



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
of:**

**Screening Level Assessment Report
By
Robert Woellner**

**at:
413 W Easter Avenue
Littleton, CO 80120**

(101 Regulatory Violations of 6 CCR 1014-3)

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December 23, 2015

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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 Ave Littleton CO 80120
Methamphetamine Screening Level Assessment
January 28, 2015
Prepared for:
"Potential Buyer"

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 regulatory audit of work performed at 413 W Easter Ave., Littleton, CO 80120 (the subject property), FACTs has identified no fewer than 101 (one hundred and one) regulatory violations.

The particular consultant associated with work performed at this subject property, Mr. Robert Woellner, has an extensive history of regulatory violations, invalid drug laboratory assessments, falsification of information relating to real estate documents, and claims to his credentials that are unsupported.^{1,2,3,4,5,6,7,8,9,10,11,12} As of the date of this

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

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

³ 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

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

⁵ 1138 West 32nd Street, Unit 201, Denver, CO

⁶ 48400 Routt County Road 56C, Steamboat Springs, CO 80487

⁷ 11767 Grant Street, Northglenn, Colorado 80233



audit, FACTs has identified no fewer than 2,574 (two *thousand*, five hundred and seventy four) regulatory violations of work performed by this consultant in just 12 reports in just the first six months of the regulations becoming effective.

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

REVIEW OF THE SCREENING LEVEL ASSESSMENT

During the performance of a Screening Level Assessment (for methamphetamine) of a property, the Consultant is required by regulations to perform specific mandatory tasks and provide specific mandatory documentation.

In reviewing the Screening Assessment report by Mr. Woellner for this subject property, the following regulatory violations have been identified:

Failure to Provide Qualified Personnel

Violation of Section 3.0

According to regulations, the performance of a Screening Level Assessment, can only be performed by certain personnel.

PART 2: TRAINING AND CERTIFICATION REQUIREMENTS

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.

There is no evidence that Mr. Woellner, prior to the date of the work at 413 W. Easter Ave., Littleton, CO, has ever been "...performing assessment or decontamination activities subject to these regulations..."

In the past, Mr. Woellner has stated that he is not an Industrial Hygienist and there is no documentation to suggest that his sudden conversion to being an "Industrial Hygienist" is based on demonstrable facts. There is no indication that Mr. Woellner has any technical competency in illegal drug laboratories. During a legal hearing, Mr. Woellner was barred

⁸ 690 S. Lincoln Street, Denver, CO 80203

⁹ 8347 S Reed Street, Unit 2, Littleton CO 80128

¹⁰ March 2, 2015, Screening Assessment Inspection, 410 E 32nd Ave Avenue in Carbondale, CO 81623, March 2, 2015 (200 Violations)

¹¹ Clearance report for 410 E 32nd Ave Avenue in Carbondale, CO 81623 (366 Violations)

¹² 8172 East 132nd Avenue, Thornton, Colorado 80602 resulting in 385 Regulatory violations during an invalid Screening Assessment



from giving testimony as an expert in such matters.¹³ (Curiously, later, while under oath in a different case,¹⁴ Mr. Woellner falsely testified that he had never been barred from giving testimony).

Ms. Colleen Brisnehan, with the CDPHE (responsible for granting interim authorization to consultants to perform assessments on methamphetamine affected properties during the period of time December 15, 2014 (Effective date on new regulations)-June 15, 2015) has historically been identified as serving on the Board of Directors for a private organization called the “Colorado Association of Meth and Mold Professionals (CAMMP),” -- this would appear to be a violation of CRS §24-50-117. The “Colorado Association of Meth and Mold Professionals,” is a largely discredited group of untrained practitioners to which Mr. Woellner has claimed membership. It would appear that the CDPHE granted Mr. Woellner interim authorization in violation of the regulations they were entrusted to enforce.

Ms. Brisnehan has a documented history of protecting Mr. Woellner and helping him hide regulatory violations. Ms. Brisnehan, in violation of Colorado’s criminal statutes §18-8-404 *First degree official misconduct*, was caught personally assisting Mr. Woellner in the collection of unlawful samples at a residence.¹⁵ Ms. Brisnehan then lied to the occupant claiming the assessment and cleaning work had been performed according to State regulations when in fact, none of the assessment, none of the cleaning and none of the post remediation confirmation work had been performed according to regulations.

As of the date of this audit (December 23, 2015), FACTs has reviewed twelve reports by Mr. Woellner (all written after December 15, 2014), and identified no fewer than 2,574 (two *thousand*, five hundred and seventy four) regulatory violations by Mr. Woellner, which have been ignored - and even intentionally excused - by Ms. Brisnehan to the detriment of the victims involved.

It would appear that in an effort to protect her office,, Ms. Brisnehan felt compelled to grant certification to her fellow CAMMP member who otherwise has no documentable training in the assessment of illegal drug laboratories, has never actually performed a valid assessment in Colorado, and is not an Industrial Hygienist, (indeed during testimony under oath in 2009 was unable to correctly define “Industrial Hygiene.”)

During the performance of a Screening Level Assessment, the consultant is required to perform specific duties and provide specific information as delineated in Sections 3 and 6 of 6 CCR 1014-3. Specifically:

¹³ On July 17, 2008, in the matter of “913 Industrial Park / Colorado Casualty (Claim Number 902597160002)

¹⁴ Transcript of the Testimony of Robert Woellner in the Matter of Fidelity and Deposit Company of Maryland v. White River Townhomes, LLC *et al*, November 19, 2009.

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



3.0 Screening Level Assessment of Properties not known to be methamphetamine-affected properties. This section establishes procedures and standards for testing residential real property pursuant to § 38-35.7-103, C.R.S. Screening level assessments pursuant to this section are for the purpose of determining if the subject property is a methamphetamine-affected property. The procedures in this section are not to be used to make clearance decisions.

3.5 The Consultant shall conduct limited composite wipe sampling of the structure(s) for methamphetamine (including fixtures, as appropriate), in accordance with Section 6 of this Part 1.

Inability to Comply with Paragraph 3.3

During the performance of a Screening Level Assessment, the consultant is required to perform specific duties and provide specific information, including:

3.3 The Consultant shall document any observed signs that the subject property is a methamphetamine-affected property. If any signs of a methamphetamine-affected property are observed, then the Screening Assessment requirements of Section 4 and Section 6 of this Part 1 apply in lieu of this section.

As already addressed, Mr. Woellner lacks any documented training in the assessment of illegal drug laboratories, and, not being an Industrial Hygienist, and having an established history of failing to recognize chemical storage areas, waste disposal areas, cooking areas, and/or use areas, there is no way Mr. Woellner would possess the necessary skill set to comply with this provision.

We see examples of his lack of knowledge in such matters in his past reports where, for example, Mr. Woellner rambled in his report about “orange rinds”¹⁶ being used for methamphetamine production (orange rinds are not used in methamphetamine production).

For this property, Mr. Woellner states:

3.7.4 Summary of Site Observations: The residence was unoccupied at the time of our inspection. It contained only limited contents (e.g., a piano). No iodine staining, abnormally oxidized metal, or otherwise meth-specific residue or staining was observed. No obvious etching, chemical residue, stressed vegetation, or fire-damaged areas were observed in or around the residence.

In the past, Mr. Woellner has entirely failed to observe profound iodine staining even when it is present. For example, in one pseudoephedrine Red-Phosphorous production

¹⁶ See for example: 1138 West 32nd Street, Unit 201, Denver, CO http://www.forensic-applications.com/meth/Addendum_2_Woellner_1138_32_St.pdf



laboratory located at 690 S Lincoln Street in Denver, CO,¹⁷ there was extensive evidence of profound iodine contamination throughout the property, and yet Mr. Woellner entirely failed to observe the staining. (The photograph below shows the author of this review (Connell) in the basement of the Lincoln property pointing to heavy iodine contamination).



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.

Since, as described below, Mr. Woellner failed to provide photographs of site conditions as required by regulations, there is no way to now know if iodine staining was present or not.

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



Failure to Comply with Paragraph 3.3

During the performance of a Screening Level Assessment, the consultant is required to perform specific duties and provide specific information, including:

3.5 The Consultant shall conduct limited composite wipe sampling of the structure(s) for methamphetamine (including fixtures, as appropriate), in accordance with Section 6 of this Part 1.

As described below, Mr. Woellner failed to perform sampling as required by Section 6, and none of the samples collected at this property were valid.

Violation of Section 3.7.5 (19 violations)

During a Screening Level Assessment, the Consultant is required to provide specific documentation including:

3.7.5 Photographic documentation of property conditions.

Mr. Woellner failed to comply with this requirement. According to his report there are at least 18 rooms in the structure, therefore, at a minimum, there should be photographs showing site conditions for those rooms. As it is, photographs showing site conditions are missing from the following:

1. Attic 1
2. Attic 2
3. Basement bathroom
4. Basement SE Bedroom
5. Bathroom
6. Garage
7. Great Room
8. Kitchen
9. Living Room
10. Mechanical room
11. NW Craft room
12. SE Bedroom
13. Shed
14. Storage shelves room
15. SW Bedroom
16. SW Music Room
17. W Bedroom
18. Plumbing
19. Ventilation



Violation of Section 3.7.6

During a Screening Level Assessment, the Consultant is required to provide specific documentation including:

3.7.6 Documentation of screening level sampling shall include:

3.7.6.1 a description of the sampling procedures used, including sample collection, handling, and quality assurance/quality control (QA/QC);

Nowhere in the report do we find any description of the sampling procedures used, including sample collection, handling, or quality assurance/quality control (QA/QC).

Violation of Section 6

During a Screening Level Assessment, the Consultant is required to perform specific activities pursuant to Section 6:

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

Inability to comply with Paragraphh 6.1.3.2

During a Screening Level Assessment, the Consultant is required to perform specific activities pursuant to Section 6, including:

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 already established, Mr. Woellner has no documented training that would permit him to determine if the P2P method was used. Therefore, it would have been impossible for Mr. Woellner to comply with this provision.

Inability to comply with Paragraphh 6.1.3.3

During a Screening Level Assessment, the Consultant is required to perform specific activities pursuant to Section 6, including:

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

As already established, Mr. Woellner has no documented training that would permit him to determine if an iodine process was used, and in the past, Mr. Woellner has entirely overlook profound iodine staining, and therefore, it would have been impossible for Mr. Woellner to comply with this provision.



Inability to comply with Paragraphh 6.1.3.5

During a Screening Level Assessment, the Consultant is required to perform specific activities pursuant to Section 6, including:

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

As already established, Mr. Woellner has no documented training that would permit him to determine if the P2P method was used. Therefore, it would have been impossible for Mr. Woellner to comply with this provision.

Violation of Section 6.2.2 (9 Violations – Failure to collect 100cm²)

During the performance of a Screening Assessment, the Consultant is required by regulations to follow specific sampling protocols including:

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

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.

Historically Mr. Woellner has never performed a site assessment wherein he has complied with this provision to the extent that to our knowledge, at *every* project, Mr. Woellner has failed to collect the required area for at least one sample. In several photographs in the report, Mr. Woellner documents that he failed to collect samples from areas that were 100 cm². In several locations, although Mr. Woellner merely placed a 100 cm² template over an item, in several samples, the area contains empty space. For example:



QUEST PHOTOGRAPHS





QUEST PHOTOGRAPHS

Violation of Section 6.2.2 (8 violations Re-use of templates)

According to the regulations:

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

In all of the sampling photographs provided in the report, Mr. Woellner documents that, in violation of the regulations, Mr. Woellner reused his templates.

Violation of Section 6.2.7 (12 Violations)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to follow specific sampling protocols including:

6.2.7 Wipe the surface using one of the following methods:

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

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

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



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

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

Nowhere in the report, do we see where Mr. Woellner documented where he used this protocol. As already mentioned, in violation of Section 3.7.6.1, Mr. Woellner failed to provide a description of his sampling procedures.

However, historically, Mr. Woellner has never complied with this provision, and, all other evidence notwithstanding, there is nothing to suggest he complied with this provision for this property.

In any event, Mr. Woellner has documented surface areas wherein it would have been impossible to simultaneously use the mandatory method and/or collect 100 cm² as required. Examples include:



QUEST PHOTOGRAPHS

Violation of Section 6.2.12.1

During the performance of a Screening Level Assessment, the Consultant is required by regulations to follow specific sampling protocols including:

6.2.12.1 To collect a field blank, remove a wipe from the wrapper with a new glove, shake the wipe open, refold in the same manner as during the sampling procedure, and then insert the wipe into the sample container.

In the chain-of-custody, Mr. Woellner identifies that the blank was for 400cm², therefore, somewhere, Mr. Woellner used the blank to wipe some surface, in violation of the regulations. Otherwise, nowhere in the report, do we see where Mr. Woellner documented where he used this protocol. As already mentioned, in violation of Section 3.7.6.1, Mr. Woellner failed to provide a description of his sampling procedures.



Violation of Section 6.2.14

During the performance of a Screening Level Assessment, the Consultant is required by regulations to provide specific information and documentation including:

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

Violation of Section 6.2.14.5 (4 Violations)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to provide specific information on the chain-of-custody, including:

6.2.14.5 sample area;

As discussed above, Mr. Woellner failed to collect 100cm² for any of the aliquots. There was at least one aliquot from each of the four sample composites submitted. Therefore, none of the areas identified by Mr. Woellner on the chain-of-custody are correct – that is, none of the composites contain 400 cm² as claimed. Since there were four submissions, there are four violations.

Violation of Section 6.2.14.6 (5 Violations)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to provide specific information on the chain-of-custody, including:

6.2.14.6 number of sample aliquots;

Nowhere on the chain-of-custody is the number of aliquots provided. Since there are five submissions, there are five violations.

Violation of Section 6.2.14.8 (5 Violations – Collection Time)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to provide specific information on the chain-of-custody, including:

6.2.14.8 sample collection time ...

Nowhere on the chain-of-custody is the sample collection time provided. Since there are five submissions, there are five violations.

Violation of Section 6.2.14.8 (5 Violations – Collection date)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to provide specific information on the chain-of-custody, including:

6.2.14.8 sample collection...date ...

Nowhere on the chain-of-custody is the sample collection date provided. Since there are five submissions, there are five violations.



Violation of Section 6.2.14.9 (5 violations)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to provide specific information on the chain-of-custody, including:

6.2.14.9 sample matrix;

Nowhere on the chain-of-custody is the matrix identified, (the term “matrix” as used by the laboratory is different from the term “matrix” as used in the regulations). Since there are five submissions, there are five violations.

Violation of Section 6.2.14.11

During the performance of a Screening Level Assessment, the Consultant is required by regulations to provide specific information on the chain-of-custody, including:

6.2.14.11 sample preservatives, if applicable; and

Nowhere on the chain-of-custody is the sample preservative addressed.

Violation of Section 6.2.15

During the performance of a Screening Level Assessment, the Consultant is required by regulations to provide specific information and documentation including:

6.2.15 Painted-over surfaces. Estimate the concentration of methamphetamine present below a painted-over surface (as defined in Section 2 of this Part 1) by one of the following methods:

Nowhere in the Screening Level report is this information provided and nowhere in the report does Mr. Woellner address the issue of painted-over surfaces. Since Mr. Woellner failed to provide the mandatory photographic documentation, there is no way to know the site conditions regarding painted-over surfaces.

Violation of Section 6.3.6 (9 Violations)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to perform specific duties pursuant to specific protocols, including:

6.3.6 Collect all individual aliquots from 100 cm² sampling areas.

As already addressed above, Mr. Woellner documented that he failed to collect at least nine aliquots from areas that were 100 cm².

Violation of Section 6.7.1.1

During the performance of a Screening Level Assessment, the Consultant is required by regulations to perform specific duties pursuant to specific protocols, including:

6.7.1.1.... At least one composite sample must include an aliquot from the cold air return of a heating system, if it is a forced air system.



During the Screening Assessment for this subject property, Mr. Woellner failed to collect an aliquot from the cold air return.

Violation of Section 6.7.1.2 (6 Violations)

During the performance of a Screening Level Assessment, the Consultant is required by regulations to perform specific duties pursuant to specific protocols, including:

6.7 Screening level sampling protocols for buildings.

6.7.1.2 All exhaust fans (including, but not limited to, kitchen, bathrooms, attic vent fans, or whole house exhaust fans) must also be sampled. Exhaust fan samples shall be collected from inside the fan compartment, the fan blade, or the back side of the fan grill.

...

1. Mr. Woellner failed to collect a sample inside the fan compartment of the hall bathroom exhaust
2. Mr. Woellner failed to collect a sample inside the fan compartment of the basement bathroom exhaust
3. Mr. Woellner failed to collect a sample inside the fan compartment of the kitchen grille
4. Mr. Woellner failed to collect a sample from the vent fan in attic Number 1
5. Mr. Woellner failed to collect a sample from the vent fan in attic Number 2
6. Mr. Woellner failed to collect a sample inside (or back) of the whole house fan

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 Hygienist 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 at hand and may be falsely representing himself 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: 1) Either 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.

However, since Mr. Woellner has specifically referenced 6 CCR 1014-3 and is explicitly recognized by Ms. Brisnehan with CDPHE (who is identified as sitting on the Board of Directors of CAMMP,¹⁸ to which Mr. Woellner has claimed membership) as being proficient in such assessments. Since, to date, FACTs has identified 2,394 regulatory violations associated with Mr. Woellner's work, one must conclude that Mr. Woellner knowingly and willingly performed work that so grossly deviated from mandatory State requirements.

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

¹⁸ Colorado Association of Meth and Mold Professions appears to be a group of pseudoprofessionals who otherwise have no apparent expertise in either methamphetamine or mold related issues.



be registered, filed, or recorded or become a part of the records of that public office or public employee.

Pursuant to State statute, and state regulations, the “Screening Level Assessment” must be filed with the State of Colorado (indeed the report we reviewed was obtained from the State of Colorado through the Colorado Open Records Act). Therefore, we believe the facts objectively establish that Mr. 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 C.R.S. § 6-1-105(1)(b), (c), (e) and (l), 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 revise 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.

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. Brisnehan with the CDPHE gave *carte blanc* Interim Authorization to anyone who applied (and paid the mandatory fee), including the fraudulent consultants who had created the serious problems in the first place.

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 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. In the past, Mr. Woellner has made several claims regarding his credentials and experience¹⁹ that upon scrutiny, have been found to be unsupported.

CONCLUSION

For this regulatory audit, FACTs has identified no fewer than 101 regulatory violations committed by Mr. Woellner (QUEST) in his Screening Level Assessment for the property located at 413 W Easter Ave, Littleton, CO 80120.

¹⁹ See for example, the FACTs regulatory audit for 11767 Grant Street, Northglenn, Colorado 80233



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

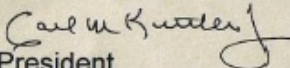


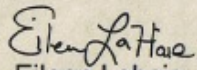
This is to certify that
Caoimhin P. Connell

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



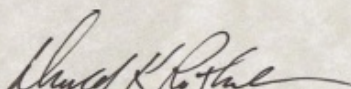
Certificate of Training

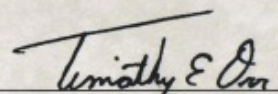
This certifies that

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>



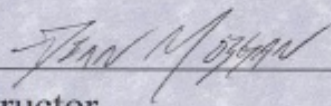
Park County Sheriff's Office Certificate of Completion

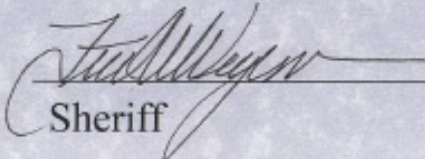
Caoimhin Connell

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

