



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene Audit
Of Gobbell Hays Partners, Inc. Documentation
Associated With**

**7351 Krameria Street
Commerce City, CO**

**Resulting in the Discovery of Possible Criminal
Behavior and Defrauding the State of Colorado
by
Gobbell Hays Partners, Inc.**

Prepared for:
7351 Krameria Street LLC
PO Box 516
Niwot, Colorado 80544

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
Bailey, CO 80421



November 12, 2013

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
General Conclusions	4
REVIEW OF THE MARCH 26, 2013 DOCUMENT	6
Recent Statutory Changes	6
Preliminary Assessment	6
Failure to Provide Trained Personnel	7
Regulatory Requirements	7
Mr. Levi Stockton	8
Mr. John Peterson	8
Failure to Comply with Mandatory Elements	9
Failure to Comply With Paragraph 4.1	9
Failure to provide a legal description	9
Failure to provide a description of types of structures present	10
Failure to provide a description of number of structures involved	10
Failure to provide a description of surrounding structures	10
Failure to Comply With Paragraph 4.2	11
Failure to Comply With Paragraph 4.3	11
Failure to Comply With Paragraph 4.4	12
Failure to Comply With Paragraph 4.5	12
Failure to Comply With Paragraph 4.6	13
Failure to Comply With Paragraph 4.7	13
Failure to Comply With Paragraph 4.8	13
Failure to Comply With Paragraph 4.9	14
Failure to Comply With Paragraph 4.10	14
Failure to Comply With Paragraph 4.11	15
Failure to Comply With Paragraph 4.12	16
Failure to Comply With Paragraph 4.14	16
Failure to Provide Documents Required for Final Inclusion	16
Failure to Provide Information Required by Paragraph 8.7	16
Failure to Provide Information Required by Paragraph 8.8	16
Failure to Provide Information Required by Paragraph 8.9	17
Failure to Provide Information Required by Paragraph 8.11	17
Failure to Provide Information Required by Paragraph 8.13	18
Failure to Provide Information Required by Paragraph 8.14	18
Failure to Comply With Paragraph 8.20	19
Failure to Comply With Paragraph 8.21	19
Failure to Comply With Paragraph 8.22	19
Failure to Comply With Paragraph 8.23	20
Failure to Comply With Sampling Requirements	20
Failure to Comply With Paragraph 6.1	21
Failure to Comply With Paragraph 6.6 Mixed Matrices	22
Failure to Comply With Paragraph 6.6 Insufficient Area Sampled	22
VIOLATION of ABIH/AIHA CODE of ETHICS	22
Violation of AIHA (I)(A)(1)	23
Violation of AIHA (I)(A)(5)	23
Violation of AIHA (II)(A)(1)	23
Violation of AIHA (II)(A)(2)	23
Violation of AIHA (II)(A)(3)	23
Violation of AIHA (II)(A)(5)	24
Violation of AIHA (II)(A)(6)	24
Violation of AIHA (II)(C)(1)	24
Violation of AIHA (II)(C)(2)	24
Colorado Criminal Code – Fraud; Offering a false instrument for recording	24
CONCLUSIONS	Error! Bookmark not defined.



EXECUTIVE SUMMARY

At the request of a potential buyer, FACTs reviewed the March 26, 2013, Public Domain Report from Gobbell Hays Partners, Inc. 10500 East 54th Avenue, Suite J Denver, Colorado, 80239.

The report was identified by the author as “*Preliminary Assessment Methamphetamine Lab Investigation for 7351 Krameria St. Commerce City, Colorado.*” The report was prepared for Fonda Apostolopoulos, Colorado Dept Of Public Health & Environment, 4300 Cherry Creek Drive South, Denver, Co 80246.

Gobbell Hays Partners, Inc. (GHP) has a long, documented history of defrauding the State of Colorado out of financial resources and violating State regulations by performing incompetent and fatally flawed assessments and falsely claiming the work is compliant with State regulations.^{1,2,3} We believe that the activities by GHP is a violation of Colorado’s Criminal Statutes, and we recommend the situation be forwarded to the State Attorney office for prosecution.

The work performed by Gobbell Hays Partners, Inc. at this (Krameria Street) property was similarly fraudulent, technically incompetent and failed to meet any of the mandatory elements of a Preliminary Assessment as specified in 6 CCR 1014-3 Section 4. The Colorado Dept Of Public Health & Environment has a long history of commissioning contactors to perform flawed methamphetamine assessments with the resultant reports being sent to Mr. Apostolopoulos.⁴ In at least two cases, employees with the State of Colorado, Department of Public Health and Environment, actively lied and attempted to cover-up the status of the properties.^{5,6}

The document identified by GHP as a “*Preliminary Assessment Methamphetamine Lab Investigation*” is not a Preliminary Assessment as defined by regulation, is fatally flawed, and cannot be used in lieu of a Preliminary Assessment.

¹ See for example: http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

² See for example: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

³ See for example FACTs December 7, 2012 report for 113 Tewa Drive, Security, Colorado

⁴ In addition to the above, see also September 16, 2013 FACTs report on 1533 N. Monroe Avenue, Loveland, CO on file with Larimer County Department of Health and Environment 125 Blue Spruce Drive, Fort Collins, CO 80524-2004

⁵ See for example: http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

⁶ See for example: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



The document identified as a Preliminary Assessment was not prepared by an individual documented as being an Industrial Hygienist, as required by regulation. The document identified as a Preliminary Assessment was not prepared by an individual documented as being capable or qualified under regulation to perform such work.

The document identified as a Preliminary Assessment exhibited gross technical incompetence in regulatory compliance and illegal drug laboratory assessment.

General Conclusions

- The March 26, 2012 document prepared by claiming to be compliant with Colorado Regulation 6 CCR 1014-3 is not compliant in any way with State regulations, is not a Preliminary Assessment and cannot be used for regulatory Compliance purposes.
- The document prepared by Gobbell Hays Partners, Inc. was not prepared by an individual documented as being an “Industrial Hygienist” as defined by Section 24-30-1402 of the Colorado Revised Statutes.
- The document prepared by Gobbell Hays Partners, Inc. was not prepared by an individual documented as having any recognizable training in any aspect of Clandestine Drug Laboratory assessments or operations.
- The document prepared by a consulting group with an history of plagiarism,⁷ incompetence, fraudulent statements, and botched assessments.
- The document prepared by Gobbell Hays Partners, Inc. exhibited gross technical incompetence in regulatory compliance and illegal drug laboratory assessment.
- The document prepared by Gobbell Hays Partners, Inc. contained at least 48 violations of State regulations and/or state statutes:
 - Failure to Provide Trained Personnel
 - Regulatory Requirements
 - Mr. Levi Stockton
 - Mr. John Peterson
 - Failure to Comply with Mandatory Elements
 - Failure to Comply With Paragraph 4.19
 - Failure to provide a legal description⁹
 - Failure to provide a description of types of structures present
 - Failure to provide a description of number of structures involved
 - 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 4.4
 - 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 1
 - Failure to Comply With Paragraph 4.10

⁷ See for example: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



- Failure to Comply With Paragraph 4.11
 - Failure to Comply With Paragraph 4.12
 - 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 8.11
 - 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 Mixed Matrices
 - Failure to Comply With Paragraph 6.6 Insufficient Area Sampled
 - VIOLATION of ABIH/AIHA CODE of ETHICS
 - Violation of AIHA (I)(A)(1)
 - Violation of AIHA (I)(A)(5)
 - Violation of AIHA (II)(A)(1)
 - Violation of AIHA (II)(A)(2)
 - Violation of AIHA (II)(A)(3)
 - Violation of AIHA (II)(A)(5)
 - Violation of AIHA (II)(A)(6)
 - Violation of AIHA (II)(C)(1)
 - Violation of AIHA (II)(C)(2)
 - 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 Gobbell Hays Partners, Inc..
 - No legitimate Preliminary Assessment, as required by regulation, has been performed at 7351 Krameria Street, Commerce City, CO as required by regulation.
 - Pursuant to State regulations, no clean-up activities may occur at an illegal drug laboratory except on the production of a legitimate Preliminary Assessment. Since no legitimate Preliminary Assessment exists for this property, no decontamination or cleaning would have been permitted. Any cleaning performed at the property would have been in violation of State regulations.
 - Pursuant to State regulations, following authorized cleaning, final verification sampling must be performed pursuant to specific mandatory elements found in 6 CCR 1014-3.
 - Pursuant to Colorado Revised Statutes§25-18.5-104, entry into the property has been restricted by regulation since at least March 13, 2013 and that restriction continues to the day of this discussion (November 12, 2013).
 - Pursuant to Colorado Revised Statutes§25-18.5-104, occupancy of the property is unlawful.



- Pursuant to CRS §25-18.5-104, prohibition on entry extends to any current occupants, Real Estate agents, property owner(s), maintenance personnel, potential buyers, home inspectors, and any and all other personnel, except law enforcement personnel and personnel meeting the requirements of Title 29 of the Code of Federal Regulations, Part 1910.120(e).
- No exemptions are granted for regulatory compliance if the registered owner is “Fannie Mae,” “Freddie Mac,” or any other Federal or State Government lending program.
- Use of fatally flawed work authored by an unauthorized consultant in violation of the State Regulations, will prevent the registered owner from receiving the liability immunity provided by CRS §25-18.5-103(2).

REVIEW OF THE MARCH 26, 2013 DOCUMENT

Recent Statutory Changes

Over the last couple of years, many incompetent and unauthorized consultants, such as GHP, have provided consultation in drug laboratory related properties. Local Governments were being provided with bad information regarding the regulations from a State level. Eventually it was discovered that one State employee with the Colorado Department of Health and Environment was actually engaged in assisting in unlawful assessments.^{8,9} Due to the serious problems thus created, Sen. Tochtrop promulgated SB13-219 which was signed by Gov. Hickenlooper at the end of last May 2013, and many aspects of the new statutes became effective on August 7, 2013. SB13-219 amended many of the rubrics found in CRS Title 25 and Title 38. The entire time- frame of the GHP report for this property fell within the original statutes and regulations. Therefore, throughout this discussion, we have referenced the statutes that were current and pertained at the time the work was performed by GHP. As of today’s date, November 12, 2013, the State regulations, 6 CCR 1014-3 have not been amended, and all references to the regulations are current.

Preliminary Assessment

According to Colorado State Statutes and State Regulation 6-CCR 1014-3, following the discovery of an illegal drug laboratory as that term is defined in CRS §25-18.5-101 (2.7), and following “notification,” an affected 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.

⁸ See for example: http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

⁹ See for example: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



The Preliminary Assessment must be conducted according to specified requirements¹⁰ and must contain specific elements. The regulations are not guidelines, but are mandatory requirements. The Industrial Hygienist does not have the liberty or 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 work.

Failure to Provide Trained Personnel

Regulatory Requirements

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*” is 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.

Similarly, regarding contamination migration, the regulations explicitly state:

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

And:

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.

And:

Other outdoor surfaces should be evaluated based on **best professional judgment**. Wipe samples and destructive samples may be required.

¹⁰ Section 4 of 6 CCR 1014-3



And:

Composite sampling is permitted by this regulation, as described herein. The consultant may not use composite sampling unless in their **professional judgment**, contamination is expected to be relatively evenly dispersed throughout a given area, such that the sampling will accurately represent the conditions of the drug laboratory.

And so forth; the allusion to an appropriately trained IH is woven intrinsically into the regulation and is needed for compliance.

In the case of the Krameria Street property, the assessment was performed by an individual with no documentable training in Industrial Hygiene or clandestine drug laboratory operations, and no documented training in any aspect of manufacturing, or processing of illegal drugs. Then, the report was reviewed by an individual with no documentable training in Industrial Hygiene, clandestine drug laboratory operations, and no documented training in any aspect of manufacturing, or processing of illegal drugs.

The GHP 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 GHP authors have no legitimate training or knowledge in clandestine drug laboratories. Therefore, neither of the authors were qualified or authorized to perform the work. This conclusion is not subjective, but as described in detail later in this discussion, the authors violated State regulations by entirely failing to demonstrate that they have any kind of knowledge in performing the work at all.

Mr. Levi Stockton

In violation of regulation, the author of the GHP report is not actually identified.

In the report, the “Managing Consultants” is identified as Mr. Levi Stockton. There is no indication that Mr. Stockton is an Industrial Hygienist. In the GHP report, Mr. Stockton provides no documentation that he has any experience in Industrial Hygiene, and instead, lists numerous asbestos accreditations. Being accredited in asbestos and lead based paints affords no parallel training in Industrial Hygiene or the assessment of clandestine drug laboratories.

Mr. John Peterson

The GHP report states that the actual work was not performed by an Industrial Hygienist (as required by regulation), but rather, the work was performed by Mr. John Peterson, who is an “Environmental Consultant.” In Colorado, there is no recognized profession as “Environmental Consultant.” Essentially, a 12 year child claim to be an “Environmental Consultant,” and lawfully market themselves as such. However, this would not entitle that individual to perform work under 6 CCR 1014-3 or any of the statutes regarding the assessments of Illegal Drug Laboratories in Colorado.



In the past, Mr. Peterson has been involved with other unlawful and botched assessments, wherein he referred to himself as an “Environmental Specialist.”¹¹ In Colorado, there is no recognized profession as “Environmental Specialist.” Since there is no actual definition of either “Environmental Specialist” or “Environmental Consultant,” it is difficult to know what the distinction is supposed to be.

Nowhere in State regulations is there an exception made for the make-believe titles called “Environmental Specialist” or “Environmental Consultant,” as a substitute for an Industrial Hygienist. Furthermore, even if Mr. Peterson was a legitimate Industrial Hygienist, nowhere in the document do we find the mandatory documentation to demonstrate Mr. Peterson’s statement of qualifications, professional certification or qualification, as an Industrial Hygienist as defined in section 24-30-1402, C.R.S., or a description of Mr. Peterson’s experience in assessing contamination associated with methamphetamine labs. GHP has entirely failed to perform this duty and provide that information. GHP has an history of fraudulently sending incompetent individuals representing that person as a Industrial Hygienist to perform work at illegal drug laboratories.

Failure to Comply with Mandatory Elements

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.

GHP failed to perform its regulatory and professional duty by failing to comply with this requirement.

Failure to provide a legal description

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

¹¹ See for example: http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



Failure to provide a description of types of structures present

GHP failed to perform its regulatory and professional duty by failing to comply with this requirement. Nowhere within the documentation do we see where GHP has provided a description of the number and type of structures as required. Indeed, what also see is that GHP entirely failed to recognize the existence of the two other structures on the property site. In their report, GHP stated:

According to information provided to GHP by Mr. Fonda Apostolopoulos with Colorado Department of Public Health and Environmental (CDPHE), the house is a single family residence dwelling with no garage or separate out buildings.

Yet, it was not the responsibility of Mr. Fonda Apostolopoulos with Colorado Department of Public Health and Environmental (CDPHE) to perform a property assessment. It was the responsibility of GHP to perform a property assessment.

In this case, GHP entirely failed to identify the two other structures (a standalone garage, and a stand-alone shed) that were located on the property.

It is difficult to believe that Mr. Peterson would be capable of locating and identifying the various visual signs and indicators as required by regulation when he lacked the competency to even identify existing structures on the property.

Failure to provide a description of number of structures involved

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

In fact, as described above, GHP provided the wrong number of structures when their field technician entirely failed to find two large buildings associated with the structure.

Failure to provide a description of surrounding structures

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

In fact, in their report, GHP merely falsified the record and stated:

*Adjacent Areas Affected:
The home is a detached single family residence with no out building located on the property.*

In fact, on the day GHP visited the property, there were two free-standing out buildings located on the property.



It is difficult to understand why the State of Colorado, Department of Public Health and Environment continues to give Tax Payer's money to GHP in return for fraudulent services rendered.

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.

GHP failed to perform its duties and fulfill regulatory requirements by failing to document the availability of any law enforcement documents. In their report, GHP fraudulently stated:

No police reports were filed for this property.

In fact, Forensic Applications Consulting Technologies, Inc. telephoned the Adams County Sheriff's Office and determined that not only were law enforcement documents filed, but copies of the documents were readily available to any member of the General Public who came into the Adams County Sheriff's Office and asked for copies. GHP simply falsified their report; and never bothered to perform their professional obligations and find out if law enforcement documents were available.

Nowhere in the documentation provided do we see where GHP made any documented attempts to obtain or review any of the readily available law enforcement documents.

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.

GHP failed to perform its regulatory and professional duty by failing to comply with this requirement. In their report, GHP made no attempt to identify any of the Functional Spaces in the property and entirely failed to note the existence of the attic.

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 in a Preliminary Assessment (as required by regulations) the post remediation requirements cannot be met. Nowhere within the documentation do we see where GHP has provided an inventory of Functional Spaces at the property as required by regulation.

GHP has entirely failed to identify the Functional Spaces associated with the property as required by regulation.

Failure to Comply With Paragraph 4.4

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

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

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

Inherent in this requirement is the presumption that the consultant would be capable of actually having some knowledge of manufacturing processes, and some training which would allow the recognition of observations to be linked to some kinds of manufacturing.

As already stated, there is no documentation that indicates that the work was performed by an individual who has any training whatever in illegal drug laboratories. Therefore, it would be impossible for Mr. Peterson, (who is incapable of identifying an attic, or even a separate garage) to be capable of describing the method of manufacturing or chemicals used.

Similarly, since Mr. Peterson fraudulently stated that law enforcement records were not filed for the property, and did not bother to obtain copies of the readily available law enforcement documents, as required, he could not have known that those documents in fact identify the manufacturing process used at the Krameria Street property.

Both of these observations further underscore the technical incompetence of the GHP field personnel who otherwise have no documented knowledge or training of manufacturing processes and otherwise has demonstrated gross technical incompetency in clandestine drug laboratory assessments.

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).

GHP entirely failed to perform its professional, regulatory obligations and duties and failed to fulfill this regulatory requirement by failing to identify the chemicals that were associated with the property as identified in the law enforcement reports.

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...

GHP failed to perform its duties and fulfill regulatory requirements by failing to identify the locations of the chemical contamination by failing to identify the out buildings, the attic and the locations of the chemicals as identified in the law enforcement reports.

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.

GHP failed to perform its duties and fulfill regulatory requirements by failing to identify the locations of the chemical storage areas as identified in the law enforcement reports.

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.

GHP failed to perform its duties and fulfill regulatory requirements by failing to identify the waste disposal areas. Since GHP falsely stated there were no out buildings, (when in fact there were two such out buildings), GHP cannot know if there was disposal. Aerial photography for the property indicates possible external disposal locations; however, since GHP failed to provide a photographic record as required, one cannot know if the disposal site were evaluated properly. Similarly, GHP failed to photograph any of the plumbing fixture basins, and therefore, it remains unknown if disposal occurred in the plumbing system.



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.

GHP entirely failed to identify these areas as required. In fact, not only did GHP entirely fail to identify the cooking areas as identified in the law enforcement documents, nowhere in the GHP report is the word “cook” or “manufacturing” even used.

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 GHP report do we find that GHP addressed this mandatory element for a Preliminary Assessment. In fact, nowhere in the GHP report does GHP even made mention of any aspect of this element. As already mentioned, the fact that GHP failed to even notice the two exterior buildings, it would have been impossible for them to have noticed the areas of dead vegetation. The first aerial photograph (below) was taken five months prior to the GHP visit, and the second photograph was take seven months after the GHP visit. The photographs clearly establishes the fact that stressed vegetation indicative of illegal dumping was present before and after, and therefore during, the GHP visit. Similarly, the two out buildings are clearly visible in both photographs.



7351 Krameria Street¹²
October 7, 2012

¹² Possible Copyright Google™ (Reproduced under fair use doctrine).





7351 Krameria Street¹³
October 6, 2013

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.*

GHP entirely failed to comply with this mandatory activity and entirely failed to perform an inspection of the plumbing as required by mandatory regulations. Instead, GHP stated:

2.4 Plumbing System Impact:

Visual inspection of the various sinks and drains did not reveal staining indicative of meth-related waste disposal. At the time of the inspection, it was reported to GHP that the water service to the home had been terminated.

Unfortunately since GHP failed to comply with Section 4.14 of the regulations (See below), no adequate photographs were taken of the plumbing fixture basins. However, the photographs that were provided clearly show staining indicative of meth-related waste disposal. It is important also to note that in violation of regulations, the “inspector” (field personnel) was not an Industrial Hygienist and otherwise has absolutely no documented training in meth-lab related issues and could not be expected to have identified any such staining even if it is otherwise apparent.

¹³ Possible Copyright Google™ (Reproduced under fair use doctrine).



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.

GHP merely falsified the record and in their report stated:

2.5 Adjacent Areas Affected:

The home is a detached single family residence with no out building located on the property.

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.

GHP failed to comply with this provision of regulations and entirely failed to provide any photographs of the exterior grounds; entirely failed to provide any photographs of the interiors of the two existing out buildings; entirely failed to provide any photographs of the exterior of the two existing out buildings; entirely failed to provide any photographs of the attic, and other areas of the property.

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 which, if excluded from the Preliminary Assessment, cannot be available or known for inclusion in the final documentation. The following documentation must be included in the Preliminary Assessment or it cannot be available for inclusion in the final report. None of the following was included in the report provided to us.

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).

As already described, this information was not present in the report provided to us and was not addressed by GHP.

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.

As already described, this information was not present in the report provided to us and was not addressed by GHP.

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.

As already described, this information was not present in the report provided to us and was not addressed by GHP.

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.

GHP failed to produce the required information, and their attention to detail was so poor, GHP was apparently unaware of what they actually did and did not do in the structure. In their report, GHP falsely states:

*2.3 Areas of Contamination:
GHP collected eleven (11) wipe samples for methamphetamine chemicals, including two field blanks, throughout the home. Refer to the sample log in Appendix A for location descriptions for the wipe samples.*

This statement is not true, and GHP did not “*GHP collected eleven (11) wipe samples for methamphetamine chemicals, including two field blanks, throughout the home.*” GHP collected nine samples in some locations of the property, and included two field blanks (for reasons not apparent).

For the vast majority of samples, GHP failed to actually identify what was actually wiped (sampled) in a given area.

Furthermore, GHP falsely stated that

Sampling was done in accordance with the Colorado Department of Public Health and Environmental (CDPHE) regulations 6CCR 1014-3 Regulations pertaining to the cleanup of methamphetamine laboratories.

In fact, State regulations prohibit the collection of composite samples from mixed matrices. Based on the GHP report, samples were collected from mixed matrices. In any



event, as already mentioned, in violation of State regulations, the samples were not collected by and individual or even supervised by an individual who can document they are 1) An industrial Hygienist, and 2) have any competency or training in clandestine drug laboratory assessments.

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 GHP failed to produce the required information, the actual sample materials and locations 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 GHP failed to produce the required information that information will not be available or reproducible for the inclusion in the final document.

In fact, it would appear that OSHA standards were violated. According to OSHA regulations, the property would be identified as an Hazardous Waste Site pursuant to 29 CFR Part 1910.120 which states:

1910.120(a)(3)

Hazardous waste site or Site means any facility or location within the scope of this standard at which hazardous waste operations take place.

1910.120(a)(1)(i)

Clean-up operations required by a governmental body, whether Federal, state local or other involving hazardous substances that are conducted at uncontrolled hazardous waste sites (including, but not limited to, the EPA's National Priority Site List (NPL), state priority site lists, sites recommended for the EPA NPL, and initial investigations of government identified sites which are conducted before the presence or absence of hazardous substances has been ascertained);

1910.120(a)(1)(iii)

Voluntary clean-up operations at sites recognized by Federal, state, local or other governmental bodies as uncontrolled hazardous waste sites;

Qualified person means a person with specific training, knowledge and experience in the area for which the person has the responsibility and the authority to control.



1910.120(e)(1)(i)

All employees working on site (such as but not limited to equipment operators, general laborers and others) exposed to hazardous substances, health hazards, or safety hazards and their supervisors and management responsible for the site shall receive training meeting the requirements of this paragraph before they are permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety, or health hazards, and they shall receive review training as specified in this paragraph.

Here is nothing in the GHP report that would indicate Mr. Peterson has ever received any of the training as required by OSHA for performing the work on this property.

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.

As already discussed, GHP failed to provide a photographic record of site conditions.

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. Peterson's statement of qualifications, professional certification or qualification, or a description of Mr. Peterson's experience in assessing contamination associated with methamphetamine labs. GHP has entirely failed to perform their duty to provide that information. It would appear that Mr. Peterson is essentially an asbestos technician of some sort.

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



In the report, GHP falsely states:

3.1 Certification Statement:

GHP hereby certifies that they conducted a preliminary assessment of the subject properties in accordance with 6 CCR 1014-3, § 4.

In fact, as delineated in audit, GHP has not now, and apparently has never complied with any aspect of Colorado Regulation 6 CCR 1014-3 and ANY of the work they have performed for the State of Colorado or any other person or client with regard to illegal drug laboratory assessments.

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 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.”

Nowhere in the GHP report does the mandatory language appear.

Failure to Comply With Sampling Requirements

Overall, the sampling performed by Mr. Peterson 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 “assessing” illegal drug laboratories. One of those myths is that one must perform sampling during a Preliminary Assessment. In fact, in spite of false statements made by the Colorado Department of Public Health and Environment, claiming that sampling is *required* during a Preliminary Assessment,¹⁴ NOWHERE in State regulations is there a requirement to perform sampling.

¹⁴ See for example, letter from Colleen Brisnehan, to Joan Whittemore (CSPD) and Sgt. Harrell (CSPD) regarding Citizen Request #4967 (Tuesday, September 4, 2012 4:00 pm) From: WHITTEJO@ci.colospgs.co.us to FACTs, Inc.



In this particular case, since discovery had already occurred, and a known illegal drug laboratory was known to exist, a legitimate, knowledgeable, ethical, Industrial Hygienist would have challenged the mandatory preliminary hypothesis and would have collected a single 500 square centimeter sample from each functional space – HOWEVER, the Industrial Hygienist would NOT have submitted all the samples for analysis since just a single sample collected from the furnace interior would have been sufficient to indicate whether the entire house was or was not contaminated.

Instead, GHP merely wasted tax payer resources by collecting, higgledy-piggledy samples from various locations, that could not be used for compliance purposes anyway, even if the samples had been below the numerical values for compliance.

As it is, by submitting all the samples, GHP merely squandered the financial resources of the State of Colorado unnecessarily.

Furthermore, state regulations say that if samples are collected, the collection of those samples MUST meet certain requirements. For this property, GHP 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 GHP 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, GHP failed to document the locations of samples or site conditions at the property. Therefore, it is impossible to know if the selected locations were appropriate. We do have firsthand knowledge from other properties that GHP, lacking any legitimate knowledge in the assessment of illegal drug laboratories, has failed to collect samples from required locations, and has often collected samples from prohibited materials.

The reality is that since GHP did not document from whence their samples came, we cannot know if the samples were in fact even collected in a compliant manner. Based on the gross incompetence documented in this property, and the past history of GHP's work, we are forced to take the position that unless GHP could conclusively document the samples were collected pursuant to State regulations, they were not. Furthermore, the documentation present, as described below, demonstrate that for many of the areas, the samples collected by GHP were not collected in a manner that was compliant with State regulations.



Failure to Comply With Paragraph 6.6 Mixed Matrices

GHP failed to comply with the sampling protocols specified in Section 6.6 which states:

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

Appendix A

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

During their work at the subject property, GHP failed to follow the regulatory sampling protocols and collected mixed matrix composites.

Failure to Comply With Paragraph 6.6 Insufficient Area Sampled

GHP failed to comply with the sampling protocols specified in Section 6.6 which states:

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

Appendix A

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

In this case, GHP wasted the financial resources of the State of Colorado by attempting to clear specific areas by collecting composites of only 300 cm² and 400 cm².

Therefore, in the extremely unlikely event that the samples were below the numerical decision thresholds, the samples could not have been used for compliance purposes anyway.

In violation of the regulations, GHP failed to issue any kind of decision concerning the attic, or the two remaining structures on the property.

VIOLATION of ABIH/AIHA CODE of ETHICS

GHP employs ABIH¹⁵ Certified Industrial Hygienists, and one of the authors of the report identifies himself as a member of the AIHA.¹⁶ Part of membership in the ABIH and AIHA is supposed to include mandatory adherence to the ABIH Code of Ethics. In reality, neither the ABIH nor the AIHA take the Code of Ethics seriously, but nevertheless, the work performed by GHP constituted a violation of the joint Code of Ethics and failed to meet a minimum standard of professional care. Specifically, Mr. Peterson and GHP violated the following AIHA Codes of Ethics:

¹⁵ American Board of Certified Industrial Hygienists

¹⁶ American Industrial Hygiene Association



- AIHA (I)(A)(1)
- AIHA (I)(A)(5)
- AIHA (II)(A)(1)
- AIHA (II)(A)(2)
- AIHA (II)(A)(3)
- AIHA (II)(A)(5)
- AIHA (II)(A)(6)
- AIHA (II)(C)(1)
- AIHA (II)(C)(2)

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

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

Clearly, as described above and yet to be delineated below, GHP has failed to comply with the mandatory Colorado Regulations in the performance of this work.

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

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

Clearly, as described above, and yet to be delineated below, GHP has failed to refrain from behavior that is in violation of the accepted professional and legal standards, by violating both.

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 above, and yet to be delineated below, GHP did not perform the necessary work in a competent manner.

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

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

As described above, and yet to be delineated below, GHP has clearly performed work for which they were not capable or qualified. If, on the other hand, GHP argues that they were capable and qualified, one must then conclude that his work was intentionally deficient, which would constitute criminal fraud.

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

Provide appropriate professional referrals when unable to provide competent professional assistance.

GHP failed to refer the work to a competent Industrial Hygienist.



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

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

By pretending to provide qualified personnel, GHP has violated this provision.

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

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

GHP presents itself to the public as a competent Industrial Hygienists qualified to perform clandestine drug laboratory assessments pursuant to Colorado Regulations 6 CCR 1014-3. Clearly, as described above and yet to be delineated below, GHP is neither capable or qualified to perform the required work in a proper or professional manner.

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

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

By performing grossly deficient work, and, as described below, demonstrating an history of habitual gross incompetence, one can reasonably foresee that GHP clients, and the general public, are placed at higher risk of injury and damage due to 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.

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

We recommend that the Governing Body review each of the reports presented by GHP, and warn the property occupants of the probable noncompliance of their properties.

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 GHP work: 1) Either GHP knew that the work it was performing was grossly incompetent and not in compliance with State Regulations (as demonstrated above) or, 2) GHP was unaware of the fact that their work was grossly deviating from mandatory State requirements.



If GHP 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 GHP presents itself as knowledgeable, (and explicitly states it is knowledgeable of the regulations), one must surmise that GHP knowingly and willingly performed work that grossly deviated from mandatory State requirements with the intent to defraud.

Furthermore, as already mentioned, we have reviewed many other GHP reports in the past, and we have documented numerous and virtually identical flaws over the course of many years. Therefore, it would be impossible for GHP to argue that they did not know their work was grossly incompetent and fraudulent.

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, GHP presented their work to Mr. Fonda Apostolopoulos, Colorado Dept Of Public Health & Environment, as a legitimate document for the property, and the seller of the property presented the work by GHP as a genuine Preliminary Assessment, this too would appear to meet the definition of “*Offering a false instrument for recording.*”

Similarly GHP 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 State Attorney’s Office and District Attorney for proper evaluation, and to determine if the case rises to the level of criminal conduct.

General Conclusions

- The March 26, 2012 document prepared by claiming to be compliant with Colorado Regulation 6 CCR 1014-3 is not compliant in any way with State regulations, is not a Preliminary Assessment and cannot be used for regulatory compliance purposes.
- The document prepared by Gobbell Hays Partners, Inc. was not prepared by an individual documented as being an “Industrial Hygienist” as defined by Section 24-30-1402 of the Colorado Revised Statutes.
- The document prepared by Gobbell Hays Partners, Inc. was not prepared by an individual documented as having any recognizable training in any aspect of Clandestine Drug Laboratory assessments or operations.



- The document prepared by a consulting group with an history of plagiarism,¹⁷ incompetence, fraudulent statements, and botched assessments.
- The document prepared by Gobbell Hays Partners, Inc. exhibited gross technical incompetence in regulatory compliance and illegal drug laboratory assessment.
- The document prepared by Gobbell Hays Partners, Inc. contained at least 48 violations of State regulations and/or state statutes:
 - Failure to Provide Trained Personnel
 - Regulatory Requirements
 - Mr. Levi Stockton
 - Mr. John Peterson
 - Failure to Comply with Mandatory Elements
 - Failure to Comply With Paragraph 4.19
 - Failure to provide a legal description⁹
 - Failure to provide a description of types of structures present
 - Failure to provide a description of number of structures involved
 - 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 4.4
 - 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 1
 - 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 4.14
 - 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 8.11
 - 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 Mixed Matrices
 - Failure to Comply With Paragraph 6.6 Insufficient Area Sampled
 - VIOLATION of ABIH/AIHA CODE of ETHICS
 - Violation of AIHA (I)(A)(1)
 - Violation of AIHA (I)(A)(5)
 - Violation of AIHA (II)(A)(1)

¹⁷ See for example: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



- Violation of AIHA (II)(A)(2)
 - Violation of AIHA (II)(A)(3)
 - Violation of AIHA (II)(A)(5)
 - Violation of AIHA (II)(A)(6)
 - Violation of AIHA (II)(C)(1)
 - Violation of AIHA (II)(C)(2)
 - 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 Gobbell Hays Partners, Inc..
 - No legitimate Preliminary Assessment, as required by regulation, has been performed at 7351 Krameria Street, Commerce City, CO as required by regulation.
 - Pursuant to State regulations, no clean-up activities may occur at an illegal drug laboratory except on the production of a legitimate Preliminary Assessment. Since no legitimate Preliminary Assessment exists for this property, no decontamination or cleaning would have been permitted. Any cleaning performed at the property would have been in violation of State regulations.
 - Pursuant to State regulations, following authorized cleaning, final verification sampling must be performed pursuant to specific mandatory elements found in 6 CCR 1014-3.
 - Pursuant to Colorado Revised Statutes §25-18.5-104, entry into the property has been restricted by regulation since at least March 13, 2013 and that restriction continues to the day of this discussion (November 12, 2013).
 - Pursuant to Colorado Revised Statutes §25-18.5-104, occupancy of the property is unlawful.
 - Pursuant to CRS §25-18.5-104, prohibition on entry extends to any current occupants, Real Estate agents, property owner(s), maintenance personnel, potential buyers, home inspectors, and any and all other personnel, except law enforcement personnel and personnel meeting the requirements of Title 29 of the Code of Federal Regulations, Part 1910.120(e).
 - No exemptions are granted for regulatory compliance if the registered owner is “Fannie Mae,” “Freddie Mac,” or any other Federal or State Government lending program.
 - Use of fatally flawed work authored by an unauthorized consultant in violation of the State Regulations, will prevent the registered owner from receiving the liability immunity provided by CRS §25-18.5-103(2).



Caoimhín P. Connell
Forensic Industrial Hygienist



APPENDIX A
FACTs SOQ



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:	Krameria	Form # ML15
Date Nov 13, 2013		

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 and was the contract Industrial Hygienist for the National Center for Atmospheric Research for over ten years. 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 (through the 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 also a member of the American Conference of Governmental Industrial Hygienists, the Occupational Hygiene Society of Ireland, the Colorado Drug Investigators Association, an appointed Full Committee 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 144 hours of highly specialized law-enforcement sensitive training in illegal drug lab operation, and under supervision of the US Drug Enforcement Agency, 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 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 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 406 assessments of illegal drug labs in Colorado, Nebraska and Oklahoma, and collected over 3,745 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 and a US NIOSH Recommended Peer Review Expert for the NIOSH 9109 Method, *Methamphetamine*. He has been admitted as a clandestine 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 with forensic services and arguments against corrupt regulators, fraudulent industrial hygienists, and unauthorized consultants performing invalid methlab assessments.



Multijurisdictional Counterdrug Task Force Training

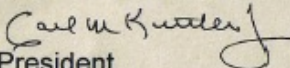


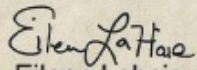
This is to certify that
Caoimhin P. Connell

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



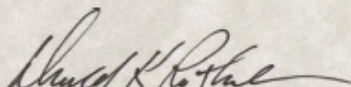
Certificate of Training

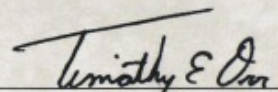
This certifies that

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



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



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

John M. [Signature]
Instructor

[Signature]
Sheriff

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



Director, Law Enforcement Liaison & Education

P. Ritch Wagner
Instructor

C7954



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

Tony Binelle, CLEOA President
ARIDE Instructor

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.

Bill Owen

Governor

Ken Salazar

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
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