



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

**Regulatory Audit  
of  
Preliminary Assessment Report  
Clearance Assessment Report  
by  
Koch Environmental Health, Inc.  
Units A, B and C  
1301 Speer Blvd.  
Denver, Colorado**

**(498 Regulatory Violations  
of 6 CCR 1014-3)**

Prepared by:

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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:

KOCH ENVIRONMENTAL HEALTH, INC.  
METHAMPHETAMINE-AFFECTED PROPERTY PRELIMINARY ASSESSMENT REPORT  
Prepared for:  
PHILLIP STORMS  
BOX 866  
VILLAGE MILLS, TX 77663  
Project:  
1031 (*sic*) SPEER BLVD.  
DENVER, COLORADO  
KEH PROJECT NUMBER 19000-STORMS  
January 8, 2015

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

For this regulatory audit, FACTs has identified no fewer than 498 total individual regulatory violations.

This particular consultant, Koch Environmental Health, has an history of regulatory violations under 6 CCR 1014-3.<sup>1,2,3</sup>

## REVIEW OF THE DOCUMENT

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

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<sup>1</sup> 1533 N. Monroe Street, Loveland, CO, [http://www.forensic-applications.com/meth/KEH\\_Rpt\\_review\\_M.pdf](http://www.forensic-applications.com/meth/KEH_Rpt_review_M.pdf)

<sup>2</sup> 1812 164th Place, Thornton CO, <http://forensic-applications.com/meth/164thCriticalReview.pdf>

<sup>3</sup> 3324 S Field Street Lakewood, Colorado, [http://forensic-applications.com/meth/KEH\\_Field\\_PA\\_RA.pdf](http://forensic-applications.com/meth/KEH_Field_PA_RA.pdf)



During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific mandatory tasks and provide specific mandatory documentation.

In reviewing the Preliminary Assessment report by Koch Environmental Health, Inc., for 1301 Speer Blvd., Units A, B, and C, Denver, Colorado (the subject property), the following regulatory violations have been identified:

## **Failure to Comply with Section 4**

During the performance of a Preliminary Assessment the Consultant is required to perform specific actions and provide specific information. The regulations are not optional, and the Consultant is not at liberty to waive any portion of the regulations.

4.0 Preliminary Assessment. A preliminary assessment of all methamphetamine-affected properties shall be conducted in accordance with this section and Section 6.1.2 of these regulations, ...The Consultant shall personally inspect the subject property to gather all of the information necessary to prepare a Preliminary Assessment Report (other than the legal description of the subject property and the background information described in Section 4.2), and shall document information collected through photographs, notes, and other appropriate methods. The Consultant shall evaluate the information collected during the preliminary assessment and record his or her observations and findings in a Preliminary Assessment Report. The Preliminary Assessment Report shall include, but not be limited to, the following, to the extent available and applicable:

### ***Violation of Paragraph 4.1 (three violations)***

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

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

Nowhere in the KEH report for 1031(*sic*) Speer Blvd., Denver, Colorado (the subject property is actually located at 1301 Speer Blvd) do we find the number and type of structures present, or a description of adjacent and/or surrounding properties. In his report, Mr. Koch states:

*The Site is a two-level commercial space,...*

According to records and photographs from the City and County of Denver, the site is at least an 11 (eleven) story superstructure. According to the photographs taken by Mr. Koch, the structure is a superstructure containing no fewer than 11 floors, and contains numerous common areas, apartments, and other structural features not identified by Mr. Koch in his report. The photograph of the site below is from the Denver County Assessor's internet page:





Therefore, the following is missing from the KEH report:

- Subject property description
- Number and type of structures present
- Description of adjacent and/or surrounding properties

### ***Violation of Paragraph 4.2 (12 violations)***

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

4.2 Summary of information from review of available law enforcement reports regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and areas of contamination, or waste disposal.

Nowhere in the KEH report for this subject property, do we see where KEH attempted to identify the availability of law enforcement documents. In his report, Mr. Koch stated:

*KEH is unaware of the existence of an El Paso Intelligence Center or EPIC form related to methamphetamine manufacturing at this address. KEH reviewed the US Department of Justice National Clandestine Laboratory Database and found the subject address not listed at the time of generation of this report.*

The El Paso Intelligence Center (EPIC) has nothing to do with the property in question, and EPIC is not a law enforcement agency with jurisdiction over the property. The El Paso Intelligence Center (EPIC) is a Federal DEA and U.S. Customs Service Center assisting in the identification of drug traffickers and illegal alien trafficking along the U.S. - Mexico border and is headquartered at Biggs Army Airfield in Texas.

By contrast, the subject property in question is located in the City of Denver, Colorado. As such, the law enforcement agency with jurisdiction is the Denver Police Department. We do not see anywhere in the KEH report where Mr. Koch documented any attempt to contact the Denver Police Department to determine if any law enforcement documents were available for review.



### ***Violation of Paragraph 4.3 (23 violations)***

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

4.3 Description of structural features in all buildings, such as attics, false ceilings, crawl spaces, and basements, including:

4.3.1 If the building has an attic, a description of the integrity of the building ceiling (i.e., attic floor), any signs of access, storage, manufacturing, or venting into the attic (e.g., holes cut in ceiling for the purpose of venting gases from a cook), and a description of observations of the ducting associated with all bathroom and kitchen exhaust vents. If preliminary assessment sampling is conducted, include the results of sampling in accordance with Section 6 of this Part 1.

Nowhere in his report, has Mr. Koch complied with this requirement, as stated in Colorado regulations. In his report, Mr. Koch states the property consists of at least one kitchen and the following areas:

- 1. Main floor showroom*
- 2. Main floor center room*
- 3. Main floor electrical panel room*
- 4. Main floor women's restroom*
- 5. Main floor men's restroom*
- 6. Main floor break room*
- 7. Mezzanine open area*
- 8. Mezzanine restroom*
- 9. Mezzanine shower room*
- 10. Mezzanine North room*
- 11. Mezzanine mechanical room*

However, in the drawings provided in his report, Mr. Koch has failed to identify any of these rooms and there is no indication where the referenced kitchen is located. Therefore, it begs the question if the kitchen was separate from the rest of the structure, and if so, why was the kitchen not addressed?

- There is no description of the building ceiling for Unit A as required.
- There is no description of the building ceiling for Unit B as required.
- There is no description of the building ceiling for Unit C as required.
- There is no description of ducting associated with the women's bathroom vents.
- There is no description of ducting associated with the men's bathroom vents.
- There is no description of ducting associated with the mezzanine bathroom vents.
- There is no description of ducting associated with the shower room vents.
- There is no description of ducting associated with the kitchen exhaust vents.
- There is no description of ducting associated with the mechanical room.
- There is no description of "...or venting into the attic."
- There is no description of "...the integrity of the building ceiling."
- There is no description of "...signs of access, storage..."



### **Violation of Paragraph 4.3 False Ceiling**

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

4.3 Description of structural features in all buildings, such as attics, **false ceilings**, crawl spaces, and basements, including:

Mr. Koch describes an heat pump as being the heating source in at least one of the units. Heat pump systems are typically housed in false ceilings in modern commercial spaces. Unfortunately, because of Mr. Koch's failure to comply with §4.14 there are no photographs of the heat pump system as it is situated in the structure (there is only a close-up photograph of the label on the heat pump). Furthermore, at least one of the KEH photographs appears to show a false ceiling.

### **Violation of Paragraph 4.3.2 (Three violations)**

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

4.3.2 A description of the integrity of the building floor, and if there is a crawl space, a description of any signs of access, storage, venting, or disposal related to methamphetamine manufacturing, integrity of any vapor barriers, and any signs of disposal onto the soil of the crawl space.

Nowhere in the report has Mr. Koch provided a “*A description of the integrity of the building floor,...*” for Unit A, as required.

Nowhere in the report has Mr. Koch provided a “*A description of the integrity of the building floor,...*” for Unit B, as required.

Nowhere in the report has Mr. Koch provided a “*A description of the integrity of the building floor,...*” for Unit C, as required.

### **Violation of Paragraph 4.4**

According to mandatory regulations, the consultant is required to provide:

4.4 Description of outdoor areas, including notation of the following:...

Nowhere in the report has Mr. Koch provided a “*Description of outdoor areas,...*” as required.

### **Violation of Paragraph 4.5**

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

4.5 Identification of manufacturing methods based on the Consultant's observations and law enforcement reports, if available.



Since Mr. Koch made no documented attempts to obtain any pertinent law enforcement documents from appropriate law enforcement agencies, Mr. Koch could not have complied with this requirement.

### ***Violation of Paragraph 4.8***

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

- 4.8 Identification and documentation of chemical storage areas, waste disposal areas, cooking areas, and/or use areas, if known.

Many untrained consultants lacking knowledge in the assessment of illegal drug laboratories presume that “chemical storage” consists of exotic chemicals the illegal cook has developed or made through equally exotic means. However, that simply is not the case, and methamphetamine chemicals and equipment are nothing more than common, ordinary household chemicals and equipment that have been applied in unusual ways. To illustrate the point, the photograph below, includes all the essentials to manufacture a complete meth-lab, in its entirety; to the untrained eye, this is normal shelf in a supermarket – but the trained Industrial Hygienist can find all the chemicals and all of the necessary equipment to set up a methamphetamine production laboratory:



In his report, Mr. Koch makes the following statement:



*There were no chemical storage areas, waste disposal areas, cooking areas, and/or methamphetamine use areas observed.*

And yet, in his report, Mr. Koch includes the following photograph:



Koch Environmental Health Photograph

The consultant's lack of training, and lack of attention to detail, results in overlooking patently important storage areas, such as the above.

### ***Violation of Paragraph 4.10***

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

4.10 Description of plumbing system, including identification and documentation of potential disposal into the sanitary sewer or an on-site wastewater treatment system (OWTS).

Nowhere in the KEH report do we see where Mr. Koch provided a description of the plumbing system as required. Since in violation of §4.14, there are no photographs of the plumbing system, it is impossible to know the actual site conditions.



### **Violation of Paragraph 4.11 Common Areas (Three Violations)**

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

4.11 For properties with multi-unit buildings, identification and documentation of other units and common areas where contamination may have spread or been tracked.

For this subject property - which is part of a large, multi-unit building - there is a common, covered, stairway and common entryway where contamination may have spread or been tracked.

Also, KEH failed to note that the subject property has adjoining units into which fugitive emissions may have occurred.

Also as noted below, in his report Mr. Koch failed to describe or identify the ventilation system, or determine if the system was shared or isolated or if contamination was present in that system.

### **Violation of Paragraph 4.12 Ventilation System**

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

4.12 For properties with multi-unit buildings, identification and documentation of any common ventilation systems connected to other units or common areas.

Nowhere in the KEH report has Mr. Koch identified the ventilation system as required or the potential for common ventilation at the subject property. In his report, Mr. Koch merely identified the heating source for one of the units. Competent Industrial Hygienists recognize that "HVAC" is "Heating, Ventilation, Air Conditioning" are not all the same thing. Merely identifying the heating unit in a space does not address the "Ventilation."

Furthermore, according to the regulations, the Consultant is required to determine:

If contamination above the standard is identified in any unit in a multi-unit building, the units and common areas that are connected to the unit by ventilation systems shall be investigated to determine whether they are also contaminated.

Since, as described below, none of the samples collected at the site were collected in a manner compliant with the regulations, it was impossible for KEH to make the above determination. As described below, samples were not collected from the ventilation system in a manner that was compliant with regulations.

### **Violation of Paragraph 4.13 Painted Surfaces**

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:



4.13 Identification of surfaces that are known or suspected to have been painted or sealed after the cessation of contamination-causing activities (painted-over surfaces).

In his report, Mr. Koch makes the following observation:

*The following areas were suspected or identified as surfaces that are known or suspected to have been painted or sealed after the cessation of contamination-causing activities (painted-over surfaces):*

*1. None observed*

However the photographs provided by Mr. Koch in his report tell a different story and clearly indicate separately painted surfaces. In order for Mr. Koch to fulfill the requirement of Paragraph 4.13, it would necessarily mandate that Mr. Koch determine the time frame of contamination in order to know when cessation of contamination occurred. There is no discussion in the KEH that this was done, or how it was done, and there is no discussion on the newly painted surfaces that were depicted in the photographs in the KEH report.



Koch Environmental Health Photograph

#### **Violation of Paragraph 4.14**

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

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

In his report, Mr. Koch states the property is 3,653 ft<sup>2</sup> (however the scaled drawings provided in the report indicate 4,533 square feet)<sup>4</sup> consisting of at least one kitchen, stairs, multiple bathrooms, a shower room, one or more mezzanine areas, a break room, ventilation systems, plumbing, adjoining units and multiple other aspects. Yet, Mr. Koch provides only 16 photographs. There are no photographs of the kitchen or any indication where the kitchen is located, there are no photographs of a break room (or any indication of where the break room may be located or how it is ventilated), there are no photographs

<sup>4</sup> This consultant has an history of misrepresenting property sizes. See for example: 1533 N. Monroe Street, Loveland, CO, [http://www.forensic-applications.com/meth/KEH\\_Rpt\\_review\\_M.pdf](http://www.forensic-applications.com/meth/KEH_Rpt_review_M.pdf)



of the plumbing, or even discernible photographs of the ventilation system - or how are the bathrooms exhausted? Are there ceiling exhausts in the bathrooms? Are there ceiling exhausts in the shower room? Are there exhausts in the kitchen? Break room?

### ***Violation of Paragraph 4.15***

During the performance of a Preliminary Assessment the Consultant is required to perform specific activities including:

4.15 If assessment sampling is conducted, it shall be conducted in accordance with Section 6 of this Part 1.

The consultant was required to conduct assessment sampling in accordance with Section 6 of the regulations. Mr. Koch failed to comply with Section 6 of the regulations as delineated later in this audit.

### ***Violation of Paragraph 4.15.1 via 6.3.1 (Two violations)***

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

4.15.1 a description of the sampling procedures used, including sample collection, handling, and QA/QC;

6.3.1 A single pair of gloves may be used to collect each aliquot that will be part of a single composite sample. Use a new pair of gloves for each set of composite samples.

Nowhere in the KEH report, does Mr. Koch identify that he used any kind of hand protection and nowhere does Mr. Koch identify the use of gloves. Therefore, cross contamination issues are probable.

QA/QC procedures are not even mentioned in the report.

### ***Violation of Paragraph 4.15.3 (57 Violations)***

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

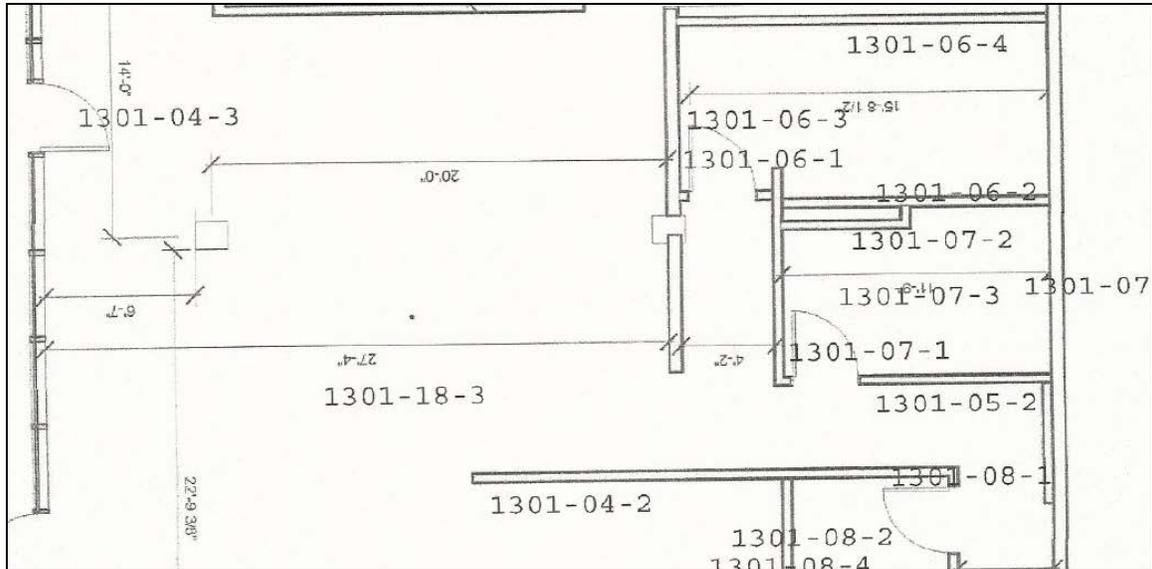
4.15.3 results of sampling, including a description of sample locations and a computer generated figure illustrating the layout of the building(s) ...

The situs represented by the address given contains multiple spaces, and possibly more than one structure. Nowhere in the KEH report has Mr. Koch provided a computer generated figure illustrating the layout of the subject building or any adjoining units or explanation of why Mr. Koch thought it may or may not have been appropriate to provide such information.

The report does not appear to contain computer generated figures, but rather hand-drawn line drawings of the floor plans. Those floor plans fail to identify the location of the bathrooms, break rooms, kitchen, ventilation system, mechanical rooms, electrical panel rooms and any of the other rooms identified in the KEH report as being present.



Similarly, none of the sample locations are provided in the drawings. Sample numbers are placed within the drawings with no indication of sample locations – see below for an excerpt:



Reproduced Drawing from the Koch Environmental Health Report

Sample numbers are strewn throughout the drawings in an haphazard fashion. Thus, when looking at the drawings, does anyone know where, for example, Sample 1301-04-3 was collected? On the door? The exterior hallway? The floor?

#### ***Violation of Paragraph 4.16***

During the performance of a Preliminary Assessment the Consultant is required to provide specific information including:

- 4.16 Documentation of personal property assessment and ...

In his report, Mr. Koch states:

*The property was unoccupied and there were no occupant contents within the structure.*

Yet, the photographs provided by Mr. Koch in his report tell a different story:





Furthermore, according to Ms. Colleen Brisnehan with the CDPHE, fixtures such as window blinds are “personal items” and not structural components. Therefore, clearly other such temporary items such as bathroom fixtures would be “personal items.”



### **Violation of Paragraph 4.17**

During the performance of a Preliminary Assessment the Consultant is required to provide specific information. According to State regulations if one is conducting clearance sampling during the Preliminary Assessment, one is required to provide specific documentation:

4.17 If clearance sampling is conducted during the preliminary assessment, it shall be conducted in accordance with Section 6 of this Part 1. Documentation of clearance sampling shall include:

In his report, Mr. Koch has explicitly claimed he performed clearance sampling:

*I hereby certify that I conducted clearance sampling of the subject property in accordance with 6 CCR 1014-3, Part 1, § 6. I further certify that the cleanup standards established by 6 CCR 1014-3, Part 1, § 7 have been met as evidenced by testing I conducted.*

However, as described in the following sections, clearly the work was not performed pursuant to Paragraph 4.17 or Section 6 as required.

### **Violation of Paragraph 4.17.1**

During the performance of a Preliminary Assessment/Clearance Assessment the Consultant is required to provide specific information including:

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

Nowhere in the KEH discussion do we find a description of sample collection (except where Mr. Koch documented that he failed to follow the mandatory sampling protocol as described below under §6.2.7) or sample handling or QA/QC as required. For example, as already discussed, it would appear that Mr. Koch failed to use gloves when collecting his samples, as required, and, therefore, introduced cross-contamination issues.

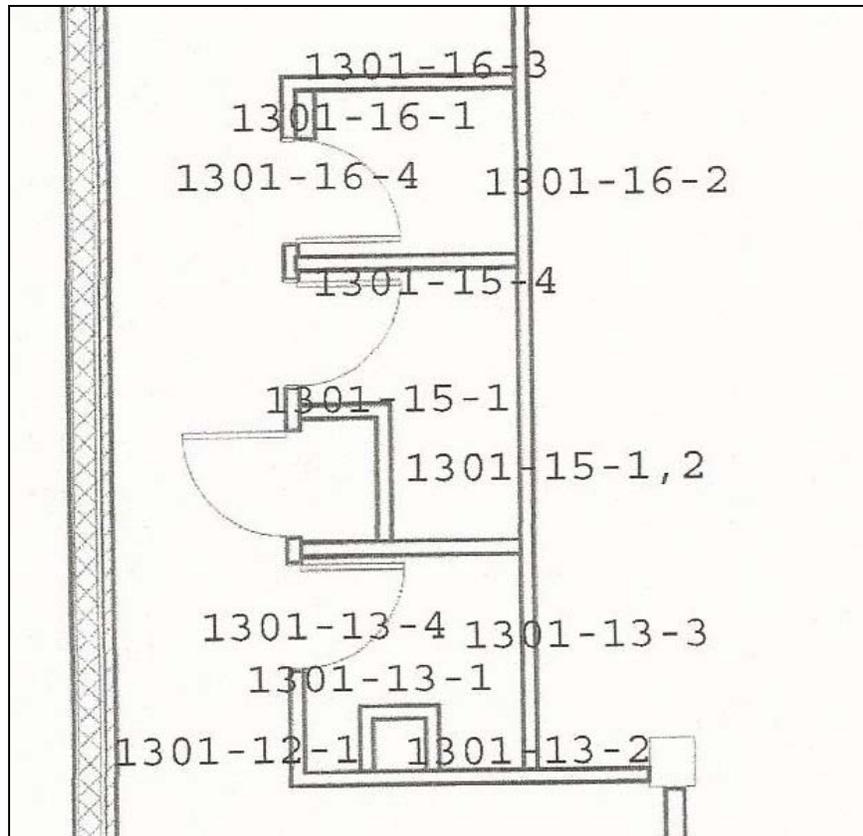
### **Violation of Paragraph 4.17.3 (56 violations)**

During the performance of a Preliminary Assessment/Clearance Assessment the Consultant is required to provide specific information including:

4.17.3 Results of clearance sampling, including a description of sample locations and a computer generated figure with sample locations and identification,

Nowhere in the KEH report has Mr. Koch provided a computer generated figure with sample locations and identification. From the drawing provided, it is impossible to know the location of the samples collected. As an example, FACTs presents the following excerpt from the KEH report:





Koch Environmental Health Drawing

It is impossible to discern from the drawings which room is which, and looking at the drawings, where were the samples collected? Where was 1301-12-1 collected? Was 1301-12-1 collected from a different room as 1301-13-2? How would one know? Indeed what is the room 1301-12-1 was collected from? Are there three rooms represented in the drawing? Two rooms? One room? What is the room? Does the drawing depict a bathroom? Is there the mysterious elusive kitchen that no one can find? Some samples aren't even identified at all on the drawings; for example, where is Sample 1301-15-3 denoted on the drawings? Where is Sample 1301-17-3 denoted on the drawings? Supposedly 56 aliquots were collected. The locations of 56 aliquots are missing from the drawings, therefore, there are 56 violations.

#### Violation of Paragraph 4.17.4

During the performance of a Preliminary Assessment/Clearance Assessment the Consultant is required to provide specific information. In his report, Mr. Koch has explicitly claimed he performed clearance sampling in accordance with 6 CCR 1014-3, Part 1, § 6.

I hereby certify that I conducted clearance sampling of the subject property in accordance with 6 CCR 1014-3, Part 1, § 6. I further certify that the cleanup standards established by 6 CCR 1014-3, Part 1, § 7 have been met as evidenced by testing I conducted.

4.17.4 Documentation of variations from standard practices.



Nowhere in the documentation, for this subject property, do we see where Mr. Koch has identified any of variations as identified in this audit.

### **Violation of Paragraph 4.18**

During the performance of a Preliminary Assessment/Clearance Assessment the Consultant is required to provide specific information.

4.18 Evidence of Consultant certification under Part 2 of these regulations.

Nowhere in the KEH report do we find where Mr. Koch provided the mandatory information.

### **Violation of Section 5**

In order to declared personal belongings in the property as compliant, specific tasks, considerations and information must be performed according to the regulations:

#### **5.11 Personal Property**

5.11.1 Personal property must either be:

5.11.1.1 decontaminated to the cleanup standards specified in Section 7.0 of this Part 1, as demonstrated through clearance sampling of the personal property;

5.11.1.2 decontaminated as provided in Sections 5.11.2 and 5.11.3;

5.11.1.3 properly disposed of in accordance with Section 5.12 of this Part 1; or

5.11.1.4 determined not to be contaminated as follows:

5.11.1.4.1 the personal property in question, or other personal property of similar material (non-porous, porous other than textiles/fabrics, and textiles/fabrics) and located in the same room, was sampled **in accordance with the clearance level sampling protocols and other requirements of Section 6** of this Part 1, and determined to be below the cleanup standards specified in Section 7.0 of this Part 1; or

5.11.1.4.2 the personal property in question was located in a room **that was determined to be below the cleanup standards specified in Section 7.0 of this Part 1 after being sampled in accordance with the clearance level sampling protocols and other requirements of Section 6 of this Part 1**; and in the Consultant's judgment, the item is unlikely to have been contaminated from exposure elsewhere in the subject property, given the nature of the item, the time the item was introduced to the subject property (if known), and any other relevant factors or information.

For this property, **none** of the rooms were sampled in accordance with the clearance level sampling protocols and other requirements of Section 6 of Part 1, and none of the



personal items themselves were sampled in accordance with the clearance level sampling protocols and other requirements of Section 6 of Part 1. Yet, in violation of Section 5.11, Mr. Koch declared all the personal items (which he otherwise failed to acknowledge even existed) as compliant.

### ***Violation of Section 6***

During the performance of a Preliminary Assessment/Clearance Sampling, the Consultant is required to perform specific tasks pursuant to specific protocols.

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.

### ***Violation of Section 6.1.3.2***

During the performance of a Preliminary Assessment/Clearance Sampling, the Consultant is required to perform specific tasks pursuant to specific protocols.

6.1.3.2. Wipe sampling shall be used to determine the extent of lead contamination on all surfaces at properties whenever the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacture was used on the property.

Since, Mr. Koch failed to obtain law enforcement documents pertinent to this subject property, failed to identify the manufacturing process and even failed to notice the large accumulation of stored chemicals (KEH Photograph) that may have been associated with a P2P laboratory, it would have been impossible for Mr. Koch to comply with this requirement.

### ***Violation of Section 6.1.3.3***

During the performance of a Preliminary Assessment/Clearance Sampling, the Consultant is required to perform specific tasks pursuant to specific protocols.

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.

Since, Mr. Koch failed to obtain pertinent law enforcement documents, failed to identify the manufacturing process, failed to notice the large accumulation of stored chemicals that may have been associated with a red-P pseudoephedrine reduction laboratory, and failed to even assess the presence of iodine in the subject property, it would have been impossible for Mr. Koch to comply with this requirement.

### ***Violation of Section 6.1.3.5***

During the performance of a Preliminary Assessment/Clearance Sampling, the Consultant is required to perform specific tasks pursuant to specific protocols.

6.1.3.5 Vapor sampling shall be used to determine the extent of mercury contamination whenever the preliminary assessment indicates the P2P method of methamphetamine manufacture was used on the property.



Since, Mr. Koch failed to obtain pertinent law enforcement documents, failed to identify the manufacturing process and even failed to notice the large accumulation of stored chemicals that may have been associated with a P2P laboratory, it would have been impossible for Mr. Koch to comply with this requirement.

### **Violation of Section 6.2.2**

During the performance of a Preliminary Assessment/Clearance Sampling, the Consultant is required to perform specific tasks pursuant to specific protocols.

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>**. Physical templates may not be re-used.

For at least one of the samples (1301-18-3), the sample area was most definitely not 100cm<sup>2</sup>, but would have been dramatically less than 100cm<sup>2</sup> (if just the cross bars were sampled), or dramatically greater than 100cm<sup>2</sup> (if the pleats were sampled). See the photograph below:



Koch Environmental Health Photograph

### **Failure to Comply with Paragraph 6.2.3 (56 violations)**

During the performance of a Preliminary Assessment/Clearance Sampling, the Consultant is required to perform specific tasks pursuant to specific protocols including:

6.2.3 Prepare a rough sketch of the area(s) to be sampled and indicate sample location(s).

No rough sketch (or computer generated drawing) was prepared or provided for any of the 56 aliquots reportedly collected within this subject property.



### **Failure to Comply with Paragraph 6.2.5 (15 violations)**

During the performance of a Preliminary Assessment/Clearance Sampling, the Consultant is required to perform specific tasks pursuant to specific protocols including:

6.2.5 Use a new set of clean, non-powdered impervious gloves for each sample to avoid contamination of the sample media by previous samples and to prevent contact with the substance.

Nowhere in the report has Mr. Koch documented the use of gloves for any of the 15 sample submissions, therefore, 15 violations of this requirement.

### **Violation of Paragraph 6.2.7, 6.2.9, 6.2.10 (56 Violations)**

According to State regulations:

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).

According to Mr. Koch in his report:

*KEH employed the "S" method of wipe sampling described in section 6.2.7 of 6 CCR 1014-3.*

That is, Mr. Koch failed to employ the "concentric" method, or indeed any second pass or third pass at all, as required. (In fact for at least one of the samples, (1301-18-3) it would have been highly improbable to have actually employed the "s" method on the topography of the filter).

On February 19, 2015, FACTs officially requested a variance from the provisions of 6.2.7 through 6.2.10, especially where it was practically impossible to comply with this



bizarre sampling requirement. In her response to our request,<sup>5</sup> Ms. Brisnehan (CDPHE) *explicitly rejected* this variance from the regulations:

The Regulations, as amended, merely add a third pass to increase sample recovery. The sample collection procedure included in the Regulations is based on wipe sample collection procedures developed by the Occupational Safety and Health Administration (OHS/A) and the National Institute for Occupational Safety and Health (NIOSH). The sample collection procedure using the “S” method is also referenced in the NIOSH analytical methods for methamphetamine. The Department does not consider the deviations proposed by FACTs to be *de minimis* variations from standard sampling requirements. The Department is not willing to provide FACTs a “blank check” to determine when it will or will not comply with the sample collection requirements. Therefore, the Department has determined that approval of this variance may result in substantial deviation from the intent of the regulatory requirement. This variance request is denied.

Therefore, according to Ms. Brisnehan with the CDPHE, any areas whose samples are collected using exclusively the “S” wipe method have not been assessed and are rejected by the CDPHE. Since Mr. Koch collected 56 such samples, according to the CDPHE, **none** of the aliquots were valid, and none of the areas thus “cleared” are valid.

### **Violation of Paragraph 6.2.12.5 (Two violations)**

According to mandatory State regulations, during the performance of the work 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).

For this project, the documentation provided by Mr. Koch indicates that Mr. Koch collected 14 four-part composites but submitted a single media for each of the two field blanks, in violation of this requirement.

### **Violation of Paragraph 6.2.14**

According to mandatory State regulations, during the performance of the work the Consultant is required to provide specific information in the report including:

6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. ... At a minimum, the Chain-of-Custody Record shall include the following:

### **Violation of Paragraph 6.2.14.2**

6.2.14.2 subject property address;

On the submitted chain-of-custody, Mr. Koch failed to identify the property address.

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<sup>5</sup> February 27, 2015, letter from Colleen Brisnehan, Hazardous Waste Corrective Action Unit, Hazardous Waste Program, to Mr. Caoimhín P. Connell, Forensic Applications Consulting Technologies, Inc., 185 Bounty Hunter’s Lane, Bailey, Colorado 80421, RE: Request for Variance under 6 CCR 1014-3, 788 West Lois Court, Louisville, Colorado, cc: Mr. Dan Miller - Colorado Attorney General Office, Michael Richen - Boulder County Public Health



**Violation of Paragraph 6.2.14.3 (Two violations)**

6.2.14.3 sampler name and contact information;

Nowhere on the chain-of-custody has the identity of the person who collected the samples been provided.

Nowhere on the chain-of-custody has any contact information been provided for whomever collected the samples.

**Violation of Paragraph 6.2.14.6 (16 violations)**

6.2.14.6 number of sample aliquots

The number of aliquots is missing from Mr. Koch’s chain of custody for 16 of the samples submitted.

**Violation of Paragraph 6.2.14.8 (16 violations)**

6.2.14.8 sample collection time and date

The sample collection time is missing from Mr. Koch’s chain of custody for 16 of the samples submitted.

**Violation of Paragraph 6.2.14.9 (16 violations)**

6.2.14.9 sample matrix

The sample matrix is missing from Mr. Koch’s chain of custody for 16 of the samples submitted

**Violation of Paragraph 6.2.14.11**

6.2.14.11 sample preservatives

This information is missing from Mr. Koch’s chain of custody.

**Violation of Paragraph 6.2.14.12 (Two violations)**

6.2.14.12 signature and date for each person relinquishing or receiving sample custody.

- 1) There is no signature of any person relinquishing sample custody.
- 2) There is no date of any person relinquishing sample custody.

**Violation of Paragraph 6.2.15**

According to mandatory State regulations, during the performance of the work the Consultant is required to perform specific tasks and provide specific information in the report 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:



As already discussed, in his report Mr. Koch makes the following observation:

*The following areas were suspected or identified as surfaces that are known or suspected to have been painted or sealed after the cessation of contamination-causing activities (painted-over surfaces):*

*1. None observed*

However, the photographs provided by Mr. Koch in his report tell a different story and clearly indicate separately painted surfaces. In order for Mr. Koch to fulfill the requirement of Paragraph 6.2.15, it would necessarily mandate that Mr. Koch determine the time frame of contamination in order to know when cessation of contamination occurred. There is no discussion in the KEH report that this was done, or how it was done, and there is no discussion on the newly painted surfaces that were depicted in the photographs in the KEH report.

### ***Violation of Paragraph 6.3.2 (42 violations)***

According to mandatory State regulations, during the performance of the work the Consultant is required to perform specific tasks including:

6.3.2 Use a separate piece of sample media for each aliquot.

As already mentioned, Mr. Koch failed to provide a description of his sampling method and the Chain-of-custody documentation provided indicates Mr. Koch clearly does not indicate four aliquots, and therefore supports the argument that Mr. Koch appears to have used a single wipe for each four-parted composite. Since there were 56 total aliquots, composited into 14 sample submission, this indicates that Mr. Koch used the same piece of wipe material 42 times.

### ***Violation of Paragraph 6.8***

According to the regulations, upon the performance of a Preliminary Assessment, the Consultant is required to perform specific tasks, including:

6.8 Assessment level sampling protocols for buildings and personal property.

6.8.1 Except as provided in Section 6.8.2 below, the Consultant **shall** conduct sampling for methamphetamine that meets the clearance level sampling protocols of Section 6.9 in all rooms of a methamphetamine-affected property as part of the preliminary

The exception cited (§6.8.2) is that sampling is not required if the Consultant assumes the item is noncompliant and is not being cleared. For this property that exception was never employed. Therefore, all provision of mandatory sampling was required to be in compliance with Section 6.9. However as provided above, and in further detailed below, none of the sampling performed at the property was compliant with regulations.



### ***Violation of Paragraph 6.8.1 (Twelve violations)***

According to the regulations, upon the performance of a Preliminary Assessment, the Consultant is required to perform specific tasks, including:

6.8.1 Except as provided in Section 6.8.2 below, the Consultant shall conduct sampling for methamphetamine that meets the clearance level sampling protocols of Section 6.9 in **all rooms of a methamphetamine-affected property as part of the preliminary assessment.**

In the KEH report, Mr. Koch has provided drawings that indicate 20 (twenty) rooms. Of those 20 rooms, Mr. Koch has collected sample suits from only 12 (twelve) rooms. Therefore, at least eight rooms have been “cleared” without the collection of any samples in violation of §6.8.1.

### ***Violation of Paragraph 6.9***

According to the regulations, upon the performance of a Preliminary Assessment/Clearance Assessment, the Consultant is required to perform specific tasks, including:

6.9 **Clearance level sampling protocols for buildings and personal property.** The Consultant **shall** conduct clearance level sampling of any subject property that meets the definition of a methamphetamine-affected property, or that is suspected of being a methamphetamine-affected property as provided in Sections 3.2, 3.3 or 3.4 of this Part 1, to verify that cleanup standards have been met. ... Samples shall be collected according to the following criteria:

As documented below, Mr. Koch failed to perform the sampling pursuant to the mandatory requirements.

### ***Violation of Paragraph 6.9.3 (three violations)***

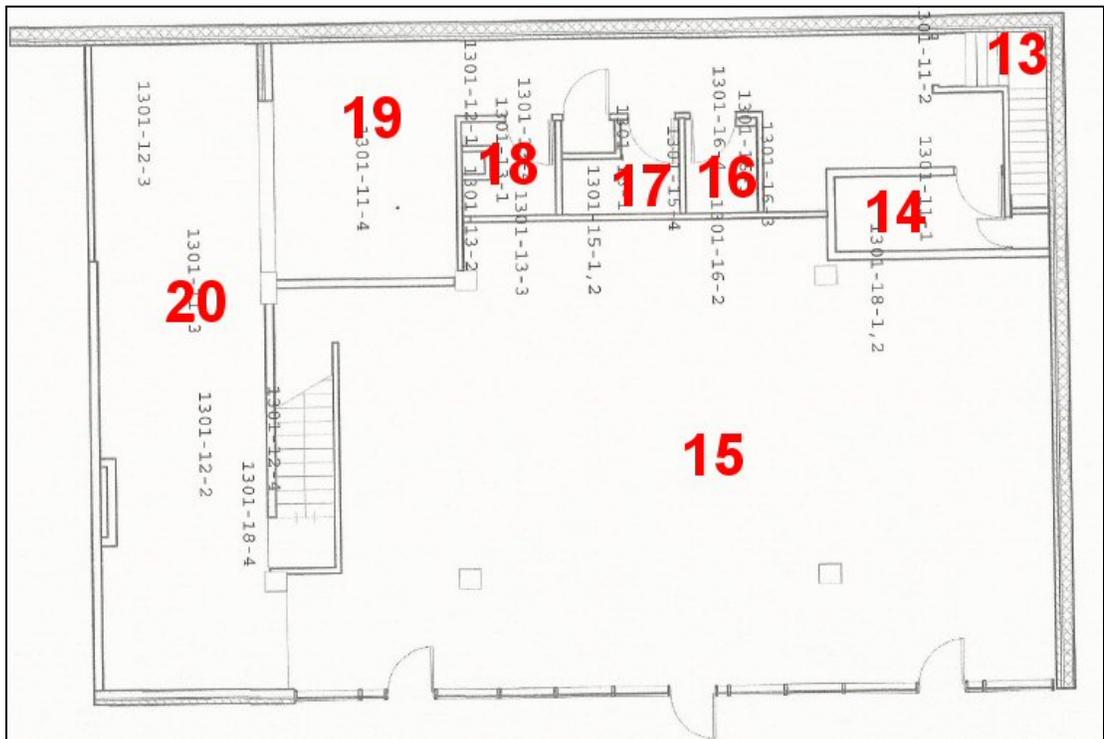
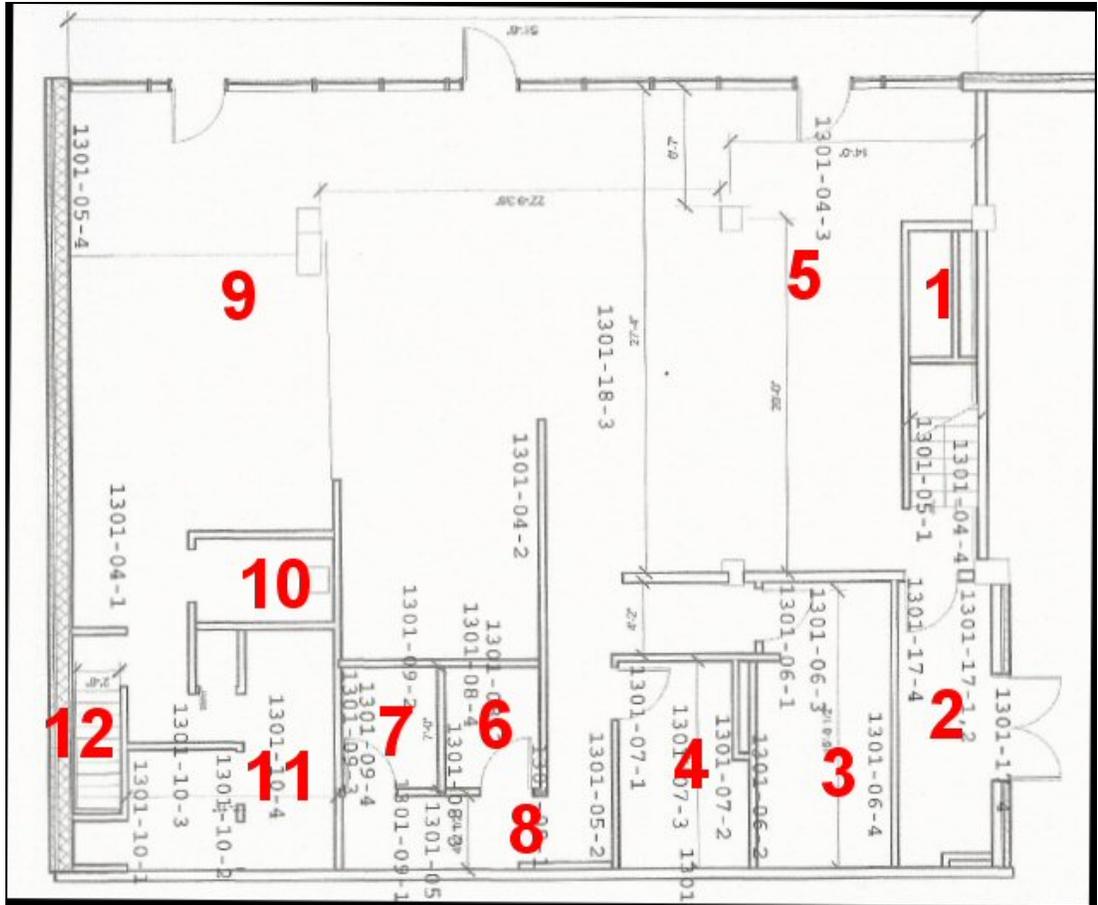
According to the regulations, upon the performance of a Preliminary Assessment, the Consultant is required to perform specific tasks, including:

6.9.3 For rooms greater than 500 ft<sup>2</sup> of floor space an additional 100 cm<sup>2</sup> of surface area shall be sampled for each additional 500 ft<sup>2</sup> or fraction thereof.

Since Mr. Koch failed to provide photographs as required, and failed to identify rooms in the drawings of his report, the only information regarding room inventory is the scaled drawings thus provided. In those scaled drawings in the KEH report, there are 20 areas that would meet the definition of “room” as follows:

“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 ft<sup>2</sup> 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. Crawl spaces and attics are not considered rooms.





Koch Environmental Health Drawings



Since the drawings and documentation are so poorly prepared and are so clearly in violation of regulations it is difficult to understand the situs layout. However, based on the information in the report, nn violation of the regulations, Mr. Koch has combined some of the rooms as follows, and has failed to collect samples from all rooms as required.

Room #	Room Name	Total floor space (ft2)	Sample area Required (cm2)	Sample Area Collected (cm2)	Missing (cm2)
2	Delivery Entrance	87	400	400	0
11	Main Floor Break Room	61	400	400	0
3	Main Floor Center	156	400	400	0
4	Main Floor Electrical	88	400	400	0
7	Main Floor Men's RR	643	500	400	100
6	Main Floor Women's RR	36	400	400	0
1,5,8,9,10	Main Level Showroom	1031	700	800	0
16	Mezzanine N Room	30	400	400	0
13,14,19,20	Mezzanine open	1627	800	800	0
18	Mezzanine RR	39	400	400	0
17	Mezzanine Shower	40	400	400	0
12	No samples collected	197	400	0	400
15	No samples collected	495	400	0	400

### Violation of Paragraph 6.9.4 (4 Violations)

According to the regulations, upon the performance of a Preliminary Assessment, the Consultant is required to perform specific tasks, including:

6.9.4 For buildings and structures that have forced air ventilation systems, at least 400 cm<sup>2</sup> of surface area of the ventilation system shall be sampled, unless the entire ventilation system is removed. Samples **shall** be collected from accessible areas within the heat exchanger unit, inside the cold air return system, from inside the supply air system, and from one other location selected at the Consultant's discretion. The Consultant will visually inspect accessible portions of the ventilation system and review photo documentation to verify that the system has been cleaned and is free of debris.

For this property, Mr. Koch failed to collect 100cm<sup>2</sup> from the following ventilation system areas as required:

1. within the heat exchanger unit
2. inside the cold air return system (failure to collect 100 cm<sup>2</sup>)
3. inside the supply air system ventilation (collected exterior sample)
4. Fourth elective (collected the exterior of the mechanical equipment)

### Violation of Paragraph 6.9.4 Photo-documentation not Provided

Nowhere in his written documentation do we see where Mr. Koch visually inspected accessible portions of the ventilation system or reviewed photo documentation to verify that the system had been cleaned and is free of debris.



## **Violation of Paragraph 6.9.6**

According to the regulations, upon the performance of Clearance sampling, the Consultant is required to follow specific sampling protocols, including, including:

6.9.6 Composite samples may be used for clearance sampling of rooms, attics, crawl spaces, and personal property, **provided all aliquots comprising a composite sample come from the same room**, attic, or crawl space.

Since there are no drawings that depict sampling locations as required, and there are no photographs depicting sample locations as required, (all photographs are merely close-up photographs of sampling templates), the best information is the scaled drawings which indicate that composites were collected from separate rooms (see the drawings reproduced above).

## **Violation of Paragraph 6.9.7 (ten violations)**

According to the regulations, upon the performance of a Preliminary Assessment, the Consultant is required to perform specific tasks, including:

6.9.7 The interior of major appliances (microwaves, refrigerators, freezers, ovens, and dryers) must be sampled using discrete samples. The exterior of major appliances may be sampled using composite samples.

Historically, Mr. Koch has ignored this requirement (see for example the audit performed for the KEH work at Ranch At Bear Creek, Building 10, Unit 183, 3324 S Field Street, Lakewood, Colorado).

For this project, in violation of the regulations, Mr. Koch failed to provide any photographic documentation of the kitchen and the break rooms, and otherwise failed to identify any of the appliances that may have been present. Since Mr. Koch has an history of ignoring appliances during compliance sampling, and considering that it is reasonable to presume the kitchen had a refrigerator, a microwave, and a dishwasher; and considering that it is reasonable to presume the break room had a refrigerator and a microwave, we can presume that, similar to other projects, Mr. Koch ignored these appliances.

Furthermore, although FACTs disagrees with the interpretation of the State of Colorado CDPHE, Ms. Brisnehan (CDPHE) insists that the above cited regulations **requires** that the exterior of each appliance be sampled. Therefore, to the extent that they appliances were probably present (and no photographs exist to reject the argument), Mr. Koch failed to sample the exterior of those five items.

## **Violation of Paragraph 6.9.11 (56 Violations)**

As already described, none of the samples collected by Mr. Koch at the subject property were valid, however, according to regulations:

6.9.11 ...Samples shall be collected from surfaces that have a reasonable potential to contribute to human exposure, including:



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

In his report, Mr. Koch has documented that he collected samples from areas expected to have the **lowest** levels of contamination, such as the areas under door handles, kitchen sink, shower room basin. Historically, Mr. Koch collects samples with very low probability of exhibiting contamination even were such contamination has objectively been demonstrated to exist at concentrations in excess of the regulatory thresholds (this is, Mr. Koch has an history of “clearing” otherwise contaminated properties).<sup>6,7</sup>

Since Mr. Koch failed to properly document the locations of all his samples, we cannot know the actual number of violations of this section. However, based on the documentation we can know that the following samples were not collected pursuant to §6.9.11:

1. 1301-04-1
2. 1301-04-2
3. 1301-04-3
4. 1301-04-4
5. 1301-05-1
6. 1301-05-2
7. 1301-05-3
8. 1301-05-4
9. 1301-06-1
10. 1301-06-2
11. 1301-06-3
12. 1301-06-4
13. 1301-07-1
14. 1301-07-2
15. 1301-07-3
16. 1301-07-4
17. 1301-08-1
18. 1301-08-2
19. 1301-08-3
20. 1301-08-4
21. 1301-09-1
22. 1301-09-2
23. 1301-09-3
24. 1301-09-4
25. 1301-10-1
26. 1301-10-2
27. 1301-10-3
28. 1301-10-4
29. 1301-11-1
30. 1301-11-2
31. 1301-11-3
32. 1301-11-4
33. 1301-12-1
34. 1301-12-2

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<sup>6</sup> See for example: 4182 Woodglen Blvd, Thornton, CO

<sup>7</sup> 1812 164th Place, Thornton CO, <http://forensic-applications.com/meth/164thCriticalReview.pdf>



35. 1301-12-3
36. 1301-12-4
37. 1301-13-1
38. 1301-13-2
39. 1301-13-3
40. 1301-13-4
41. 1301-15-1
42. 1301-15-2
43. 1301-15-3
44. 1301-15-4
45. 1301-16-1
46. 1301-16-2
47. 1301-16-3
48. 1301-16-4
49. 1301-17-1
50. 1301-17-2
51. 1301-17-3
52. 1301-17-4
53. 1301-18-1
54. 1301-18-2
55. 1301-18-3
56. 1301-18-4

### ***Violation of Paragraph 7.2***

According to the regulations, the Consultant is required to perform specific tasks to clear a property. In his report, Mr. Koch explicitly states he conducted clearance sampling. Therefore, pursuant to Section 7.2:

7.2 If there is evidence of iodine contamination on materials or surfaces that will not be removed, surface wipe samples for iodine shall not exceed a concentration of 22 µg/100 cm<sup>2</sup>.

As already described, Mr. Koch entirely failed to determine the availability of law enforcement documents, and otherwise failed to address the presence of iodine. Therefore, since Mr. Koch failed to address these issues, it was otherwise impossible for Mr. Koch to comply with Section 7.2 of the regulations.

### ***Violation of Paragraph 7.3***

According to the regulations, the Consultant is required to perform specific tasks to clear a property. In his report, Mr. Koch explicitly states he conducted clearance sampling. Therefore, pursuant to Section 7.3:

7.3 If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead shall not exceed a concentration of 40 µg /ft<sup>2</sup>, and vapor samples for mercury shall not exceed a concentration of 1.0 µg /m<sup>3</sup>.

As already described, Mr. Koch entirely failed to determine the manufacturing process and failed to determine the availability of law enforcement documents, and otherwise failed to address the presence of a P2P laboratory. Therefore, since Mr. Koch failed to



address these issues, it was otherwise impossible for Mr. Koch to comply with Section 7.3 of the regulations.

## **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.

We believe that Mr. Koch has violated the Colorado Consumer Protection Act, and as a result, the registered owner of this subject property, and the general public, have been harmed.

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

In his report, Mr. Koch makes the following statement:

*I hereby certify that I conducted clearance sampling of the subject property in accordance with 6 CCR 1014-3, Part 1, § 6. I further certify that the cleanup standards established by 6 CCR 1014-3, Part 1, § 7 have been met as evidenced by testing I conducted.*

And yet, as documented in this audit, the work at this subject property was definitely not performed pursuant to 6 CCR 1014-3 as claimed.

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.

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



The State of Colorado, through the CDPHE, has explicitly certified that Mr. Koch is knowledgeable of the regulations. Therefore, Mr. Koch had to have been performing the work knowing the same was not compliant with the regulations.

Pursuant to State statute and state regulations, the “Preliminary Assessment Report” 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. Koch was aware of such recording and was aware of the false statements made therein.

## **CONCLUSION**

For this regulatory audit, FACTs has identified no fewer than 498 individual regulatory violations committed by Koch Environmental Health in their Preliminary Assessment/Clearance Assessment for the property located at 1301 Speer Blvd., Units A, B, and C, Denver, Colorado.



# Appendix A

## Reviewer's Statement of Qualifications





## Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	Speer	Form # ML15
November 30, 2015		

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 607 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,492 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

*Carl W. Kuttler*  
President  
St. Petersburg College

*Eileen Lahaie*  
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

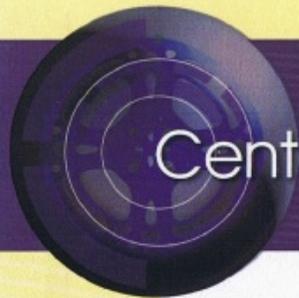
**Caoimhin Connell**

Has successfully completed the  
**Clandestine Laboratory Certification**

Cheyenne, WY  
40 Training Hours  
2-6 August 2004

*David K. Roth*  
Network Environmental Systems, Inc.

*Timothy E. Orr*  
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](http://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>



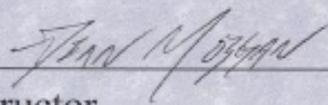
## Park County Sheriff's Office Certificate of Completion

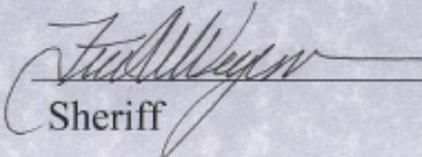
# Caoimhin Connell

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**

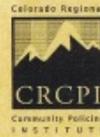
7 Hours Completed

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



COLORADO AUTO THEFT INVESTIGATORS



SINCE 1973

This is to certify that

**Caoimlin P. Connell**

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

Presented this 24th day of May, 2008

*Chris Fox*

CATI President

*[Signature]*

VIN Inspector Training Coordinator

State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING  
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.

*Phil Owen*

Governor

*Ken Salazar*

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 7<sup>th</sup> 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](mailto: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

