



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
of
Methamphetamine Screening
Level Assessment
(Identifying 107 Regulatory Violations of 6 CCR 1014-3)**

**By
HEALTH AND ENVIRONMENTAL TECHNOLOGY (*sic*)
Robert M. Rodosevich
Methamphetamine Contamination
Real Estate Screening Assessment
2044 Summerset Drive
Colorado Springs, Colorado 80902
March 23, 2015**

Prepared by:

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February 18, 2016

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EXECUTIVE SUMMARY

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

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

This review pertains to the document identified as:

**Methamphetamine Contamination
Real Estate Screening Assessment
2044 Summerset Drive, Colorado Springs, Colorado 80902
Submitted by:
HEALTH AND ENVIRONMENTAL TECHNOLOGY (sic)
Robert M. Rodosevich
Submitted to:
Mr. Larry and Ms. Pat Dickinson
patlarryhome@gmail.com
March 23, 2015**

The misspelling of the company name, “HEALTH AND ENVIRONMENTAL TECHNOLOGY” (sic) is taken directly, and verbatim, from the report for 2044 Summerset Drive, Colorado Springs, CO (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

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,¹ 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.^{2,3,4,5,6}

¹ 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

² See for example: 2045 Farnsworth, Colorado Springs, CO, http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf



FACTs obtained a copy of the public domain report under review through the Colorado Open Records Act (CORA) directly from the Colorado Department of Public Health and Environment (CDPHE).

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:

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 mould related issues and methamphetamine. 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.^{7,8}

³ See for example: 1299 Vondelpark Drive, Unit C, Colorado Springs, CO http://forensic-applications.com/meth/Vondelpark_audit_censored.pdf

⁴ See for example: 539 Shady Crest Circle, Colorado Springs, CO 80916 http://forensic-applications.com/meth/Reg_audit_shady_crest.pdf

⁵ 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

⁶ 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

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

⁸ See for example: 4690 West 76th Ave., Westminster <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



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. 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.

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.⁹

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 13,242 (thirteen *thousand*, two hundred and forty two) regulatory violations in just the first 40 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

⁹ 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.

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.

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.

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

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.

Mr. Rodosevich describes the 2,704 square foot property as:

The property is a single story, single family townhome of approximately 2304 square feet with an attached garage.

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 to the extent that he was required to describe the attic with regard to whether or not the attic was common to all the residences in the Townhouse superstructure or not. Instead, Mr. Rodosevich inserted language that he uses for many reports on various properties regardless of the nature of the attic (and in many cases, he entirely neglects the attics and fails to even identify them when they are present).

Violation of §3.7.5 (3 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 exterior grounds
3. 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 his QA/QC blank was not compliant with the mandatory requirements, Mr. Rodosevich never explained why he failed to insert the correct number of aliquots into his blanks, and Mr. Rodosevich failed to discuss why he did not place his blank in the correct sequence as required by regulations. 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)

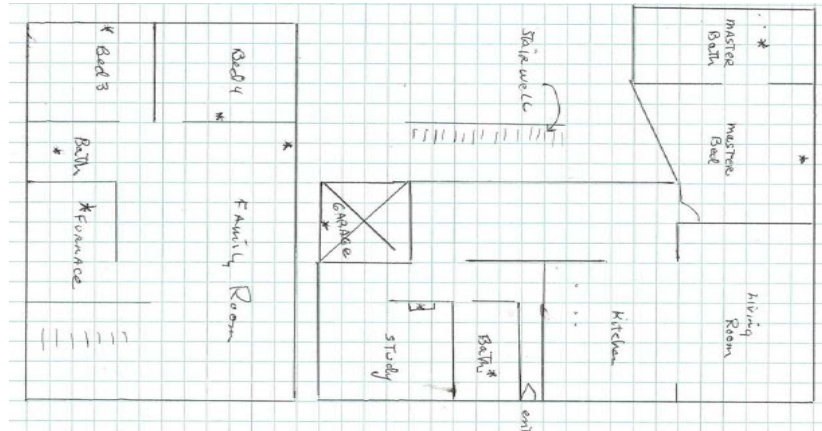
According to mandatory regulations, during a Screening Level Assessment, the consultant is required to perform specific activities including:

3.7.6 Documentation of screening level sampling shall include:

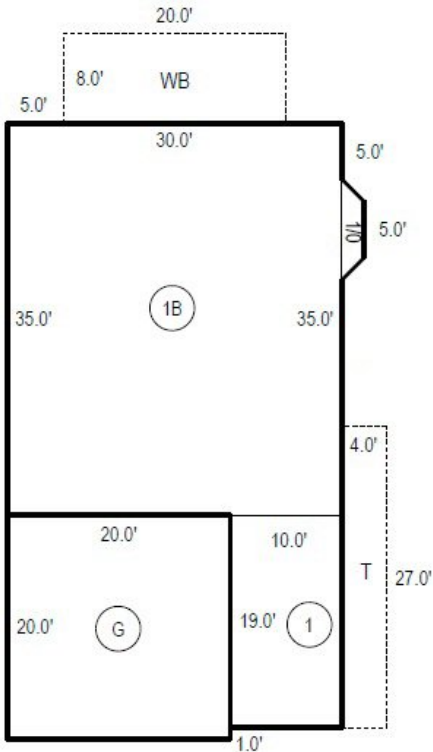
3.7.6.3 results of sampling, including a description of sample locations and a computer generated figure illustrating the layout of the building(s) and sample locations and identification.

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.

In his report, Mr. Rodosevich provides the following hand drawn figure:



The layout of the structure is actually entirely different and looks more like this:



Therefore, 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 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 (9 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 11 of these, therefore, there are 11 violations.

Violation of §6.2.1.1 (9 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 nine individual aliquots, therefore, there were nine violations.

Violation of §6.2.4 (9 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.

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

Violation of §6.2.2 (2 Violations)

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

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

As documented in his report, (see photograph below), Mr. Rodosevich failed to collect 100 cm² for several of his samples. Instead, it would appear that Mr. Rodosevich would attach a 100cm² template and assume the surface inside the template would 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 two such examples.

Violation of §6.2.4 (9 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 Mr. Rodosevich identifies nine such aliquots, there were nine violations of this provision.

Violation of §6.2.7-10 (9 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:

- *The sample area is wiped from side to side using an s-like pattern (east to west) to completely cover the sample area.*
- *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).*
- *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.*

For several 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 cm² as required. One such example, is in the photograph already presented above.

Since we can demonstrate that his sampling description was merely boiler plate and not an actual description of at least two samples, 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 seven aliquots.

Violation of §6.2.11 (2 Violations)

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

6.2.11 Photograph each sample location.

Although Mr. Rodosevich documents the collection of nine aliquots, there were only seven photographs of sample locations.

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 report, for reasons not explained, Mr. Rodosevich ignored this requirement and placed his field blank in the middle of his sampling sequence.

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 (5 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 five samples on the chain-of-custody (which apparently caused some confusion with the laboratory who was forced to make additional notes on the chain-of-custody).

Violation of §6.2.14.5 (2 Violations)

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

6.2.14.5 sample area;

For at least two of the samples, Mr. Rodosevich failed to collect 100 cm² as required. Therefore, the total areas sampled could not have been as specified on the chain-of-custody for at least those sample sets for which incomplete sample areas were collected. It would appear from the photographs that this would be apply to at least the sample set collected from the bathrooms.

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 09:30. It would be physically impossible to collect nine 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 09:30, 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:

Nowhere in his report has Mr. Rodosevich even addressed this issue and in no manner at all even mentions the issue in his report.

Violation of §6.3.6 (2 Violations)

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

6.3.6 Collect all individual aliquots from 100 cm² sampling areas.

As already described, for at least two of the aliquots, Mr. Rodosevich failed to ensure that 100 cm² was within the template as required.

Violation of §6.7.1.1 (6 Violations)

According to mandatory State regulations during real estate screening, the consultant shall collect:

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

For this property, Mr. Rodosevich failed to collect a minimum of two (2) 4-aliquot composite samples as required.

Mr. Rodosevich failed to collect a sample from the garage as required



Mr. Rodosevich failed to collect a sample from the Living room as required
Mr. Rodosevich failed to collect a sample from the kitchen as required
Mr. Rodosevich failed to collect a sample from the downstairs family room as required

Also according to regulations,

“Room” means a portion of space within a structure that is enclosed or partitioned off from other parts of the structure. Any space separated from other spaces by a door shall be considered a separate room, except that closets that are less than 75 ft² are not rooms. Two spaces separated by a partition less than four (4) feet in height may be considered one room. Two spaces separated by 10 or more stairs shall be considered separate rooms.

As clearly demonstrated in his report:



Finally, according to §6.7.1.1:

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 residence 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 inside of exhaust fan in Bathroom #2.
3. Failure to collect a sample from the inside of exhaust fan in Bathroom #3.
4. Failure to collect a sample from the kitchen exhaust.
5. 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 107 regulatory violations, in the referenced work at 2044 Summerset Drive, Colorado Springs, Colorado 80902.

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



Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	General Distribution	Form # ML15
January 19, 2016		

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 613 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,565 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

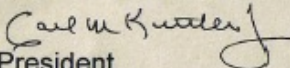


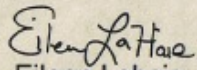
This is to certify that
Caoimhin P. Connell

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



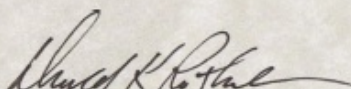
Certificate of Training

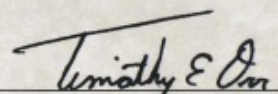
This certifies that

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>



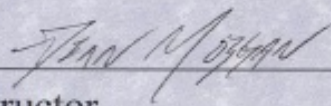
Park County Sheriff's Office Certificate of Completion

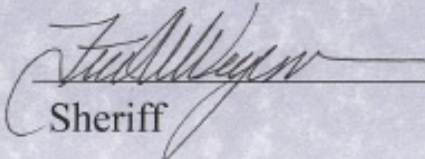
Caoimhin Connell

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

