene Review
And
Regulatory Audit
Resulting in
Findings of Noncompliance
And Regulatory Misconduct
at an
Identified Illegal Drug Laboratory**

Located at:

**2045 Farnsworth Drive
Colorado Springs, CO**

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
Bailey, CO 80421



August 7, 2012

TABLE OF CONTENTS

EXECUTIVE SUMMARY 3
 General Conclusions 3
REVIEW OF THE MAY 29, 2012 DOCUMENT 4
 Failure to Comply With Paragraph 4.1 5
 Failure to provide a legal description 5
 Failure to provide a description of buildings present 6
 Failure to provide a description of types of structures present 6
 Failure to provide a description of surrounding structures 6
 Failure to Comply With Paragraph 4.2 6
 Failure to Comply With Paragraph 4.3 6
 Failure to Comply With Paragraph 4.5 7
 Failure to Comply With Paragraph 4.6 8
 Failure to Comply With Paragraph 4.7 8
 Failure to Comply With Paragraph 4.8 9
 Failure to Comply With Paragraph 4.9 9
 Failure to Comply With Paragraph 4.10 10
 Failure to Comply With Paragraph 4.11 11
 Failure to Comply With Paragraph 4.12 11
 Failure to Comply With Paragraph 4.13 11
 Failure to Comply With Paragraph 4.14 11
 Failure to Provide Documents Required for Final Inclusion 12
 Failure to Provide Information Required by Paragraph 8.7 12
 Failure to Provide Information Required by Paragraph 8.8 12
 Failure to Provide Information Required by Paragraph 8.9 12
 Failure to Provide Information Required by Paragraph 8.10 13
 Failure to Provide Information Required by Paragraph 8.11 13
 Failure to Provide Information Required by Paragraph 8.12 13
 Failure to Provide Information Required by Paragraph 8.13 13
 Failure to Provide Information Required by Paragraph 8.14 13
 Failure to Comply With Paragraph 8.20 14
 Failure to Comply With Paragraph 8.21 14
 Failure to Comply With Paragraph 8.22 14
 Failure to Comply With Paragraph 8.23 14
 Failure to Comply With Sampling Requirements 15
 Failure to Comply With Paragraph 6.1 15
 Failure to Comply With Paragraph 6.6 16
 Colorado Criminal Code – Fraud; Offering a false instrument for recording 16
CONCLUSIONS 17



EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) was asked by a confidential contact property broker, to review a document package prepared by Health and Environmental Technology, LLC. The confidential contact provided FACTs with the document and asked us to review the material. Specifically, the contact asked FACTs to review the following:

METHAMPHETAMINE LABORATORY REPORT, 2045 Farnsworth, Colorado Springs, CO 80916, Submitted to Mr. John Hermes, ReMax Company, Colorado Springs, Colorado. Prepared by Health and Environmental Technology, LLC, (Robert M. Rodosevich), May 29, 2012

The document was represented to us as a Preliminary Assessment, and the author of the document represents the document as a Preliminary Assessment. Upon reviewing the documents FACTs finds the following:

General Conclusions

- No legitimate Preliminary Assessment, as required by regulation, has been performed at this property. The May 29, 2012 document prepared by Health and Environmental Technology, LLC claiming to be compliant with Colorado Regulation 6 CCR 1014-3 is fatally flawed, is not compliant in any way with State regulations, is not a Preliminary Assessment and cannot be used for regulatory Compliance purposes.
- No decontamination or cleaning may be conducted at the property until such time a Preliminary Assessment has been issued, and according to that legitimate Preliminary Assessment. Any cleaning performed at the property at this point would be unlawful and would not provide regulatory relief to the seller.
- The document prepared by Health and Environmental Technology, LLC was not prepared by an individual documented as being capable or authorized under regulation to perform such work.
- The document prepared by Health and Environmental Technology, LLC exhibited gross technical incompetence in regulatory compliance and illegal drug laboratory assessment.
- The document prepared by Health and Environmental Technology, LLC contained at least 35 violations of State regulations:
 - Colorado Board of Health Regulations 6 CCR 1014-3
 - Failure to Comply With Paragraph 4.1
 - Failure to provide a legal description
 - Failure to provide a description of buildings present
 - Failure to provide a description of types of structures present
 - Failure to provide a description of surrounding structures
 - Failure to Comply With Paragraph 4.2
 - Failure to Comply With Paragraph 4.3
 - Failure to Comply With Paragraph 4.5
 - Failure to Comply With Paragraph 4.6
 - Failure to Comply With Paragraph 4.7
 - Failure to Comply With Paragraph 4.8
 - Failure to Comply With Paragraph 4.9



- Failure to Comply With Paragraph 4.10
 - Failure to Comply With Paragraph 4.11
 - Failure to Comply With Paragraph 4.12
 - Failure to Comply With Paragraph 4.13
 - Failure to Comply With Paragraph 4.14
 - Failure to Provide Documents Required for Final Inclusion
 - Failure to Provide Information Required by Paragraph 8.7
 - Failure to Provide Information Required by Paragraph 8.8
 - Failure to Provide Information Required by Paragraph 8.9
 - Failure to Provide Information Required by Paragraph 8.10
 - Failure to Provide Information Required by Paragraph 8.11
 - Failure to Provide Information Required by Paragraph 8.12
 - Failure to Provide Information Required by Paragraph 8.13
 - Failure to Provide Information Required by Paragraph 8.14
 - Failure to Comply With Paragraph 8.20
 - Failure to Comply With Paragraph 8.21
 - Failure to Comply With Paragraph 8.22
 - Failure to Comply With Paragraph 8.23
 - Failure to Comply With Sampling Requirements
 - Failure to Comply With Paragraph 6.1
 - Failure to Comply With Paragraph 6.6
 - Colorado Criminal Code – Fraud; Offering a false instrument for recording
- For this project, virtually no aspect of State Regulation or State statutes was followed by Health and Environmental Technology, LLC.

REVIEW OF THE MAY 29, 2012 DOCUMENT

According to Colorado State Regulation 6-CCR 1014-3, following the discovery of an illegal drug lab as that term is defined in CRS §25-18.5-101, (which occurred no later than May 29, 2012, and possibly much earlier), and following “notification,” (which occurred at least when the property owner received such information from Health and Environmental Technology, LLC, HET) the property must either be demolished or a “Preliminary Assessment” must be conducted at that property to characterize extant contamination (if any), and to direct appropriate decontamination procedures (if any). Pursuant to these regulations, information obtained in the Preliminary Assessment, must be used as the basis for remediation, and must be the basis for any final clearance sampling.

The Preliminary Assessment must be conducted according to specified requirements¹ and must contain specific elements. The Industrial Hygienist does not have the authority to simply not comply with the regulations or “pick-and-choose” which elements he will follow and which elements he will ignore.

Failure to comply with the regulations will invalidate the PA. In the following section, we have presented just a small portion of the errors, omissions, violations and fatal flaws associated with the HET report. The following list of errors is not exhaustive or all

¹ Section 4 of 6 CCR 1014-3



inclusive, but is sufficient to demonstrate the HET report was prepared without regard to mandatory State regulations by an individual who appears to lack legitimate knowledge in clandestine drug laboratories and the State regulations surrounding their assessment and remediation.

One of the mandatory provisions, pursuant to state regulations promulgated by the Colorado State Board of Health and designated as “6 CCR 1014-3, *Regulations Pertaining To The Cleanup Of Methamphetamine Laboratories*” states that assessments of properties within the scope of the regulation can only be performed by an authorized Industrial Hygienist who not only meets the definition found in Section 24-30-1402 of the Colorado Revised Statutes, but also, the Industrial Hygienist must perform hypothesis testing wherein:

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

The HET report contains so many gross errors, regulatory violations, omissions and false statements, and has been so incompetently prepared, that one is led to the obvious conclusion that the HET author has no legitimate training or knowledge in clandestine drug laboratories. Therefore, the author is not qualified or authorized to perform the work. This conclusion is not subjective, but as described in detail later in this discussion, the author, Mr. Robert Rodosevich, has violated State regulations by entirely failing to demonstrate that he has any kind of knowledge in performing the work at all.

According to Colorado State regulation 6 CCR 1014-3, when a Preliminary Assessment is conducted specific elements must be included:

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

Failure to Comply With Paragraph 4.1

According to State regulations, the Preliminary Assessment shall include a property description containing specific elements.

4.1. Property description including physical address, legal description, number and type of structures present, description of adjacent and/or surrounding properties, and any other observations made.

Failure to provide a legal description

HET failed to perform its regulatory and professional duty by failing to comply with this requirement. Nowhere within the documentation do we see where HET has provided the legal description as required.



Failure to provide a description of buildings present

HET failed to perform its regulatory and professional duty by failing to comply with this requirement. Nowhere within the documentation do we see where HET has provided a description of the number of buildings under consideration.

Failure to provide a description of types of structures present

HET failed to perform its regulatory and professional duty by failing to comply with this requirement. Nowhere within the documentation do we see where HET has provided a description of the types of structures as required.

Failure to provide a description of surrounding structures

HET failed to perform its regulatory and professional duty by failing to comply with this requirement. Nowhere within the documentation do we see where HET has provided a description of the adjacent and/or surrounding buildings as required by regulation.

Failure to Comply With Paragraph 4.2

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall perform specific duties regarding law enforcement documentation:

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

HET failed to perform its duties and fulfill regulatory requirements by failing to document law enforcement documents. In their report, HET alludes to law enforcement documents, but no citations are provided. Since Section 8 of the State regulations require the Industrial Hygienist to provide copies of the reviewed documents, it is difficult to understand how the document could be provided when they have not even been cited.

Failure to Comply With Paragraph 4.3

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall provide information on the identification of specific Functional spaces. According to State regulations, the Industrial Hygienist shall provide:

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

HET failed to perform its regulatory and professional duty by failing to comply with this requirement. In their report, HET merely makes the following cryptic statement:

. All areas were inspected during this assessment and no clandestine laboratory material was found in either place.

This statement is cryptic for several reasons not least of all how the statement can be true when later in the report, HET states they did find methamphetamine in every room they sampled. Also, we are not sure what is meant by “either place.” Finally, the requirement



to identify each Functional Space has nothing to do with whether or not all areas were inspected. Rather State regulations require the identification of each Functional Space to permit the performance of post decontamination verification sampling pursuant to Section 6.1 of the regulations as well as Appendix A of the regulations that explicitly require:

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

Unless each Functional Space has been identified (as required by regulations), the post remediation requirements cannot be met. Nowhere within the documentation do we see where HET has provided an inventory of Functional Spaces at the property as required by regulation.

Furthermore, the report continues with a very strange and objectively false statement:

Ten (10) samples were collected within the house, and the results indicated that only the bedroom had trace levels of methamphetamine.

Yet the accompanying laboratory report indicates that high levels of methamphetamine were observed throughout the entire residence. This leads to an even more confusing statement in the HET report:

According to the tests conducted by HET and the analysis by Analytical Chemistry, Inc. the entire house and garage will not need to be remediated from methamphetamine.

Again, if we look at the samples, we see that the garage is as elevated as the rest of the house and definitely would need to be remediated.

The author has entirely failed to identify the Functional Spaces associated with the property and has entirely failed to address the attic and the crawlspace as required by regulation.

Failure to Comply With Paragraph 4.5

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

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

HET entirely failed to perform its professional, regulatory obligations and duties and failed to fulfill this regulatory requirement by failing to identify the chemicals that would have been associated with the red phosphorous method. And in particular, iodine, since the presence of iodine would indicate that the remediation would have to specifically address this contaminant. Furthermore, the post remediation verification would similarly



have to address iodine. It would appear that HET merely walked through the house and collected some (unnecessary) samples. As described later even those samples failed to meet the regulatory requirements for sample collection.

Failure to Comply With Paragraph 4.6

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

4.6 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, or cooking areas, or based on professional judgment of the consultant; or the consultant may determine that assessment sampling is necessary to verify the presence or absence of contamination...

HET failed to perform its duties and fulfill regulatory requirements by failing to identify or recognize signs of contamination by even conducting a visual inspection. Instead HET appears to have merely collected samples in the structure.

In their report, HET merely states:

Please see Chain of Custody for areas tested and See (sic) pictures for areas tested.

A chain of custody is NOT an inspection report and in no way provides the results of an inspection that provides “Identification and documentation of areas of contamination.” A chain of custody merely tracks who handled samples.

The photographs presented in the document are merely close-ups of sample locations and entirely fail to document site conditions which are required by regulations.

Failure to Comply With Paragraph 4.7

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

4.7. Identification and documentation of chemical storage areas.

HET entirely failed to provide any information to satisfy this regulatory requirement. Instead, HET merely stated:

No chemicals were found within this residence.

Yet this statement contradicts the information found elsewhere in the HET report wherein HET explicitly states that a phosphorous iodine method was present in the property and the fact that methamphetamine was being stored throughout the residence.

HET failed to comply with this mandatory provision.



Failure to Comply With Paragraph 4.8

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

4.8. Identification and documentation of waste disposal areas.

HET failed to perform its duties and fulfill regulatory requirements by failing to identify the waste disposal areas. In their report, HET merely stated that they didn't do the work required of them:

There was no ID of the waste disposal area/s (sic)

HET failed to identify the areas and failed to explain why they didn't identify those areas.

Failure to Comply With Paragraph 4.9

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

4.9. Identification and documentation of cooking areas.

HET entirely failed to identify these areas as required. Instead, in their report, HET merely plagiarized a web site written by Forensic Applications Consulting Technologies, Inc. wherein, many years ago, we stated:

Virtually ANY methamphetamine related activities, including smoking meth within a residence, is sufficient to categorize the property as an "illegal drug laboratory" pursuant to the regulations. Pursuant to CRS 25-18.5-101, *Definitions*, an illegal drug laboratory is defined as "the areas where controlled substances, have been manufactured, *processed*, cooked, disposed of, or stored and **all proximate areas that are likely to be contaminated as a result of such manufacturing, processing, cooking, disposing, or storing.**" Smoking methamphetamine pyrolyzes the drug, which is thus "processed" and therefore meets the definition of a drug laboratory. This broad scope is necessary since studies have shown that smoking meth in a residence can result in as much contamination or even more contamination than production and synthesis.

In their report, HET states:

Virtually ANY methamphetamine related activities, including smoking meth within a residence, is sufficient to categorize the property as an "illegal drug laboratory" pursuant to the regulations. Pursuant to CRS 25-18.5-101, *Definitions*, an illegal drug laboratory is defined as "the areas where controlled substances, have been manufactured, *processed*, cooked, disposed of, or stored and **all proximate areas that are likely to be contaminated as a result of such manufacturing, processing, cooking, disposing, or storing.**" Smoking methamphetamine pyrolyzes the drug, which is thus "processed" and therefore meets the definition of a drug laboratory. This broad scope is necessary since studies have shown that smoking meth in a residence can result in as much contamination or even more contamination than production and synthesis.

As can be seen, the language is identical, verbatim.



In fact, the author of the HET report is so poorly versed in Colorado's regulations that he not only plagiarized the work of others, he entirely failed to update his files and recognize that the statutes changed quite some time ago, and the cited definition no longer exists in Colorado statutes and has not existed for many years.

Failure to Comply With Paragraph 4.10

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

4.10 Identification and documentation of signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation.

Nowhere in the HET report do we find that HET addressed this mandatory element for a Preliminary Assessment. Instead, in their report HET falsely stated the following self contradictory statement:

There was no etching fire damage, staining or outdoor areas of dead vegetation at this site. There was staining within the walls of this residence.

In fact, it would appear that either HET never bothered to perform the mandatory inspection, or the author was so grossly incompetent that he did not know what to look for as significant. In fact, the property exhibits profound areas of dead vegetation that were present when Mr. Rodosevich claims to have been on site. The photograph below was taken just a few months before the site visit by Mr. Rodosevich. The satellite image clearly documents areas of dead vegetation.



Failure to Comply With Paragraph 4.11

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

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

HET failed to comply with this mandatory activity and entirely failed to perform an inspection as required.

Failure to Comply With Paragraph 4.12

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

- 4.12. Identification of adjacent units and common areas where contamination may have spread or been tracked.

Nowhere in the HET report do we find that HET even addressed this mandatory element for a Preliminary Assessment. HET failed to comply with this mandatory activity and entirely failed to perform an inspection as required.

Failure to Comply With Paragraph 4.13

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

- 4.13. Identification and documentation of common ventilation systems with adjacent units or common areas.

Nowhere in the HET report do we find that HET even addressed this mandatory element for a Preliminary Assessment. HET entirely failed to comply with this mandatory activity and entirely failed to perform an inspection as required. Instead, in their report, HET made the following cryptic statement:

The ventilation will need to be cleaned according to the specifications and regulations of CCR 1014-A.

The author once again demonstrates his profound technical incompetence and ignorance of State requirements since nowhere in State regulations or State Statutes is there any such thing as “CCR 1014-A.”

Failure to Comply With Paragraph 4.14

During the Preliminary Assessment, the Industrial Hygienist is required to provide:

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



HET entirely failed to meet its regulatory, professional and fiduciary responsibilities by failing to provide photographs as required. Instead, HET merely provided close-up photographs of areas the author claims to have sampled (curiously, as described below, those photographs document that Mr. Rodosevich collected samples from prohibited surfaces). We do not find any photographs that document property conditions or areas of obvious contamination. One would think that since the sample obtained from the shed contained 1,800 micrograms of methamphetamine per 100 cm², that is an “area of obvious contamination” and yet there are no photographs of the shed, the garage the back yard (showing the dead vegetation), of the attic, or any rooms in the structure.

Failure to Provide Documents Required for Final Inclusion

State regulations require the Industrial Hygienist to include specific documentation in the final report. Much of the mandatory final documentation is material that must be provided in the Preliminary Assessment. If the information is not provided in the Preliminary Assessment, it cannot be included in the final documentation.

Failure to Provide Information Required by Paragraph 8.7

The Industrial Hygienist must include the following information in the final documentation:

8.7. A description of areas with signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation, with a figure documenting location(s).

In this case, since HET failed to produce the required drawings, they will not be available or reproducible for the inclusion in the final document.

Failure to Provide Information Required by Paragraph 8.8

The Industrial Hygienist must include the following information in the final documentation:

8.8. The results of inspection of plumbing system integrity and identification of sewage disposal mechanism.

In this case, since HET failed to produce the required inspection, that information will not be available or reproducible for the inclusion in the final document.

Failure to Provide Information Required by Paragraph 8.9

The Industrial Hygienist must include the following information in the final documentation:

8.9. A description of adjacent units and common areas where contamination may have spread or been tracked.

In this case, since HET failed to produce the required inspection, that information will not be available or reproducible for the inclusion in the final document.



Failure to Provide Information Required by Paragraph 8.10

The Industrial Hygienist must include the following information in the final documentation:

8.10. Identification of common ventilation systems with adjacent units or common areas

In this case, since HET failed to produce the required inspection, that information will not be available or reproducible for the inclusion in the final document.

Failure to Provide Information Required by Paragraph 8.11

The Industrial Hygienist must include the following information in the final documentation:

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

In this case, since HET failed to produce the required information, a description of the sampling procedures used, including sample collection, handling, and QA/QC information will not be available or reproducible for the inclusion in the final document.

Failure to Provide Information Required by Paragraph 8.12

The Industrial Hygienist must include the following information in the final documentation:

8.12. A description of the analytical methods used and laboratory QA/QC requirements.

In this case, since HET failed to produce the required information, that information will not be available or reproducible for the inclusion in the final document.

Failure to Provide Information Required by Paragraph 8.13

The Industrial Hygienist must include the following information in the final documentation:

8.13. A description of the location and results of initial sampling (if any), including a description of sample locations and a figure with sample locations and identification.

In this case, since HET failed to produce the required information, and those drawings cannot be known and that information will not be available or reproducible for the inclusion in the final document.

Failure to Provide Information Required by Paragraph 8.14

The Industrial Hygienist must include the following information in the final documentation:

8.14. A description of the health and safety procedures used in accordance with OSHA requirements.

In this case, since HET failed to produce the required information.



Failure to Comply With Paragraph 8.20

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.20. Photographic documentation of pre- and post-decontamination property conditions, including cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination, sampling and decontamination procedures, and post-decontamination conditions.

Nowhere in the HET report, do we find the photographs as required by State regulations. Therefore, the photographs could not be included in the final documentation as required.

Failure to Comply With Paragraph 8.21

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.21. Consultant statement of qualifications, including professional certification or qualification as an industrial hygienist as defined in section 24-30-1402, C.R.S., and description of experience in assessing contamination associated with methamphetamine labs.

Nowhere in the document do we find the mandatory documentation that demonstrates Mr. Rodosevich's statement of qualifications, professional certification or qualification, or a description of Mr. Rodosevich's experience in assessing contamination associated with methamphetamine labs. HET has entirely failed to perform their duty to provide that information.

The HET report is so grossly errant, and contains so many regulatory violations and omissions, FACTs cannot help but conclude the author has no legitimate training or knowledge in clandestine drug laboratories and/or the regulations surrounding the performance of the assessments. Therefore, the author is not qualified or authorized to perform the work.

Failure to Comply With Paragraph 8.22

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.22. Certification of procedures and results, and variations from standard practices.

Nowhere in the HET report, do we find the required certification or a description or justification for the multitude of variations from mandatory regulatory requirements.

Failure to Comply With Paragraph 8.23

According to State Regulations, the Industrial Hygienist is required to provide specific information to be included in the final document including:

8.23. A signed certification statement in one of the following forms, as appropriate:



“I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, § 4, and that I conducted post-decontamination clearance sampling in accordance with 6 CCR 1014-3, § 6. I further certify that the property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3, § 5, and that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted.”

“I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, § 4. I further certify that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted.”

Since no Preliminary Assessment has been conducted, and the work does not comply with State regulations, no such certification of compliance is possible until a legitimate Preliminary Assessment has been performed.

Failure to Comply With Sampling Requirements

Overall, the sampling performed by Mr. Rodosevich was a complete waste of financial resources and was not needed. Many common myths exist amongst poorly trained consultants and those who are performing fraudulent activities in illegal drug laboratories. One of those myths is that one must perform sampling during a Preliminary Assessment. In fact, NOWHERE in State regulations is there a requirement to perform sampling. Most consultants perform sampling simply to increase their revenues at the expense of their client.

State regulations do say that IF samples are collected, the collection of those samples MUST meet certain requirements. For this property, HET failed to comply with the sampling requirements.

Failure to Comply With Paragraph 6.1

State regulations require that samples be collected from:

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

The many gross violations of regulation indicate the author of the HET report lacked the knowledge necessary to perform assessments in illegal drug laboratories and as such would have been quite incapable of determining locations that would fulfill this requirement.

As it is, since the author of the HET report entirely failed to properly document the locations or site conditions at the property, it is impossible to know if the selected locations were appropriate. However we can say that the following samples were collected from locations not likely to have represented areas expected to have the highest contamination level.

Garage
Dining Room
Living Room



Bedroom #1 (wherever that is)
Kitchen
Sample seen in Photo P5212875 (Location unknown)
Downstairs closet
Downstairs Bathroom
Bedroom #3
Downstairs Living room

Failure to Comply With Paragraph 6.6

State regulations require that:

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

Similarly, Appendix A, being referenced above states:

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

Therefore, since HET collected 12 samples, mandatory compliance with State regulations dictated the inclusion of at least two field blanks. In violation of Appendix A, HET did not submit any blanks.

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

One of two mental states necessarily must have been present in the performance of the HET work: 1) Either HET knew that the work it was performing was grossly incompetent and not in compliance with State Regulations (as demonstrated above) or, 2) HET was unaware of the fact that their work was grossly deviating from mandatory State requirements.

If HET did not know that their work was grossly deviating from mandatory State requirements, then that is sufficient information to surmise that they lacked the technical competency and authority to perform the work in the first place since it would have been their professional obligation to conform to those regulations and perform work pursuant to those regulations. However, since HET presents themselves as knowledgeable, one must surmise that HET knowingly and willingly performed work that grossly deviated from mandatory State requirements with the intent to defraud.

According to Colorado Revised Statute CRS §18-5-114 (*Offering a false instrument for recording*), a person commits a class 5 felony when offering a false instrument for recording in the first degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, and with intent to defraud, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will



be registered, filed, or recorded or become a part of the records of that public office or public employee.

Pursuant to State statute, if the seller of the property presents the work by Mr. Rodosevich as a genuine Preliminary Assessment, then this too would appear to meet the definition of "*Offering a false instrument for recording.*"

Similarly HET explicitly states they possess knowledge of the regulations, and therefore, establish the fact that they are aware of such recording.

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.

CONCLUSIONS

A legitimate Preliminary Assessment must be performed for the property.

Decontamination cannot occur at the property until such time that a legitimate Preliminary Assessment has been performed. Any cleaning that occurs will be unlawful, and will be invalidated until a legitimate Preliminary Assessment is conducted.



Caoimhín P. Connell
Forensic Industrial Hygienist



APPENDIX A
FACTs SOQ





FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.
CONSULTANT STATEMENT OF QUALIFICATIONS

(as required by State Board of Health Regulations 6 CCR 1014-3 Section 8.21)

FACTs project name:	Farnsworth	Form # ML15
Date August 7, 2012		
Reporting IH:	Caoimhín P. Connell, Forensic IH	

Caoimhín P. Connell, has been involved in clandestine drug lab investigations since 2002 and meets the Colorado Revised Statutes §24-30-1402 definition of an "Industrial Hygienist." He has been a practicing Industrial Hygienist in the State of Colorado since 1987 and is the contract Industrial Hygienist for the National Center for Atmospheric Research. Mr. Connell is a recognized authority in methlab operations and is a Certified Meth-Lab Safety Instructor through the Colorado Regional Community Policing Institute (Colorado Department of Public Safety, Division of Criminal Justice). Mr. Connell was the lead instructor for the Colorado Division of Criminal Justice and has provided over 260 hours of methlab training for officers of over 25 Colorado Police agencies, 20 Sheriff's Offices, federal agents and probation and parole officers throughout Colorado judicial districts. He has provided meth-lab lectures to prestigious organizations such as the County Sheriff's of Colorado, the American Industrial Hygiene Association, US Air Force, and the National Safety Council.

Mr. Connell is Colorado's only private consulting Industrial Hygienist 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 is a member of the Colorado Drug Investigators Association, the American Industrial Hygiene Association (where he serves on the Clandestine Drug Lab Work Group), the American Conference of Governmental Industrial Hygienists and the Occupational Hygiene Society of Ireland. From 2009, as a law enforcement officer representing his agency, Mr. Connell served as the Industrial Hygiene Subject Matter Expert on the Federally funded Interagency Board (www.IAB.gov) Health, Medical, and Responder Safety SubGroup, and was elected full member of the IAB-HMRS in 2011, and he conducted the May, 2010, AIHA Clandestine Drug Lab Course.

He has received over 144 hours of highly specialized law-enforcement sensitive training in meth-labs and clan-labs (including manufacturing and identification of booby-traps commonly found at meth-labs) through the Iowa National Guard/Midwest Counterdrug Training Center and the Florida National Guard/Multijurisdictional Counterdrug Task Force, St. Petersburg College as well as through the US NHTSA, and the U.S. Bureau of Justice Assistance (US Dept. of Justice). Additionally, he received extensive training in the Colorado Revised Statutes, including Title 18, Article 18 "Uniform Controlled Substances Act of 1992" and is currently ARIDE Certified.

Mr. Connell is a current law enforcement officer in the State of Colorado, 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 308 assessments in illegal drug labs in Colorado, Nebraska and Oklahoma, and collected over 2,725 samples during assessments (a 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, (State Board Of Health *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*) and was an original team member on two of the legislative working-groups which wrote the regulations for the State of Colorado. Mr. Connell 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 Colorado regulations. He has provided expert witness testimony in criminal and civil cases for US Bureau of ATF and 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 officials and Federal Government representatives with forensic services and arguments against fraudulent industrial hygienists and other unauthorized consultants performing invalid methlab assessments.

Mr. Connell, who is a committee member of the ASTM International Forensic Sciences Committee, was the sole sponsor of the draft ASTM E50 *Standard Practice for the Assessment of Contamination at Suspected Clandestine Drug Laboratories*, and he is a coauthor of a 2007 AIHA Publication on methlab assessment and remediation.