



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

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

278 South Lowell Blvd.
Denver, CO 80219

Prepared for:
Confidential Client #1402

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.
185 Bounty Hunter's Lane
Bailey, CO 80421



March 12, 2017

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 278 S Lowell Blvd., Denver, CO 80219 (the subject property).
- On Thursday, March 9, 2017, FACTs performed a standard “basic methamphetamine survey” and collected samples pursuant to Standard Industry Practices and established Industrial Hygiene procedures.
- According to the Senior Assistant State of Colorado Attorney General for the Natural Resources and Environment Section, a “basic methamphetamine survey” is not subject to any regulatory constraints.¹
- FACTs collected five samples from the subject property and composited the samples into a single composite 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 methamphetamine contamination at the subject property at concentrations approximately 900 times (nine hundred times) above the State’s established numerical cleanup up level of 0.5 µg/100cm² (the reportable limit for the project).
- 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, at the subject property, as that term is found in Colorado Revised Statutes §25-18.5-103(1)(a) and Regulation 6 CCR 1014-3(3).
- 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 on duty 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 from the subject property unless that person secures the property in a manner that prevents theft and prevents exposing any 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).

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



- Pursuant to 6 CCR 1014-3 (amended) §5.0 No person other than a State Certified Contractor in good standing may remove materials or personal items 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.
- To achieve compliance according to State Regulations and State Statutes, the owner must either:
 1. demolish the property, or
 2. hire an untrained, (but State certified), consultant to perform a Preliminary Assessment, or
 3. sell the property under full disclosure
- If the owner hires a State certified consultant, the work by the consultant will almost certainly be invalid, and it is probable the work will be invalidated by the Colorado Courts in the near future. (See Appendix on Regulatory Status for an explanation).
- Contrary to misconceptions held by State certified consultants, and misinformation provided by regulatory staff at the Colorado Department of Public Health and Environment, any second testing performed by the seller cannot be used to refute these findings, since “Discovery” and “Notification” has already occurred; pursuant to §25-18.5-103(1)(a).
- 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 Thursday, March 9, 2017, at the request of a perspective buyer, personnel from Forensic Applications Consulting Technologies, Inc (FACTs) performed a standard “basic methamphetamine survey” for the presence of methamphetamine at the residence located at 278 S Lowell Blvd., Denver, CO 80219.

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

The residence is a divided one family home and approximates 800 square feet of occupiable floor space. On the day of our assessment, the residence was unoccupied, and furnished with staging props. The furnace was located in the crawlspace, which was not readily accessible. Virtually every surface had been freshly painted and the residence had been newly furnished.



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 diligently collected to refute 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 on the property components above specified levels.

Currently, Colorado is a “no *de minimis*” state – this means that if a cognizant 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 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” regardless of how slight the concentrations.

Since FACTs was following the same scientifically valid sampling protocols we developed for the original State Regulations (6 CCR 1014-3 (2005)), 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 not greater than 0.5 µg/100cm². That is, unless the concentration of the methamphetamine in the composite sample exceeded 0.5 µg/100cm², the analytical laboratory would merely report the concentration as “below reportable limit.”

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

Methamphetamine **is** present in the property above specified levels.

Wipe Sample

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



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

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 that QA/QC protocols met the US EPA SW846 QA/QC criteria for several methods including 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 an original author of the QA data quality objectives and assessment protocols for the State of Colorado Regulations 6 CCR 1014-3, and remains, to our knowledge, the only consulting Industrial Hygienist in Colorado with documented training from legitimate organizations in the assessment of illegal drug laboratories.

Analytical Method

Samples were hand-delivered to the analyzing laboratory, Reservoirs Environmental, Inc. (REI). REI is a respected laboratory, and Mr. Connell, has been using REI for 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 for the samples (and the laboratory report for the field blank). 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 (µg/100cm ²)	Matrix Blank (µg/100cm ²)	Matrix Duplicate (% RPD)	Matrix Spike (% Recovery)	Laboratory Control Sample (% Recovery)
1	0.05	BRL	3	104	107



The laboratory QA/QC tells us the following: The reporting limit was not that which was requested by FACTs, however, since the results were profoundly greater than the RL, this oversight by the laboratory is inconsequential.

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. Although thus reported, the matrix blank cannot be reported as “µg/100cm²” (the laboratory reports the values in this manner to assist untrained (but State Certified) consultants who lack the necessary training to interpret laboratory reports). The “Matrix Blank” for this analysis suite nevertheless 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 107% of the control. The acceptable range for recovery is 85% to 115%. Therefore, the recovery was within acceptable limits.

The laboratory also “spiked” an in-house blank with a known amount of methamphetamine to see if they could proficiently and accurately recover the known amount of methamphetamine. In this case, the laboratory reports they recovered 104% of the known standard; this assures the accuracy of the method. The acceptable range for recovery is 85% to 115%. Therefore, the recovery was within acceptable limits.

The laboratory also ran a “matrix duplicate” which is a check of precision (that is, the laboratory’s ability to *consistently* recover known amounts of methamphetamine). In this case, the laboratory recorded a 3% relative percent difference between the duplicate and the original spike. This value is within that generally regarded as acceptable.

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 15 years of performing this kind of sampling. Currently, FACTs has over 6,149 samples in our database representing approximately 650 assessments, starting in January 11, 2003.

To date FACTs has submitted a total of 343 field blanks for analysis to challenge the laboratory and check for false positives.

FACTs’ data base indicated none of the legitimate field blanks from the REI laboratory were greater than the analytical detection limits for the analytical method used. This assures us that the methamphetamine identified in the samples collected from the subject



property was not the result of contamination of the sampling materials by the laboratory or the handling procedures of FACTs.

Our data log indicates an alcohol Lot # A1302 <MDL for n=59; and Gauze Lot # G1601 <MDL for n=2. Therefore, for this property, FACTs has established that neither the sampling materials nor the handling of the samples are 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*-methamphetamine² 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, σ =0.14 μ g).

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

Cross Contamination

Immediately following each sampling project, all equipment used in a property (such as the step-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 equipment (such as our 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 analytical laboratory report. The laboratory erroneously reported a typographical error in the sample identification: Sample LBMS0917-01 should read LBMS030917-01 (as correctly noted on the FACTs chain-of-custody).

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



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 and are not germane to this discussion. FACTs generally doesn't report concentrations, since the values are invariably misunderstood by untrained "State Certified" inspectors (who receive their certification, in violation of actual state regulations as personal favors granted by Ms. Colleen Brisnehan, regulator with the Colorado Department of Public Health and Environment (CDPHE)).

Sample ID	Sample Location	Sample Result µg/100 cm ²
LBMS030917-01	Attic electrical conduit	447
	Return vent in living room	
	Attic electrical conduit	
	Top of refrigerator	
	Attic electrical conduit	

Table 1
Summary of Results

PERTINENT REGULATORY STANDARDS

Until 2014, 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 poorly written, contain no data quality objectives, are ambiguous and do not reflect normal, accepted scientific sampling protocols. The new regulations are capriciously enforced without accountability and without consistency. The regulator in charge, Ms. Colleen Brisnehan (with the Colorado Department of Public Health and Environment) has a documented history of knowingly, falsifying written real estate records and falsifying written public documents to gain unlawful financial benefit for fraudulent consultants.³ (See the Regulatory Status Appendix for more information).

However flawed, the Colorado regulations nevertheless become applicable when the owner of a property has received "notification" from a cognizant authority that a property is or *may* be noncompliant, or methamphetamine *may* be present, or there is a potential for contamination. The discovery upon which the notification is based may be from a peace officer "...or when a "drug laboratory" is otherwise discovered."⁴

³ 3016 – 3018 Sumac Street, Fort Collins, Colorado, http://forensic-applications.com/meth/CEH_Sumac_PA_RA.pdf

⁴ CRS §25-18.5-103



For some properties, in an effort to gain unlawful benefit for her friends, Ms. Brisnehan has lied to the property owner and claimed that “discovery” can only occur if the sampling has been performed pursuant to State regulations.⁵ However, on other properties, Ms. Brisnehan has claimed that discovery has occurred if the sampling has been performed by one of her favored consultants, even when the sampling has not been performed pursuant to State regulations. Although Ms. Brisnehan alternatively changes her interpretation of the regulations to gain an unlawful benefit for her favored consultant, the State statutes and State regulations are otherwise very clear about the “discovery” process and explicitly state the following:

State Statutes

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

State Regulations

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

1.2 Applicability - The requirements of this Part apply:

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

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

As can be seen, the State statutes and regulations are very clear on this matter and nothing in State law supports Ms. Brisnehan’s constantly changing personal interpretations, and an illegal drug laboratory has been otherwise discovered at the subject property.

Environmental Statutes

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.

⁵ See for example, the documentation associated with 3731 South Uinta Street, Denver, CO



The samples collected at the subject property conclusively confirm that methamphetamine has been manufactured and/or processed, and/or cooked, and/or discarded, and/or used, and stored at the property and all proximate areas are likely to be contaminated as a result of the same.

State Regulations

Similarly, Colorado Regulations 6-CCR 1014-3 Part 1 defines “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.

The samples collected at the subject property conclusively confirm that methamphetamine has been manufactured and/or processed, and/or cooked, and/or discarded, and/or used, and stored at the property and all proximate areas are likely to be contaminated as a result of the same.

Pursuant to State Regulations, 6 CCR 1014-3 an illegal drug laboratory has been otherwise discovered at the subject property.

Pursuant to Colorado regulations 6 CCR 1014-3,⁶ 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 possible for this property)
- 3) Perform a Preliminary Assessment - mandatory
- 4) Sell the property under full disclosure

In this case, the sample results indicate profoundly elevated widespread contamination, and as such (although Ms. Brisnehan allows State Certified consultants to illegally falsify their assessment documents and issue fraudulent certifications of compliance,^{7, 8, 9, 10, 11}) no lawful clearance for this subject property would be possible .

⁶ Titled “*Regulations Pertaining To The Cleanup Of Methamphetamine-Affected Properties*” (Amended)

⁷ See for example: 795 Main St. Limon, CO 80828, http://forensic-applications.com/meth/WEC_Limon_PA_Clearance_RA.pdf

⁸ See for example: 690 South Lincoln St. Denver, CO, http://forensic-applications.com/meth/Lincoln_discovery2.pdf

⁹ See for example: 3830, 3832 and 3834 South Knox Court, Denver, CO, http://forensic-applications.com/meth/AGW_Knox_Clearance_RA.pdf

¹⁰ See for example: 4383 Tennyson Street, Unit 3A, Denver, Colorado 80212, http://www.forensic-applications.com/meth/FEI_Tennyson_SA_CA_RA.pdf



At the moment, due to the nature of the regulatory situation in Colorado, the Registered Owner will be forced to hire an untrained, “State Certified” consultant to perform what will invariably be an invalid, but required, assessment at the property.

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.” Therefore, FACTs makes no statement as to when the contamination occurred at the subject property. 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, 278 S Lowell Blvd. Denver, CO 80219 contains profoundly elevated methamphetamine contamination in excess of our reporting thresholds.

Pursuant to State regulations and State statues, this illegal drug laboratory has been “otherwise discovered.”

Attachments:
Laboratory Reports
SOQ

¹¹ See for example: 3731 S. Uinta St. Denver, CO 80237, http://forensic-applications.com/meth/FEH_Uinta_PA_C_RA.pdf





FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

APPENDIX A LABORATORY REPORT



Forensic Applications

Final Report

RES 374002-1

March 10, 2017

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March 10, 2017

Laboratory Code: RES
Subcontract Number: NA
Laboratory Report: RES 374002-1
Project # / P.O. #: Lowell
Project Description: None Given

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

Dear Customer,

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

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

RES 374002-1 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 374002-1**
Client: **Forensic Applications**
Client Project Number / P.O.: **Lowell**
Client Project Description: **None Given**
Date Samples Received: **March 9, 2017**
Analysis Type: **Methamphetamine by GCMS**
Turnaround: **24 Hour**
Date Samples Analyzed: **March 10, 2017**

Client ID Number	Lab ID Number	Reporting Limit (µg)	METHAMPHETAMINE CONCENTRATION (µg)
LBMS0917-01	EM 1818125	0.05	270.00

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

Analyst / Data QA. _____


Skyler Vines

RESERVOIRS ENVIRONMENTAL, INC.


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

QUALITY CONTROL: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 374002-1**
Client: **Forensic Applications**
Client Project Number / P.O.: **Lowell**
Client Project Description: **None Given**
Date Samples Received: **March 9, 2017**
Analysis Type: **Methamphetamine by GCMS**
Turnaround: **24 Hour**
Date Samples Analyzed: **March 10, 2017**

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	3	104	107

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


Analyst / Data QA: Skyler Vines

APPENDIX B CONSULTANT'S SOQ





Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	Lowel	Form # ML15
Feb 27, 2017		

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 654 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 6,149 samples during assessments (a partial detailed list of drug lab experience is available on the web at): <http://forensic-applications.com/meth/DrugLabExperience2.pdf>

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

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



Multijurisdictional Counterdrug Task Force Training

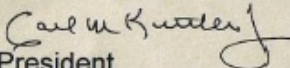


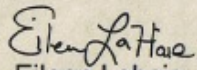
This is to certify that
Caoimhin P. Connell

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

Rural Patrol

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


President
St. Petersburg College


Eileen Lahaie
MCTFT Director

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

Midwest Counterdrug Training Center



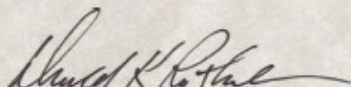
Certificate of Training

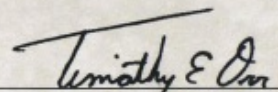
This certifies that

Caoimhin Connell

Has successfully completed the
Clandestine Laboratory Certification

Cheyenne, WY
40 Training Hours
2-6 August 2004


Network Environmental Systems, Inc.


LTC Timothy E. Orr
Commandant



Center *for* Task Force Training™

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED 20 HOURS OF TRAINING IN

METHAMPHETAMINE INVESTIGATION MANAGEMENT

MARCH 20-22, 2006

DENVER, COLORADO

Domingo S. Herraiz
Director, Bureau of Justice Assistance

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



State and Local Anti-Terrorism Training

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

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

June 1, 2006

Denver, Colorado

Domingo S. Herraiz
Director, Bureau of Justice Assistance



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

*Rocky Mountain
High Intensity Drug Trafficking
Area*



Certifies that



Caoimhín Connell

has attended

4 hours of

Hash Oil Extraction: The Scene and The Patient

Aurora, CO

July 25, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA



www.nesglobal.net

Certificate of Completion

Caoimhin Connell

has successfully completed training in

Advanced Clan Labs: Beyond the Basics

presented by

NES, Inc.

1141 Sibley Street Folsom, CA 95630

Instructor - Brian Escamilla

04/28/14 04/30/14

Date

Contact Hours:24

This certifies that

Caoimhin P Connell

Has met the requirements for the online course

Expert Testimony Training for the Prosecutor and Scientist



11-07-2012

Certificate Number: 1109778763

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



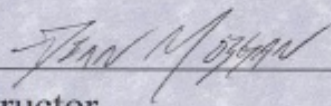
Park County Sheriff's Office Certificate of Completion

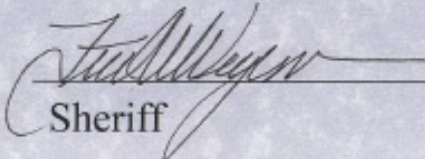
Caoimhin Connell

has completed an 8 hour course in:

Crime-scene Approach and Evidence Collection

Completed this 29th day of April, 2009


Instructor


Sheriff

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



Certifies that



Caoimhín P. Connell

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

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

Certificate of Completion

This Will Certify That

Caoimhín P. Connell

Successfully Completed

Prescription Drug Crimes

7 Hours Completed

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



P. Ritch Wagner
Instructor

Director, Law Enforcement Liaison & Education



Certificate of Training

This is to certify that
Caoimhin Connell

(Name)

Park County Sheriff's Office

(Agency)

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

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

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



Colorado Law Enforcement Officers' Association



This is to certify that

CAOIMHIN CONNELL

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

hosted by **Loveland Police Department**

on **February 28 – March 1, 2011**

Tom Finelle
Tom Finelle, CLEOA President

M. A. [Signature]
ARIDE Instructor

State of Colorado



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

CAOIMHIN PADRAIG CONNELL

August 27, 2008

Date

VIN INSP— **0952**

Number

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

Bill Ritter Jr.

Governor

John W. Suthers

Attorney General, Board Chairperson

Certificate of Completion Intoxilyzer 9000 Operator Certification Course

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

Caoimhin P Connell

User ID: **841645**

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

February 21, 2013

Certificate Date

Jeffrey A. Groff

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



David A. Butcher

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

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



Certificate of Achievement

awarded to:

Caoimhin P. Connell

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

June 1st, 2005

Date

Signed

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

CERTIFICATE OF COMPLETION

COLORADO LAW ENFORCEMENT ASSOCIATIONS TRAINING PROJECT

This Certifies That

Caoimhin Connell

Has Attended the

CLEAT 40-HOUR

Train the Trainer Course

Hosted by Breckenridge Police Department
August 14-18, 2006

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



John L. Kammerzell
Executive Director
Police Officer Standard & Training



Donald E. Christensen
Executive Director
County Sheriffs of Colorado



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

CATI President

VIN Inspector Training Coordinator

State of Colorado



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

CAOIMHIN PADRAIG CONNELL

May 6, 2004

Date

B- 10670

Number

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

Governor

Attorney General, Board Chairperson

**Rocky Mountain
High Intensity Drug Trafficking
Area**



Certifies that



Caoimhín Connell

has attended

16 hours of

MCTC / RMHIDTA Indoor Marijuana Grows

Centennial, CO

August 28-29, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

CERTIFICATE OF TRAINING

THIS IS TO CERTIFY THAT

Caoimhín Connell

Has completed 4 hours of successful training for

The Hazards of Hash Oil Extraction

Held at IRIS Fire Investigations in Englewood, CO

on this 7th day of November, 2014

Robert K. Toth
IRIS Fire Investigations, President



COLORADO
Department of Public
Health & Environment

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

December 30, 2014

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

Consultant Interim Authorization Approval

Dear Caoimhin Connell:

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

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

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

Approved By: _____

Date: _____

12/30/2014





COLORADO
Department of Public
Health & Environment

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

December 30, 2014

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

Consultant Firm Interim Authorization Approval

Dear Forensic Applications Consulting Technologies Inc:

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

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

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

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

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

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

Approved By: _____

Date: 12/30/2014



APPENDIX C

REGULATORY DISCUSSION





REGULATORY STATUS APPENDIX

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

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

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

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

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

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

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

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

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

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

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

Colorado Revised Statutes §24-50-117 reads:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



FACTs has knowledge of dozens of other affected addresses constituting thousands of regulatory violations of 6 CCR 1014-3. For most of those other addresses, and all of the above addresses, the regulatory violations associated with submitted fraudulent documents were known to (and blatantly hidden by) staff at CDPHE, TCH and Boulder County Public Health.

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

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

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

6 CCR 1014-3 Part 2

3.0 Interim Authorization

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

Yet, in violation of the new regulations, and in violations of CRS 18-8-404 *First degree official misconduct*, Ms. Brisnehan (CDPHE) granted "interim authorization" to the very consultants who had been performing the fraudulent assessments and to each of the members of her "CAMMP organization" who had been previously performing the illegal assessments of methamphetamine affected properties. Ms. Brisnehan (CDPHE),

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



ultimately, in violation of the regulations, granted full state “certification” as personal favors.

In spite of regulations, these consultants still could not produce proof of any documentable training, and who could not demonstrate eligibility in this particular field. (Unfortunately, these “certified” consultants are the ones an home owner must now hire to perform an assessment at a contaminated property.)

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

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

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

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

On January 23, 2015, Mr. Michael Richen with the Boulder County Public Health sent FACTs a letter stating that the BCPH had, in association with CDPHE, determined there

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

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



were no violations at the 100 West Spaulding Street property. On February 9, 2015, Mr. Schieffelin (CDPHE) issued a letter⁵³ regarding the Spaulding Street property which falsely laid out straw man arguments against FACTs, and stated that our findings regarding the Spaulding Street property were invalid, and the later work performed at the property (performed by a CAMMP member) was performed in accordance with State regulations. The knowingly false assertions made by CDPHE were provided to a variety of recipients including Ms. Melanie Del Hierro, effectively falsifying the regulatory status of the property. In their letter, CDPHE failed to mention they had no authority, at that point in time, to comment on the work, which had occurred under the old regulations (prior to December 15, 2014); and CDPHE also failed to mention that the consultant who had performed the invalid work at this property had a long history of fraudulent work, and was a fellow CAMMP member on a board which Ms. Brisnehan served as a Director (a conflict of interest on her part).

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

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

In retaliation for the FACTs independent regulatory audit of the Spaulding Street property, and in violation of Colorado criminal code CRS 18-8-404, more recently Mr. Richen with Boulder County Public Health, knowingly and with criminal intent, fabricated allegations against FACTs that culminated with three separate letters.^{54,55,56} In these three letters Mr. Richen knowingly provided false information to our client, the

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

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

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

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



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

To date, FACTs has performed reviews of 40 reports prepared by State Certified (but otherwise untrained and/or fraudulent consultants) under the new regulations (6 CCR 1014-3 (2014), and we have identified no fewer than 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 (CDPHE) is helping to hide these violations and is failing to perform her lawful duty of enforcing the regulations to protect the citizens of Colorado. A complete list of the audits performed by FACTs can be found at: <http://www.forensic-applications.com/meth/coloregs.html>

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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.*

