



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
of
Post-Decontamination Sampling Report
By
Robert Woellner
QUEST Inc.
at an
Identified Illegal Drug Laboratory
(Identifying 592 Violations 6 CCR 1014-3)**

**Located at:
413 W Easter Ave.
Littleton, CO 80120**

Prepared by:

**Forensic Applications Consulting Technologies, Inc.
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January 12, 2016

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EXECUTIVE SUMMARY

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

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

This review pertains to the document identified as:

Robert A. Woellner
Residence at 413 W. Easter Avenue in Littleton, CO 80120
Methamphetamine Post-Decontamination Report
March 16, 2015
Prepared for:
Cheryl London
7740 S. Kit Carson Drive
Centennial, CO 80122
February 6, 2015

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

For this property (413 W. Easter Ave., Littleton, CO - the subject property), on January 8, 2015, the consultant performed an invalid "Screening Assessment" in which he committed 101 regulatory violations and falsified the information and certification in the document.¹

Then, on February 6, 2015, the same consultant performed an invalid "Preliminary Assessment" at the subject property for which FACTs identified committed 72 regulatory violations and false information and certification.²

Once again, on March 16, 2015, this consultant performed an invalid "Post-Decontamination" certification at 413 W Easter Ave., Littleton, CO 80120. In this report presently under discussion, FACTs has identified no fewer than 592 (five hundred and ninety two) regulatory violations.

The particular consultant associated with work performed at this subject property, Mr. Robert Woellner, has an extensive history of willful regulatory violations, invalid drug laboratory assessments, falsification of information relating to real estate documents, and

¹ See: http://forensic-applications.com/meth/QUEST_Easter_Screening_RA.pdf

² See: http://forensic-applications.com/meth/QUEST_EASTER_PA_RA.pdf



claims to his credentials that are unsupported.^{3,4,5,6,7,8,9,10,11,12,13,14} As of the date of this audit, FACTs has identified no fewer than 2,574 (two thousand, five hundred and seventy four) regulatory violations of 6 CCR 1014-3 by this consultant in 12 reports in just the first few months after the revised regulations became effective (December 15, 2014). Ms. Brisnehan, a regulator with the Colorado Department of Public Health and Environment, (in violation of Colorado Revised Statutes (§24-50-117 *Prohibited activities of employees*)) is identified as a Board Member on a commercial group to which the referenced consultant belongs. Ms. Brisnehan and her office have gone to great lengths to hide the invalid assessments and regulatory violations of her colleague, Mr. Woellner, including accompanying Mr. Woellner on assessment projects and assisting Mr. Woellner in the collection of unlawful samples, and then lying to the property occupant that the work was being performed pursuant to State Regulations.¹⁵

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

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

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

⁵ 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

⁶ 788 W. Lois Ct., Louisville, CO 80027

⁷ 1138 West 32nd Street, Unit 201, Denver, (229 violations – detailed report is pending)

⁸ 48400 Routt County Road 56C, Steamboat Springs, CO 80487 (54 violations – detailed report is pending)

⁹ 11767 Grant Street, Northglenn, Colorado 80233 (113 violations) http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf

¹⁰ 690 S. Lincoln Street, Denver, CO 80203 (769 violations) http://forensic-applications.com/meth/Woellner_Lincoln_Clearance_RA.pdf

¹¹ 8347 S Reed Street, Unit 2, Littleton CO 80128 (121 violations) http://forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf

¹² 410 E 32nd Ave Avenue in Carbondale, CO 81623, (198 Violations) http://forensic-applications.com/meth/QUEST_Garfield_PA_RA.pdf

¹³ Clearance report for 410 E 32nd Ave Avenue in Carbondale, CO 81623 (366 Violations) http://forensic-applications.com/meth/Woellner_Garfield_Clearance_RA.pdf

¹⁴ Preliminary Assessment 8172 East 132nd Avenue, Thornton CO (385 Regulatory Violations) http://forensic-applications.com/meth/QUEST_132nd_Ave_PA_RA.pdf

¹⁵ 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



REVIEW OF THE DOCUMENT

During the performance of a Post Decontamination Assessment of a methamphetamine affected property, the Consultant is required by regulations to perform specific mandatory tasks and provide specific mandatory documentation in their report. In reviewing the report associated with 413 W. Easter Avenue in Littleton, CO 80120 (the subject property), FACTs has identified the following violations.

Failure to Comply with Section 5

According to the regulations, during the decontamination process, the remediation contractor is required to perform specific duties and document those activities. As discussed in the section below dealing with 6 CCR 1014-3, virtually none of the post decontamination documentation was provided in the Post Decontamination report as required.

Violation of Section 5.2

The decontamination processes is required to be conducted in a specific manner. According to the regulations:

5.2 If there is visible dust present, vacuum the entire area using a HEPA vacuum.

Several of the consultants close-up photographs of his sampling locations at the subject property, clearly demonstrate that heavy dust remained on surfaces during his post decontamination sampling assessment. Therefore, HEPA vacuuming obviously was not performed, as is required by regulation.



**Quest Photographs
Showing Remaining Dust After “Decontamination”**



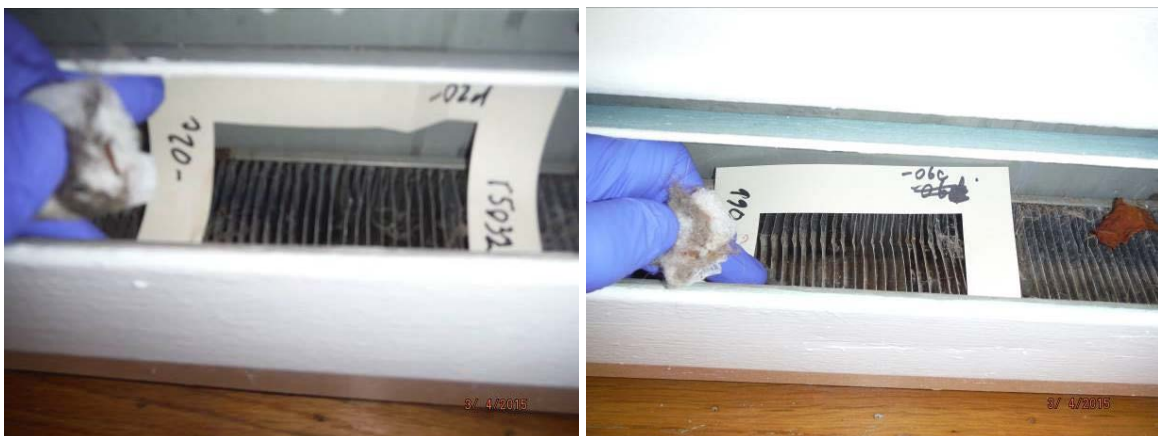
**Quest Photographs
Showing Remaining Dust After “Decontamination”**

Violation of Section 5.6.4

The decontamination processes is required to be conducted in a specific manner. According to the regulations:

5.6.4 Other heating systems, such as electric in-wall heaters, gas wall heaters, and baseboard heaters, shall be thoroughly decontaminated or removed and disposed of properly.

As clearly demonstrated in some of the photographs, the baseboard heaters were neither cleaned nor removed. Indeed, simple HEPA vacuuming would have removed virtually all of the debris and filth shown in the photographs below. Furthermore, as discussed in the sections of this audit dealing with sampling, (and as shown in the two photographs below) Mr. Woellner failed to collect 100cm² as required, and it would have been a physical impossibility to have collected the mandatory samples from the surfaces identified in the photographs.



QUEST Photographs of Contaminated Baseboards

Violation of Section 5.7.1

The decontamination processes is required to be conducted in a specific manner. According to the regulations:

5.7 ... If the property owner chooses to decontaminate the attic, the Contractor shall use the following procedure, at a minimum:

5.7.1 Remove **all insulation** and debris in the attic, and remove all ducting associated with bathroom and kitchen exhaust vents.

The decontamination report states the attics were decontaminated:

*Scope to include: The proposal included all work specified in the work plan by Quest, the Clandestine Methamphetamine Clean-up Process; beginning with the application of TSP detergent wash (MSDS included), rinse and wipe down entire units including basement and **attic** this process is completed three times to achieve passing levels.*

In the past, this contractor has informed FACTs that Mr. Woellner has, (without any lawful authority) allowed the contractor to leave all contaminated materials and insulation in the attic, provided the contractor push the insulation one or two feet away from the attic access.

Since in violation of Section 8.3 and Section 8.6.1, neither Mr. Woellner nor the contractor, provided the required descriptions of photographs, there is now no way to know if Section 5.7.1 was met or not. Since, in violation of Section 8.6.4, no waste manifest was included in this Post Decontamination report, as required, there is no way to now know what became of the contaminated insulation.

Violation of Section 5.7.5

The decontamination processes is required to be conducted in a specific manner. According to the regulations:

5.7.5 Following decontamination, the Consultant shall sample the attic area in accordance with the clearance sampling requirements of Section 6 of this Part 1 to determine if the residual contamination levels exceed the cleanup standard for limited exposure areas.

As discussed later in this audit, the consultant, Mr. Woellner failed to sample the attic in accordance with the clearance sampling requirements of Section 6.

Clearance Sampling Required by Regulations

According to the regulations, once discovered, a property remains an illegal drug laboratory until such time that the property is either completely demolished or has been confirmed as compliant through specific testing protocols:

4.7 ...In the case of single-family dwellings, all rooms, attics, crawl spaces, and forced air ventilation systems of all buildings on the subject property must be assumed to be contaminated above the cleanup standards of Section 7, unless sampling conducted in



accordance with the clearance level sampling protocols of Section 6 demonstrates the absence of such contamination in a given room, attic, crawl space, or ventilation system.

And

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

And

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

And

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

And

6.9 Clearance level sampling protocols for buildings and personal property. The Consultant shall conduct clearance level sampling of any subject property that meets the definition of a methamphetamine-affected property, or that is suspected of being a methamphetamine-affected property as provided in Sections 3.2, 3.3 or 3.4 of this Part 1, to verify that cleanup standards have been met. If the subject property is a single family dwelling, the Consultant shall conduct clearance sampling of all structures on the property. If the subject property is a unit in a multi-unit building that has exclusive access to any auxiliary portion of the multi-unit property (such as a storage room or garage), the Consultant shall conduct clearance sampling of the unit and all such auxiliary structures.

For this property, no legitimate Preliminary Assessment was ever conducted.¹⁶ Therefore, it would have been impossible for lawful cleaning to occur, and since the final clearance (Post Decontamination report) must be based on the Preliminary Assessment, it follows that no lawful clearance could have occurred. As demonstrated in the following discussion, none of the regulatory provisions were met, and the subject property remains a contaminated illegal drug laboratory.

For this property none of the samples collected at the property were collected according to the mandatory protocols. Therefore, no clearance sampling has ever been performed at this property.

Violation of Section 6.1.3

According to the regulations, during the performance of post remediation clearance sampling (or any clearance sampling), the consultant is require to perform specific tasks:

6 CCR 1014-3 , Part 1

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

¹⁶ See: http://forensic-applications.com/meth/QUEST_EASTER_PA_RA.pdf

As delineated below, the sampling and assessment failed to meet the requirements specified in Regulations.

Failure to Comply with Section 6.1.3.2

According to the regulations, the consultant is required to perform specific sampling based on information obtained in the Preliminary Assessment.

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

As described in detail later, the consultant, Mr. Woellner has stated he is not an Industrial Hygienist (indeed during testimony under oath in 2009 was unable to correctly define “Industrial Hygiene”), and he has never been able to provide any documentation showing he has ever received any kind of training in any aspect of illegal drug laboratories or their assessment.

In the previously audited Preliminary Assessment report for this subject property, Mr. Woellner stated that he did not know the methamphetamine manufacturing process used, and he made no documentable attempt to find out what the manufacturing process may have been.

The consultant in question, Mr. Woellner, is a geologist with no documented training or specialized experience in Industrial Hygiene or illegal drug laboratories or their assessment. Mr. Woellner has no documented training even in the pertinent regulations. Not including this audit, since December 15, 2014 - the effective date of the revised regulations - FACTs, Inc. has reviewed 12 reports by Mr. Woellner, and identified no fewer than 2,574 – (two thousand five hundred and seventy four) - regulatory violations in those 12 reports. There is no expectation that Mr. Woellner would possess the necessary skill set needed to identify the presence of a P2P laboratory. Therefore, it would have been impossible for Mr. Woellner to comply with this provision.

Failure to Comply with Section 6.1.3.3

According to the regulations, the consultant is required to perform specific sampling based on information obtained in the Preliminary Assessment.

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

As described in the audit for the Preliminary Assessment for this subject property, since Mr. Woellner has no documented training in illegal drug laboratories he regularly overlooks signs of contamination and fails to understand the significance of those indicators. As identified in other reports, Mr. Woellner routinely fails to recognize iodine indicators and routinely fails to assess the same.

For this property, Mr. Woellner entirely failed to even mention “iodine” in his report.

As addressed in the audit for the Preliminary Assessment, Mr. Woellner failed to provide any photographs of site conditions as required in §4.14, and therefore, one would have to rely exclusively on the boiler plate language found in his report. Similarly, in his “clearance” report, Mr. Woellner failed once again to provide photographs of post decontamination site conditions.

Failure to Comply with Section 6.1.3.5

According to the regulations, the consultant is required to perform specific sampling based on information obtained in the Preliminary Assessment.

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

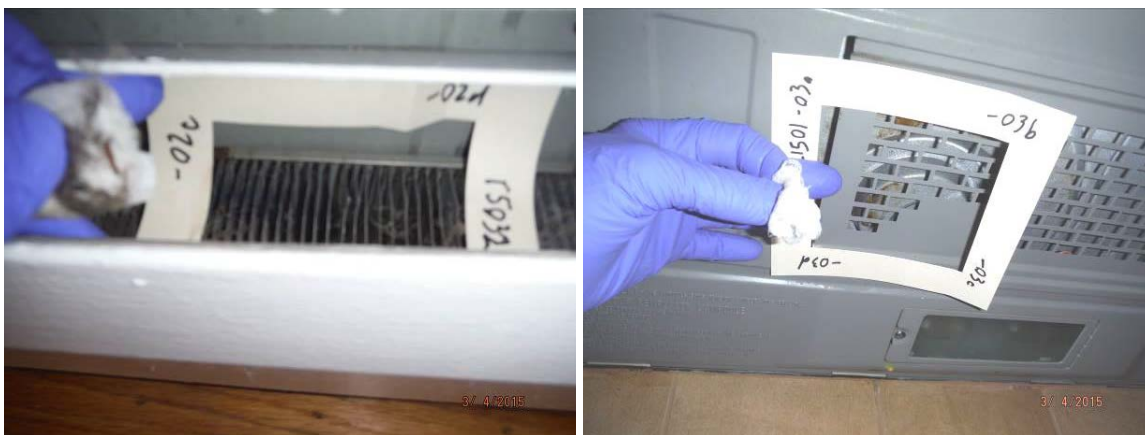
Mr. Woellner entirely failed to determine the methamphetamine manufacturing process at this subject property; and there is otherwise no expectation Mr. Woellner would possess the necessary skill set needed to identify the presence of a P2P laboratory. Therefore, it would have been impossible for Mr. Woellner to comply with this provision.

Violation of Section 6.2.2 (26 Violations)

According to the regulations, during the collection of clearance samples, the consultant is required to perform specific sampling tasks:

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

This consultant routinely fails to comply with the regulations. The consultant failed to collect areas that were 100 cm², as required by regulation for fully 26 of the aliquots collected at this property. Thus, for example, in the small collection of photographs below, we see astonishingly incompetent sampling procedures:



QUEST Photographs



QUEST Photographs

As can be seen in the photographs, the samples are not from 100 square centimeter surfaces as required, and in many cases, the samples are mostly air space, and the actual amount of surface area is actually miniscule. In spite of the actual surface area, Mr. Woellner then falsely identifies each sampling area as 100 cm² and falsely informs the laboratory the total area is 400cm². By using this deceptive technique, Mr. Woellner knows he can fraudulently identify a surface as being “compliant” when in reality that the surface may be heavily contaminated.

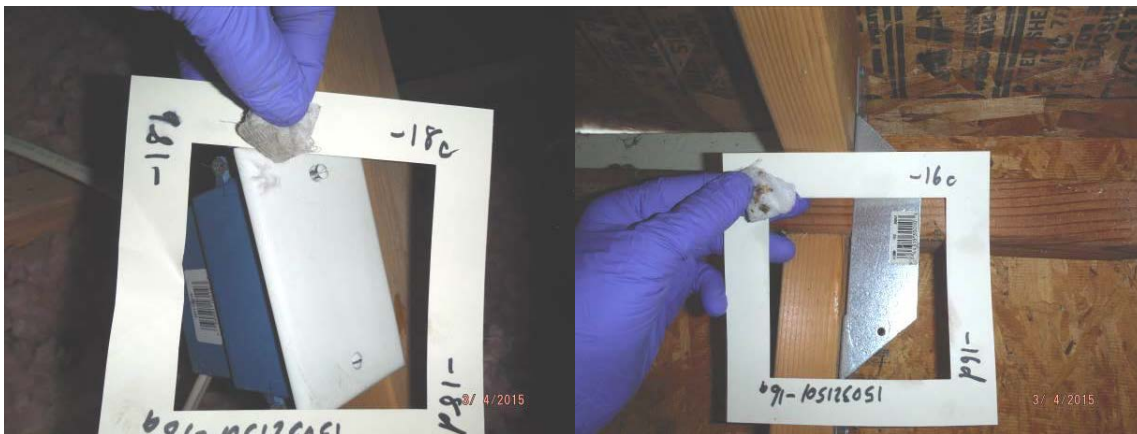
As we have explained in other audits of Mr. Woellner's reports, since Mr. Woellner takes close-up photographs of his samples, and uses a template he states is 10cm X 10cm, we are able to estimate the actual surface areas from which samples were collected. However, since the samples are so patently in violation of regulations, that was not done for this audit. Instead, we have visually estimated the approximate area collected for each sample.

Sample ID	Area Sampled (cm ²)
01a	80
02d	4
03a	80
03b	60
03c	60
03d	Indeterminable
04a	90

04b	90
04c	85
04d	Indeterminable
05b	4
06b	80
06c	4
07c	55
08a	Indeterminable
08d	8
09c	35
11b	90
12b	80
13d	60
14c	45
15b	Indeterminable
16c	Indeterminable
17d	60
18b	20
18c	Indeterminable

Estimated Surface Areas

For some of the samples, the selected surface was so poorly chosen, that one cannot readily identify the surface area collected; where that is the case, we have identified the area as “Indeterminable” in the above table. A few examples of those samples with indeterminable surfaces are given below.



QUEST Photographs



QUEST Photographs

Violation of Section 6.2.2 (51 Violations)

According to the regulations, during the collection of clearance samples, the consultant is prohibited from certain actions.

6.2.2 ... Physical templates may not be re-used.

A legitimate Industrial Hygienist would have known that reusing a template would be contrary to good Industrial Hygiene sampling. This consultant, however, as documented elsewhere^{17,18,19,20,21,22,23} and as evidenced by the photographs above, in violation of §6.2.2 virtually always reuses his templates, and reused his templates a total of 51 times during the clearance process at the subject property.

Violation of Section 6.2.3 (8 violations)

According to the regulations, during the collection of clearance samples, the consultant is required to perform specific sampling tasks including:

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

For this property, Mr. Woellner claims he collected 69 aliquots for clearance. Therefore, there should be a minimum of 69 sample locations indicated on the drawings in his report. However, there are only 61 sample locations identified in the drawings. Therefore, the locations of eight samples are missing from the drawings in Mr. Woellner's report for this subject property.

¹⁷ See for example: 8347 S Reed Street, Unit 2, Littleton CO 80128

¹⁸ See for example: 11767 Grant Street, Northglenn, Colorado 80233

¹⁹ See for example: 48400 Routt County Road 56C, Steamboat Springs, CO 80487

²⁰ See for example: 771 Cleveland Circle Lafayette, CO 80026

²¹ See for example: 410 Garfield Avenue, Carbondale, CO 81623

²² See for example: 413 South Buffalo Street, Yuma, Colorado 80759

²³ See for example: 1138 32nd Street, Unit 201, Denver, Colorado 80205



Violation of Section 6.2.7 Second Pass (69 violations)

According to the State Regulations, the Consultant is required to wipe each area three times, following three specific patterns. The regulations read -

6.2.7 Wipe the surface using one of the following methods:

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

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

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

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

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

Historically, Mr. Woellner has never complied with this mandatory provision. In violation of §8.3, there is no description of the sampling procedures used, and, not only is there nothing in the report that indicates this requirement was performed during Post Decontamination sampling, based on the photographs in the report, it would have been physically impossible to have collected the sample pursuant to mandatory regulations and collect 100 cm².

Violation of Section 6.2.10 Third Pass (69 violations)

According to the State Regulations, after the first two passes, the Consultant is required to wipe each area a third time; the regulations read -

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

In violation of §8.3, there is no description of the sampling procedures, and not only is there nothing in the report that indicates this requirement was performed during Post Decontamination sampling, based on the photographs in the report, it would have been physically impossible to have collected the sample pursuant to mandatory regulations and collect 100 cm².

Violation of Section 6.2.11 (8 violations)

According to the regulations, during the collection of clearance samples, the consultant is required to perform specific sampling tasks including:

6.2.11 ... Place the sample media in a sample container, cap and number it, and note the number at the sample location **on the sketch**.



For this property, Mr. Woellner claims he collected 69 aliquots for clearance. Therefore, there should be a minimum of 69 sample locations indicated on the drawings in his report. However, there are only 61 sample locations identified in the drawings. Therefore, the locations of eight samples are missing from the drawings in Mr. Woellner's report for this subject property.

Violation of Section 6.2.11 – Collection Time (77 violations)

According to the regulations, during the collection of clearance samples, the consultant is required to perform specific sampling tasks including:

6.2.11 ... Include notes with the sketch giving any further description of the sample, including sample name and time of collection...

For this property, Mr. Woellner failed to identify the times of any samples collected. Since there should have been a minimum of 77 aliquots (with blanks), there would have been a minimum of 77 sample collection times recorded.

Violation of Section 6.2.12 (2 Violations)

According to the regulations, during the collection of clearance samples, the consultant is required to perform specific sampling tasks including:

6.2.12 Submit at least one field blank, prepared and handled in the same fashion but without wiping, for every 10 samples collected, according to the following:

According to his report, Mr. Woellner used the blanks to wipe 400 cm² as explicitly indicated on his chain of custody forms.

LAB Number	Sample #	Sample Location	Area cm ²
E1	1503215-01	Garage Rm Above Garage	400
E2	-02	Living Room	
E3	-03	Kitchen	
E4	-04	Main Fl Bathroom	
E5	-05	SE Bedroom	
E6	-06	SW Bedroom	
E7	-07	West Bedroom	
E8	-08	SW Master Rm	
E9	-09	SE Bedroom	
E10	-10	Blank Bathroom	

LAB Number (only)	Sample Number	SAMPLE LOCATION	TOTAL AREA cm ²
E11	150321501 - 11	Basement Bathroom	400
E12	-12	Storage/Shelves Rm	
E13	-13	Mechanical/Laundry Rm	
E14	-14	NW Craft Room	
E15	-15	Garage	
E16	-16	Shed	
E17	-17	Attic Above House	
E18	-18	Attic above Garage Rm Interview at	
E19	-19	Oven Interior	100
E20	-20	Blank	400

Violation of Section 6.2.12.4

According to the regulations, during the collection of clearance samples, the consultant is required to perform specific sampling tasks including:

6.2.12.4 For projects with greater than 10 samples collected, sample 11 shall be a field blank, every 10th subsequent sample shall be a field blank, and the last sample of any sample group with fewer than 10 samples shall be a field blank.

For this project there were a total of 17 composites and one discrete, therefore, Sample 11 should have been a field blank. According to his report, Mr. Woellner identifies the eleventh sample as follows:

-11a Basement Bathroom – Ceiling where fan removed	March 4, 2015	0.010 µg/100 cm ²
-11b Basement Bathroom – Shower pan and front of door	March 4, 2015	0.010 µg/100 cm ²
-11c Basement Bathroom – Rusted radiator interior	March 4, 2015	0.010 µg/100 cm ²
-11d Basement Bathroom – Wall where cleaned through paint	March 4, 2015	0.010 µg/100 cm ²
-12a Storage/Shelves Room – Floor where etched	March 4, 2015	0.008 µg/100 cm ²

Violation of Section 6.2.14.5 (17 violations)

According to the regulations, during the collection of clearance samples, the consultant is required to provide specific information including:

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

6.2.14.5 sample area;

On his chain-of-custody, Mr. Woellner knowingly misrepresented the surfaces areas - by misrepresenting the surfaces areas, Mr. Woellner was aware of the fact the laboratory would erroneously report contamination values that were far below the actual



contamination levels. In the following table, we have presented the estimated total area of samples:

Sample Set	Required Area (cm2)	Area Reported to Laboratory (cm2)	Actual Estimated area (cm2)	% Error
01a, 01b, 01c, 01d	500**	400	380	24
02a, 02b, 02c, 02d	400	400	304	24
03a, 03b, 03c, 03d	400	400	240	40
04a, 04b, 04c, 04d	400	400	365	9
05a, 05b, 05c, 05d	400	400	304	24
06a, 06b, 06c, 06d	400	400	284	29
07a, 07b, 07c, 07d	400	400	355	11
08a, 08b, 08c, 08d	400	400	288	28
09a, 09b, 09c, 09d	400	400	335	16
10a, 10b, 10c, 10d	0	400	400	400
11a, 11b, 11c, 11d	400	400	390	2
12a, 12b, 12c, 12d	400	400	380	5
13a, 13b, 13c, 13d	400	400	360	10
14a, 14b, 14c, 14d	400	400	345	14
15a, 15b, 15c, 15d	500**	400	390	22
16a, 16b, 16c, 16d	400	400	340	15
17a, 17b, 17c, 17d	400	400	360	10
18a, 18b, 18c, 18d	400	400	270	32
19	100	100	100	0
20a, 20b, 20c, 20d	0	400	400	400

**This room was larger than 500 ft2 and required additional sample area.

Violation of Section 6.2.14.6 (20 violations)

According to the regulations, during the collection of clearance samples, the consultant is required to provide specific information including:

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

6.2.14.6 number of sample aliquots;

Nowhere on the chain-of-custody has Mr. Woellner provided the mandatory information.

Violation of Section 6.2.14.7 (20 violations)

According to the regulations, during the collection of clearance samples, the consultant is required to provide specific information including:

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

6.2.14.7 number of containers for each sample;

Nowhere on the chain-of-custody has Mr. Woellner provided the mandatory information.



Violation of Section 6.2.14.8 (20 violations)

According to the regulations, during the collection of clearance samples, the consultant is required to provide specific information including:

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

6.2.14.8 sample collection time ...

Nowhere on the chain-of-custody has Mr. Woellner provided the mandatory information.

Violation of Section 6.2.14.9 (20 violations)

According to the regulations, during the collection of clearance samples, the consultant is required to provide specific information including:

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

6.2.14.9 sample matrix;

Sample matrix was not included on the chain-of-custody for any of the samples (the use of the word “matrix” on the laboratory report to indicate a “wipe,” is different from the word “matrix” as found in the regulations).

Violation of Section 6.3.6 (26 violations)

According to the regulations, the consultant is required to collect samples in a specific, mandatory manner:

6.3.6 Collect all individual aliquots from 100 cm² sampling areas.

As already addressed earlier in this audit, for this property, Mr. Woellner failed to collect 100cm² samples for the following 26 aliquots:

01a	02d	03a	03b	03c	03d	04a	04b	04c
04d	05b	06b	06c	06d	07c	08a	08d	09c
11b	12b	13d	14c	15b	17d	18b	18c	

Violation of Section 6.5

According to the regulations, during clearance sampling the consultant is required to perform specific sampling based on information obtained in the Preliminary Assessment.

6.5 Vapor Sample collection procedures. If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, vapor samples for mercury shall be collected in accordance with the procedures for sample collection described in NIOSH Method 6009 as incorporated in Section 9 of this Part 1.



In his Preliminary Assessment report, Mr. Woellner stated that he did not know the methamphetamine manufacturing process used, and he made no documentable attempts to find out what the manufacturing process may have been.

As already discussed, the consultant in question, Mr. Woellner, is a geologist with no documented training or specialized experience in Industrial Hygiene or illegal drug laboratories or their assessment. Mr. Woellner has no documented training even in the pertinent regulations. Therefore, there is no expectation Mr. Woellner would possess the necessary skill set needed to identify the presence of a P2P laboratory. Therefore, it would have been impossible for Mr. Woellner to comply with this clearance provision.

Violation of Section 6.9 (Failure to Verify Clean-up Standards)

According to the regulations, during the clearance process, the consultant is required to perform specific sampling including:

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

As described in this audit, for this property, the consultant failed to verify that cleanup standards have been met.

Violation of Section 6.9

According to the regulations, during the clearance process, the consultant is required to perform specific sampling including:

Violation of Section 6.9.1 (17 violations)

According to the regulations, during the clearance process, the consultant is required to perform specific sampling including:

6.9.1 Except as provided in Section 6.9.1.1, at least 400 cm² of surface area shall be sampled from every room, attic, and crawl space.

For this property, Mr. Woellner failed to collect 400 cm² from any of the required areas as follows:

Room	Required Area (cm ²)	Estimated Area Actually Collected (cm ²)
Great Room	500*	380
Living Room	400	304
Kitchen	400	240
Main Floor Bathroom	400	365
Southeast Bedroom	400	304
Southwest bedroom	400	284
West bedroom	400	355



Basement Music Room	400	288
Basement Southeast Bedroom	400	335
Basement bathroom	400	390
Storage Room	400	380
Mechanical Room	400	360
Craft Room	400	345
Garage	500*	390
Shed	400	340
Attic above house	400	360
Attic above Garage	400	270

*These room were greater than 500 ft2 and required additional samples.

Violation of Section 6.9.3 (2 Violations)

According to the regulations, during the clearance process, the consultant is required to perform specific sampling including:

6.9.3 For rooms greater than 500 ft² of floor space an additional 100 cm² of surface area shall be sampled for each additional 500 ft² or fraction thereof.

Since Mr. Woellner failed to comply with Section 4.3 of the Preliminary Assessment, he entirely failed to comply with 6.9.3. According to the Arapahoe County Assessor's office at least two of the rooms at the residence are greater than 500 ft²

- 1) The Garage (560 ft²)
- 2) The Great Room (560 ft²)

Therefore, Mr. Woellner were required by regulation to collect an additional 100 cm² from those areas and failed to so do.

Violation of Section 6.9.7

According to the regulations, during the clearance process, the consultant is required to perform specific sampling including:

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

Since Mr. Woellner failed to comply with Sections §4.3, (requiring property descriptions) and §4.14 and §8.3 (requiring photo documentation), there is now no way to know how many appliances were present at the property. In his report, Mr. Woellner only identifies one appliance. However, considering that in the past Mr. Woellner has failed to sample major appliances as required, and there is no documentation as required for this property, it is difficult to know how many violations actually occurred. Furthermore, in violation of Section 8.6.2, there is no description of the removal process involving appliances.

In any event, although we disagree with her opinion, according to Ms. Colleen Brisnehan with the CDPHE, the regulations specifically require the collection of samples from the



exterior of appliances. For this property Mr. Woellner failed to collect the mandatory samples from at least one of the appliances in the property.

Violation of 6.9.11.1 (52 violations)

According to the regulations, during the clearance process, the consultant is required to collect samples from specific locations including:

6.9.11 Locations of clearance samples shall be based on information gathered during the preliminary assessment. Samples shall be collected from surfaces that have a reasonable potential to contribute to human exposure, including:

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

It should be remembered that this consultant has never been able to document any training in the assessment of illegal drug laboratories (methamphetamine affected properties), and in the past has relied heavily on Staff members with the CDPHE to help him collect samples (which were also ultimately unlawful). Mr. Woellner openly has admitted that he is not an Industrial Hygienist (and therefore, was not permitted to perform any sampling at the property in the first place and did not meet the requirements for Interim Authorization from the State - from December 15, 2014 to June 15, 2015).

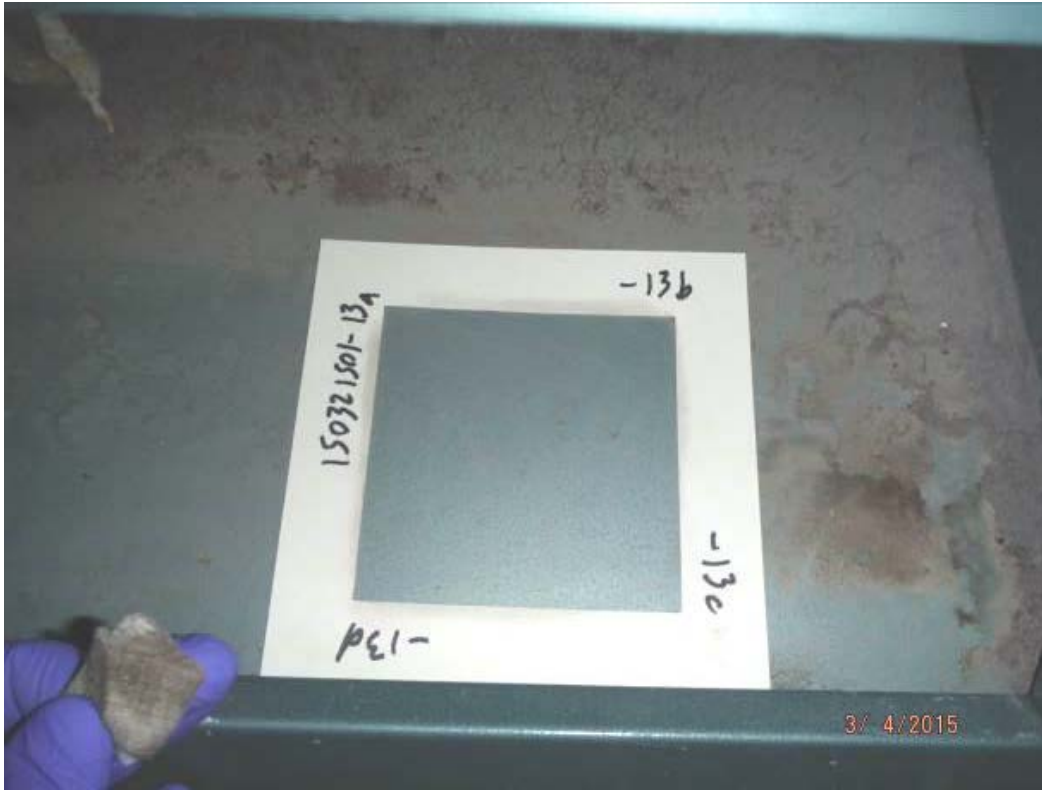
For this property, several of the samples were collected from areas that have virtually no “potential to contribute to human exposure” since most of them are from areas with a very low expectation of being contaminated even in an otherwise contaminated property, or because Mr. Woellner, with the intent to defraud, collected samples that were not even 100 cm².

In fact, fully 2/3 (67%) of the aliquots collected at this subject property failed to meet the intent of §6.9.11; which would be expected for an individual who has never received any kind of documented training in the assessment of illegal drug laboratories and who otherwise has an extended history of regulatory violations and making false statements.

A partial list of the above referenced samples is:

01a	01d	02a	02b	02d	03a	03b	03c	03d	04a	04b
04c	04d	05a	05b	05c	06b	06c	06d	07b	07c	07d
08a	08b	08c	08d	09a	09c	09d	11a	11b	11c	11d
12a	12b	12c	13b	13d	14a	14b	14c	15b	15c	16a
16b	17a	17b	17d	18a	18b	18c	18d			

Furthermore, the photographs appear to show that Mr. Woellner intentionally sampled from an area that appeared to be cleaned in just that location for the purposes of collecting a sample:



QUEST Photograph

Why was the sample not collected from the area that was obviously not cleaned during the remediation? Since, in violation of Section 8.2, Mr. Woellner failed to provide photographs of the site conditions, as required, he cannot argue that the sample thus collected was from a contaminated area.

The gross incompetence exhibited by the consultant on this property demonstrates the problem that arises when staff members of the CDPHE (Ms. Brisnehan²⁴ and Mr. Schieffelin²⁵) attempt to hide the illegal actions of members of Ms. Brisnehan's private commercial consulting group (see the discussion below regarding the discredited organization called "*Colorado Association of Meth and Mold Professionals*").

Failure to Comply with Section 7.2

According to the regulations, the consultant is required to perform specific sampling based on site conditions including:

7.2 If there is evidence of iodine contamination on materials or surfaces that will not be removed, surface wipe samples for iodine shall not exceed a concentration of 22 µg/100 cm².

²⁴ 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

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



As we discussed in the audit for the “Preliminary Assessment” for this property, Mr. Woellner failed to address iodine at this site. Historically, lacking any training in the assessment of illegal drug laboratories, Mr. Woellner has entirely failed to observe profound iodine staining when it is present. (For example, the photograph below shows the author of this review (Connell) in the basement of a property with heavy iodine staining which was entirely missed by Mr. Woellner.)²⁶



FACTs Photograph Iodine Staining - S. Lincoln St., Denver, CO

Yet since Mr. Woellner has no documentable training in the assessment of illegal drug laboratories, Mr. Woellner failed to recognize the stains for what they represent. In his Preliminary Assessment for this property, Mr. Woellner claimed:

QUEST aggressively inspected the subject residence and saw no visible iodine-stained areas; spray starch was not used.

While spray starch may be a necessary “testing” item for the character “Walter White” on the TV show “Breaking Bad,” or on the “CSI” TV program, spray starch has no utility in the legitimate assessment of illegal drug laboratories, and this was the same language used by Mr. Woellner when he entirely failed to identify iodine on other projects.

Failure to Comply with Paragraph 7.3

According to the regulations, the consultant is required to perform specific sampling based on site conditions including:

7.3 If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead shall not

²⁶ 690 S. Lincoln Street, Denver, CO 80203: http://forensic-applications.com/meth/Woellner_Lincoln_Clearance_RA.pdf

exceed a concentration of 40 µg /ft², and vapor samples for mercury shall not exceed a concentration of 1.0 µg /m³.

Since Mr. Woellner has no documentable knowledge or training regarding illegal drug laboratories and is not an Industrial Hygienist (and was therefore not authorized to even perform the work), and failed to determine the manufacturing method, there would have been no expectation that Mr. Woellner would have been capable of complying with this provision.

SECTION 8

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report:

8.0 Post-Decontamination Reporting. The Consultant **shall** prepare a Post-Decontamination Report, **in conjunction with the** Contractor, to document the decontamination process and demonstrate that the entire subject property meets the cleanup standards listed in Section 7.0 of this Part 1. The Post-Decontamination Report shall include, but not be limited to, the following, to the extent available and applicable:

For this property, the appendix that contains the Decontamination Report by Excel Environmental Services, Inc. The report by Excel is a 17 page report that contains boiler-plate language regarding the Excel policies and procedures but contains virtually nothing that is actually required to be included in the post decontamination report.

Violation of Section 8.2

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report:

8.2 Photographic documentation of post-decontamination property conditions, including previously identified cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination and sample locations.

Site Conditions (34 Violations)

In the Post Decontamination report, there are only five (5) photographs that could be construed as depicting “site conditions.” Each of those photographs only show a very limited view of the area or room (see those five photographs below):



QUEST Photographs

We suggest that the failure to provide such a simple requirement was part of a willful and intentional attempt to hide information on the site. For example, without the mandatory photographs, one could prevent discovery of iodine staining, one could prevent discovery of damaged plumbing, one could prevent discovery of a P2P lab (and thereby hide the need for testing for mercury), one could prevent discovery of major appliances, one could prevent discovery of non-ducted circulatory ventilation, one could prevent discovery of attic use and contamination, one could prevent discovery of personal belongings remaining on the site, etc.

As it is Mr. Woellner failed to provide photographs showing post decontamination site conditions for the following areas:

1. Attic above Garage
2. Attic above House
3. Basement Bathroom
4. Basement Northwest Craft Room
5. Basement Southeast Bedroom
6. Basement Southwest Music Room
7. Exterior areas
8. Great Room
9. Kitchen
10. Living Room
11. Main Floor Bathroom
12. Mechanical/Laundry Room
13. Shed interior
14. Southeast Bedroom
15. Southwest Bedroom
16. Storage/Shelves Room
17. West Bedroom
18. Failure to provide photographs of previously identified cooking areas
19. Failure to provide photographs of previously identified chemical storage areas
20. Failure to provide photographs of previously identified waste disposal areas
21. Failure to provide photographs of previously identified areas of obvious contamination; various areas of obvious contamination were identified in the Preliminary Assessment - none of the photographs are in the Post Remediation report as required:
22. Southeast Bedroom; radiator (dusty)
23. Southwest Bedroom; shelf at stain
24. West Bedroom; floor at stain by radiator
25. Hall Attic; whole-house fan vents
26. SW Music Room; wood stove exhaust duct (dusty ext.)
27. SE Bedroom; window frame & sill (very dusty)
28. Bathroom; exhaust fan interior (dusty)
29. Storage Shelves Room; under & beside stairs at stain
30. Mechanical Room; top of hot water heater
31. Art Room; radiator
32. Shelf; at stain
33. Floor; center at very dirty/stained area
34. Framing; near whole-house fan

Violation of Section 8.3

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report including:

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



In his report, Mr. Woellner simply inserted boiler plate language and there is no description of the sampling procedures used, including sample collection, handling, and QA/QC for any of the samples.

Violation of Section 8.5 (8 Violations)

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report including:

8.5 Results of post-decontamination clearance sampling, including a description of sample locations and a computer generated figure with sample locations and identification, and a copy of each laboratory report of post-decontamination sample results.

As already mentioned, Mr. Woellner claims he collected 69 aliquots for clearance; there are only 61 sample locations identified in the generated figure. Therefore, the locations of eight samples are missing from the generated figure in Mr. Woellner's report for this subject property.

Violation of Section 8.6

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report including:

8.6 The Contractor shall provide an electronic copy of a Decontamination Summary Report, containing the following information, to the Department and to the Consultant within thirty (30) days of completion of decontamination work at the subject property for inclusion in the Post-Decontamination Report:

The mandatory information is missing from the report as described below.

Violation of Section 8.6.1 (20 Violations)

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report including:

8.0 Post-Decontamination Reporting. The Consultant shall prepare a Post-Decontamination Report, in conjunction with the Contractor, to document the decontamination process and demonstrate that the entire subject property meets the cleanup standards listed in Section 7.0 of this Part 1. The Post-Decontamination Report shall include, but not be limited to, the following, to the extent available and applicable:

8.6.1 A description and photographic documentation of the decontamination procedures used and a description of each area that was decontaminated. Photographic documentation shall include photographs of the ventilation system demonstrating that the system has been cleaned and is free of debris.

The mandatory photographic documentation is missing from the QUEST report. Nowhere in the report are there any photographs of the decontamination procedures as required.

The description of the decontamination process referenced in the final report appears to be boiler plate language that is for another property. For example, the report states:

Any trash from the ductwork and any trash produced during the decontamination will be treated as contaminated waste.

This creates a problem since nowhere in the reports by Mr. Woellner is the ductwork identified. So either the section describing the decontamination process is for a different property, or Mr. Woellner failed to identify the ductwork. Since, in violation of the regulations, neither Mr. Woellner or the contractor took any post decontamination photos of the post decontamination site conditions or the decontamination process, there is now no way to ascertain the actual site conditions.

1. The report contains no description of each area that was decontaminated as required; specifically missing from the report are the following areas:
 2. Attic above House (identified as being remediated)
 3. Attic above Garage (identified as being remediated)
 4. Basement Bathroom
 5. Basement Northwest Craft Room
 6. Basement Southeast Bedroom
 7. Basement Southwest Music Room
 8. Great Room
 9. Kitchen
 10. Living Room
 11. Main Floor Bathroom
 12. Mechanical/Laundry Room
 13. Shed interior (identified as being remediated)
 14. Southeast Bedroom
 15. Southwest Bedroom
 16. Storage Room
 17. West Bedroom
18. The report contains no description of the decontamination process.
19. The report contains none of the mandatory photographs of the decontamination procedures.
20. The report contains none of the mandatory photographs of the ductwork identified in the contractor's report

Violation of Section 8.6.3

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report including:

8.6.3 A description of the encapsulation procedures used and documentation of the areas and/or materials where encapsulation was performed.

Nowhere in the report do we find where the mandatory information is included.



Violation of Section 8.6.4

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report including:

8.6.4 A description of the waste management procedures used, including characterization, handling and final disposition of wastes. **Copies of the waste manifests or bills of lading shall be included in the final report.**

The decontamination report states:

All removed material will be bagged into 6mil contractor bags, and taken to the Tower Road Allied waste Landfill, CO as methamphetamine contaminated waste.

However, in violation of Section, 8.6.4, no waste manifests were provided in the report as required by regulations.

Violation of Section 8.6.5

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report including:

8.6.5 Evidence of Contractor certifications in accordance with Part 2 of these regulations.

No evidence of Contractor certifications are included in the report as required by regulations.

Violation of Section 8.6.6

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report including:

8.6.6 Documentation of variations from standard practices.

In this discussion, FACTs has documented no fewer than 592 violations – each a variation from standard practice. Yet nowhere in the report is there documentation of variations as required.

Violation of Section 8.6.7

According to the Regulations, the consultant is required to provide specific information in the Post Decontamination Report including:

8.6.7 A certification statement, signed by the Decontamination Supervisor who oversaw the work, in the following form:

“I hereby certify that the subject property has been decontaminated, and/or contaminated portions of the subject property have been removed, in accordance with the procedures set forth in 6 CCR 1014-3, Part 1, § 5.”

The mandatory certification is missing from the documentation.



Colorado Criminal Code CRS 18-5-113. Criminal impersonation

Mr. Woellner has repeatedly held himself out to be an Industrial Hygienist, while simultaneously claiming that he is not an Industrial Hygienist. As documented in this review (and in other historical documents referenced in this review) there is nothing in the present documentation that would indicate that Mr. Woellner is, in fact, an Industrial Hygienists meeting the State definition.

The incompetence demonstrated in the QUEST report should be sufficient to demonstrate that Mr. Woellner is not an Industrial Hygienist and is not competent to perform the work and may be falsely representing herself as an Industrial Hygienist (interim authorization notwithstanding).

Colorado Case law defines criminal impersonation as knowingly assuming a false or fictitious identity or capacity, and in that identity or capacity, doing any act with intent to unlawfully gain a benefit or injure or defraud another (*People v. Brown*, 193 Colo. 120, 562 P.2d 754 (1977); *People v. Borrego*, 738 P.2d 59 (Colo. App. 1987)). To falsely impersonate means to pretend to be a particular person without lawful authority (*People v. Horkans*, 109 Colo. 177, 123 P.2d 824 (1942); and to perform an act in assumed character for benefit. It is an offense under the code to falsely impersonate another, and in such assumed character to do any act whereby any benefit might accrue to the offender or to another person. (*People v. Horkans*, 109 Colo. 177, 123 P.2d 824 (1942)). Venue is not an element of the crime of criminal impersonation (*People v. Perez*, 129 P.3d 1090 (Colo. App. 2005)). Although the code does not require two overt acts to be committed, (rather the code requires assuming a false identity and doing an act with the intent to gain a benefit (*People v. Johnson*, 30 P.3d 718 (Colo. App. 2000)), Mr. Woellner has repeatedly performed these acts. The requisite intent to gain a benefit may be inferred from the accused's knowing use of a false identity, and the acknowledged intent to secure some advantage from the impersonation (*People v. Borrego*, 738 P.2d 59 (Colo. App. 1987)). The common meaning of "assumes a false or fictitious identity" is not to hold oneself out as someone that he or she is not; it requires the assumption of the identity of another person, whether that other person is real or fictitious (*People v. Jones*, 841 P.2d 372 (Colo. App. 1992)). For example, an attorney with a suspended license who continues to practice law is guilty of criminal impersonation for practicing law. The courts have held that "continuing to represent himself as an attorney and performing legal work when he was aware that he had no valid license to do so amounts to the assumption of a false or fictitious capacity for purposes of the criminal impersonation statute." (*People v. Bauer*, 80 P.3d 896 (Colo. App. 2003)).

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

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



If Mr. Woellner did not know that his work was deviating from mandatory State requirements, then that is sufficient to surmise that he lacked the technical competency and therefore authority to perform the work in the first place since it was his professional obligation to conform to those regulations and perform work pursuant to those regulations.

However, since Mr. Woellner has specifically referenced 6 CCR 1014-3 and explicitly stated that he was aware of those requirements and since FACTs has identified thousands of regulatory violations in the past, one must conclude that Mr. Woellner knowingly and willingly performed work that deviated from mandatory State requirements.

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

In his report, Mr. Woellner knowingly made the following materially false statement:

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

This is similar to many other false “certifications” knowingly made by this consultant.

Pursuant to State statute, and state regulations, the “Post Decontamination Report” must be filed with the State of Colorado (indeed the report we reviewed was obtained from the State of Colorado through the Colorado Open Records Act) Therefore, we believe the facts objectively establish that Mr. Woellner was aware of such recording and was aware of the false statements made therein.

Colorado Consumer Protection Act

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

According to the *Colorado Department Of Regulatory Agencies, Office Of Policy And Research, Industrial Hygienists, And Safety Professionals 2001 Sunrise Review* (October 15, 2001) Mr. M. Michael Cooke, Executive Director stated:

Another avenue of redress is the Colorado Consumer Protection Act. This law prohibits individuals from misrepresenting their certification, abilities, and associations, and making false or misleading statements concerning the price of goods, services, or property. In addition, §6-1-707(1)(a)(I), C.R.S., prohibits an individual from claiming “either orally or in writing, to possess either an academic degree or an honorary degree of the title associated with said degree, unless the person has, in fact, been awarded said degree.” While this Act does not prevent individuals from performing industrial hygiene work, it does prohibit individuals from claiming that they have education or background that they do not possess. An individual who misrepresents his or her qualifications may be in violation of this Act. 18 § 6-1-105(1)(b), (c), (e) and (I), C.R.S.

The State regulations were revised in 2014 to counter the serious problem created by fraudulent and incompetent consultants who were falsely claiming to be “Industrial Hygienists” and who were performing invalid assessments under the false presentation of being an “Industrial Hygienist.”

Forensic Applications Consulting Technologies, Inc. (the author of this review), helped the State Legislature write the statutory language that eventually became codified and required the Colorado Department of Public Health and Environment (CDPHE) to revised the regulations. Unfortunately, the task for the revision was given to the CDPHE regulator who, in violation of Colorado’s criminal statutes, had helped create the problem associated with fraudulent consultants performing assessments of methamphetamine affected properties.²⁷

The regulations required the CDPHE to restrict Interim Authorization (for the period of time between December 15, 2014 and June 15, 2015) for performing assessments under the regulations exclusively to those consultants who were A) *bona fide* Industrial Hygienists, and B) had an history of performing valid assessments under the old regulations, which had been in effect since 2005. Instead, Ms. Coleen Brisnehan with the CDPHE gave *carte blanc* Interim Authorization to anyone who applied, including the fraudulent consultants who had created the serious problems in the first place. The problem was exacerbated by the fact that the consultant in question, Mr. Woellner, associates himself with a pseudo-professional commercial group called “Colorado Association of Meth and Mold Professionals” (CAMMP) which identifies Ms. Brisnehan as a Board Member of that group.²⁸

Although Ms. Brisnehan granted her fellow CAMMP member automatic State Interim Authorization, Mr. Woellner has, in the recent past, denied that he is an Industrial Hygienist and has never been able to provide any documentation indicating that he has

²⁷ See for example, the discussion here: http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf

²⁸ Ms. Brisnehan’s conflict of interest is prohibited under Colorado Revised Statutes §24-50-117 *Prohibited activities of employees*



received any training in illegal drug laboratories or their assessment. As such, there is no expectations that the consultant would possess the necessary skills or knowledge to fulfill the regulatory requirements.

Finally, the consultant in question has never documented any training or experience that would permit him to identify himself as an Industrial Hygienist pursuant to State statutes CRS Statute §24-30-1402. In fact, until just very recently Mr. Woellner has never identified himself as an Industrial Hygienist and never claimed to be an Industrial Hygienist.

Regulation 6 CCR 1014-3 Language on Knowledge

Not only do the State regulations and pertinent standards mandate the use of the knowledge and skills possessed by a legitimate Industrial Hygienist (IH) for assessment of an identified illegal drug laboratory, the regulations repeatedly allude to the necessity of that IH being trained and knowledgeable in clandestine drug laboratory operations and contamination.

For example, the regulations explicitly refer back to the Consultant's "professional judgment," as follows, in various locations in regulation:

4.7 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, cooking areas, use areas, or the professional judgment of the Consultant. ...

And:

5.11.1.4.2 the personal property in question was located in a room that was determined to be below the cleanup standards specified in Section 7.0 of this Part 1 after being sampled in accordance with the clearance level sampling protocols and other requirements of Section 6 of this Part 1; and in the Consultant's judgment, the item is unlikely to have been contaminated from exposure elsewhere in the subject property,

And:

7.5 If the composite sample result from a room is below the standard in this Section 7, personal property in the room is considered compliant if, in the Consultant's judgment, the personal property is unlikely to have been contaminated from exposure elsewhere in the subject property, given

If an individual is not an Industrial Hygienist, and if an individual has no documented training in illegal drug laboratories or their assessment, how, then, can one expect that consultant to possess the necessary skills needed to perform the professional role of an Industrial Hygienist in the assessment of illegal drug laboratories?

In the past, Mr. Woellner has made several claims regarding his credentials and experience²⁹ that upon scrutiny, have been found to be unsupported.

²⁹ See for example, the discussion here: http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf



CONCLUSION

For this regulatory audit of a Post Decontamination Report and Clearance Sampling by Mr. Robert Woellner with QUEST, for the subject property located at 413 W. Easter Avenue in Littleton, CO 80120, FACTs has identified no fewer than 592 (five hundred and ninety two) regulatory violations. The property was never assess as required by regulations prior to decontamination efforts, and the property was never cleared as required by regulations.

This property remains an illegal drug laboratory entry into which and occupancy of is therefore restricted by statutes. Any occupants in the property are at elevated risk of chemical exposures, and any construction personnel involved with this subject property should seek medical advice.

Appendix A

Reviewer's Statement of Qualifications



Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	General Distribution	Form # ML15
January 14, 2016		

Caoimhín P. Connell, has been involved in clandestine drug lab investigations and assessments since 2002 and meets the Colorado Revised Statute §24-30-1402 definition of an "Industrial Hygienist." He has been a practicing Industrial Hygienist since 1987. Mr. Connell is a recognized authority in drug-lab operations and is a Certified Instructor in Meth-Lab Safety through the Colorado Regional Community Policing Institute, CRCPI (Colorado Division of Criminal Justice) and was the lead instructor for the CRCPI through the Colorado Division of Criminal Justice, providing over 260 hours of methlab training for over 45 Colorado Law Enforcement Agencies, federal agents, probation and parole officers throughout Colorado judicial districts. He has provided meth-lab lectures to the US Interagency Board, US Air Force, the National Safety Council, and the American Industrial Hygiene Association (of which he is a member and served on the Clandestine Drug Lab Work Group and for whom he conducted the May, 2010, Clandestine Drug Lab Course, and is a coauthor of the AIHA methlab assessment publication.)

Mr. Connell is a member of the American Conference of Governmental Industrial Hygienists, the Occupational Hygiene Society of Ireland, the Colorado Drug Investigators Association, an appointed Member of the National Fire Protection Association, and the ASTM International Forensic Sciences Committee, (where he was the sole sponsor of the draft ASTM E50 *Standard for the Assessment of Suspected Clandestine Drug Laboratories*).

From 2009, Mr. Connell served as the Industrial Hygiene Subject Matter Expert on the Federally funded Interagency Board (Health, Medical, and Responder Safety SubGroup), and was elected full member of the IAB-HMRS in 2011 where he now serves. He is the only private consulting Industrial Hygienist in Colorado certified by the Office of National Drug Control Policy High Intensity Drug Trafficking Area Clandestine Drug Lab Safety Program, and P.O.S.T. certified by the Colorado Department of Law.

He has received over 194 hours of highly specialized law-enforcement sensitive training in drug lab operation, and under supervision of the US DEA, he has manufactured methamphetamine using a variety of street methods. He has received highly specialized drug lab assessment training through the Iowa National Guard, Midwest Counterdrug Training Center and the Florida National Guard Multijurisdictional Counterdrug Task Force, St. Petersburg College, Rocky Mountain HIDTA, as well as through the US NHTSA, and the U.S. Bureau of Justice Assistance (US Dept. of Justice) and he is currently ARIDE Certified.

Mr. Connell is a current sworn law enforcement officer who has conducted clandestine laboratory investigations and performed risk, contamination, hazard and exposure assessments from both the law enforcement (criminal) perspective, and from the civil perspective in residences, apartments, motor vehicles, and condominiums. Mr. Connell has conducted over 613 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,560 samples during assessments (a partial detailed list of drug lab experience is available on the web at): <http://forensic-applications.com/meth/DrugLabExperience2.pdf>

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

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



Multijurisdictional Counterdrug Task Force Training

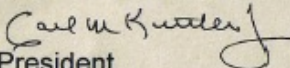


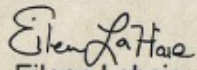
This is to certify that
Caoimhin P. Connell

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

Rural Patrol

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


President
St. Petersburg College


Eileen Lahaie
MCTFT Director

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

Midwest Counterdrug Training Center



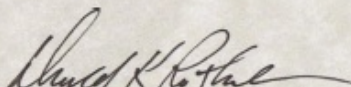
Certificate of Training

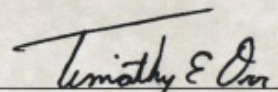
This certifies that

Caoimhin Connell

Has successfully completed the
Clandestine Laboratory Certification

Cheyenne, WY
40 Training Hours
2-6 August 2004


Network Environmental Systems, Inc.


LTC Timothy E. Orr
Commandant



Center *for* Task Force Training™

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED 20 HOURS OF TRAINING IN

METHAMPHETAMINE INVESTIGATION MANAGEMENT

MARCH 20-22, 2006

DENVER, COLORADO

Domingo S. Herraiz
Director, Bureau of Justice Assistance

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



State and Local Anti-Terrorism Training

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

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

June 1, 2006

Denver, Colorado

Domingo S. Herraiz
Director, Bureau of Justice Assistance



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

*Rocky Mountain
High Intensity Drug Trafficking
Area*



Certifies that



Caoimhín Connell

has attended

4 hours of

Hash Oil Extraction: The Scene and The Patient

Aurora, CO

July 25, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA



www.nesglobal.net

Certificate of Completion

Caoimhin Connell

has successfully completed training in

Advanced Clan Labs: Beyond the Basics

presented by

NES, Inc.

1141 Sibley Street Folsom, CA 95630

Instructor - Brian Escamilla

04/28/14 04/30/14

Date

Contact Hours:24

This certifies that

Caoimhin P Connell

Has met the requirements for the online course

Expert Testimony Training for the Prosecutor and Scientist



11-07-2012

Certificate Number: 1109778763

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



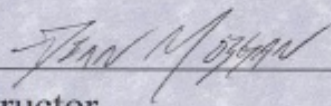
Park County Sheriff's Office Certificate of Completion

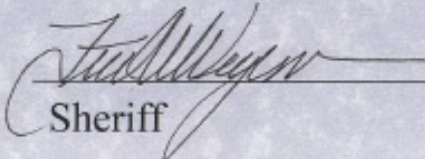
Caoimhin Connell

has completed an 8 hour course in:

Crime-scene Approach and Evidence Collection

Completed this 29th day of April, 2009


Instructor


Sheriff

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



Certifies that



Caoimhín P. Connell

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

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

Certificate of Completion

This Will Certify That

Caoimhín P. Connell

Successfully Completed

Prescription Drug Crimes

7 Hours Completed

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



P. Ritch Wagner
Instructor

Director, Law Enforcement Liaison & Education



Certificate of Training

This is to certify that
Caoimhin Connell

(Name)

Park County Sheriff's Office

(Agency)

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

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

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



Colorado Law Enforcement Officers' Association



This is to certify that

CAOIMHIN CONNELL

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

hosted by **Loveland Police Department**

on **February 28 – March 1, 2011**

Tom Finelle
Tom Finelle, CLEOA President

M. A. [Signature]
ARIDE Instructor

State of Colorado



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

CAOIMHIN PADRAIG CONNELL

August 27, 2008

Date

VIN INSP— **0952**

Number

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

Bill Ritter Jr.

Governor

John W. Suthers

Attorney General, Board Chairperson

Certificate of Completion Intoxilyzer 9000 Operator Certification Course

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

Caoimhin P Connell

User ID: **841645**

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

February 21, 2013

Certificate Date

Jeffrey A. Groff

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



David A. Butcher

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

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



Certificate of Achievement

awarded to:

Caoimhin P. Connell

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

June 1st, 2005

Date

Signed

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

CERTIFICATE OF COMPLETION

COLORADO LAW ENFORCEMENT ASSOCIATIONS TRAINING PROJECT

This Certifies That

Caoimhin Connell

Has Attended the

CLEAT 40-HOUR

Train the Trainer Course

Hosted by Breckenridge Police Department
August 14-18, 2006

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



John L. Kammerzell
Executive Director
Police Officer Standard & Training



Donald E. Christensen
Executive Director
County Sheriffs of Colorado





SINCE 1973

This is to certify that

Caoimlin P. Connell

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

Presented this 24th day of May, 2008

CATI President

VIN Inspector Training Coordinator

State of Colorado



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

CAOIMHIN PADRAIG CONNELL

May 6, 2004

Date

B- 10670

Number

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

Governor

Attorney General, Board Chairperson

**Rocky Mountain
High Intensity Drug Trafficking
Area**



Certifies that



Caoimhín Connell

has attended

16 hours of

MCTC / RMHIDTA Indoor Marijuana Grows

Centennial, CO

August 28-29, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

CERTIFICATE OF TRAINING

THIS IS TO CERTIFY THAT

Caoimhín Connell

Has completed 4 hours of successful training for

The Hazards of Hash Oil Extraction

Held at IRIS Fire Investigations in Englewood, CO

on this 7th day of November, 2014

Robert K. Toth
IRIS Fire Investigations, President



COLORADO
Department of Public
Health & Environment

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

December 30, 2014

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

Consultant Interim Authorization Approval

Dear Caoimhin Connell:

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

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

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

Approved By: _____

Date: _____

12/30/2014





COLORADO
Department of Public
Health & Environment

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

December 30, 2014

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

Consultant Firm Interim Authorization Approval

Dear Forensic Applications Consulting Technologies Inc:

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

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

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

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

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

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

Approved By: _____

Date: 12/30/2014

