



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene Assessment
Resulting in the Discovery of Contamination
At an
Illegal Drug Laboratory
Located at:**

3213 Greenwood Court
Fort Collins, CO 80525

Prepared for:

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FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
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December 11, 2018

EXECUTIVE SUMMARY

- Colorado is currently experiencing a lapse in regulatory controls regarding contaminated properties resulting in hundreds of properties being falsely declared as “remediated.” The property located at 3213 Greenwood Court, Ft. Collins, Colorado is one of those properties.
- The property has previously been identified as a “Methamphetamine Affected Property,” but was not assessed or cleaned pursuant to mandatory state regulations, and remains a contaminated property.
- At the request of the registered owner, a state of the art Industrial Hygiene assessment was performed by personnel with Forensic Applications Consulting Technologies, Inc. (FACTs) for the determination of the presence of methamphetamine at 3213 Greenwood Court, Fort Collins, CO 80525 (the subject property).
- On November 30, 2018, FACTs performed a standard “basic methamphetamine survey” and collected samples in compliance with all rules and regulations for the State of Colorado, and pursuant to Standard Industry Practices and established Industrial Hygiene procedures.
- According to the Senior Assistant State of Colorado Attorney General for the Natural Resources and Environment Section, a “basic methamphetamine survey” is not subject to any regulatory constraints.¹
- FACTs collected 16 samples from the subject property resulting in six samples for analysis. Five of those were submitted for the quantitative analysis of methamphetamine by gas chromatography- mass spectroscopy (using a modified NIOSH 9109 Method).
- The sample results indicate the presence of widespread, elevated concentrations of methamphetamine contamination in the structure at concentrations that exceeded the regulatory cleanup threshold for the State of Colorado.
- The concentrations of methamphetamine at the property exceed the toxicologically significant concentration.
- Based on a simple visual inspection, the property had not been properly cleaned, and a properly trained Industrial Hygienist would not have conducted sampling at the property, but instead, would have required the cleaning company to properly clean the property prior to conducting clearance sampling.
- Based on the results of the samples taken by FACTs on November 30, 2018, it has been confirmed that an “illegal drug laboratory,” as defined in Colorado Revised Statutes §25-18.5-101(8) continues to exist at the subject property.
- Pursuant to CRS §25-18.5-104(1), no person was permitted to have entered the property from the date of the initial discovery.
- Pursuant to CRS §25-18.5-104, prohibition of entry into the subject property extended to all potential occupants, the previous registered owner, the current registered owner, Real

¹ The term “basic methamphetamine survey” was coined by Daniel S. Miller, Senior Assistant Attorney General, Natural Resources and Environment Section, State of Colorado Department of Law, February 2, 2015.



Estate agents, perspective buyers, property owner(s), construction personnel, maintenance personnel, Home Inspectors, and any and all other personnel, except on-duty law enforcement personnel and personnel meeting the requirements of Title 29 of the Code of Federal Regulations, Part 1910.120(e).

- According to Colorado Revised Statutes §38-35.7-103(3)(a) the previous owner was required to disclose to any potential buyer, in writing, the fact that the property was a contaminated illegal drug laboratory that had not been remediated according to regulations.

INTRODUCTION

On November 30, 2018, at the request of the registered owner of the property, personnel from Forensic Applications Consulting Technologies, Inc (FACTs) performed a standard “basic methamphetamine survey” for the presence of methamphetamine at the residence located at 3213 Greenwood Court, Fort Collins, CO 80525.

Prior to performing the sampling, FACTs did not receive and did not review any of the documentation regarding the property.

Pursuant to standard, science-based, accepted Industrial Hygiene practices and protocols, FACTs collected samples for the quantitative determination of the presence of methamphetamine (16 sample locations).

The residence is a poured concrete basement style residence built *circa* 1983, approximating 3,000 ft² of occupiable space (including garage). On the day of our assessment, the residence was unoccupied and contained a minimal quantity of chattels.

ASSESSMENT PROTOCOLS

Sampling Protocol

During the “basic methamphetamine survey,” the hypothesis was made that the property contained concentrations of methamphetamine above a specified limit of reporting, and data would be diligently collected to support the hypothesis. As such, the data quality objectives were not designed to meet any regulatory requirements or quantify or characterize the *extent* or degree of contamination, but rather to test the statement:

Methamphetamine is present on property components above specified levels.

For this project, FACTs was following the same scientifically valid sampling protocols we developed for the original State Regulations (6 CCR 1014-3 (2005)). FACTs established “data quality objectives” (DQOs) prior to the sampling. Our DQOs were such that we selected a total sampling area and an analytical reporting limit (0.3 µg) that would result in a reportable quantity limit of not greater than 0.5 µg/100cm². That is, unless the concentration of the methamphetamine in the sample(s) exceeded 0.5 µg/100cm², the analytical laboratory would merely report the concentration as “below reportable limit.”



For this property, FACTs employed the scientifically valid sampling theory called “authoritative judgmental biased sampling” to test the hypothesis within the residence. Our testing produced results that supported the hypothesis and therefore, we must conclude:

Methamphetamine is present in the property above specified levels.

Wipe Sample

The wipe sample media was commercially available cotton Johnson & Johnson™ brand gauze pads. Each gauze material is assigned a lot number for quality assurance and quality control (QA/QC) purposes and recorded on a log of results. Each pad was moistened with reagent grade methyl alcohol. Each batch of alcohol was assigned a lot number for QA/QC purposes and recorded on a log of results.

The sampling media were prepared off-site in small batches in a clean environment. The sample media are inserted into individually identified single-use polyethylene centrifuge tubes with screw caps and assigned a unique sample identifier.

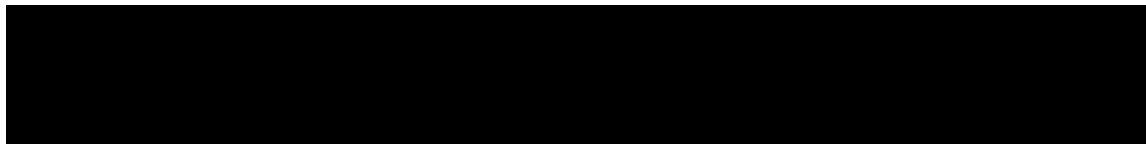
Following the sample collection, each sample area is “obscured” meaning the boundaries of the sampling area are “smeared.”

Quality Assurance – Quality Control (QA/QC)

QA/QC is a major consideration in all environmental sampling. The Industrial Hygienist for this project, Mr. Connell, has extensive experience in establishing QA/QC protocols for laboratories, field assessments and regulatory work. Mr. Connell was a bench chemist for a US EPA CLP Laboratory (Colorado School of Mines Research Institute – Analytica), wherein Mr. Connell was responsible for ensuring that QA/QC protocols met the US EPA SW846 QA/QC criteria for several methods including ion chromatography as well as atomic absorption spectrophotometry. Mr. Connell also has extensive experience in US EPA SW 846 data validation and field assessments using US EPA SW 846 methodologies.

Mr. Connell was an original author of the QA data quality objectives and assessment protocols for the State of Colorado Regulations 6 CCR 1014-3, and remains, to our knowledge, the only consulting Industrial Hygienist in Colorado with documented training from legitimate organizations in the assessment of illegal drug laboratories.

Attached to this discussion is the laboratory report for the samples. The laboratory report contains some of the internal QA/QC data for the current analysis suite. According to the laboratory, their internal QA/QC was within acceptable tolerance.



Note 1

Note 2

Note 3

Note 4

Note 5



The laboratory QA/QC tells us the following:

Note 1) The laboratory's internal detection limit is 0.05 µg, but the laboratory incorrectly refers to their detection limit as the "reporting limit" and incorrectly uses the units "µg/100cm²" instead of absolute µg; this laboratory error does not impact the results.

Note 2) The laboratory ran an analytical blank called a matrix blank. The matrix blank is designed to determine if any of the laboratory reagents, or the handling of the sample in the laboratory, resulted in the inadvertent introduction of methamphetamine into the sample. Again, the laboratory incorrectly uses the units "µg/100cm²" instead of absolute µg; the use of this incorrect unit is to help State certified consultants understand the laboratory report – the incorrect units do not impact the results. The "Matrix Blank" for this analysis suite indicates that no methamphetamine was introduced into the sample suite by the laboratory (BRL means "Below Reportable Limit – in this case below the analytical detection limit specified above); this is a negative control.

Note 3) The laboratory also ran a "matrix duplicate" which is a check of precision (that is, the laboratory's ability to *consistently* recover known amounts of methamphetamine). In this case, the laboratory recorded a relative percent difference (RPD) that was 9% between the duplicate and the original spike. This value is generally regarded as within normally accepted range when the RPD is 5% or lower. An RPD of 9% does not impact the confidence of the results, since the values of some of the results were so elevated.

Note 4) The laboratory also "spiked" an in-house blank with a known amount of methamphetamine to see if they could proficiently and accurately recover the known amount of methamphetamine. In this case, the laboratory reports they recovered 105% of the known standard; this assures the accuracy of the method. The acceptable range for recovery is 85% to 115%. Therefore, the recovery was within acceptable limits.

Note 5) The laboratory also ran "positive" controls including a "laboratory control sample" to determine if they could proficiently recover methamphetamine from a "real" sample that has been processed in exactly the same manner as actual samples. In this case, the laboratory reported they recovered 107% of the control. The acceptable range for recovery is 85% to 115%. Therefore, the recovery was within acceptable limits.

Field Blanks

To guard against false positives (that is, reporting the presence of methamphetamine when it isn't actually there), FACTs challenges the laboratory in a surreptitious manner by surreptitiously submitting samples that contain no methamphetamine and other surreptitious samples that contain known amounts of methamphetamine – these are called "field blanks" and "field spikes" respectively. FACTs maintains a database of QA/QC data that we have been accumulating for the last 15 years of performing this kind of sampling. Currently, FACTs has over 6,632 samples in our database representing approximately 707 assessments, starting in January, 2003.



To date, FACTs has submitted a total of 352 field blanks for analysis to challenge the laboratory and check for false positives.

For this project, FACTs submitted a field blank (Sample GBMS113018-01) to determine if our sampling materials or handling procedures introduced methamphetamine which would result in a false positive.

The laboratory report “BRL” indicating that the materials used by FACTs and our handling procedures did not introduce methamphetamine contamination. Therefore, with high confidence, the results of the methamphetamine reported by the laboratory are the result of contamination in the property.

Our data log indicates an alcohol Lot # A17Ø1 <MDL for $n=6$; and Gauze Lot # G16Ø1 <MDL for $n=11$. Therefore, for this property, FACTs has established that neither sampling materials nor the handling of the samples could be a source of the methamphetamine identified in the samples.

Field Spikes

Whereas blanks are negative controls, “spikes” are positive controls. As part of our general QA/QC protocol, FACTs regularly submits surreptitious spikes to the analyzing laboratory. “Spiked” samples consist of randomly selecting sample materials that are submitted to a third party independent laboratory for the inclusion of known amounts of *d*-methamphetamine² into the selected sample media. The spiked samples are then surreptitiously submitted with normal project samples to the analyzing laboratory. To ensure the integrity of the spikes, analyzing laboratory personnel are unaware of the presence or nature of the spikes. The spikes allow FACTs to determine the adequacy of the laboratory in recovering known amounts of methamphetamine from the samples. Sample results reported are then corrected to the spike recovery.

The pooled spike recovery from all previous projects indicates an exceptionally good record of spike recovery of 98.9% recovery ($n=39$, $\sigma = 0.14 \mu\text{g}$). For this project, we submitted a spike containing 5 micrograms of methamphetamine (Sample GBMS113018-07) and the laboratory reported recovering 5.16 μg , representing a 103% recovery, which is within the acceptable tolerance (85% to 115%). Our data log indicates that the sampling materials for Sample GBMS113018-07 had an alcohol Lot # A13Ø2 <MDL for $n=61$; and Gauze Lot # G13Ø1 <MDL for $n=40$.

Therefore, FACTs is confident that if methamphetamine had not been present in the property at concentrations greater than the reportable limit, Reservoirs Environmental Laboratory would have properly identified and quantified the contamination.

Analytical Method

Samples were hand-delivered to the analyzing laboratory, Reservoirs Environmental, Inc. (REI). REI is a respected laboratory, and Mr. Connell has been using REI for

² S(+)-methamphetamine, S,S(+)-pseudoephedrine, 1S,2R(+)-ephedrine



approximately 30 years. REI is accredited for the analysis of environmental matrices by the National Environmental Laboratory Accreditation Program, Lab Certification #E871030. REI is also currently proficient in the in-house ERA PAT Program. REI analyzed the samples using a gas chromatography mass spectrometry equipped with a flame ionization detector. The method is essentially the same as the method validated by the US National Institutes of Occupational Safety and Health (NIOSH) 9109 Method, *Methamphetamine*. Mr. Connell was an expert peer reviewer for the NIOSH method.

The NIOSH 9109 method is both sensitive to, and specific for, methamphetamine. That is, contrary to misinformation intentionally provided by Ms. Colleen Brisnehan with the Colorado Department of Public Health and Environment (CDPHE), there are no contaminants with a reasonable probability of false positives. (In the past, Ms. Brisnehan, has knowingly provided false information^{3,4} to protect members of her private commercial organization called the “Colorado Association of Meth and Mold Professionals” who have been caught performing fraudulent assessments as part of the Brownfields funding program on behalf of this CDPHE regulatory staff member, who was simultaneously sitting on the Board of Directors for the group.⁵)

Cross Contamination

Prior to entering the property, FACTs personnel don disposable booties to ensure that no contamination is brought into the property, and throughout the project, clean disposable gloves are used.

Immediately following each sampling project, all equipment used in a property (such as the step-ladder used at the property) is decontaminated in the field before being brought to a new location.

FACTs performs checks on our equipment including wipe samples from our field equipment (such as our step-ladder) and those QA/QC samples have never had reportable concentrations of methamphetamine.

Sample Results

Contrary to the belief of untrained State-certified consultants, the values in the accompanying laboratory report are not *concentrations*. The values in the laboratory report are absolute mass of methamphetamine in the samples. The actual methamphetamine *concentrations* found in the samples taken at the subject property are not within our stated data quality objectives and are not germane to this discussion.

³ See sworn deposition of Colleen Brisnehan, June 14, 2018 (*CDPHE et al vs. Caoimhín P Connell* Case Number HE-2015-0023)

⁴ See sworn trial testimony of Colleen Brisnehan, Nov. 6-7, 2018 (*CDPHE et al vs. Caoimhín P Connell* Case Number HE-2015-0023)

⁵ See for example: 4690 West 76th Ave., Westminster available at <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



Nevertheless, FACTs has calculated the concentrations and reported those concentrations below. The table below summarizes the results of the sampling performed at the property.

| Sample ID | Sample Location | Sample Result µg/100 cm ² |
|-----------------|-------------------------------------|---|
| GBMS1103018-01 | Field Blank | BRL |
| GBMS1103018-02A | Furnace cold air return | 0.83 |
| GBMS1103018-02B | Entryway, top of doorbell | |
| GBMS1103018-02C | Kitchen top of refrigerator | |
| GBMS1103018-02D | Whole house fan | |
| GBMS1103018-03 | Garage door rail | 4.37 |
| GBMS1103018-04A | North attic alarm horn | BRL |
| GBMS1103018-04B | South attic electrical junction box | |
| GBMS1103018-05A | US Bath top of mirror | BRL |
| GBMS1103018-05B | Office bath top of light | |
| GBMS1103018-05C | Master bath top of light | |
| GBMS1103018-05D | Basement bath top of light | |
| GBMS1103018-06A | US NE Bedroom ceiling fan | BRL |
| GBMS1103018-06B | US SE Bedroom ceiling fan | |
| GBMS1103018-06C | Basement NE Bedroom ceiling fan | |
| GBMS1103018-06D | Basement Kitchen baseboard | |
| GBMS1103018-07 | 5 µg Spike | 5.16 µg (103%) |
| GBMS1103018-08 | Crawlspace | ARCHIVED |

**Table 1
Summary of Results**

The results indicate widespread contamination throughout the structure.

Discussion of Results

The sample results tell us that had a properly trained consultant performed the post decontamination sampling in the property, the property would never have been declared compliant. In fact, had a properly trained consultant been involved, samples would never have been collected, since the visual evidence was conclusive that surfaces had not been cleaned (see example photographs below).





Of potentially greater concern is the observation that the deposition of the debris on surfaces indicates that “remediation” was conducted by merely spraying a strong oxidant (such as hydrogen peroxide) on the surfaces. This practice is prohibited by regulation.

Since the samples collected by FACTs were composites of multiple locations, there are two limits wherein the concentration of each surface fall; at least one of the surfaces contains the result of the laboratory analysis times the number of aliquots in the composite, or 2), each surface was exactly the same as all other surfaces in the composite. Because it is not statistically probable that either of these two limits was the case, the concentration of each surface may fall in between these two limits.

For example, let’s consider Sample GBMS1103018-02A which has a result of 0.83 $\mu\text{g}/100\text{cm}^2$ (a concentration that is greater than permitted by regulation). To get this result, the two extreme limits are 1):



Scenario Limit 1: (all of the surfaces equally contributed to the contamination)

- The cold air return duct in the furnace was *exactly* 0.83 µg/100cm²
- The top of the refrigerator in the kitchen was *exactly* 0.83 µg/100cm²
- The top of doorbell in the entryway was *exactly* 0.83 µg/100cm²
- The whole house fan louver was *exactly* 0.83 µg/100cm²

Scenario Limit 2: (one of the surfaces accounted for the majority of the contamination)

- The cold air return duct in the furnace was *exactly* 3.32 µg/100cm²
- The top of the refrigerator in the kitchen was *exactly* zero.
- The top of doorbell in the entryway was *exactly* zero.
- The whole house fan louver was *exactly* zero.

The probability is that each of the above surfaces were contributors in unequal amounts; that is some of the surfaces were greater than 0.83µg/100cm² and some were less than 0.83 µg/100cm².

Unavoidable, however is the fact that the furnace had not been cleaned. FACTs opened the cold air return of the furnace to collect one of our composites. Inside the furnace was a consultant's paper template. Generally speaking consultants who use templates for their samples have not received proper training in the assessment of illegal drug laboratories.

It is well established knowledge in the Industrial Hygiene and medical professions that the use of methamphetamine in a home results in elevated exposures to the occupants via airborne migration. When methamphetamine is smoked, between 80%⁶ and half⁷ of the substance is released from the user's device. Of that material which is inhaled, between 33%⁸ and 10%⁹ of the nominal dose is not absorbed into the body, but rather exhaled back into the ambient air.

⁶ Cook CE, *Pyrolytic Characteristics, Pharmacokinetics, and Bioavailability of Smoked Heroin, Cocaine, Phencyclidine, and Methamphetamine* (From: Methamphetamine Abuse: Epidemiologic Issues and Implications Research Monograph 115, 1991, U.S. Department Of Health And Human Services Public Health Service Alcohol, Drug Abuse, and Mental Health Administration National Institute on Drug Abuse)

⁷ Cook CE, Jeffcoat AR, Hill JM, et al. *Pharmacokinetics of Methamphetamine Self-Administered to Human Subjects by Smoking S-(+)-Methamphetamine Hydrochloride*. Drug Metabolism and Deposition Vol. 21 No 4, 1993 as referenced by Martyny JW, Arbuckle SL, McCammon CS, Erb N, Methamphetamine Contamination on Environmental Surfaces Caused by Simulated Smoking of Methamphetamine (The publication of this study is currently pending. Copies of the study are available from the Colorado Alliance for Drug Endangered Children.)

⁸ Harris DS, Boxenbaum H, Everhart ET, Sequeira G, et al, *The bioavailability of intranasal and smoked methamphetamine*, Pharmacokinetics and Drug Disposition, 2003;74:475-486.)



Flawed but useful work conducted by Industrial Hygienists at the National Jewish Hospital¹⁰ in Denver, CO, indicate that a single use of methamphetamine, by smoking, could result in an average residential area ambient airborne concentration of methamphetamine ranging from 35 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to over 130 $\mu\text{g}/\text{m}^3$. These authors found that smoking methamphetamine just once in the residence can result in surfaces being contaminated with methamphetamine. The authors concluded:

*"If methamphetamine has been smoked in a residence, it is likely that children present in that structure will be exposed to airborne methamphetamine during the "smoke" and to surface methamphetamine after the 'smoke.'"*¹¹

Since it is the purpose of the forced air ventilation system to move air throughout the structure, and the furnace (as indicated by the sample collected from the furnace interior) contained elevated concentrations of methamphetamine, we conclude the furnace was an effective mechanism of dissemination of methamphetamine contamination and will continue to be a source of contamination throughout the property until appropriately addressed.

In general, since the furnace system is connected to and communicates with all portions of the occupiable spaces of the residence, the results of the furnace sample alone lead a reasonable person, trained in aspects of methamphetamine laboratories, to conclude the *presence* of elevated methamphetamine contamination throughout the entire occupied space, all other sample results notwithstanding, even in the absence of any sample result for any specific location. That is, this sample alone is sufficient to reasonably conclude widespread methamphetamine contamination throughout the entire residence.

Finally, because FACTs was collecting composites, each of the composite samples that indicate "BRL" are to be considered "inconclusive" in light of the positive results found elsewhere. This is because it is possible that any one of the surfaces was greater than 0.5 $\mu\text{g}/100\text{cm}^2$, but less than the combined average of the number of aliquots.

⁹ Cook CE, Jeffcoat AR, Hill JM, Pugh DE, et al *Pharmacokinetics of methamphetamine self-administered to human subjects by smoking S-(+)-methamphetamine hydrochloride* Drug Metabolism and Disposition, Vol 21, No. 4, pp. 717-723, 07/01/1993

¹⁰ Martyny JW, Arbuckle SL, McCammon CS, Erb N, Methamphetamine Contamination on Environmental Surfaces Caused by Simulated Smoking of Methamphetamine (The publication of this study is currently pending. Copies of the study are available from the Colorado Alliance for Drug Endangered Children.)

¹¹ Martyny JW, Arbuckle SL, McCammon CS, Erb N, *Methamphetamine Contamination on Environmental Surfaces Caused by Simulated Smoking of Methamphetamine* (The publication of this study is currently pending. Copies of the study are available from the Colorado Alliance for Drug Endangered Children.)



Toxicology

At the beginning of our discussion, we stated that the concentrations identified in the subject property were toxicologically significant. Many compounds have a human exposure limit for referencing the significance of contamination. Many compounds have a “lower limit of toxicological significance” describing a dose below which no adverse health effects are seen, and methamphetamine is one of those compounds.

Body burden modeling has been performed using data generated by Charles Salocks, Ph.D., DABT with the California Environmental Protection Agency.¹² According to data generated by the California Environmental Protection Agency, sufficient toxicological data is now available to support the establishment of a “reference dose” (RfD). An RfD is an estimate of the maximum daily intake of a specific contaminant by members of the general population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime. During the revised promulgation of Colorado’s regulations, Coleen Brisnehan with the CDPHE refused to allow any scientific discussion regarding such scientific studies and off-handedly rejected all scientific work by all leading scientists and agencies (such as the work by Dr. Salocks).

Toxicologically, contaminant intakes are expressed as a “dose” which is the “weight” of a contaminant taken into the body per unit body weight per day (contaminant weight/body weight/day). Therefore, equal amounts of the same contaminant will result in different doses for different body weights. For example, if the total daily exposure mass of a contaminant is 5 milligrams (5 mg) the dose to a 15 kilogram infant would be 0.3 mg/kg/day; however the same daily intake for a 70 kg adult would only be 0.07 mg/kg/day.

For noncarcinogenic chemicals, such as methamphetamine, as the dose decreases, so too decreases the risk of an observable adverse effect. With decreasing dose, one eventually reaches a dose, above which the most susceptible (sensitive) adverse effect is seen; this dose is known as the LOEL (lowest observable (adverse) effect level).

As the dose decreases even further, another point is reached where there is no observable adverse effect; this dose is referred to as the NOEL (no observable (adverse) effect level). Reference doses may be expressed as ranges that reflect either the LOEL or the NOEL.

According to the publications by the California Environmental Protection Agency¹³, the LOEL for methamphetamine is estimated to be 0.08 mg/kg/day, and, incorporating a specified uncertainty factor, the RfD is 0.3 mg/kg/day. The LOEL can be expected, when the residual methamphetamine concentrations within an occupied residence exceeds 1.5 µg/100 cm². The concentrations of methamphetamine identified in the subject property

¹² Salocks C, *Derivation of a Risk Based Remediation Standard for Methamphetamine*, Jan 8, 2008 power point presentation

¹³ Charles Salocks, Ph.D., D.A.B.T, and David Siegel, Ph.D., Chief, Integrated Risk Assessment Branch *Development Of A Reference Dose (Rfd) For Methamphetamine*, Integrated Risk Assessment Branch Office of Environmental Health Hazard Assessment California Environmental Protection Agency, 2007



were as high as 4.37 µg/100cm², or approximately three (3) times greater than the concentration needed to exceed the RfD.

MANDATORY DISCLOSURE

According to Colorado Revised Statutes:

38-35.7-103. Disclosure - methamphetamine laboratory

(3) (a) Except as specified in subsection (4) of this section, the seller shall disclose in writing to the buyer whether the seller knows that the property was previously used as a methamphetamine laboratory.

The only time that a seller does not have to disclose is when the seller has remediated the property in accordance with the standards established by section CRS §25-18.5-102, and receives certificates of compliance under section CRS §25-18.5-102 (1) (e). For this property, the remediation was NOT conducted in accordance with the standards established by section CRS §25-18.5-102, and therefore could not have received a valid certificate of compliance under section CRS §25-18.5-102 (1) (e).

We understand that the current owner of the subject property contacted Ms. Colleen Brisnehan with the CDPHE to report problems with the cleanup - pointing out that there was evidence the property had not been properly cleaned.

According to mandatory Colorado Regulations, Ms. Brisnehan was **required** by law, to investigate the complaint. According to 6 CCR 1014-3:

3.0 Notification and Imposition

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

3.2 The Department shall either send the notification required by Section 3.1 by certified or registered mail, return receipt requested, to the last known address of the alleged violator, or personally serve the notice of violation upon the alleged violator or the alleged violator's agent. Service shall not be incomplete due to any refusal to accept service.

However, Ms. Brisnehan has NEVER complied with the regulations, and under oath during trial testimony, Ms. Brisnehan lied to the Administrative Courts claiming that the only reports of potential violations were reports against FACTs, Inc. In reality, Ms. Brisnehan has ignored reports of no fewer than 15,025 reported violations (fifteen thousand and twenty five) in almost 50 reports without complying with her mandatory duties to investigate (in fact, Ms. Brisnehan has personally engaged in helping violators cover up regulatory violations by issuing illegal "variances," personally assisting in the collection of illegal samples,¹⁴ and permitting violators to issue heavily modified reports designed to cover-up the original violations.^{15,16})

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



It has been reported to FACTs that for this property, Ms. Brisnehan again ignored the complaints from the property owner regarding possible misconduct, and instructed the property owner to work it out themselves with the cleaning company.

CONCLUSIONS

Based on our objective sample results collected during our assessment, the subject property contains elevated methamphetamine contamination in excess of our reporting thresholds, and was never addressed according to the regulations.

The seller of the property, never having compliance documents that were issued in conformance with the regulations was required to prohibit entry into the structure, and was required by regulations to inform the buyer, in writing, that the property was a noncompliant illegal drug laboratory.

Pursuant to State regulations and State statues, an illegal drug laboratory continues to exist at the subject property.

We recommend that the registered owner of the property contract with FACTs Inc. to perform a regulatory audit of the inspection reports associated with the property.

Attachments:
Laboratory Reports
SOQ

¹⁵ See for example: 16CV30843 Petitioner's OAC 2015-0023 Exhibit 54 (starting AR001513 through AR001551) titled: PRELIMINARY ASSESSMENT REPORT Property Location 4383 Tennyson Street, Unit 3A Denver, Colorado 80212 Prepared For Ed McCue 4383 Tennyson Street, Unit 1A Denver, CO 80212 Prepared By Foothills Environmental, Inc. 1320 Simms Street, Suite 102 Golden, CO 80401 December 2, 2015

¹⁶ See for example: 16CV30843 Petitioner's OAC 2015-0023 Exhibit 63 (starting AR001790 through AR001896) titled: Single Family Residence at 690 S. Lincoln Street, in Denver, CO 80203 Methamphetamine Post-Remediation Inspection & Clearance Sampling Assessment. Prepared for Ryan Doell, Landmark Brokerage, December 17, 2015





FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

APPENDIX A LABORATORY REPORT



Forensic Applications

Final Report

RES 423562-1

December 10, 2018

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| Chain of Custody | 5 |



December 10, 2018

Laboratory Code: RES
Subcontract Number: NA
Laboratory Report: RES 423562-1
Project # / P.O. #: Greenwood
Project Description: None Given

Caoimhin Connell
Forensic Applications
185 Bounty Hunter Ln.
Bailey CO 80421

Dear Customer,

Reservoirs Environmental, Inc. is an analytical laboratory accredited for the analysis of Environmental matrices by the National Environmental Laboratory Accreditation Program, Lab Certification #E871030. The laboratory is currently proficient in the in-house ERA PAT Program.

Reservoirs has analyzed the following sample(s) using Gas Chromatography Mass Spectrometry (GC/MS) / Gas Chromatography Flame Ionization Detector (GC/FID) per your request. The analysis has been completed in general accordance with the appropriate methodology as stated in the analysis table. Results have been sent to your office.

RES 423562-1 is the job number assigned to this study. This report is considered highly confidential and the sole property of the customer. Reservoirs Environmental, Inc. will not discuss any part of this study with personnel other than those authorized by the client. The results described in this report only apply to the samples analyzed. This report shall not be reproduced except in full, without written approval from Reservoirs Environmental, Inc. Samples will be disposed of after sixty days unless longer storage is requested. If you should have any questions about this report, please feel free to call me at 303-964-1986.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeanne Spencer", is written over a light blue horizontal line.

Jeanne Spencer
President

RESERVOIRS ENVIRONMENTAL, INC.

NVLAP Accredited Laboratory #101896
AIHA Certificate of Accreditation #480 LAB ID 101533

TABLE I. ANALYSIS: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 423562-1**
Client: **Forensic Applications**
Client Project Number / P.O.: **Greenwood**
Client Project Description: **None Given**
Date Samples Received: **December 3, 2018**
Analysis Type: **NIOSH 9109-M by GCMS**
Turnaround: **Standard**
Date Samples Analyzed: **December 10, 2018**

| Client ID Number | Lab ID Number | Reporting Limit** (µg) | METHAMPHETAMINE CONCENTRATION (µg) |
|------------------|---------------|------------------------|------------------------------------|
| GBMS113018-01 | EM 2211138 | 0.3 | BRL |
| GBMS113018-02 | EM 2211139 | 0.3 | 0.50 |
| GBMS113018-03 | EM 2211140 | 0.3 | 2.62 |
| GBMS113018-04 | EM 2211141 | 0.3 | BRL |
| GBMS113018-05 | EM 2211142 | 0.3 | BRL |
| GBMS113018-06 | EM 2211143 | 0.3 | BRL |
| GBMS113018-07 | EM 2211144 | 0.3 | 5.16 |

* Unless otherwise noted, all quality control samples are performed within specifications established by the laboratory.

**Reporting Limit specified by client.


Renee A. Cortez

Analyst / Data QA: _____

RESERVOIRS ENVIRONMENTAL, INC.

NVLAP Accredited Laboratory #101896
AIHA Certificate of Accreditation #480 LAB ID 101533

QUALITY CONTROL: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 423562-1**
Client: **Forensic Applications**
Client Project Number / P.O.: **Greenwood**
Client Project Description: **None Given**
Date Samples Received: **December 3, 2018**
Analysis Type: **NIOSH 9109-M by GCMS**
Turnaround: **Standard**
Date Samples Analyzed: **December 10, 2018**

| Quality Control Batch | Reporting Limit ($\mu\text{g}/100\text{cm}^2$) | Matrix Blank ($\mu\text{g}/100\text{cm}^2$) | Matrix Duplicate (% RPD) | Matrix Spike (% Recovery) | Laboratory Control Sample (% Recovery) |
|-----------------------|---|--|-----------------------------|------------------------------|---|
| 1 | 0.05 | BRL | 9 | 105 | 107 |

* Unless otherwise noted, all quality control samples are performed within specifications established by the laboratory.

Analyst / Data QA: 
Renee A. Cortez

RES 423562
 Page 1 of 1

Due Date: _____
 Due Time: _____

REILAB Reservoirs Environmental, Inc.

After Hours Cell Phone: 720-339-9228

INVOICE TO: (IF DIFFERENT)

CONTACT INFORMATION:

| | |
|--|--|
| Company: Forensic Applications, Inc | Contact: Caoimhin P. Connell |
| Address: 185 Bounty Hunters Lane Bailey, CO 80421 | Phone: 303-903-7494 |
| Project Number and/or P.O. #: Greenwood | Fax: _____ |
| Project Description/Location: | Cell pager: _____ |
| | Final Data Deliverable Email Address: admin@forensic-applications.com |

ASBESTOS LABORATORY HOURS: Weekdays: 7am - 7pm
 PLM / PCM / TEM ___ RUSH (Same Day) ___ PRIORITY (Next Day) ___ STANDARD
 (Rush PCM = 2hr, TEM = 6hr.)

CHEMISTRY LABORATORY HOURS: Weekdays: 8am - 5pm
 Metal(s) / Dust ___ RUSH ___ 24 hr. ___ 3-5 Day
 RCRA 8 / Metals & Welding ___ RUSH ___ 5 day ___ 10 day
 Fume Scan / TCLP ___ 24 hr. ___ 3 day ___ X ___ 5 Day
 Organics ___ 24 hr. ___ 3 day ___ X ___ 5 Day

MICROBIOLOGY LABORATORY HOURS: Weekdays: 9am - 6pm
 E.coli O157:H7, Coliforms, S.aureus ___ 24 hr. ___ 2 Day ___ 3-5 Day
 Salmonella, Listeria, E.coli, APC, Y & M ___ 48 Hr. ___ 3-5 Day
 Mold ___ RUSH ___ 24 Hr ___ 48 Hr ___ 3 Day ___ 5 Day

Turnaround times establish a laboratory priority, subject to laboratory volume and are not guaranteed. Additional fees apply for afterhours, weekends and holidays.

Special Instructions: SPECIAL Reporting Limit 0.3 µg Please report all samples as total µg. Please use entire sample.

Client sample ID number (Sample ID's must be unique)

| REQUESTED ANALYSIS | OTHER NOTES: 0.3 µg Reporting Limit | VALID MATRIX CODES | LAB NOTES: |
|--------------------|-------------------------------------|---|---------------------------------|
| NOT SUBMITTED | | Air = A Bulk = B Dust = D Paint = P Soil = S Wipe = W Swab = SW F = Food Drinking Water = DW Waste Water = WW O = Other **ASTM E1792 approved wipe media only** | |
| RUSHI | | Sample Volume (L) / Area Matrix Code # Containers Date Collected mm/dd/yy Time Collected hh:mm ap | EM Number (Laboratory Use Only) |
| ORGANICS - METH | X | NA W 1 NA NA NA | 2211138 |
| | X | NA W 1 NA NA NA | 46 |
| | X | NA W 1 NA NA NA | 1 |
| | X | NA W 1 NA NA NA | 2 |
| | X | NA W 1 NA NA NA | 3 |
| | X | NA W 1 NA NA NA | 4 |
| | X | NA W 1 NA NA NA | |

Number of samples received: 7 (Additional samples shall be listed on attached long form.)

| | | | |
|--------------------------------------|---------------------------|----------------------|--|
| Relinquished By: <i>C.P. Connell</i> | Date/Time: <i>12/3/18</i> | Carrier: <i>Hand</i> | Sample Condition: On Ice ___ Sealed ___ Intact ___ Temp. (F°) ___ Yes / No ___ Yes / No ___ |
| Received By: <i>M. Kelly</i> | Date/Time: <i>12-3-18</i> | Phone Email Fax | Phone Email Fax |
| Results: | Contact | Initials | Initials |
| Contact | Contact | Date | Date |
| Phone Email Fax | Phone Email Fax | Time | Time |

APPENDIX B CONSULTANT'S SOQ





Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

| | | |
|---------------------|-----------|-------------|
| FACTs project name: | Greenwood | Form # ML15 |
| Dec 13, 2018 | | |

Caoimhín P. Connell, has been involved in clandestine drug lab investigations and assessments since 2002 and meets the Colorado Revised Statute §24-30-1402 definition of an "Industrial Hygienist." He has been a practicing Industrial Hygienist since 1987. Mr. Connell is a recognized authority in drug-lab operations and is a Certified Instructor in Meth-Lab Safety through the Colorado Regional Community Policing Institute, CRCPI (Colorado Division of Criminal Justice) and was the lead instructor for the CRCPI through the Colorado Division of Criminal Justice, providing over 260 hours of methlab training for over 45 Colorado Law Enforcement Agencies, federal agents, probation and parole officers throughout Colorado judicial districts. He has provided meth-lab lectures to the US Interagency Board, US Air Force, the National Safety Council, and the American Industrial Hygiene Association (of which he is a member and served on the Clandestine Drug Lab Work Group and for whom he conducted the May, 2010, Clandestine Drug Lab Course, and is a coauthor of the AIHA methlab assessment publication.)

Mr. Connell is a member of the American Conference of Governmental Industrial Hygienists, the Occupational Hygiene Society of Ireland, the Colorado Drug Investigators Association, an appointed Member of the National Fire Protection Association, and the ASTM International Forensic Sciences Committee, (where he was the sole sponsor of the draft ASTM E50 *Standard for the Assessment of Suspected Clandestine Drug Laboratories*).

From 2009, Mr. Connell served as the Industrial Hygiene Subject Matter Expert on the Federally funded Interagency Board (Health, Medical, and Responder Safety SubGroup), and was elected full member of the IAB-HMRS in 2011 where he now serves. He is the only private consulting Industrial Hygienist in Colorado certified by the Office of National Drug Control Policy High Intensity Drug Trafficking Area Clandestine Drug Lab Safety Program, and P.O.S.T. certified by the Colorado Department of Law.

He has received over 194 hours of highly specialized law-enforcement sensitive training in drug lab operation, and under supervision of the US DEA, he has manufactured methamphetamine using a variety of street methods. He has received highly specialized drug lab assessment training through the Iowa National Guard, Midwest Counterdrug Training Center and the Florida National Guard Multijurisdictional Counterdrug Task Force, St. Petersburg College, Rocky Mountain HIDTA, as well as through the US NHTSA, and the U.S. Bureau of Justice Assistance (US Dept. of Justice) and he is currently ARIDE Certified.

Mr. Connell is a current sworn law enforcement officer who has conducted clandestine laboratory investigations and performed risk, contamination, hazard and exposure assessments from both the law enforcement (criminal) perspective, and from the civil perspective in residences, apartments, motor vehicles, and condominiums. Mr. Connell has conducted over 708 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 6,638 samples during assessments (a partial detailed list of drug lab experience is available on the web at): <http://forensic-applications.com/meth/DrugLabExperience2.pdf>

He has extensive experience performing assessments pursuant to the Colorado meth-lab regulation, 6 CCR 1014-3, and was an original team member on two of the legislative working-groups which wrote the original regulations for the State of Colorado and he was the primary author of Appendix A (*Sampling Methods And Procedures*) and Attachment to Appendix A (*Sampling Methods and Procedures Sampling Theory*) of the original Colorado regulations. Mr. Connell strongly objected to the unscientific, unfounded and inappropriate amendments now found in regulation.

Recommended by the US NIOSH as Peer Review Expert for the NIOSH 9109 Method, *Methamphetamine*, he has been admitted as a drug lab expert in Colorado, and an Industrial Hygiene Expert in Colorado in both civil and criminal courts as well as Federal Court in Pennsylvania. He has provided expert testimony in several criminal cases including Grand Jury testimony and testimony for US Bureau ATF and he testified before the Colorado Board of Health and Colorado Legislature Judicial Committee regarding methlab issues. Mr. Connell has provided services to private consumers, Indian Nations, State Investigators, and Federal Investigators, and provided testimony regarding criminal activities of staff members at the Colorado Department of Public Health Environment.



Multijurisdictional Counterdrug Task Force Training

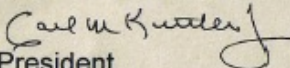


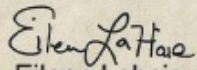
This is to certify that
Caoimhin P. Connell

Has satisfactorily completed the following 24 hour MCTFT training course held at
DIVIDE, CO

Rural Patrol

Training held 9/27/2004 through 9/29/2004


President
St. Petersburg College


Eileen Lahaie
MCTFT Director

A partnership between The Florida National Guard and St. Petersburg College

Midwest Counterdrug Training Center



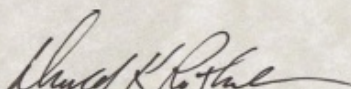
Certificate of Training

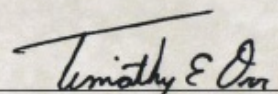
This certifies that

Caoimhin Connell

Has successfully completed the
Clandestine Laboratory Certification

Cheyenne, WY
40 Training Hours
2-6 August 2004


Network Environmental Systems, Inc.


LTC Timothy E. Orr
Commandant



Center *for* Task Force Training™

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED 20 HOURS OF TRAINING IN

METHAMPHETAMINE INVESTIGATION MANAGEMENT

MARCH 20-22, 2006

DENVER, COLORADO

Domingo S. Herraiz
Director, Bureau of Justice Assistance

Training coordinated by the
Institute for Intergovernmental
Research® on behalf of BJA



State and Local Anti-Terrorism Training

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED AN 8-HOUR
STATE AND LOCAL ANTI-TERRORISM TRAINING PROGRAM
NARCOTICS TASK FORCE ANTI-TERRORISM BRIEFING

June 1, 2006

Denver, Colorado

Domingo S. Herraiz
Director, Bureau of Justice Assistance



Training coordinated on behalf of BJA
by the Institute for Intergovernmental Research

*Rocky Mountain
High Intensity Drug Trafficking
Area*



Certifies that



Caoimhín Connell

has attended

4 hours of

Hash Oil Extraction: The Scene and The Patient

Aurora, CO

July 25, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA



www.nesglobal.net

Certificate of Completion

Caoimhin Connell

has successfully completed training in

Advanced Clan Labs: Beyond the Basics

presented by

NES, Inc.

1141 Sibley Street Folsom, CA 95630

Instructor - Brian Escamilla

04/28/14 04/30/14

Date

Contact Hours:24

This certifies that

Caoimhin P Connell

Has met the requirements for the online course

Expert Testimony Training for the Prosecutor and Scientist



11-07-2012

Certificate Number: 1109778763

For more information please visit <http://www.rti.org/forensiced>



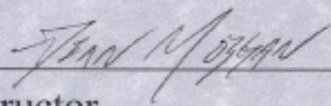
Park County Sheriff's Office Certificate of Completion

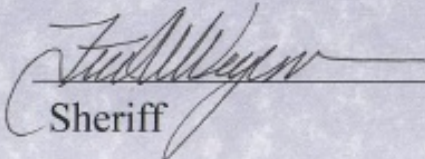
Caoimhin Connell

has completed an 8 hour course in:

Crime-scene Approach and Evidence Collection

Completed this 29th day of April, 2009


Instructor


Sheriff

***Rocky Mountain
High Intensity Drug Trafficking
Area***



Certifies that



Caoimhín P. Connell

*has attended
2 hours of
Hash Oil Explosions
Woodland Park, CO
May 31, 2014*

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

Certificate of Completion

This Will Certify That

Caoimhín P. Connell

Successfully Completed

Prescription Drug Crimes

7 Hours Completed

At: CO Law Enforcement Officers Assn. On: September 30, 2010
Greeley, Colorado



P. Ritch Wagner
Instructor

Director, Law Enforcement Liaison & Education



Certificate of Training

This is to certify that
Caoimhin Connell

(Name)

Park County Sheriff's Office

(Agency)

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

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

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



Colorado Law Enforcement Officers' Association



This is to certify that

CAOIMHIN CONNELL

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

hosted by **Loveland Police Department**

on **February 28 – March 1, 2011**

Tom Finelle
Tom Finelle, CLEOA President

M. A. [Signature]
ARIDE Instructor

State of Colorado



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

CAOIMHIN PADRAIG CONNELL

August 27, 2008

Date

VIN INSP— **0952**

Number

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

Bill Ritter Jr.

Governor

John W. Suthers

Attorney General, Board Chairperson

Certificate of Completion Intoxilyzer 9000 Operator Certification Course

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

Caoimhin P Connell

User ID: **841645**

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

February 21, 2013

Certificate Date

Jeffrey A. Groff

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



David A. Butcher

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

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



Certificate of Achievement

awarded to:

Caoimhin P. Connell

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

June 1st, 2005

Date

Signed

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

CERTIFICATE OF COMPLETION

COLORADO LAW ENFORCEMENT ASSOCIATIONS TRAINING PROJECT

This Certifies That

Caoimhin Connell

Has Attended the

CLEAT 40-HOUR

Train the Trainer Course

Hosted by Breckenridge Police Department
August 14-18, 2006

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



John L. Kammerzell
Executive Director
Police Officer Standard & Training



Donald E. Christensen
Executive Director
County Sheriffs of Colorado





SINCE 1973

This is to certify that

Caoimlin P. Connell

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

Presented this 24th day of May, 2008

CATI President

VIN Inspector Training Coordinator

State of Colorado



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

CAOIMHIN PADRAIG CONNELL

May 6, 2004

Date

B- 10670

Number

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

Governor

Attorney General, Board Chairperson

*Rocky Mountain
High Intensity Drug Trafficking
Area*



Certifies that



Caoimhín Connell

has attended

16 hours of

MCTC / RMHIDTA Indoor Marijuana Grows

Centennial, CO

August 28-29, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

CERTIFICATE OF TRAINING

THIS IS TO CERTIFY THAT

Caoimhín Connell

Has completed 4 hours of successful training for

The Hazards of Hash Oil Extraction

Held at IRIS Fire Investigations in Englewood, CO

on this 7th day of November, 2014

Robert K. Toth
IRIS Fire Investigations, President



COLORADO
Department of Public
Health & Environment

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

December 30, 2014

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

Consultant Interim Authorization Approval

Dear Caoimhin Connell:

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

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

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

Approved By: _____

Date: _____

12/30/2014





COLORADO
Department of Public
Health & Environment

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

December 30, 2014

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

Consultant Firm Interim Authorization Approval

Dear Forensic Applications Consulting Technologies Inc:

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

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

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

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

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

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

Approved By: _____

Date: 12/30/2014



APPENDIX C

REGULATORY DISCUSSION





REGULATORY STATUS APPENDIX

On April 21, 2004, then Colorado Governor Bill Owens signed into law Colorado HB 04-1182. This act required the Colorado Board of Health to establish State regulations regarding clandestine drug laboratories as environmental considerations. Mr. Connell with FACTs, was the original author of the assessment portions of those regulations¹ which were eventually promulgated as mandatory standards:² and at the request of the Colorado Department of Public Health and Environment (CDPHE), Mr. Connell testified before the Colorado Board of Health on the promulgation of those standards.³ The regulations were exceptionally well written science-based regulations which were subsequently adopted by at least three other states in one form or another.

The regulations were codified as 6 CCR 1014-3 and became effective on March 30, 2005. The regulations required assessments of known and potential clandestine drug laboratories to be performed solely by a statutorily protected professional known as an “Industrial Hygienist” (CRS §24-30-1402).

Unfortunately, almost immediately, Colorado began to see abuses and violations of these new regulations. Some of the violations were the result of incompetent Industrial Hygienists^{4,5,6} who, in violation of the professional Codes of Ethics which dictates the appropriate manner of conduct for our profession, were engaging in work for which they had no qualifications. Most of the violations were being committed by people who were not even Industrial Hygienists, and, in violation of Colorado Criminal statutes (CRS §18-5-113), were falsely identifying themselves as “Industrial Hygienists” even though many of them could not even define the term “Industrial Hygiene”^{7,8,9,10}

¹ See a copy of the original document here: http://forensic-applications.com/meth/DRAFT_sampling_protocol.pdf

² These regulations were codified in the Code of Colorado Regulations as 6 CCR 1014-3 a copy of which may be viewed here: <http://www.forensic-applications.com/meth/Coloradoregs.pdf>

³ January 19, 2005, at the request of Colorado Department of Public Health and Environment Proposed Regulations Pertaining to the Cleanup of Methamphetamine Regulations (HB-04-1182)

⁴ See for example, 24018 Deer Valley Road Golden, CO: <http://forensic-applications.com/meth/DVRCriticalReview.pdf>

⁵ See for example, 1170 Garrison Street Lakewood, Colorado 80215: http://forensic-applications.com/meth/Censored_Compliance_Audit.pdf

⁶ See for example, 4690 West 76th Ave., Westminster: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

⁷ See for example: 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

This new regulation (6 CCR 1014-3) was a Colorado Board of Health Regulation and was under the auspices of the Colorado Department of Public Health and Environment (CDPHE). CDPHE was in a position to provide appropriate guidance to jurisdictions, and help in enforcement actions regarding this new regulation which addressed the assessment and remediation of illegal drug laboratories. However, in violation of Colorado Revised Statutes, §24-50-117, Ms. Colleen Brisnehan, a regulator with the CDPHE who was immediately involved in the overseeing of this new regulation, began serving as a Director on the Board of Directors of a commercial group of pseudoprofessionals called the “Colorado Association of Meth and Mold Professionals (CAMMP)” in approximately 2007.

Colorado Revised Statutes §24-50-117 reads:

24-50-117. Prohibited activities of employees

No employee shall engage in any employment or activity which creates a conflict of interest with his duties as a state employee. The board shall promulgate general rules on incompatible activities, conflicts of interest, and employment outside the normal course of duties of state employees.

In her dual capacity, Ms. Brisnehan was actively hiding regulatory violations being committed by her fellow CAMMP Directors¹¹ and CAMMP membership. In fact, not only was she actively hiding the regulatory violations, Ms. Brisnehan was actually going out into the field as an employee of the CDPHE and helping unauthorized members of her private organization collect illegal samples¹² and then helping the consultant prepare falsified Real Estate documents¹³ and even lying to law enforcement personnel.¹⁴

⁸ See for example, 5571 E. 66th Way Commerce City, CO 80022 http://forensic-applications.com/meth/E66th_PA_regulatory_audit_HUD.pdf

⁹ See for example, 9210 Race Street, Thornton, CO 80229 http://forensic-applications.com/meth/Critical_review_Race.pdf

¹⁰ See for example: 1410 Maxwell Street, Colorado Springs, CO <http://forensic-applications.com/meth/CriticalReviewMaxwell.pdf>

¹¹ See for example: 4690 West 76th Ave., Westminster <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

¹² See for example: 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

¹³ See for example: 100 W. Spaulding Street, Lafayette, Colorado http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

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.



Starting in at least 2009, using taxpayer's monies, the State of Colorado hired CAMMP membership to perform environmental evaluations at identified methamphetamine affected properties (clandestine drug lab assessments) pursuant to Colorado Regulations. One of those consultants, during 2009, was hired by the State of Colorado with federal Brownfields Fund money to perform an assessment at the property located at 4690 West 76th Ave., Westminster, Colorado. The consultant in question was a fellow Board Member with Ms. Brisnehan on CAMMP.

A family moved into that property and became ill. On February 8, 2010, Forensic Applications Consulting Technologies, Inc (FACTs) was asked, by the home owner, to independently review documentation associated with the 4690 West 76th Ave., Westminster, Colorado property. FACTs determined that not only was virtually no aspect of State regulations followed, but the consultant, in their report to the State of Colorado's CDPHE, knowingly falsified the real estate documentation in their assessment; falsely claiming the work they performed at the property was compliant with State regulations. Again at the request of the home owner, FACTs wrote a regulatory review regarding the work performed at the West 76th Avenue property.¹⁵

The property owner provided the State of Colorado with a copy of the FACTs regulatory review. Ms. Brisnehan, in her employment as the *de facto* information officer for 6 CCR 1014-3 and representing the CDPHE, issued a vitriolic *ad hominem* defense of the initial fraudulent assessment, but entirely failed to address any of the specific regulatory violations identified in the FACTs review of this initial report. Nowhere in her defense of the unlawful work, did Ms. Brisnehan mention her dual - and unlawful - role as State regulator and Director on the Board of the organization to which the consultant who originally performed "an assessment" of this property, belonged.

(As of November 2015, the web-page for the Colorado Association of Meth and Mold Professionals still identified Ms. Brisnehan, in violation of State statutes, as a Director for CAMMP).

This incident, regarding the review of the initial illegal assessment report for the West 76th Avenue property, began a series of events, wherein Ms. Brisnehan and Mr. Joe Scheifflin (also with CDPHE) consistently and knowingly developed an objectively demonstrable history of engaging in covering up illegal environmental assessments involving methamphetamine affected properties,¹⁶ fraudulent real estate documentation, and¹⁷ actively lying to Colorado's citizens regarding the authenticity of submitted assessment reports to the CDPHE by unauthorized consultants regarding the same.¹⁸

¹⁵ A redacted version may be found here: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

¹⁶ See for example, http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

¹⁷ See for example 7351 Krameria Street, Commerce City, CO http://www.forensic-applications.com/meth/GHP_Audit_Krameria.pdf

¹⁸ See the review at http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



Many of the unlawful activities occurred in the local Colorado jurisdiction of the Tri-County Health Department (TCHD)^{19,20,21,22} and the Boulder County Health Department (BCHD). At the behest of Ms. Brisnehan, the TCHD and the Boulder County Health Department^{23,24,25,26,27,28,29} ignored regulatory violations and actively covered up illegal drug laboratory assessments and defended their actions by stating these actions were following the advice provided to them by Ms. Brisnehan with the CDPHE.

As a result of independent regulatory audits of assessment reports by unauthorized consultants being performed by FACTs (which are uncovering thousands of regulatory violations of 6 CCR 1014-3), on November 6, 2012, FACTs alerted the State Attorney General's Office³⁰ of the fraud occurring in the State of Colorado. Based on our report to the State Attorney General, the State asked Mountain States Employers Council, Inc. to review the complaints. On March 25, 2013, at the request of the Mountain States Employers Council, Inc., Mr. Connell, Senior Industrial Hygienist with FACTs, was asked to provide sworn oral testimony regarding Ms. Brisnehan's, and Mr. Schieffelin's illegal activities.

The State of Colorado continued to ignore the corruption and criminal behavior in their ranks (including the illegal expenditure of federal Brownsfields monies to produce

¹⁹ See for example: http://forensic-applications.com/meth/Critical_review_Race.pdf

²⁰ See for example: http://forensic-applications.com/meth/E66th_PA_regulatory_audit_HUD.pdf

²¹ See for example: http://forensic-applications.com/meth/GHP_Audit_Krameria.pdf

²² See for example: <http://forensic-applications.com/meth/164thCriticalReview.pdf>

²³ 2330 Wedgewood Ave., Building 7, Longmont, CO 80503 http://forensic-applications.com/meth/Boatman_Screening_Wedge7_RA.pdf

²⁴ 1815 Regal Ct., Unit B, Louisville, CO 80027 (Preliminary Assessment) http://www.forensic-applications.com/meth/Boatman_Regal_PA_RA.pdf

²⁵ 502C West South Boulder Road, Louisville, CO 80027 (PA) http://forensic-applications.com/meth/Boatman_502C_PA_RA_Redacted.pdf

²⁶ 767 West Cleveland Circle, Lafayette, Colorado 80026 http://forensic-applications.com/meth/FEH_Screening_Cleveland_RA.pdf

²⁷ 1815 Regal Ct., Unit B, Louisville, CO 80027 (Screening Assessment) http://www.forensic-applications.com/meth/Boatman_Screening_Regal_RA.pdf

²⁸ 731 Excelsior Place, Lafayette, CO 80026 http://forensic-applications.com/meth/Boatman_Excel_PA_Redacted.pdf

²⁹ 100 W. Spaulding Street, Lafayette, Colorado http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

³⁰ See: http://forensic-applications.com/meth/Response_to_CDPHE_2012.pdf



fraudulent environmental assessments to the benefit of the members of the CAMMP). The result was a plethora of falsified real estate documents being filed with local jurisdictions claiming that properties were being assessed, cleaned and verified pursuant to State regulations – when in fact, said properties remained contaminated illegal drug laboratories.

Below is a short list of properties for which fraudulent work has been performed, and for which falsified real estate documents have been filed with several jurisdictions; and these properties are now occupied by unsuspecting innocent people:

- 1170 Garrison Street Lakewood, Colorado 80215³¹
- 24018 Deer Valley Road, Golden, Colorado³²
- 4893 S Johnson Street, Denver³³
- 2745 S Hooker Street, Denver, CO³⁴
- 1170 Garrison Street, Lakewood, CO³⁵
- 3251 S. Elati St., Englewood, CO³⁶
- 673 Shooks Lane, Colorado Springs, CO 80903³⁷
- 7465 Cabin Ridge Drive, Fountain, Colorado³⁸
- 1410 Maxwell Street, Colorado Springs, CO³⁹
- 9210 Race Street, Thornton, CO 80229⁴⁰
- 2045 Farnsworth, Colorado Springs, CO⁴¹
- 1299 Vondelpark Drive, Unit C, Colorado Springs, CO⁴²
- 5571 E. 66th Way Commerce City, CO 80022⁴³
- 1812 164th Place, Thornton CO⁴⁴
- 4690 West 76th Ave., Westminster⁴⁵
- 539 Shady Crest Circle, Colorado Springs, CO 80916⁴⁶
- 16275 Mt. Vernon Road in Golden, CO 80401⁴⁷
- 131 South Benton Street Denver, CO⁴⁸
- 100 W. Spaulding Street, Lafayette, Colorado⁴⁹

FACTs has knowledge of dozens of other affected addresses constituting thousands of regulatory violations of 6 CCR 1014-3. For most of those other addresses, and all of the

³¹ See: http://forensic-applications.com/meth/Censored_Compliance_Audit.pdf

³² See: <http://forensic-applications.com/meth/DVRCriticalReview.pdf>

³³ See: http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

³⁴ See: http://www.forensic-applications.com/meth/Critical_review_Hooker.pdf

³⁵ See: http://www.forensic-applications.com/meth/Censored_Weecycle_review.pdf

³⁶ See: http://forensic-applications.com/meth/Regulatory_audit_CEH_Elati.pdf

³⁷ See: http://forensic-applications.com/meth/Shooks_DS_regulatory_audit.pdf

³⁸ See: http://forensic-applications.com/meth/Critical_review_Cabin_Ridge.pdf

³⁹ See: <http://forensic-applications.com/meth/CriticalReviewMaxwell.pdf>

⁴⁰ See: http://forensic-applications.com/meth/Critical_review_Race.pdf

⁴¹ See: http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf

⁴² See: http://forensic-applications.com/meth/Vondelpark_audit_censored.pdf

⁴³ See: http://forensic-applications.com/meth/E66th_PA_regulatory_audit_HUD.pdf

⁴⁴ See: <http://forensic-applications.com/meth/164thCriticalReview.pdf>

⁴⁵ See: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

⁴⁶ See: http://forensic-applications.com/meth/Reg_audit_shady_crest.pdf

⁴⁷ See: <http://forensic-applications.com/meth/ReviewofQuestreportdelivery.pdf>

⁴⁸ See: <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

⁴⁹ See: http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf



above addresses, the regulatory violations associated with submitted fraudulent documents were known to staff at CDPHE, TCH and Boulder County Public Health.

Eventually, the problem became so serious, a couple of local TV news channels became aware of the situation and produced news segments,⁵⁰ highlighting the problem. Colorado State Senator Lois Tochtrop asked FACTs Inc. to help her office correct the problem of fraud associated with the proper conducting 6 CCR 1014-3. In response, FACTs helped Sen. Tochtrop's office prepare Senate Bill SB13-219. The intention of this bill was to dissuade unauthorized consultants from performing assessments of illegal drug laboratories (methamphetamine) and levy severe penalties on these unauthorized consultants.

The bill passed, was signed into law by Gov. Hickenlooper and became effective December 15, 2014. The bill allowed the imposition of a \$15,000 per violation per day fine for violators of the regulations and required regulatory oversight by the CDPHE. Inexplicably, the State of Colorado CDPHE assigned the task of revising this regulation and its enforcement to the very two people who helped created the associated problem in the first place - Ms. Brisnehan and Mr. Schieffelin. (All assessment, remediation and clearance reports associated with methamphetamine affected properties are now sent directly to Ms. Brisnehan at the CDPHE, supposedly for review and acceptance/rejection).

The new regulations required State licensing and a demonstration of proficiency in order for consultants to perform work on methamphetamine affected properties (language changed from "illegal drug laboratory" in original version). The new regulation permitted interim authorization (from December 15, 2014 to June 15, 2015) to continue to perform assessments exclusively for those meeting the statutory definition of "Industrial Hygienist" in Colorado, and who were in compliance with the old (prior to December 15, 2014) regulations. The "new" regulations read:

6 CCR 1014-3 Part 2

3.0 Interim Authorization

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

Yet, in violation of the new regulations, Ms. Brisnehan (CDPHE) granted "interim authorization" to the very consultants who had been performing the fraudulent assessments and to each of the members of her "CAMMP organization" who had been previously performing the illegal assessments of methamphetamine affected properties. Ms. Brisnehan (CDPHE), ultimately, in violation of the regulations, granted full state "certification" as personal favors.

In spite of regulations, these consultants still could not produce proof of any documentable training, and who could not demonstrate eligibility in this particular field.

⁵⁰ Two news videos can be viewed here: <http://www.forensic-applications.com/meth/coloregs.html>



(Unfortunately, these “certified” consultants are the ones a property owner must now hire to perform an assessment at a contaminated property.)

Virtually immediately, (literally on the effective date of the new regulations), the fraudulent consultants, now under the “protection” of Ms. Brisnehan, have continued to violate State regulations knowing they can now operate with impunity and continue with deceptive trade practices.

Similarly, with the guidance and assistance of the CDPHE, the Boulder County Health Department and the TCHD continued to ignore the regulations, and with the assistance of CDPHE, members of the TCHD moved from passively ignoring the regulations to actively assisting in fraudulent assessment of properties⁵¹

Starting in January 2015, the CDPHE began to involve Mr. Michael Richen with the Boulder County Public Health (BCPH) in actively hiding contaminated property from public view. For the previous years from 2005 to 2015, Boulder County Public Health passively ignored fraudulent property assessments, stating they would not get involved as long as the CDPHE was not taking actions against fraudulent consultants. However, on their county web site, BCPH actively promoted the services of CAMMP consultants engaged in fraudulent activities.

For example, on January 14, 2015, Ms. Melanie Del Hierro, with the Denver Investment Group, Inc. contacted FACTs and stated that she had purchased a property located at 100 West Spaulding Street, Lafayette, CO (Boulder County) and had been informed that the property had been a contaminated meth-lab but had been cleaned “according to all EPA regulations.” Ms. Del Hierro provided FACTs with a copy of the “clearance report” and asked us to review the document for compliance with State regulations. FACTs reviewed the document and found the work had been performed by a member of the CAMMP with a very long history of fraudulent assessments, and falsified reports. Our review found no fewer than 143 regulatory violations and that virtually no aspect of State regulations had been followed. At the request of the property owner, FACTs issued our audit⁵² and found that the property had never been cleaned and was never verified as required by Statutes and Regulations.

On January 23, 2015, Mr. Michael Richen with the Boulder County Public Health sent FACTs a letter stating that the BCPH had, in association with CDPHE, determined there were no violations at the 100 West Spaulding Street property. On February 9, 2015, Mr. Schieffelin (CDPHE) issued a letter⁵³ regarding the Spaulding Street property which falsely laid out straw-man arguments against FACTs, and stated that our findings regarding the Spaulding Street property were invalid, and the later work performed at the

⁵¹ See for example: http://www.forensic-applications.com/meth/Weecycle_audit_censored.pdf

⁵² Regulatory Audit, 100 Spaulding, Lafayette: http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

⁵³ See: http://forensic-applications.com/meth/Schieffelin_spaulding_2015.pdf



property (performed by a CAMMP member) was performed in accordance with State regulations.

The knowingly false assertions made by CDPHE were provided to a variety of recipients including Ms. Melanie Del Hierro, effectively falsifying the regulatory status of the property. In their letter, CDPHE failed to mention they had no authority, at that point in time, to comment on the work, which had occurred under the old regulations (prior to December 15, 2014); and CDPHE also failed to mention that the consultant who had performed the invalid work at this property had a long history of fraudulent work, and was a fellow CAMMP member on a board which Ms. Brisnehan served as a Director (a conflict of interest on her part).

On March 16, 2015, in violation of Colorado Criminal Code CRS 18-8-404 *First degree official misconduct* and in violation of 6 CCR 1014-3 Part 3 §3.2, as retaliation for Mr. Connell's (FACTs) March 25, 2013, testimony against her, Ms. Brisnehan, in her regulatory role with the CDPHE, capriciously and with malice, refused to grant Mr. Connell the State mandated authorization to continue to perform work regarding the regulatory assessment of methamphetamine affected properties in Colorado (in spite of the fact that Mr. Connell is the only consulting Industrial Hygienist in Colorado with documentable training in this field, and was the primary author of the assessment section of the original regulations).

In her action, Ms. Brisnehan (CDPHE) alleged that FACTs had committed regulatory violations, but, in violation of mandatory State regulations, Ms. Brisnehan refused to comply with the State regulations that required her to provide an explanation of the alleged violations. To date, the CDPHE has not been able to demonstrate any material compliance violations against FACTs, or its employees.

In retaliation for the FACTs independent regulatory audit of the Spaulding Street property, and in violation of Colorado criminal code CRS 18-8-404, more recently Mr. Richen with Boulder County Public Health, knowingly fabricated allegations against FACTs that culminated with three separate letters.^{54,55,56} In these three letters Mr. Richen knowingly provided false information to our client, the Boulder County Housing Authority, BCHA, (which receives Federal Funding) regarding work conducted by FACTs at three properties managed by this organization. FACTs responded with three

⁵⁴ See: http://forensic-applications.com/meth/BCDH_Secure/Richens_401rejection_letter.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ_01

⁵⁵ See: http://forensic-applications.com/meth/BCDH_Secure/Richens_Cleveland_rejection.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ_01

⁵⁶ See: http://forensic-applications.com/meth/BCDH_Secure/Richens_rejection_letter_Wedge.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ_01



letters rebutting the fabrications in each of the three BCPH letters.^{57,58,59} Mr. Richen explicitly informed our client (Boulder County Housing Authority) that its actions were approved by Ms. Brisnehan, CDPHE. Mr. Richen then prohibited the BCHA (through the Boulder County Attorney's office) from paying FACTs for the legitimate work performed at several properties managed by the BCHA, and required FACTs client (BCHA) to hire a consultant from Ms. Brisnehan's list to redo the work that had already been performed and *was in total compliance with state regulations*.

To date, FACTs has performed reviews of 48 reports prepared by State Certified (but otherwise untrained and/or fraudulent consultants) under the new regulations (6 CCR 1014-3 (2014), and we have identified no fewer than 15,025 (thirteen thousand, and twenty five) regulatory violations. In violation of 6 CCR 1014-3 Part 3, Section 3.0 *Notification and Imposition*, Ms. Brisnehan (CDPHE) is helping to hide these violations and is failing to perform her lawful duty of enforcing the regulations to protect the citizens of Colorado. A complete list of the audits performed by FACTs can be found at: <http://www.forensic-applications.com/meth/coloregs.html>

By ignoring the violations, the CDPHE is allowing the continued falsification of real estate documents falsely presented as affirmation of compliance with State regulations.

The expenditure of federal Brownsfields funds for invalid assessments directed to fraudulent consultants has continued with the advent of the new regulations, and as recent as June 4, 2015, the State of Colorado hired a CAMMP consultant with an extended history of fraudulent assessments^{60,61,62,63,64,65,66,67} to perform an evaluation at the

⁵⁷ See: http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection_401.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ_01

⁵⁸ See: http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ_01

⁵⁹ See: http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection_Wedgewood.pdf This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ_01

⁶⁰ See for example: 131 South Benton Street Denver, CO <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

⁶¹ See for example: 100 W. Spaulding Street, Lafayette, Colorado http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

⁶² See for example: 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

⁶³ See for example: 788 W. Lois Ct., Louisville, CO 80027

⁶⁴ See for example: 1138 West 32nd Street, Unit 201, Denver, CO http://www.forensic-applications.com/meth/Addendum_2_Woellner_1138_32_St.pdf



property located at 11767 Grant Street, Northglenn, Colorado 80233 (located in the jurisdiction of the Tri-County Health Department). FACTs review⁶⁸ of that report indicated no fewer than 113 regulatory violations that were subsequently hidden from the property owner by TCHD and the CDPHE. The property owner was initially a client of FACTs, and she has now been harmed and victimized by both TCHD and the CDPHE.

FACTs has first-hand knowledge and objective documentation that, in violation of multiple Colorado statutes, including criminal statutes and environmental statutes, Ms. Coleen Brisnehan and her manager Mr. Joe Schieffelin (CDPHE) have knowingly engaged in activities that are in violation of those codes and in violation of ethical considerations.

The actions by the CDPHE employees have been performed in conjunction with two employees of the Tri-County Health Department and one member of the Boulder County Public Health. The actions have resulted in harm to hundreds of owners of properties in those jurisdictions in Colorado.

These actions by State (CDPHE) and local (TCHD and BCDH) employees has placed property owners (and any home buyer in general) in an intractable position since home owners are now forced to hire one of Ms. Brisnehan's (CDPHE) otherwise fraudulent, incompetent and untrained consultants to perform work that is ultimately in violation of the regulations. As a result, the statutory liability immunity as defined by CRS 25-18.5-103(2)(a) is *jeopardized* since the work being performed is invalid. This statute reads:

(2) (a) Except as specified in paragraph (b) of this subsection (2), once a property owner has received certificates of compliance from a contractor and a consultant *in accordance with section 25-18.5-102 (1) (e)*, or has demolished the property, or has met the clean-up standards and documentation requirements of this section as it existed before August 7, 2013, the property owner:

(II) Is immune from a suit brought by a current or future owner, renter, occupant, or neighbor of the property for health-based civil actions that allege injury or loss arising from the illegal drug laboratory.

There now have been hundreds of properties for which invalid assessments have been performed, resulting in thousands of regulatory violations, hundreds of thousands of dollars spent on invalid assessments resulting in falsified real estate documents, and, most disturbingly, people moving into properties still contaminated with methamphetamine.

⁶⁵ See for example: 410 Garfield Avenue, Carbondale, CO 81623 http://www.forensic-applications.com/meth/Addendum_4_Woellner_410_Garfield.pdf

⁶⁶ See for example: 8347 S Reed Street, Unit 2 Littleton CO 80128 http://forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf

⁶⁷ See for example: 11767 Grant Street, Northglenn, Colorado 80233 http://forensic-applications.com/meth/Grant_Regulatory_review.pdf

⁶⁸ See: http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf



DISCOVERY AND NOTIFICATION

More recently, Ms. Brisnehan has been intentionally misleading Colorado Citizens by claiming that the work by FACTs is invalid and cannot be used. The claim is false, and Ms. Brisnehan, who has an extended history of knowingly falsifying information, has never been able to provide any regulatory language or statutory language to support her personal opinions. In her responses, Ms. Brisnehan always fails to mention that a law suit is pending against her and the CDPHE.

The CDPHE responded to a February 2017 court decision against them by attempting to intimidate the Judge by filing a personal law suit against the Judge who issued the decision. The CDPHE included a caveat that the CDPHE would drop the law suit against the Presiding Judge, if the Judge reversed her legal decision. The Judge, did not reverse her decision and instead issued a harsh rebuttal (via the Colorado Attorney General's Office) pointing out that the CDPHE had failed to provide any support its allegations against FACTs. As of July 11, 2017, the CDPHE, realizing it had created yet more problems for itself, withdrew its law suit against the Judge, who denied the CDPHE's request for summary dismissal.

Yet however flawed, the Colorado regulations nevertheless become applicable when the owner of a property has received "notification" from a cognizant authority that a property is or *may* be noncompliant, or methamphetamine *may* be present, or there is a potential for contamination. The discovery upon which the notification is based may be from a peace officer "...or when a "drug laboratory" is otherwise discovered."⁶⁹

For some properties, in an effort to gain unlawful benefit for her friends, Ms. Brisnehan with the CDPHE has intentionally lied to property owners and claimed that "discovery" can only occur if the sampling has been performed pursuant to State screening regulations.⁷⁰ However, on other properties, Ms. Brisnehan has claimed that discovery occurs if the sampling has been performed by one of her favored consultants, even when the sampling has not been performed pursuant to any State regulations. Although Ms. Brisnehan constantly changes her interpretation of the regulations to gain an unlawful benefit for her friends, the State statutes and State regulations are otherwise very clear about the "discovery" process and explicitly state the following:

State Statutes

C.R.S. §25-18.5-103. Discovery of illegal drug laboratory - property owner - cleanup - liability (1) (a) Upon notification from a peace officer that chemicals, equipment, or supplies of an illegal drug laboratory are located on a property, or when an illegal drug laboratory is otherwise discovered and the property owner has received notice, the owner of any contaminated property shall meet the clean-up standards for property established by the board in section 25-18.5-102; except that a property owner may, subject to paragraph (b) of this subsection (1), elect instead to demolish the contaminated property.

⁶⁹ CRS §25-18.5-103

⁷⁰ See for example, the documentation associated with 3731 South Uinta Street, Denver, CO



Similarly, State regulations explicitly state:

Colorado Regulation 6 CCR 1014-3 REGULATIONS PERTAINING TO THE CLEANUP OF METHAMPHETAMINE-AFFECTED PROPERTIES

1.2 Applicability - The requirements of this Part apply:

1.2.1 When an owner of property has received notification from a peace officer that chemicals, equipment, or supplies indicative of a methamphetamine-affected property are or have been located at the property.

1.2.2 When a methamphetamine-affected property is otherwise discovered, and the owner of the property where the methamphetamine-affected property is located has received notice.

State statutes and regulations are clear in their language on this matter and nothing in State law supports Ms. Brisnehan's changing personal interpretations.

The work performed by FACTs for this property and others is completely lawful and applicable and is in complete compliance withal State of Colorado Regulations and Statutes. Our protocols are scientifically valid, and neither the State of Colorado, nor anyone else has been able to show any deficiency in our work.

This document has been prepared by Forensic Applications Consulting Technologies, Inc., pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure.*

