



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

**Regulatory Audit  
of  
Methamphetamine Screening  
Level Assessment  
(Identifying 101 Regulatory Violations of 6 CCR 1014-3)**

**By  
HEALTH AND ENVIRONMENTAL TECHNOLOGY (*sic*)  
Robert M. Rodosevich  
Methamphetamine Contamination  
Real Estate Screening Assessment  
316 South Hancock Avenue,  
Colorado Springs, Colorado 80903  
February 19, 2015**

**Audit Prepared by:**

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**February 18, 2016**

# Table of Contents

EXECUTIVE SUMMARY .....	3
HISTORY .....	3
REVIEW OF THE SCREENING LEVEL ASSESSMENT .....	5
Violation of Part 2 §3.0 .....	6
Violation of Section 3.0 .....	7
Violation of §3.7.1 .....	8
Violation of §3.7.2 .....	9
Violation of §3.7.5 (2 Violations) .....	9
Violation of §3.7.6.1 .....	9
Violation of §3.7.6.3 (3 Violations) .....	10
Violation of §6.1.3 .....	10
Violation of §6.1.3.3 .....	10
Violation of §6.2.1 (13 Violations) .....	11
Violation of §6.2.1.1 (13 Violations) .....	12
Violation of §6.2.2 .....	13
Violation of §6.2.4 (13 Violations) .....	14
Violation of §6.2.7-10 (13 Violations) .....	15
Violation of §6.2.12.3 .....	16
Violation of §6.2.12.5 .....	16
Violation of §6.2.14 .....	16
Violation of §6.2.14.2 .....	17
Violation of §6.2.14.3 .....	17
Violation of §6.2.14.4 (2 Violations) .....	17
Violation of §6.2.14.5 .....	17
Violation of §6.2.14.6 (5 Violations) .....	17
Violation of §6.2.14.7 (5 Violations) .....	17
Violation of §6.2.14.8 (4 Violations) .....	18
Violation of §6.2.14.9 (5 Violations) .....	18
Violation of §6.2.14.11 .....	18
Violation of §6.2.15 .....	18
Violation of §6.3.6 .....	19
Violation of §6.7.1.1 .....	19
Violation of §6.7.1.2 (5 violations) .....	19
Colorado Criminal Code – Fraud; Offering a false instrument for recording .....	19
Colorado Consumer Protection Act .....	20
CONCLUSION .....	20
Appendix A .....	22
Reviewer’s Statement of Qualifications .....	22

## EXECUTIVE SUMMARY

FACTs is performing a series of regulatory audits on public domain documents obtained through the Colorado Open Records Act (CORA) directly from the Colorado Department of Public Health and Environment (CDPHE).

This audit 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*. This review pertains to the document identified as:

**Methamphetamine Contamination  
Real Estate Screening Assessment  
316 South Hancock Avenue, Colorado Springs, Colorado 80903**  
Submitted by:  
**HEALTH AND ENVIRONMENTAL TECHNOLOGY (sic)**  
Robert M. Rodosevich  
Submitted to:  
John Ballweber  
Housing Development Coordinator  
Rocky Mountain Community Land Trust  
1212 W. Colorado Avenue  
Colorado Springs, Colorado 80904  
February 19, 2015

The misspelling of the company name, "HEALTH AND ENVIRONMENTAL TECHNOLOGY" (sic) is taken directly, and verbatim, from the report for 316 South Hancock Avenue, Colorado Springs, Colorado 80903 (the subject property).

The purpose of this review is to document regulatory violations associated with the assessment of methamphetamine affected properties (6 CCR 1014-3). The level of scrutiny and detail employed in this review is that which has been established by the Colorado Department of Public Health and Environment (CDPHE).

## HISTORY

The stated recipient of the report, John Ballweber, Housing Development Coordinator, was aware of the fraudulent nature of the HET work prior to engaging HET for the work. The Rocky Mountain Community Land Trust has hired HET for other fraudulent work in the past.

For example, in November of 2012, Rocky Mountain Community Land Trust, provided FACTs with another report by Mr. Rodosevich and asked FACTs to review the report.<sup>1</sup> Our review indicated no fewer than 67 regulatory violations, and FACTs made Rocky Mountain Community Land Trust aware of the deficiencies. In a November 27, 2012 letter to Mr. John Ballweber, Housing Development Coordinator, Rocky Mountain Community Land Trust, FACTs reported the following observations:

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<sup>1</sup> 539 Shady Crest Circle, Colorado Springs, CO 80916, [http://forensic-applications.com/meth/Reg\\_audit\\_shady\\_crest.pdf](http://forensic-applications.com/meth/Reg_audit_shady_crest.pdf)

## Existing Documents

I briefly looked at the February 23, 2012, report prepared by Robert M. Rodosevich. As is typical for Mr. Rodosevich, we see that the report submitted by Mr. Rodosevich, isn't even for the right property. Mr. Rodosevich's report is actually for a completely different property and not for the property located at 539 Shady Crest Circle. That is typical for Mr. Rodosevich, who appears to merely reprint the same reports over and over again, hastily changing one or two things and issue his "report." For example, in his report, Mr. Rodosevich states:

This property is located in the general area of Security, Colorado. East of the US-85 highway and north of the Crawford Ave. The subject site is located within a residential area.

In fact, the Shady Crest property is seven miles north of Crawford Avenue and nowhere near US-85, and it is a 15 minute drive to get to Crawford Ave from Shady Crest Circle.

Also, in his report, Mr. Rodosevich states:

There is a no basement at this house and the attic which had the access door was (*sic*) secured and not open at the time of the assessment. Both areas were inspected during this assessment and no clandestine laboratory material was found in either place.

Yet, Mr. Rodosevich then produces a photograph identified as "Stairwell downstairs to basement" and his sample log indicates that he collected a basement sample.

Similarly, if the attic door was secured, how did he gain access to perform the inspection? Further, if he inspected the attic, why are there no photographs as required by regulations, and why are there no samples collected from the attic as required by regulation?

Similarly, in his report to Mr. White, Mr. Rodosevich states:

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

But when we look at his sample "results" we see that neither one of the bedrooms had ANY detectable methamphetamine; whereas, the furnace, the (apparently nonexistent) basement, and the kitchen DID have methamphetamine.

Similarly, in his report, we see

Please see recommendations for cleaning the master bedroom due to trace levels of methamphetamine.

And yet, his report contains no recommendations for cleaning the master bedroom, no indication there is a master bedroom, and no samples that indicate that ANY bedroom has detectable concentrations of methamphetamine.

The work by Mr. Rodosevich in no way whatsoever was compliant with State Regulations, or State Statutes, and cannot be used for any compliance purposes. The samples collected by Mr. Rodosevich are completely invalid and cannot be used for compliance purposes.

Mr. Rodosevich has a long history of performing fraudulent and invalid assessments with complete disregard for State Regulations; a quick review of the document you provided to us indicates no fewer than 36 violations of State Regulations.



Rocky Mountain Community Land Trust was also aware of other fraudulent assessments performed by Mr. Rodosevich<sup>2</sup> such as was fully aware that Mr. Rodosevich had an history of fraudulent assessments and was aware his work would be invalid.

Part of the reason Mr. Rodosevich has been able to victimize so many people for so long is historically, Ms. Brisnehan, the regulator with the CDPHE who is responsible for insuring the compliance of reports regarding the assessment of methamphetamine affected properties submitted to the CDPHE, has been providing misleading information to the City of Colorado Springs,<sup>3</sup> and as a result, the consultant in question (Robert M. Rodosevich) developed a long history of regulatory violations, falsified documents relating to real estate and invalid assessments of illegal drug laboratories in that area.<sup>4,5,6,7,8,9</sup>

## REVIEW OF THE SCREENING LEVEL ASSESSMENT

During the performance of a Screening Level Assessment (for methamphetamine) of a property, the Consultant is required by regulations (6 CCR 1014-3) to perform specific mandatory tasks and provide specific mandatory documentation.

In reviewing the Screening Level Assessment report by Mr. Rodosevich for this subject property, the following regulatory violations have been identified:

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<sup>2</sup> See for example: 1299 Vondelpark Drive, Unit C, Colorado Springs, CO, [http://forensic-applications.com/meth/Vondelpark\\_audit\\_censored.pdf](http://forensic-applications.com/meth/Vondelpark_audit_censored.pdf)

<sup>3</sup> See for example the email regarding Citizen Request #4967, Tuesday, September 4, 2012 4:00 PM, Sgt. Harrell, Vice and Narcotics, Colorado Springs Police Department, 705 S Nevada Avenue, Colorado Springs, CO 80903, regarding

<sup>4</sup> See for example: 2045 Farnsworth, Colorado Springs, CO, [http://forensic-applications.com/meth/Farnsworth\\_Critical\\_Review.pdf](http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf)

<sup>5</sup> See for example: 1299 Vondelpark Drive, Unit C, Colorado Springs, CO [http://forensic-applications.com/meth/Vondelpark\\_audit\\_censored.pdf](http://forensic-applications.com/meth/Vondelpark_audit_censored.pdf)

<sup>6</sup> See for example: 539 Shady Crest Circle, Colorado Springs, CO 80916 [http://forensic-applications.com/meth/Reg\\_audit\\_shady\\_crest.pdf](http://forensic-applications.com/meth/Reg_audit_shady_crest.pdf)

<sup>7</sup> See for example: 120 violations associated with 1349 Hazeline Lake Drive Colorado Springs, Colorado 80915 [http://www.forensic-applications.com/meth/HET\\_Hazeline\\_Screen\\_RAREDACT.pdf](http://www.forensic-applications.com/meth/HET_Hazeline_Screen_RAREDACT.pdf)

<sup>8</sup> See for example, 80 violations associated with 1006 Gilfin Circle, Colorado Springs, Colorado 80915, [http://www.forensic-applications.com/meth/HET\\_Gilfin\\_Screen\\_RAREDACT.pdf](http://www.forensic-applications.com/meth/HET_Gilfin_Screen_RAREDACT.pdf)

<sup>9</sup> See for example, 107 regulatory violations at 2044 Summerset Drive, Colorado Springs, Colorado 80902 [http://forensic-applications.com/meth/HET\\_Summerset\\_Screen\\_RA.pdf](http://forensic-applications.com/meth/HET_Summerset_Screen_RA.pdf)



## ***Violation of Part 2 §3.0***

According to the regulations:

### **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.

Historically, jurisdictions have been receiving misinformation regarding the State regulations from Ms. Colleen Brisnehan with CDPHE.

Ms. Brisnehan, has historically been identified as serving on the Board of Directors for a private organization called the “Colorado Association of Meth and Mold Professionals (CAMMP)”, a largely discredited group of untrained consultants claiming expertise in methamphetamine and mould related issues. Although Ms. Brisnehan’s dual role appears to be a violation of Colorado Revised Statutes §24-50-117, she continued to provide regulatory protection for members of her private club who were performing fraudulent assessments of illegal drug laboratories.<sup>10,11</sup>

As a result, serious problems were created as scofflaws performed unlawful assessments with impunity and falsely claimed the assessments were in accordance with State regulations and State Statutes.

Due to the serious problems thus created by such fraudulent consultants, Senator Lois Tochtrop promulgated Senate Bill SB13-219 which was signed by Gov. Hickenlooper at the end of May 2013. That bill provided provisions that required the State of Colorado to develop standards for performing screening evaluations for properties involved in Real Estate transactions and for the certifying of authorized Industrial Hygienists involved in this work, including disciplinary actions against those who violated the regulations.

Prior to the passage of SB13-219, unscrupulous consultants knew there was little chance of any retribution for violating State regulations and they could continue to cheat consumers with impunity under the protection of Ms. Brisnehan. SB13-219 therefore, heavily modified Colorado Revised Statutes and placed in those statutes provisions for disciplinary fines for consultants who violate the State regulations.

Colorado Revised Statutes: 25-18.5-107. *Enforcement*

(1) A person that violates any rule promulgated by the board under section 25-18.5-102 is subject to an administrative penalty not to exceed fifteen thousand dollars per day per violation until the violation is corrected.

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<sup>10</sup> See for example: 4893 S Johnson Street, Denver [http://www.forensic-applications.com/meth/Johnson\\_Critical\\_review.pdf](http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf)

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



The new regulations were adopted by the Colorado Board of Health on October 15, 2014, and the new regulations became effective on December 15, 2014. Astonishingly, the task of certifying consultants and enforcing the new regulations was given to the very person who had created the need for the new statutes and regulations – Ms. Brisnehan with the CDPHE.

Ms. Brisnehan immediately ignored the new provisions of the regulations and granted State Authorization to members of her commercial group including those who did not meet the mandatory criteria. Additionally, instead of enforcing the regulations, Ms. Brisnehan continued to protect those consultants performing invalid assessments, and even went so far as to fabricate information in her own official documents to try and unlawfully benefit members of her group.<sup>12</sup>

As a result, the regulations are now being completely ignored by untrained consultants, and the CDPHE is assisting untrained consultants in fraudulent work in Colorado. As of the date of this audit, FACTs has identified no fewer than 13,565 (thirteen *thousand*, five hundred and sixty five) regulatory violations in just the first 43 reports audited.

As identified in the regulatory citation given above, the performance of a Screening Level Assessment can only be performed by certain personnel. There is nothing in the public record to indicate that Mr. Rodosevich had, as of the effective date of Part 2 of the regulations, been performing assessments subject to the regulations and, as documented here, Mr. Rodosevich continues to ignore the regulations and perform invalid assessments.

In his report for this subject property, Mr. Rodosevich uses the title “Certified Clandestine Laboratory Specialist” which is the same title he has used for many years. There is no such title in the State of Colorado, and there is nothing in the public domain documentation that would suggest that Mr. Rodosevich has ever received any kind of training in illegal drug laboratories -- their recognition or assessment.

### ***Violation of Section 3.0***

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to perform specific activities:

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

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

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<sup>12</sup> See Letter of Variance, from Colleen Brisnehan April 13, 2015 to Mr. Andre Gonzales (regarding samples collected on behalf of a fellow CAMMP Board Member) at 4383 Tennyson Street, Denver, Colorado, 80212.

In his report, Mr. Rodosevich establishes that he was aware that he was conducting a screening assessment as part of a real estate transaction:

*This was a pre-purchase assessment intended to show the likely presence or absence of methamphetamine contamination at this residence.*

And:

*This real estate screening was conducted in accordance with the Screening Level Assessment procedure as described by CRS (sic) 6 CCR 1014-3 and § 38-35.7-103.*

Mw is very poorly versed in the regulations and there is no such thing as “CRS 6 CCR 1014-3” and as described below, HET failed to collect samples pursuant to Section 6 of this Part 1.

### ***Violation of §3.7.1***

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to provide specific information including:

3.7 Information collected during the screening level assessment shall be documented in a Screening Level Assessment Report and shall include, but not be limited to, the following, to the extent available and applicable:

3.7.1 Subject property description including physical address, number and type of structures present.

Typically, in his reports, mw merely changes the name on the report, and leave much of the language in the report the same, regardless of the actual site conditions. It is for this reason that the reports by mw often contain the wrong address, wrong maps and descriptions of structural features that simply don't exist. So it appears to be the case with this property wherein mw describes the residence as follows:

*The residence appeared to have been newly painted. There was no staining on the walls or floor. No etching or fire damage was observed.*

Yet the photographs provided in the report indicate the property is not newly painted- three such photographs are provided below. In any event, if the property was newly painted mw was require to perform specific sampling protocols for the new paint, which, as described later, was not done.





**HET Photographs**

### ***Violation of §3.7.2***

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to provide specific information including:

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

In his report, Mr. Rodosevich failed to identify the nature of the attic associated with this subject property.

### ***Violation of §3.7.5 (2 Violations)***

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to provide specific information including:

3.7.5 Photographic documentation of property conditions.

1. Nowhere in the report do we see photographic documentation of the attic
2. Nowhere in the report do we see photographic documentation of the plumbing.

### ***Violation of §3.7.6.1***

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to provide specific information including:

3.7.6.1 a description of the sampling procedures used, including sample collection, handling, and quality assurance/quality control (QA/QC);

This information is missing from the report. For example, nowhere in the report does Mr. Rodosevich explain why he never submitted a QA/QC blank as required (even though he falsely claims to have submitted the blank), or why he used a prohibited solvent for the collection of his samples. Instead, Mr. Rodosevich has merely plugged in boiler-plate language claiming compliance with the sampling protocols but that are objectively

contrary to the actual sampling that was documented in the photographs and laboratory reports (as described later).

### **Violation of §3.7.6.3 (3 Violations)**

According to mandatory regulations, during a Screening Level Assessment, the consultant is required to perform specific activities including:

3.7.6 Documentation of screening level sampling shall include:

3.7.6.3 results of sampling, including a description of sample locations and a computer generated figure illustrating the layout of the building(s) and sample locations and identification.

In his report, Mr. Rodosevich failed to provide a computer generated sketch as required. The State specifically requires a computer generated figure illustrating the layout of the building(s) and sample locations and identification to avoid the poor quality of hand drawn figures.

For this property:

1. Mr. Rodosevich failed to provide a computer generated figure of the building as required.
2. Mr. Rodosevich failed to provide a figure illustrating the layout of the building(s)
3. Mr. Rodosevich failed to provide such a figure illustrating sample locations and identification.

### **Violation of §6.1.3**

During a Screening Assessment, the consultant is required to perform specific tasks including:

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

As described below, Mr. Rodosevich failed to comply with this requirement to the extent that none of the samples collected during the screening assessment were valid.

### **Violation of §6.1.3.3**

During a Screening Assessment, the consultant is required to perform specific tasks including:

6.1.3.3 Wipe sampling shall be used to determine the extent of iodine contamination whenever there is visible evidence of iodine staining on surfaces that will not be removed.

As already discussed, there is no indication that Mr. Rodosevich has ever received any training in the assessment of illegal drug laboratories and there is nothing to indicate that Mr. Rodosevich would possess the necessary skill set needed to fulfill this mandatory



obligation. Nowhere in the report has Mr. Rodosevich even addressed iodine or even used the word “iodine.”

### **Violation of §6.2.1 (13 Violations)**

During a Screening Assessment, the consultant is required to perform specific tasks using specified sampling materials including:

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

6.2.1 Sample media shall consist of 2x2 inch wipes ...

In his report, Mr. Rodosevich identifies his sampling materials thusly:

*The wipe sample media is individually wrapped Johnson and Johnson TM gauze pads.*

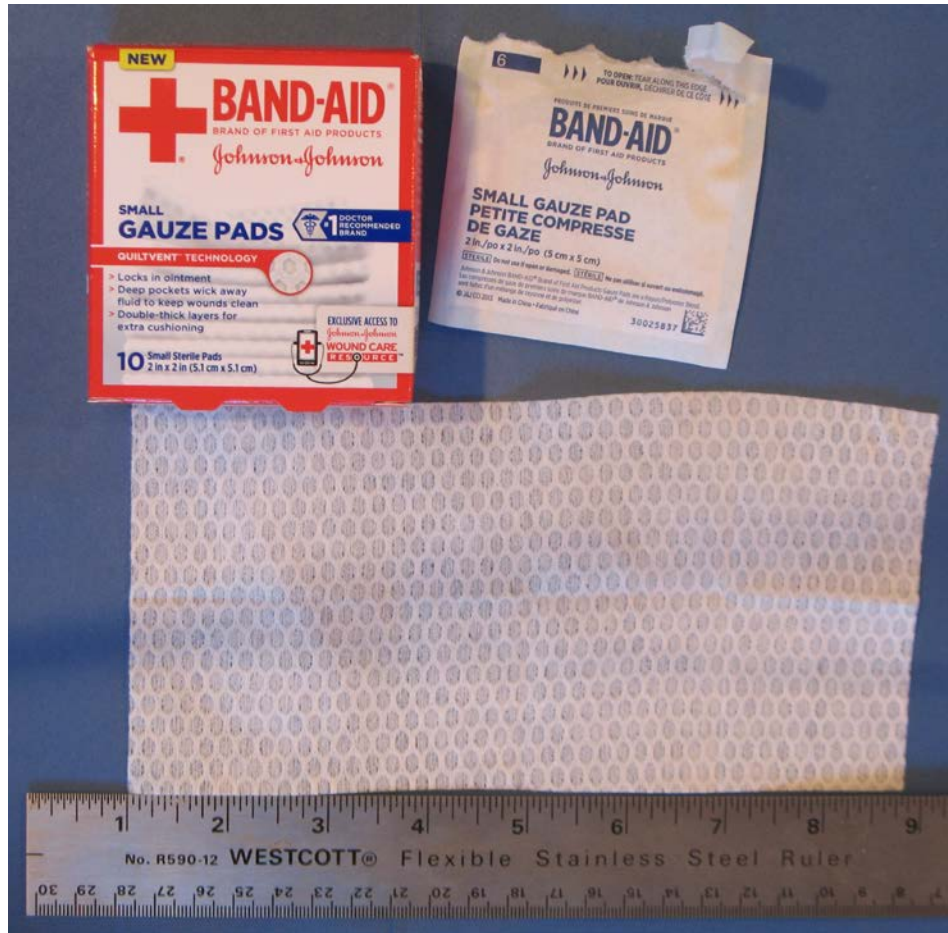
Johnson & Johnson does not manufacture an individually wrapped 2 in X 2 in gauze pad that is actually 2 in X 2 in.

The photograph below documents the size of the individually wrapped Johnson & Johnson 2” X 2” pad – the first photograph is directly from the manufacturer:



**Photograph of J&J 2 in X 2 in Pad**

The next photograph is the product purchased directly from a major retail outlet:



**Photograph of J&J 2 in X 2 in Pad**

As can be seen, (and as would be immediately obvious to anyone with even mediocre awareness), the Johnson & Johnson product is not two inches by two inches. Mr. Rodosevich claims to have used 13 of these, therefore, there are 13 violations.

### **Violation of §6.2.1.1 (13 Violations)**

During a Screening Assessment, the consultant is required to perform specific tasks using specified sampling materials including:

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

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

- 6.2.1.1 Cotton gauze material.
- 6.2.1.2 4-ply non-woven cotton/polyester blend.
- 6.2.1.3 Tightly knitted continuous filament polyester.

In his report, Mr. Rodosevich identifies his sampling materials thusly:

*The wipe sample media is individually wrapped Johnson and Johnson TM gauze pads.*

The Johnson & Johnson 2X2 gauze pad is not a cotton or cotton blend, and polyester is only a minor material component in the product. In his report, Mr. Rodosevich identifies 13 individual aliquots, therefore, there were 13 violations.

### **Violation of §6.2.2**

During a Screening Assessment, the consultant is required to perform specific tasks including:

6.2.2 Delineate a 100 cm<sup>2</sup> area on the surface to be sampled, either by attaching a physical template to the surface (being careful not to touch the area within the template), or by an equivalently reliable and accurate method. The area within the template (i.e., the sample area) shall be 100 cm<sup>2</sup>.

As documented in his report, (see photograph below), Mr. Rodosevich failed to collect 100 cm<sup>2</sup> for at least one of his samples. Historically, Mr. Rodosevich simply attaches a 100cm<sup>2</sup> template and assumes the surface inside the template will magically fill in the air spaces in the template:



**HET Photograph**

It is difficult to know how many samples were collected using this poor (and unlawful) sampling protocol, however, the photographic record contains at least one such example.

**Violation of §6.2.4 (13 Violations)**

During a Screening Assessment, the consultant is required to perform specific tasks using specified sampling materials including:

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

6.2.4 Wet the sample media with isopropanol to enhance collection efficiency.

In his report, Mr. Rodosevich identifies his sampling materials thusly:

*Each gauze pad is moistened with reagent grade methyl alcohol.*

Since there were apparently 13 aliquots total submitted, there were 13 violations of regulations. Therefore, none of the samples collected at the subject property were valid.

### **Violation of §6.2.7-10 (13 Violations)**

During a Screening Assessment, the consultant is required to perform specific tasks including:

6.2.7 Wipe the surface using one of the following methods:

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

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

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

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

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

In his report, Mr. Rodosevich states:

- o The sample area is wiped from side to side using an s-like pattern (east to west) to completely cover the sample area.*
- o The sample media is folded with the sampled side facing in, then the sample area is wiped again using the same s-like motion in the opposite direction of the first sample (north to south).*
- o The sample media is folded in half again with the sample side facing in, then the sample area is wiped again using a square shaped pattern and gradually decreasing the size of the square until the entire sample areas has been covered for a third time.*

Historically, it has been objectively demonstrated elsewhere that Mr. Rodosevich has never actually performed his sampling as described. For this property, we know that for at least one of the samples collected by Mr. Rodosevich, it would have been a physical impossibility to follow the above method, while using a template and collect 100 cm<sup>2</sup> as required.

Since we can demonstrate that the sampling description provided by mw is merely boiler plate inserted into all his reports regardless of his actual practices, and not an actual description for at least one sample on this project, and since Mr. Rodosevich has such an



extensive history of fabrications in his reports, and regulatory violation and gross incompetence, we can presume that Mr. Rodosevich probably did not actually follow the mandatory sampling protocol for the remaining 12 aliquots.

### **Violation of §6.2.12.3**

During a Screening Assessment, the consultant is required to perform specific tasks including:

6.2.12.3 For projects with fewer than 10 samples collected, the last sample collected shall be the field blank.

In his reports, mw historically makes objectively false claims regarding his sampling protocols, and so it is with this property wherein mw knowingly makes the false statement:

#### **Sampling includes the following steps:**

*At least on(sic) field blank is submitted for each 10 samples. This sample is prepared and handled in the same manner detailed above, but without wiping or blotting. This is to maintain QA/QC in field sampling.*

As is common for Mr. Rodosevich, he simply ignored the requirement and knowingly failed to collect any field blanks as claimed and as required.

### **Violation of §6.2.12.5**

During a Screening Assessment, the consultant is required to perform specific tasks including:

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

Since mw failed to collect any blanks, it would have been impossible for his to comply with this provision.

### **Violation of §6.2.14**

During a Screening Assessment, the consultant is required to perform specific tasks including providing specific documents with specific information:

6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. Document sample(s) collected from a single methamphetamine-affected property on one Chain-of-Custody Record. Every transfer of custody shall be noted and signed for and a copy of the record shall be kept by each individual who has signed it. Samples shall be sealed, labeled, and secured. All samples collected shall be transported directly to the laboratory. Shipping samples overnight is considered direct transport, and the shipping label shall be considered part of the Chain-of-Custody Record. Retain all sample documents for the project record and include them in the project reports. At a minimum, the Chain-of-Custody Record shall include the following:



### **Violation of §6.2.14.2**

During a Screening Assessment, the consultant is required to provide specific information:

6.2.14.2 subject property address;

Mr. Rodosevich failed to provide the subject property address on the chain-of-custody.

### **Violation of §6.2.14.3**

During a Screening Assessment, the consultant is required to provide specific information:

6.2.14.3 sampler name and contact information;

Mr. Rodosevich failed to provide the identity of the sampler on the chain-of-custody.

### **Violation of §6.2.14.4 (2 Violations)**

During a Screening Assessment, the consultant is required to provide specific information:

6.2.14.4 sample identification number;

Mr. Rodosevich failed to provide sample identification numbers for two samples on the chain-of-custody.

### **Violation of §6.2.14.5**

During a Screening Assessment, the consultant is required to provide specific information:

6.2.14.5 sample area;

For at least one of the samples, Mr. Rodosevich failed to collect 100 cm<sup>2</sup> as required. Therefore, the total areas sampled could not have been as specified on the chain-of-custody.

### **Violation of §6.2.14.6 (5 Violations)**

During a Screening Assessment, the consultant is required to provide specific information:

6.2.14.6 number of sample aliquots;

Mr. Rodosevich failed to provide this information on the chain-of-custody for five samples.

### **Violation of §6.2.14.7 (5 Violations)**

During a Screening Assessment, the consultant is required to provide specific information:

6.2.14.7 number of containers for each sample;

Mr. Rodosevich failed to provide this information on the chain-of-custody for five samples.

#### **Violation of §6.2.14.8 (4 Violations)**

During a Screening Assessment, the consultant is required to provide specific information:

6.2.14.8 sample collection time and date;

On the submitted chain-of-custody, Mr. Rodosevich failed to provide the time of sample collection as required. According to the chain-of-custody, all the samples were collected at exactly 09:00. It would be physically impossible to collect 13 aliquots each with three passes in different parts of the house in sixty seconds. Therefore we believe that one of the samples may have been collected at 09:00, leaving the sample collection time for four submissions with no sample collection time.

#### **Violation of §6.2.14.9 (5 Violations)**

During a Screening Assessment, the consultant is required to provide specific information including:

6.2.14.9 sample matrix

The required information is missing from the documentation for five samples.

#### **Violation of §6.2.14.11**

During a Screening Assessment, the consultant is required to provide specific information including:

6.2.14.11 sample preservatives

This information is missing from Mr. Rodosevich's chain of custody.

#### **Violation of §6.2.15**

During a Screening Assessment, the consultant is required to provide specific information including:

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

In his report, mw explicitly states that the property contained painted-over surfaces:

*The residence was unoccupied at the time of inspection. The residence appeared to have been newly painted.*

Nowhere in the report has mw performed the mandatory sampling for newly painted surfaces.



### **Violation of §6.3.6**

During a Screening Assessment, the consultant is required to perform specific tasks including:

6.3.6 Collect all individual aliquots from 100 cm<sup>2</sup> sampling areas.

As already described, for at least one of the aliquots, Mr. Rodosevich failed to ensure that 100 cm<sup>2</sup> was within the template as required.

### **Violation of §6.7.1.1**

During a Screening Assessment, the consultant is required to perform specific tasks including:

6.7.1.1 ...At least one composite sample must include an aliquot from the cold air return of a heating system, if it is a forced air system.

In his report, Mr. Rodosevich explicitly states:

*The unit contains a central forced air system that is not shared with any other unit or residence.*

And yet, Mr. Rodosevich failed to collect a sample from the cold air return as required.

### **Violation of §6.7.1.2 (5 violations)**

According to mandatory State regulations during the screening evaluation, the consultant shall collect a sample from:

6.7.1.2 All exhaust fans (including, but not limited to, kitchen, bathrooms, attic vent fans, or whole house exhaust fans) must also be sampled. Exhaust fan samples shall be collected from inside the fan compartment, the fan blade, or the back side of the fan grill. A separate surface sample does not need to be collected from any room from which a fan or ventilation system sample is collected.

1. Failure to collect a sample from the inside of exhaust fan in Bathroom #1.
2. Failure to collect a sample from the kitchen exhaust.
3. Failure to collect a sample from the attic fan (if one exists, since there is no indication that Mr. Rodosevich actually inspected the attic as claimed, and there are no photographs of the attic).

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



deviating from mandatory State requirements and he was willfully and intentionally violating State regulations.

However, Mr. Rodosevich has specifically referenced 6 CCR 1014-3 (even though he erroneously believed it to be a State statute) and he is explicitly recognized by Ms. Brisnehan with CDPHE as being proficient in such assessments. Therefore, he claims to have knowledge of such issues. Since, to date, FACTs has documented hundreds of regulatory violations associated with Mr. Rodosevich's work, one must conclude that Mr. Rodosevich knowingly, willingly and intentionally performed work that grossly deviated from mandatory State requirements.

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

Pursuant to State statute, and state regulations, the “Screening Level Assessment” must be filed with the State of Colorado (indeed the report we reviewed was obtained from the State of Colorado through the Colorado Open Records Act). Therefore, we believe the facts objectively establish that Mr. Rodosevich was aware of such recording and was aware of the false statements made therein when, with the intent to defraud, M. Rodosevich explicitly told his client that he was performing work pursuant to State regulations, when in fact, Mr. Rodosevich know his work was not compliant.

## **Colorado Consumer Protection Act**

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

## **CONCLUSION**

In our review, FACTs has identified no fewer than 101 regulatory violations, in the referenced work at 316 South Hancock Avenue, Colorado Springs, Colorado 80903.

Unfortunately, during the revision of the regulations, all scientific validity for the sampling was removed, and no longer applies to the regulations. One of the provision that was removed, was that samples needed to be collected from areas with an high expectation of contamination. For this property, since the samples were collected by an untrained

individual, none of the samples were collected from areas that, if contamination was present, the sample would have an high expectation of contamination. That is, all the samples were collected from areas that in a contaminated property, may not demonstrate contamination.

# **Appendix A**

## **Reviewer's Statement of Qualifications**