



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

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

**4401 Leaf Court  
Denver, CO  
80216-3553**

**Prepared for:  
Chris Spence  
3641 Jason St,  
Denver, CO 80211**

Prepared by:

**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

185 Bounty Hunter's Lane  
Bailey, CO 80421



May 26, 2016

## EXECUTIVE SUMMARY

- At the request of a perspective buyer, a state of the art Industrial Hygiene assessment was performed by personnel with Forensic Applications Consulting Technologies, Inc. (FACTs) for the determination of the presence of methamphetamine at 4401 Leaf Court, Denver, CO, 80216-3553 (the subject property).
- On Friday, May 20, 2016, FACTs performed a standard “basic methamphetamine survey” for methamphetamine and collected samples pursuant to Standard Industry Practices and established Industrial Hygiene practices and procedures.
- According to the Senior Assistant State of Colorado Attorney General for the Natural Resources and Environment Section, a “basic methamphetamine survey” is not subject to any regulatory constraints and none are implied in this work.<sup>1</sup>
- FACTs collected samples from ten locations at the property, and composited the samples into a 5-parted composite samples for the quantitative analysis of methamphetamine by gas chromatography- mass spectroscopy (essentially using the NIOSH 9109 Method).
- The sample results indicate the presence of profoundly elevated concentrations of methamphetamine at the subject property.
- The sample results indicate the presence of widespread concentrations of methamphetamine at concentrations greater than toxicologically significant concentrations.
- Based on the results of the samples, an “illegal drug laboratory,” as defined in Colorado Revised Statutes §25-18.5-101(8) exists at the subject property.
- This letter and documentation serves as “Discovery” of an illegal drug laboratory, as that term is found in Colorado Revised Statutes §25-18.5-103(1)(a) and Regulation 6 CCR 1014-3(3) the subject property.
- This letter and documentation serves as “Notification” of an illegal drug laboratory at the subject property, as that term is found in Colorado Revised Statutes (CRS) §25-18.5-103(1)(a).
- Pursuant to CRS §25-18.5-104(1), from this point forward, entry into the subject property is explicitly restricted by regulation.
- Pursuant to CRS §25-18.5-104, prohibition of entry into the subject property extends to Real Estate agents, the current occupants, perspective buyers, property owner(s), construction personnel, maintenance personnel, Home Inspectors, and any and all other personnel, except law enforcement personnel and personnel meeting the requirements of Title 29 of the Code of Federal Regulations, Part 1910.120(e).
- Pursuant to CRS §25-18.5-103(1)(c) no person shall remove any personal belongings or personal property (including personal vehicles) from the subject property unless that person secures the property in a manner that prevents theft and prevents exposing any

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



other person to any toxic or hazardous chemicals until the property, and resultant debris, is appropriately discarded or cleaned according to board rules (the State regulations).

- Pursuant to 6 CCR 1014-3 (amended ) §5.0 No person other than a Contractor in good standing may conduct decontamination or removal of materials from the property.
- Any seller who is aware of the presence of an illegal drug laboratory is required by CRS §38-35.7-103(3)(a) to disclose to any potential buyer, in writing, the presence of the same.
- According to State Regulation 6 CCR 1014-3, any cleaning and/or remediation and/or decontamination is strictly prohibited, except pursuant to a completed Preliminary Assessment.

## INTRODUCTION

On Friday, May 20, 2016, at the request of the occupant, FACTs performed a standard “basic methamphetamine survey” for the presence of methamphetamine at the residence located at 4401 Leaf Court, Denver, CO, 80216-3553.

Pursuant to standard, science based, accepted Industrial Hygiene practices and protocols, FACTs collected a 5-parted composite wipe samples for the quantitative determination of the presence of methamphetamine (five sample locations).

### **Structure**

The *circa* 1910 superstructure is a single family dwelling that approximates 1,487 square feet of occupiable floor space (not including the converted garage) in Denver County.

On the day of our assessment, the residence was occupied and furnished in a normal fashion. All contents in the property are considered by regulation to be contaminated and removal of all contents is restricted.

## ASSESSMENT PROTOCOLS

### **Sampling Protocol**

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

Methamphetamine is not present in the property components above specified levels.

Currently, Colorado is a “no *de minimis*” state – this means that if a consultant performs “testing” at the property and those test results identify any amount of methamphetamine at the property, regardless of the level, the property would meet the statutory definition of an illegal drug laboratory.



Therefore, according to current regulations, if an untrained consultant (such as a State Certified Consultant) doesn't properly control reportable limits and, reports any methamphetamine concentration, then the regulations would be triggered and the property would be declared an "illegal drug laboratory."

Since FACTs was following the same scientifically valid sampling protocols, we originally developed for the original State Regulations, we established "data quality objectives" (DQOs) prior to the sampling. Our DQOs were such that we selected a total sampling area and an analytical reporting limit that would result in a reportable quantity limit of 0.5 µg/100cm<sup>2</sup>. That is, unless the concentration of the methamphetamine in the composite sample exceeded 0.49 µg/100cm<sup>2</sup>, the laboratory would merely report the concentration as "below reportable limit."

For this property, FACTs employed scientifically valid sampling called "authoritative judgmental biased sampling" to test the hypothesis within the residence. Our testing produced results that failed to support the hypothesis and therefore, we conclude

Methamphetamine is present in the property above specified levels.

## **Wipe Sample**

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

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

## ***Quality Assurance – Quality Control (QA/QC)***

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

Mr. Connell was the original author of the State of Colorado Regulations 6 CCR 1014-3 and developed the QA data quality objectives for that regulation.

## ***Analytical Method***

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



for approximately 25 years. REI is accredited for the analysis of environmental matrices by the National Environmental Laboratory Accreditation Program, Lab Certification #E871030. REI is also currently proficient in the in-house ERA PAT Program. REI analyzed the samples using a gas chromatography mass spectrometry equipped with a flame ionization detector. The method is essentially the same as the method validated by the US National Institutes of Occupational Safety and Health (NIOSH) 9109 Method, *Methamphetamine*. Mr. Connell, was an expert peer reviewer for the NIOSH method.

The method is both sensitive to and specific for methamphetamine. That is, there are no contaminants with a reasonable probability of false positives.

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

Quality Control Batch	Reporting Limit ( $\mu\text{g}/100\text{cm}^2$ )	Matrix Blank ( $\mu\text{g}/100\text{cm}^2$ )	Matrix Duplicate (% RPD)	Matrix Spike (% Recovery)	Laboratory Control Sample (% Recovery)
1	0.05	BRL	0	101	120

The laboratory QA/QC tells us the following: The laboratory ran an analytical blank called a matrix blank. The matrix blank is designed to determine if any of the laboratory reagents, or the handling of the sample in the laboratory, resulted in the inadvertent introduction of methamphetamine into the sample. The “Matrix Blank” for this analysis indicates that no methamphetamine was introduced into the sample by the laboratory (BRL means “Below Reportable Limit”); this is a negative control.

The laboratory also ran “positive” controls including a “laboratory control sample” to determine if they could proficiently recover methamphetamine from a “real” sample that has been processed in exactly the same manner as actual samples. In this case, the laboratory reported they recovered 120% of the control. Acceptable range for recovery is 85% to 115%. Therefore, the recovery is slightly outside of normal limits; however, since the results are so profoundly elevated, the minor deviation is of little significance—especially in light of the other QA/QC information.

The laboratory also “spiked” an in-house “sample” with an known amount of methamphetamine to see if they could proficiently and accurately recover the known amount of methamphetamine they introduced into the positive control. In this case, the laboratory reports they recovered 101% of the known standard; this sample assures the accuracy of the method even though the LCS was slightly elevated.

The laboratory also ran a “matrix duplicate” which is a check of precision (that is, the laboratory’s ability to consistently recover known amounts of methamphetamine). In this case, the laboratory found no deviation from the original spike – again, reinforcing the validity of the sample result.



### ***Field Blanks***

FACTs also challenges the laboratory in a surreptitious manner by surreptitiously submitting samples that contain no methamphetamine and other surreptitious samples that contain known amounts of methamphetamine – these are called “field blanks” and “field spikes” respectively. FACTs maintains a database of QA/QC data that we have been accumulating for the last 13 years of performing this kind of sampling. Currently, FACTs has 5,687 samples in our database representing approximately 623 (six hundred and twenty three) assessments, starting in January 11, 2003.

To date FACTs has submitted a total of 341 field blanks for analysis to challenge the laboratory.

In the past eleven years, FACTs’ data base indicated 313 consecutive field blanks that were below the analytical detection limits for the analytical method used. This assures us that the methamphetamine identified in the sample collected from the subject property was not the result of contamination of the sampling materials by the laboratory or the handling procedures of FACTs.

For this project, FACTs data log indicates an alcohol Lot # A13Ø2 <MDL for n=57; and Gauze Lot # G14Ø1 <MDL for n=17. Therefore, for this property, FACTs has established that the sampling materials are not the source of methamphetamine, but rather, with high confidence, the methamphetamine was a result of contaminated surfaces in the subject property.

### ***Field Spikes***

Whereas blanks are negative controls, spikes are positive controls. As part of our general QA/QC protocol, FACTs regularly submits surreptitious spikes to the analyzing laboratory. "Spiked" samples consist of randomly selecting samples that are submitted to a third party independent laboratory for the inclusion of known amounts of *d*-methamphetamine<sup>2</sup> into the selected sample media. The spiked samples are then surreptitiously submitted with normal project samples. To ensure the integrity of the spikes, laboratory personnel are unaware of the presence or nature of the spikes. The spikes allow FACTs to determine the adequacy of the laboratory in recovering known amounts of methamphetamine from the samples. Sample results reported are then corrected to the spike recovery.

In this case, we used the pooled spike recovery from all previous projects for which REI was the analyzing laboratory. FACTs data currently demonstrates the laboratory has an exceptionally good record of spike recovery of 98.6% recovery (n=35,  $\sigma$  =0.14  $\mu$ g).

Therefore, FACTs is confident that the material identified in the samples is methamphetamine and Reservoirs Environmental Laboratory has properly identified and quantified the contamination.

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<sup>2</sup> S(+)-methamphetamine, S,S(+)-pseudoephedrine, 1S,2R(+)-ephedrine



### ***Detection Limits***

FACTs instructed the laboratory to use a reportable detection limit of 0.3 micrograms per sample. The laboratory failed to follow the instructions, however, since the sample results were significantly greater than the requested detection limits, the issue is moot (it would only have been an issue if the results fell between 0.05 and 0.3 absolute micrograms, in this case, the results were sixty times greater than the requested reporting limit).

### ***Cross Contamination***

Immediately following each sampling project, all equipment used in a property (such as the ladder) are decontaminated in the field before being brought to a new location. FACTs performs checks on our equipment including wipe samples from our field ladder and those QA/QC samples have never had reportable concentrations of methamphetamine.

Prior to entering the property, the Industrial Hygienist and his technician donned new disposable Tyvek booties and disposable surgical gloves.

### **Sample Results**

Attached to this discussion is the laboratory report. Contrary to the belief of untrained consultants (such as State Certified consultants), the values in the accompanying laboratory report are not concentrations. The values in the laboratory report are absolute mass of methamphetamine in the samples. The actual methamphetamine concentrations found in the samples taken at the subject property, are not within our stated data quality objectives, are not germane to this discussion. Normally, FACTs doesn't report concentrations, since the values are invariably misunderstood by poorly trained "State Certified" inspectors. However, for the purposes of clarity, FACTs has reported the actual sample concentrations in this discussion as given below.

Sample ID	Sample Location	Sample Result µg/100 cm <sup>2</sup>
OBMS052016-01	North Central Bedroom ceiling fan	28.9
	Furnace cold air return	
	Hanging light in hallway	
	Basement top of duct	
	Upstairs NE bedroom	

**Table 1**  
**Summary of Results**

## **PERTINENT REGULATORY STANDARDS**

Until recently, the State of Colorado had one of the country's most comprehensive and scientifically valid clandestine drug laboratory regulations. On December 15, 2014, those regulations were replaced with new regulations that are very poorly written, ambiguous, and do not reflect normal accepted sampling protocols. The new regulations are capriciously enforced without consistency.



However flawed, the Colorado regulations become applicable when the owner of a property has received “notification” from a cognizant authority that a property is or *may* be noncompliant, or methamphetamine *may* be present, or there is a potential for contamination. The discovery upon which the notification is based may be from a peace officer “...or when a “drug laboratory” is otherwise discovered.”<sup>3</sup>”

The State of Colorado currently has one methamphetamine regulation and three methamphetamine statutes that are germane to the subject property.

### **Status of State Regulations**

See Appendix C for Status of Regulatory Affairs. All State regulations and State statutes cited in this discussion are readily available on the internet.

### **Environmental Statutes**

Pursuant to State statute CRS §25-18.5-105(1), an illegal drug laboratory that has not met the cleanup standards set by the State Board of Health may be deemed a public health nuisance.

### **State Regulations**

The definition of an illegal drug laboratory is found in Colorado Revised Statutes as follows:

25-18.5-101. Definitions

(8) "Illegal drug laboratory" means the areas where controlled substances, as defined by section 18-18-102, C.R.S., have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of the manufacturing, processing, cooking, disposal, use, or storage.

Similarly, Colorado Regulations 6-CCR 1014-3 define “illegal drug laboratory” as:

“Illegal drug laboratory” means the areas where controlled substances, as defined by § 18-18-102, C.R.S., have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of the manufacturing, processing, cooking, disposal, use, or storage.

Pursuant to Colorado regulations 6 CCR 1014-3,<sup>4</sup> following discovery and notification, the registered owner of the property (or their representative) exclusively has only four options:

- 1) Demolish the structure or,
- 2) Perform a “full clearance sampling” assessment (not permitted for this property)
- 3) Perform a Preliminary Assessment - mandatory
- 4) Sell the property under full disclosure

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<sup>3</sup> CRS §25-18.5-103

<sup>4</sup> Titled: As amended





In this case, the sample results indicate widespread contamination and it would be impossible that a “full clearance sampling” assessment could conceivably demonstrate compliance. That is, the contamination is not isolated and impacts every location (including the attic) within the structure.

## **Real Estate Statutes**

According to Colorado Revised Statutes, §38-35.7-103(3)(a), any seller who is aware of the presence of an illegal drug laboratory is required to disclose to any potential buyer, in writing, the presence of the same.

At the moment, due to the nature of the regulatory situation in Colorado, the Registered Owner will be forced to hire an untrained, albeit “State Certified” consultant with an history of criminal activities and falsification of real estate related documents to perform what will invariably be an invalid assessment at the property. As such, according to statutes, it is likely that the owner will not receive liability immunity upon further occupancy in the event of a toxic tort suit.

## **CONCLUSIONS**

FACTs made no attempt to identify a time-line for when the contamination occurred. Methamphetamine hydrochloride is a solid salt with an extremely low vapor pressure. That is to say, methamphetamine hydrochloride does not “evaporate” or otherwise “dissipate.” The contamination could have occurred any time following construction during the last century or one week before our arrival. Therefore, FACTs makes no statement as to when the contamination occurred. Having said that, it is possible to identify a time line for contamination in many cases, however, generally, such a determination is of little benefit.

Based on our objective sample results collected during our assessment, 4401 Leaf Court, Denver, CO, 80216-3553 (the subject property) contains elevated methamphetamine contamination in excess of our reporting thresholds.

Pursuant to State statutes, this illegal drug lab has been “otherwise discovered.”

Sincerely,



Caoimhín P. Connell  
Forensic Industrial Hygienist

Attachments:

Laboratory Report

SOQ

Regulatory Status Discussion





**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

## **APPENDIX A LABORATORY REPORT**



## **Forensic Applications**

### **Final Report**

**RES 350862-1**

**May 25, 2016**

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May 25, 2016

Laboratory Code: RES  
Subcontract Number: NA  
Laboratory Report: RES 350862-1  
Project # / P.O. #: Owen  
Project Description: None Given

Forensic Applications  
185 Bounty Hunter Ln.  
Bailey CO 80421

Dear Customer,

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

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

**RES 350862-1** is the job number assigned to this study. This report is considered highly confidential and the sole property of the customer. Reservoirs Environmental, Inc. will not discuss any part of this study with personnel other than those authorized by the client. The results described in this report only apply to the samples analyzed. This report shall not be reproduced except in full, without written approval from Reservoirs Environmental, Inc. Samples will be disposed of after sixty days unless longer storage is requested. If you should have any questions about this report, please feel free to call me at 303-964-1986.

Sincerely,

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

Jeanne Spencer  
President

# RESERVOIRS ENVIRONMENTAL, INC.

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

## TABLE I. ANALYSIS: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 350862-1**  
Client: **Forensic Applications**  
Client Project Number / P.O.: **Owen**  
Client Project Description: **None Given**  
Date Samples Received: **May 20, 2016**  
Analysis Type: **Methamphetamine by GCMS**  
Turnaround: **5 Day**  
Date Samples Analyzed: **May 24, 2016**

Client ID Number	Lab ID Number	Sample Area (cm <sup>2</sup> )	Reporting Limit (µg)	METHAMPHETAMINE CONCENTRATION (µg)
OBMS052016-01	EM 1634645	0	0.05	17.68

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

Analyst / Data QA:   
Michael Schlaumloeffel

# RESERVOIRS ENVIRONMENTAL, INC.

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

## QUALITY CONTROL: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 350862-1**  
Client: **Forensic Applications**  
Client Project Number / P.O.: **Owen**  
Client Project Description: **None Given**  
Date Samples Received: **May 20, 2016**  
Analysis Type: **Methamphetamine by GCMS**  
Turnaround: **5 Day**  
Date Samples Analyzed: **May 24, 2016**

Quality Control Batch	Reporting Limit ( $\mu\text{g}/100\text{cm}^2$ )	Matrix Blank ( $\mu\text{g}/100\text{cm}^2$ )	Matrix Duplicate (% RPD)	Matrix Spike (% Recovery)	Laboratory Control Sample (% Recovery)
<b>1</b>	0.05	BRL	0	101	120

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

  
Analyst / Data QA: Michael Schlaumloeffel

RES 350862

**REILAB Reservoirs Environmental, Inc.**

Due Date: 5-29-16  
 Due Time: 11:45am

After Hours Cell Phone: 720-339-9228

**INVOICE TO: (IF DIFFERENT)**

**Company:** Forensic Applications, Inc  
**Address:** 185 Bounty Hunters Lane  
 Bailey, CO 80421

**Company:** Caoimhin P. Connell  
**Phone:** 303-903-7494  
**Fax:**  
**Cell/pager:**

**Project Number and/or P.O. #:** Owen  
**Project Description/Location:**

**Final Data Deliverable Email Address:** admin@forensic-applications.com

**CONTACT INFORMATION:**  
**Contact:**  
**Phone:**  
**Fax:**  
**Cell/pager:**

ASBESTOS LABORATORY HOURS: Weekdays: 7am - 7pm PLM / PCM / TEM	REQUESTED ANALYSIS	VALID MATRIX CODES	LAB NOTES:
PRIORITY (Next Day) STANDARD RUSH (Same Day) (Rush PCM = 2hr, TEM = 6hr.) WEEKDAYS: 7am - 7pm RUSH: 24 hr. 3-5 Day **Prior notification is required for RUSH turnarounds.**	NOT SUBMITTED RUSH ORGANICS - METH OTHER NOTES: 0.3 µg Reporting Limit	Air = A Bulk = B Dust = D Paint = P Soil = S Wipe = W Swab = SW F = Food Drinking Water = DW Waste Water = WW O = Other **ASTM E1792 approved wipe media only**	EM Number (Laboratory Use Only) 1634615
<b>CHEMISTRY LABORATORY HOURS: Weekdays: 8am - 5pm</b> Metal(s) / Dust RUSH 24 hr. 3-5 Day RCRA 8 / Metals & Welding RUSH 5 day 10 day Fume Scan / TCLP 24 hr. 3 day X 5 Day Organics			
<b>MICROBIOLOGY LABORATORY HOURS: Weekdays: 9am - 6pm</b> E.coli O157:H7, Coliforms, S.aureus 24 hr. 2 Day 3-5 Day Salmonella, Listeria, E.coli, APC, Y & M RUSH 24 Hr 48 Hr 3 Day 5 Day Mold			
**Turnaround times establish a laboratory priority, subject to laboratory volume and are not guaranteed. Additional fees apply for afterhours, weekends and holidays.** Special instructions: SPECIAL Reporting Limit 0.3 µg Please report all samples as total µg. Please use entire sample.			
<b>Client sample ID number</b> (Sample ID's must be unique)			
1 OBMS052016-01			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Number of samples received: 1 (Additional samples shall be listed on attached long form.)

**Relinquished By:** [Signature] Date/Time: 11:42 5/20/16

**Laboratory Use Only** Carrier: 5.2016 11:45 hand

**Received By:** [Signature] Date/Time: 5.2016 11:45

**Results:** Contact Phone Email Fax Date Time Initials Contact Phone Email Fax Date Time Initials

Sealed Yes / No Intact Yes / No

Sample Condition: On Ice Yes / No

Temp. (F°) \_\_\_\_\_

# APPENDIX B CONSULTANT'S SOQ







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

FACTs project name:	Leaf Court	Form # ML15
May 26, 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 624 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,687 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

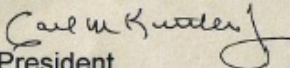


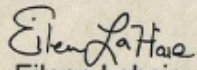
This is to certify that  
**Caoimhin P. Connell**

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



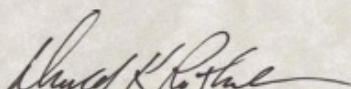
## Certificate of Training

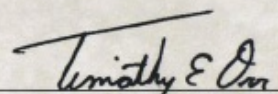
This certifies that

**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](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>



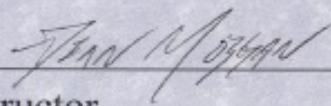
## Park County Sheriff's Office Certificate of Completion

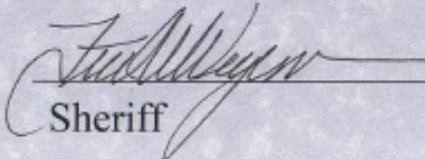
# Caoimhin Connell

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





**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 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



# APPENDIX C

## REGULATORY DISCUSSION





## **REGULATORY STATUS APPENDIX**

On April 21, 2004, Colorado Governor Owens signed into law Colorado HB 04-1182. This act required the Colorado Board of Health to establish State regulations regarding clandestine drug laboratories as environmental considerations. Mr. Connell with FACTs, was the original author of the assessment portions of those regulations<sup>1</sup> which were eventually promulgated as mandatory standards<sup>2</sup> and at the request of the Colorado Department of Public Health and Environment, Mr. Connell testified before the Colorado Board of Health on the promulgation of those standards.<sup>3</sup> The regulations were exceptionally well written science-based regulations which were adopted by at least three other states in one form or another.

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

Almost immediately, Colorado began to see abuses and regulatory violations. Some of the violations were the result of incompetent Industrial Hygienists<sup>4,5,6</sup> who, in violation of our professional Codes of Ethics were engaging in work for which they had no qualifications. Most of the violations were being committed by people who were not even Industrial Hygienists, and, in violation of Colorado Criminal statutes (CRS §18-5-113), were falsely identifying themselves as “Industrial Hygienists” even though many of them could not even define the term “Industrial Hygiene”<sup>7,8,9,10</sup>

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<sup>1</sup> See a copy of the original document here: [http://forensic-applications.com/meth/DRAFT\\_sampling\\_protocol.pdf](http://forensic-applications.com/meth/DRAFT_sampling_protocol.pdf)

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

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

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

<sup>5</sup> See for example, 1170 Garrison Street Lakewood, Colorado 80215: [http://forensic-applications.com/meth/Censored\\_Compliance\\_Audit.pdf](http://forensic-applications.com/meth/Censored_Compliance_Audit.pdf)

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

<sup>7</sup> See for example: 4893 S Johnson Street, Denver [http://www.forensic-applications.com/meth/Johnson\\_Critical\\_review.pdf](http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf)

The regulation was a Colorado Board of Health Regulation and was under the auspices of the Colorado Department of Public Health and Environment (CDPHE) who was in a position to provide appropriate guidance to jurisdictions, and help in enforcement actions. However, in violation of Colorado Revised Statutes, §24-50-117, Ms. Colleen Brisnehan, a regulator with the CDPHE was also serving as a Director on the Board of Directors on a commercial group of pseudoprofessionals called the “Colorado Association of Meth and Mold Professionals (CAMMP).”

Colorado Revised Statutes §24-50-117 reads:

24-50-117. Prohibited activities of employees  
No employee shall engage in any employment or activity which creates a conflict of interest with his duties as a state employee. The board shall promulgate general rules on incompatible activities, conflicts of interest, and employment outside the normal course of duties of state employees.

In her dual (and unlawful) capacity, Ms. Brisnehan was actively hiding regulatory violations being committed by her fellow CAMMP Directors<sup>11</sup> and CAMMP membership. In fact, not only was she actively hiding the regulatory violations, Ms. Brisnehan was actually going out into the field as an employee of the CDPHE and helping unauthorized members of her private organization collect illegal samples<sup>12</sup> and then lying to the occupants regarding the work, preparing falsified Real Estate documents<sup>13</sup> and even lying to law enforcement personnel.<sup>14</sup>

Starting in at least 2009, using taxpayer’s monies, the State of Colorado hired CAMMP membership to perform environmental evaluations at identified methamphetamine affected properties (clandestine drug lab assessments) pursuant to Colorado Regulations.

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<sup>8</sup> See for example, 5571 E. 66th Way Commerce City, CO 80022 [http://forensic-applications.com/meth/E66th\\_PA\\_regulatory\\_audit\\_HUD.pdf](http://forensic-applications.com/meth/E66th_PA_regulatory_audit_HUD.pdf)

<sup>9</sup> See for example, 9210 Race Street, Thornton, CO 80229 [http://forensic-applications.com/meth/Critical\\_review\\_Race.pdf](http://forensic-applications.com/meth/Critical_review_Race.pdf)

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

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

<sup>12</sup> See for example: 4893 S Johnson Street, Denver [http://www.forensic-applications.com/meth/Johnson\\_Critical\\_review.pdf](http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf)

<sup>13</sup> See for example: 100 W. Spaulding Street, Lafayette, Colorado [http://forensic-applications.com/meth/Spaulding\\_Regulatory\\_audit\\_Redacted.pdf](http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf)

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





One of those consultants, during 2009, was hired by the State of Colorado with Brownfields Fund money to perform an assessment at the property located at 4690 West 76th Ave., Westminster, Colorado. The consultant in question was a fellow Board Member with Ms. Brisnehan on CAMMP.

A family moved into the property and became ill. On February 8, 2010, FACTs was asked to independently review documentation associated with the 4690 West 76th Ave., Westminster, Colorado property. FACTs determined that not only was virtually no aspect of State regulations followed, but the consultant, in their report to the State of Colorado's CDPHE, knowingly falsified the real estate documentation in their assessment; falsely claiming the work and the property was compliant with State regulations. FACTs wrote a regulatory review regarding the fraudulent work.<sup>15</sup>

The property owner provided the State of Colorado with a copy of the FACTs regulatory review and, Ms. Brisnehan (representing the CDPHE), issued a vitriolic *ad hominem* defense of the fraudulent assessment that failed to address any of the regulatory violations identified in our report. Nowhere in her defense of the unlawful work, did Ms. Brisnehan identify her dual - and unlawful - role as State regulator and Director on the Board of the organization to which the consultant belonged.

As of October 2015, the CAMMP still identified Ms. Brisnehan as a Director for CAMMP.

This incident began a series of events, wherein Ms. Brisnehan and Mr. Joe Scheifflin (also with CDPHE) have consistently and knowingly developed an objectively demonstrable history of engaging in covering up illegal environmental assessments involving methamphetamine affected properties,<sup>16</sup> fraudulent real estate documentation,<sup>17</sup> actively lying to citizens.<sup>18</sup>

Many of the unlawful activities occurred in the local Colorado jurisdiction of the Tri-County Health Department (TCHD)<sup>19,20,21,22</sup> and the Boulder County Health

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

<sup>16</sup> See for example, [http://forensic-applications.com/meth/Spaulding\\_Regulatory\\_audit\\_Redacted.pdf](http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf)

<sup>17</sup> See for example 7351 Krameria Street, Commerce City, CO [http://www.forensic-applications.com/meth/GHP\\_Audit\\_Krameria.pdf](http://www.forensic-applications.com/meth/GHP_Audit_Krameria.pdf)

<sup>18</sup> See the review at [http://www.forensic-applications.com/meth/Johnson\\_Critical\\_review.pdf](http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf)

<sup>19</sup> See for example: [http://forensic-applications.com/meth/Critical\\_review\\_Race.pdf](http://forensic-applications.com/meth/Critical_review_Race.pdf)

<sup>20</sup> See for example: [http://forensic-applications.com/meth/E66th\\_PA\\_regulatory\\_audit\\_HUD.pdf](http://forensic-applications.com/meth/E66th_PA_regulatory_audit_HUD.pdf)

<sup>21</sup> See for example: [http://forensic-applications.com/meth/GHP\\_Audit\\_Krameria.pdf](http://forensic-applications.com/meth/GHP_Audit_Krameria.pdf)

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



Department. At the behest of Ms. Brisnehan, the TCHD and the Boulder County Health Department<sup>23,24,25,26,27,28,29</sup> ignored regulatory violations and actively covered up illegal drug laboratory assessments and defended its actions by stating its actions were in collaboration with advice from Ms. Brisnehan with the CDPHE.

As a result of the independent regulatory audits being performed by FACTs, (which were beginning to uncover *thousands* of regulatory violations) on November 6, 2012, FACTs alerted the State Attorney General's Office<sup>30</sup> of the fraud occurring in the State of Colorado. Based on our report to the State Attorney General, the State asked Mountain States Employers Council, Inc. to review the complaints. On March 25, 2013, at the request of the Mountain States Employers Council, Inc. Mr. Connell was asked to provide sworn oral testimony regarding Ms. Brisnehan's, and Mr. Schieffelin's illegal activities.

The State of Colorado continued to ignore the corruption and criminal behavior in their ranks (including the illegal expenditure of Brownsfield monies to produce fraudulent environmental assessments to the benefit of the members of the CAMMP). The result was a plethora of falsified real estate documents being filed with local jurisdictions claiming that properties were being assessed, cleaned and verified pursuant to State regulations – when in fact, the properties remained contaminated illegal drug laboratories.

A *very* short list of properties for which fraudulent work has been performed, and for which falsified real estate documents have been filed and the properties are now occupied by unsuspecting innocent people include:

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<sup>23</sup> 2330 Wedgewood Ave., Building 7, Longmont, CO 80503 [http://forensic-applications.com/meth/Boatman\\_Screening\\_Wedge7\\_RA.pdf](http://forensic-applications.com/meth/Boatman_Screening_Wedge7_RA.pdf)

<sup>24</sup> 1815 Regal Ct., Unit B, Louisville, CO 80027 (Preliminary Assessment) [http://www.forensic-applications.com/meth/Boatman\\_Regal\\_PA\\_RA.pdf](http://www.forensic-applications.com/meth/Boatman_Regal_PA_RA.pdf)

<sup>25</sup> 502C West South Boulder Road, Louisville, CO 80027 (PA) [http://forensic-applications.com/meth/Boatman\\_502C\\_PA\\_RA\\_Redacted.pdf](http://forensic-applications.com/meth/Boatman_502C_PA_RA_Redacted.pdf)

<sup>26</sup> 767 West Cleveland Circle, Lafayette, Colorado 80026 [http://forensic-applications.com/meth/FEH\\_Screening\\_Cleveland\\_RA.pdf](http://forensic-applications.com/meth/FEH_Screening_Cleveland_RA.pdf)

<sup>27</sup> 1815 Regal Ct., Unit B, Louisville, CO 80027 (Screening Assessment) [http://www.forensic-applications.com/meth/Boatman\\_Screening\\_Regal\\_RA.pdf](http://www.forensic-applications.com/meth/Boatman_Screening_Regal_RA.pdf)

<sup>28</sup> 731 Excelsior Place, Lafayette, CO 80026 [http://forensic-applications.com/meth/Boatman\\_Excel\\_PA\\_Redacted.pdf](http://forensic-applications.com/meth/Boatman_Excel_PA_Redacted.pdf)

<sup>29</sup> 100 W. Spaulding Street, Lafayette, Colorado [http://forensic-applications.com/meth/Spaulding\\_Regulatory\\_audit\\_Redacted.pdf](http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf)

<sup>30</sup> See: [http://forensic-applications.com/meth/Response\\_to\\_CDPHE\\_2012.pdf](http://forensic-applications.com/meth/Response_to_CDPHE_2012.pdf)



- 1) 1170 Garrison Street Lakewood, Colorado 80215<sup>31</sup>
- 2) 24018 Deer Valley Road, Golden, Colorado<sup>32</sup>
- 3) 4893 S Johnson Street, Denver<sup>33</sup>
- 4) 2745 S Hooker Street, Denver, CO<sup>34</sup>
- 5) 1170 Garrison Street, Lakewood, CO<sup>35</sup>
- 6) 3251 S. Elati St., Englewood, CO<sup>36</sup>
- 7) 673 Shooks Lane, Colorado Springs, CO 80903<sup>37</sup>
- 8) 7465 Cabin Ridge Drive, Fountain, Colorado<sup>38</sup>
- 9) 1410 Maxwell Street, Colorado Springs, CO<sup>39</sup>
- 10) 9210 Race Street, Thornton, CO 80229<sup>40</sup>
- 11) 2045 Farnsworth, Colorado Springs, CO<sup>41</sup>
- 12) 1299 Vondelpark Drive, Unit C, Colorado Springs, CO<sup>42</sup>
- 13) 5571 E. 66th Way Commerce City, CO 80022<sup>43</sup>
- 14) 1812 164th Place, Thornton CO<sup>44</sup>
- 15) 4690 West 76th Ave., Westminster<sup>45</sup>
- 16) 539 Shady Crest Circle, Colorado Springs, CO 80916<sup>46</sup>
- 17) 1299 Vondelpark Drive, Unit C, Colorado Springs, CO<sup>47</sup>
- 18) 16275 Mt. Vernon Road in Golden, CO 80401<sup>48</sup>
- 19) 131 South Benton Street Denver, CO<sup>49</sup>
- 20) 100 W. Spaulding Street, Lafayette, Colorado<sup>50</sup>

FACTs has knowledge of dozens of other affected addresses constituting thousands of regulatory violations – most of which and all of the above, the regulatory violations, and fraudulent documents were known to (and hidden by) staff at CDPHE, TCH and Boulder County Public Health.

Eventually, the problem became so serious a couple of local TV news segments were released,<sup>51</sup> highlighting the problem. Colorado State Senator Lois Tochtrop asked FACTs to help her office correct the problem of fraud. In response, FACTs helped Sen. Tochtrop prepare Senate Bill SB13-219. The bill was designed to reign in the corruption exhibited by members of the CDPHE and the associated group of fraudulent consultants.

<sup>31</sup> See: [http://forensic-applications.com/meth/Censored\\_Compliance\\_Audit.pdf](http://forensic-applications.com/meth/Censored_Compliance_Audit.pdf)

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

<sup>33</sup> See: [http://www.forensic-applications.com/meth/Johnson\\_Critical\\_review.pdf](http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf)

<sup>34</sup> See: [http://www.forensic-applications.com/meth/Critical\\_review\\_Hooker.pdf](http://www.forensic-applications.com/meth/Critical_review_Hooker.pdf)

<sup>35</sup> See: [http://www.forensic-applications.com/meth/Censored\\_Weecycle\\_review.pdf](http://www.forensic-applications.com/meth/Censored_Weecycle_review.pdf)

<sup>36</sup> See: [http://forensic-applications.com/meth/Regulatory\\_audit\\_CEH\\_Elati.pdf](http://forensic-applications.com/meth/Regulatory_audit_CEH_Elati.pdf)

<sup>37</sup> See: [http://forensic-applications.com/meth/Shooks\\_DS\\_regulatory\\_audit.pdf](http://forensic-applications.com/meth/Shooks_DS_regulatory_audit.pdf)

<sup>38</sup> See: [http://forensic-applications.com/meth/Critical\\_review\\_Cabin\\_Ridge.pdf](http://forensic-applications.com/meth/Critical_review_Cabin_Ridge.pdf)

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

<sup>40</sup> See: [http://forensic-applications.com/meth/Critical\\_review\\_Race.pdf](http://forensic-applications.com/meth/Critical_review_Race.pdf)

<sup>41</sup> See: [http://forensic-applications.com/meth/Farnsworth\\_Critical\\_Review.pdf](http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf)

<sup>42</sup> See: [http://forensic-applications.com/meth/Vondelpark\\_audit\\_censored.pdf](http://forensic-applications.com/meth/Vondelpark_audit_censored.pdf)

<sup>43</sup> See: [http://forensic-applications.com/meth/E66th\\_PA\\_regulatory\\_audit\\_HUD.pdf](http://forensic-applications.com/meth/E66th_PA_regulatory_audit_HUD.pdf)

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

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

<sup>46</sup> See: [http://forensic-applications.com/meth/Reg\\_audit\\_shady\\_crest.pdf](http://forensic-applications.com/meth/Reg_audit_shady_crest.pdf)

<sup>47</sup> See: [http://forensic-applications.com/meth/Vondelpark\\_audit\\_censored.pdf](http://forensic-applications.com/meth/Vondelpark_audit_censored.pdf)

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

<sup>49</sup> See: <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

<sup>50</sup> See: [http://forensic-applications.com/meth/Spaulding\\_Regulatory\\_audit\\_Redacted.pdf](http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf)

<sup>51</sup> Two news videos can be viewed here: <http://www.forensic-applications.com/meth/coloregs.html>



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

The new regulations required State licensing and a demonstration of proficiency in order for consultants to perform work on clandestine drug laboratories. The new regulation permitted interim authorization to continue to perform assessments exclusively for those meeting the statutory definition of "Industrial Hygienist" in Colorado, and who were in compliance with the old (prior to December 15, 2014) regulations. The "new" regulations read:

6 CCR 1014-3 Part 2

**3.0 Interim Authorization**

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

Yet in violation of the new regulations, and in violations of CRS 18-8-404 *First degree official misconduct*, Ms. Brisnehan automatically granted "interim authorization" to anyone who applied and submitted the appropriate fee - including members of her "organization" who had been previously performing the illegal assessments of methamphetamine affected properties; and ultimately, granted certain fraudulent consultants state authorization to perform work in this area of concern who could not produce proof of any documentable training, and who could not demonstrate eligibility in this field. (These are the people an home owner must now hire to perform the assessments at contaminated properties, to bring it into "compliance").

Virtually immediately, (literally on the effective date of the new regulations), the fraudulent consultants, now under the protection of Ms. Brisnehan, continued to violate State regulations knowing they could now operate with impunity and continue with deceptive trade practices under the protection of Ms. Brisnehan. The State of Colorado was notified<sup>52</sup> of the immediate violations, but in a dereliction of duty, and in violation of the provisions of the new State regulations and new state statutes, the State ignored the regulatory violations.

Similarly, with the help of the CDPHE, the Boulder County Health Department and the TCHD continued to ignore the regulations, and with the assistance of CDPHE, members

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<sup>52</sup> See for example: [http://forensic-applications.com/meth/Weecycle\\_censored\\_review.pdf](http://forensic-applications.com/meth/Weecycle_censored_review.pdf)



of the TCHD moved from passively ignoring the regulations to actively assisting in the fraudulent assessment of properties<sup>53</sup>

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

For example, on January 14, 2015, Ms. Melanie Del Hierro, with the Denver Investment Group, Inc. contacted FACTs and stated that she had purchased a property located at 100 West Spaulding Street, Lafayette, CO (Boulder County) and had been informed that the property had been a contaminated meth-lab but had been cleaned “according to all EPA regulations.” Ms. Del Hierro provided FACTs with a copy of the “clearance report” and asked us to review the document for compliance with State regulations. FACTs reviewed the document and found the work had been performed by a member of the CAMMP with a very long history of fraudulent assessments, and falsified reports. Our review found no fewer than 143 regulatory violations and that virtually no aspect of State regulations had been followed. FACTs issued our audit<sup>54</sup> and found that the property had never been cleaned and was never verified as required by Statutes and Regulations.

On January 23, 2015, Mr. Michael Richen with the Boulder County Public Health sent FACTs a letter stating that the BCPH had, in association with CDPHE, determined there were no violations at the property. On February 9, 2015, Mr. Schieffelin (CDPHE) issued a letter<sup>55</sup> regarding the Spaulding Street property which falsely laid out straw man arguments against FACTs, and stated that our findings regarding the Spaulding Street property were invalid, and the later work performed at the property (performed by a CAMMP member) was performed in accordance with State regulations. The knowingly false assertions made by CDPHE were provided to a variety of recipients including Ms. Melanie Del Hierro, effectively falsifying the regulatory status of the property. In their letter, CDPHE failed to mention they had no authority at that point to comment on the work, which had occurred under the old regulations (prior to December 15, 2014); and CDPHE also failed to mention that the consultant who had performed the invalid work had a long history of fraudulent work, and was a fellow CAMMP member on a board which Ms. Brisnehan served as a Director.

On March 16, 2015, in violation of Colorado Criminal Code CRS 18-8-404 *First degree official misconduct* and in violation of 6 CCR 1014-3 Part 3 §3.2, as retaliation for Mr.

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<sup>53</sup> See for example: [http://www.forensic-applications.com/meth/Weecycle\\_audit\\_censored.pdf](http://www.forensic-applications.com/meth/Weecycle_audit_censored.pdf)

<sup>54</sup> Regulatory Audit, 100 Spaulding, Lafayette: [http://forensic-applications.com/meth/Spaulding\\_Regulatory\\_audit\\_Redacted.pdf](http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf)

<sup>55</sup> See: [http://forensic-applications.com/meth/Schieffelin\\_spaulding\\_2015.pdf](http://forensic-applications.com/meth/Schieffelin_spaulding_2015.pdf)



Connell's March 25, 2013, testimony against her, Ms. Brisnehan, in her regulatory role with the CDPHE, capriciously, and with malice, refused to grant Mr. Connell Authorization to continue to perform work regarding the regulatory assessment of clandestine drug laboratories in Colorado (in spite of the fact that Mr. Connell is the only consulting Industrial Hygienist in Colorado with documentable training in this field, and was the primary author of the original regulations).

In her action, Ms. Brisnehan alleged that FACTs had committed regulatory violations, but, in violation of mandatory State regulations, Ms. Brisnehan refused to comply with the State regulations that required her to provide an explanation of the alleged violations.

In retaliation for our independent regulatory audit on the Spaulding Street property, and in violation of Colorado criminal code CRS 18-8-404, more recently Mr. Richen with Boulder County Public Health, knowingly, and with criminal intent, fabricated allegations against FACTs that culminated with three separate letters.<sup>56,57,58</sup> In these three letters Mr. Richen knowingly provided false information to our client, the Boulder County Housing Authority, BCHA, (who receives Federal Funding) regarding work conducted by FACTs at three properties managed by this organization. FACTs responded with three letters rebutting the fabrications in each of the three BCPH letters.<sup>59,60,61</sup> Mr. Richen explicitly informed our client (Boulder County Housing Authority) that its actions were approved by Ms. Brisnehan, CDPHE. Mr. Richen then prohibited the BCHA from paying FACTs for the legitimate work we had performed, and required our client to hire a consultant from Ms. Brisnehan's list to redo the work that had already been performed and was in total compliance with state regulations.

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<sup>56</sup> See: [http://forensic-applications.com/meth/BCDH\\_Secure/Richens\\_401rejection\\_letter.pdf](http://forensic-applications.com/meth/BCDH_Secure/Richens_401rejection_letter.pdf) This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ\_01

<sup>57</sup> See: [http://forensic-applications.com/meth/BCDH\\_Secure/Richens\\_Cleveland\\_rejection.pdf](http://forensic-applications.com/meth/BCDH_Secure/Richens_Cleveland_rejection.pdf) This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ\_01

<sup>58</sup> See: [http://forensic-applications.com/meth/BCDH\\_Secure/Richens\\_rejection\\_letter\\_Wedge.pdf](http://forensic-applications.com/meth/BCDH_Secure/Richens_rejection_letter_Wedge.pdf) This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ\_01

<sup>59</sup> See: [http://forensic-applications.com/meth/BCDH\\_Secure/Response\\_to\\_Richens\\_rejection\\_401.pdf](http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection_401.pdf) This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ\_01

<sup>60</sup> See: [http://forensic-applications.com/meth/BCDH\\_Secure/Response\\_to\\_Richens\\_rejection.pdf](http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection.pdf) This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ\_01

<sup>61</sup> See: [http://forensic-applications.com/meth/BCDH\\_Secure/Response\\_to\\_Richens\\_rejection\\_Wedgewood.pdf](http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection_Wedgewood.pdf) This is a secured folder and requires the following case sensitive passwords for access: Username: DeptJust Password: DoJ\_01



To date, FACTs has performed reviews of 40 reports prepared by State Certified (but otherwise untrained and/or fraudulent consultants) under the new regulations, and we have identified no fewer than 13,666 (thirteen thousand, six hundred and sixty six) regulatory violations. In violation of 6 CCR 1014-3 Part 3, Section 3.0 *Notification and Imposition* Ms. Brisnehan is helping to hide the violations and is failing to perform her lawful duty of enforcing the regulations. A complete list of the audits performed by FACTs can be found at: <http://www.forensic-applications.com/meth/coloregs.html>

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

The expenditure of Brownsfield funds for invalid assessments directed to fraudulent consultants has continued with the advent of the new regulations, and as recently as June 4, 2015, the State of Colorado hired a CAMMP consultant with an extended history of fraudulent assessments<sup>62,63,64,65,66,67,68,69</sup> to perform an evaluation at the property located at 11767 Grant Street, Northglenn, Colorado 80233. Our review<sup>70</sup> of that report indicated no fewer than 113 regulatory violations that were subsequently hidden from the property owner by TCHD and the CDPHE. The property owner was initially a client of FACTs, and she has now been harmed and victimized by the CDPHE.

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

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<sup>62</sup> See for example: 131 South Benton Street Denver, CO <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

<sup>63</sup> See for example: 100 W. Spaulding Street, Lafayette, Colorado [http://forensic-applications.com/meth/Spaulding\\_Regulatory\\_audit\\_Redacted.pdf](http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf)

<sup>64</sup> See for example: 4893 S Johnson Street, Denver [http://www.forensic-applications.com/meth/Johnson\\_Critical\\_review.pdf](http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf)

<sup>65</sup> See for example: 788 W. Lois Ct., Louisville, CO 80027

<sup>66</sup> See for example: 1138 West 32nd Street, Unit 201, Denver, CO [http://www.forensic-applications.com/meth/Addendum\\_2\\_Woellner\\_1138\\_32\\_St.pdf](http://www.forensic-applications.com/meth/Addendum_2_Woellner_1138_32_St.pdf)

<sup>67</sup> See for example: 410 Garfield Avenue, Carbondale, CO 81623 [http://www.forensic-applications.com/meth/Addendum\\_4\\_Woellner\\_410\\_Garfield.pdf](http://www.forensic-applications.com/meth/Addendum_4_Woellner_410_Garfield.pdf)

<sup>68</sup> See for example: 8347 S Reed Street, Unit 2 Littleton CO 80128 [http://forensic-applications.com/meth/Addendum\\_6\\_Woellner\\_Reed2\\_Redacted.pdf](http://forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf)

<sup>69</sup> See for example: 11767 Grant Street, Northglenn, Colorado 80233 [http://forensic-applications.com/meth/Grant\\_Regulatory\\_review.pdf](http://forensic-applications.com/meth/Grant_Regulatory_review.pdf)

<sup>70</sup> See: [http://www.forensic-applications.com/meth/Addendum\\_7\\_Woellner\\_11767\\_Grant.pdf](http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf)



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

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

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

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

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

This document has been prepared by Forensic Applications Consulting Technologies, Inc., pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure*. The document has not been subject to FACTs peer review, and FACTs reserves the right to make corrections.

