



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

**Industrial Hygiene  
Critical Review  
of the**

**February 23, 2012  
HEALTH AND ENVIRONMENTAL TECHNOLOGY, LLC  
Pre-Purchase Assessment  
“METHAMPHATAMINE” (*sic*) LABORATORY REPORT  
Of  
539 Shady Crest, Colorado Springs, Colorado**

**Prepared for:  
Rocky Mountain Community Land Trust,  
1212 W. Colorado Ave., Colorado Springs, CO 80904**

Prepared by:

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



November 27, 2012

## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	3
INTRODUCTION.....	6
Overview of “Meth Testing” .....	7
PERSONNEL .....	8
Plagiarism .....	9
Declaration of Discovery.....	10
Follow up Testing.....	12
State Regulations .....	12
Sample Collection .....	13
CONCLUSIONS.....	13



## EXECUTIVE SUMMARY

On November 12, 2012, at the request of John Ballweber, Housing Development Coordinator, Rocky Mountain Community Land Trust, 1212 W. Colorado Ave., Colorado Springs, CO 80904 FACTs reviewed the February 23, 2012, document prepared by Health And Environmental Technology, LLC titled:

**Pre-Purchase Assessment  
“METHAMPHATAMINE” (sic) LABORATORY REPORT  
539 Shady Crest, Colorado Springs, Colorado**

(The word “methamphetamine” actually is misspelled in the document).

The Health And Environmental Technology, LLC (HET) document was addressed to Mr. Richard White, Director of Housing Development, Rocky Mountain Community Land Trust (RMCLT), 1212 W. Colorado Ave., Colorado Springs, CO, 80904

The document falsely claimed to be a “Preliminary Assessment” performed pursuant to Colorado Regulations 6 CCR 1014-3, Section 4.

Having reviewed the documentation available, FACTs concludes the following:

- The document claims to be a compliance statement for the property, declaring the property compliant with 6 CCR 1014-3 and “fit for occupancy.” For such a declaration to be made, the property MUST, by regulation, be subjected to a Preliminary Assessment pursuant to the provisions of 6 CCR 1014-3 and the sampling and documentation provisions of Section 6 and Section 8 of the same regulations.
- FACTs identified no fewer than 67 violations of regulation.
- The work performed by HET entirely failed to meet even a single element of Section 4, Section 6 and Section 8 of 6 CCR 1014-3. Specifically:
  1. Failure to comply with Section 4.0 General provisions
  2. Failure to comply with Paragraph 4.1 Property description
  3. Failure to comply with Paragraph 4.1 legal description
  4. Failure to comply with Paragraph number and type of
  5. structures present
  6. Failure to comply with Paragraph 4.1 description of adjacent properties
  7. Failure to comply with Paragraph 4.2 Review of available law enforcement reports
  8. Failure to comply with Paragraph 4.3. Identification of functional spaces
  9. Failure to comply with Paragraph 4.4 Identification of manufacturing methods
  10. Failure to comply with Paragraph
  11. Failure to comply with Paragraph 4.5. Identification of chemicals
  12. Failure to comply with Paragraph 4.6 Identification and documentation of areas of contamination.
  13. Failure to comply with Appendix A (all sections)
  14. Failure to comply with Paragraph 4.7. Identification of chemical storage areas
  15. Failure to comply with Paragraph 4.8 Identification of waste disposal areas
  16. Failure to comply with Paragraph 4.9 Identification of cooking areas.
  17. Failure to comply with Paragraph 4.10. Identification of signs of contamination
  18. Failure to comply with Paragraph 4.11 Inspection of plumbing system



- 19. Failure to comply with Paragraph 4.11 Identification of ISDS
- 20. Failure to comply with Paragraph 4.12. Identification of fugitive emissions
- 21. Failure to comply with Paragraph 4.13. Identification of ventilation
- 22. Failure to comply with Paragraph 4.14 Photographic documentation of property conditions
- 23. Failure to comply with Paragraph 6.10 Sampling protocols
- 24. Failure to comply with Paragraph 6.0.3 Post-decontamination clearance sampling
- 25. Failure to comply with Paragraph 6.1. Locations of samples according to the PA
- 26. Failure to comply with Paragraph 6.1.1. Sampling location DQOs
- 27. Failure to comply with Paragraph 6.1.2. Sampling for fugitive emissions
- 28. Failure to comply with Paragraph 6.2. Incorrect number and type of samples
- 29. Failure to comply with Paragraph 6.2.1. Discrete sampling is required
- 30. Failure to comply with Paragraph 6.2.2. Composite sampling
- 31. Failure to comply with Paragraph 6.3. Sample handling description
- 32. Failure to comply with Paragraph 6.4. Description of analytical methods
- 33. Failure to comply with Paragraph 6.5 Evaluation of ISDS
- 34. Failure to comply with Paragraph 6.6. Description of QA/QC
- 35. Failure to comply with Paragraph 6.6 Submission of Blanks
- 36. Failure to comply with Section 7.0 Cleanup Levels, all provisions
- 37. Failure to comply with Paragraph 7.1. Surface wipe samples
- 38. Failure to comply with Paragraph 7.2. Consideration of iodine
- 39. Failure to comply with Paragraph 7.3. Consideration of P2P Laboratory
- 40. Failure to comply with Paragraph 7.4. The investigation of outdoor contamination
- 41. Failure to comply with Section 8.0 Reporting.
- 42. Failure to comply with Paragraph 8.1. Property description
- 43. Failure to comply with Paragraph 8.1 legal description
- 44. Failure to comply with Paragraph 8.1 ownership
- 45. Failure to comply with Paragraph 8.1 number and type of structures present
- 46. Failure to comply with Paragraph 8.1 description of adjacent properties
- 47. Failure to comply with Paragraph 8.2. Description of manufacturing methods
- 48. Failure to comply with Paragraph 8.3. Inclusion of copies of law enforcement reports
- 49. Failure to comply with Paragraph 8.4 A description of chemical storage with figures
- 50. Failure to comply with Paragraph 8.5. A description of waste disposal a figures
- 51. Failure to comply with Paragraph 8.6. A description of cooking areas with figures
- 52. Failure to comply with Paragraph 8.7. A description of contamination
- 53. Failure to comply with Paragraph 8.8. Plumbing inspection
- 54. Failure to comply with Paragraph 8.9. A description of adjacent units
- 55. Failure to comply with Paragraph 8.10. Identification of ventilation systems
- 56. Failure to comply with Paragraph 8.11 Description of the sampling procedures
- 57. Failure to comply with Paragraph 8.11 Description of sample collection
- 58. Failure to comply with Paragraph 8.11 Description of sample handling
- 59. Failure to comply with Paragraph 8.11 Description of QA/QC
- 60. Failure to comply with Paragraph 8.12. Description of laboratory QA/QC
- 61. Failure to comply with Paragraph 8.13. Description of the location and results of initial sampling (if any), including a description of sample locations and a figure with sample locations and identification.
- 62. Failure to comply with Paragraph 8.14. Description of the health and safety compliance
- 63. Failure to comply with Paragraph 8.19. Description of the location and results of verification sampling including a figure with sample locations and identification.
- 64. Failure to comply with Paragraph 8.20. Photographic documentation of property conditions
- 65. Failure to comply with Paragraph 8.21. Consultant statement of qualifications
- 66. Failure to comply with Paragraph 8.22. Certification of procedures and variations
- 67. Failure to comply with Paragraph 8.23. Mandatory certification language

None of the work performed by HET met any aspect of Colorado Regulations 6 CCR 1014-3.



- None of the sampling performed by HET met any aspect of 6 CCR 1014-3.
- The work product by HET was so remarkably bad that each of the elements identified above would warrant a paragraph to detail the failure to comply. As such, FACTs did not perform a detailed review of the HET document, however, upon request, FACTs will delineate the details surrounding each of the failures to comply identified above.
- The work was performed by an individual with a long documented history of fraudulent statements and plagiarism.
- The current documentation contains plagiarism.
- The current documentation contains fraudulent statements.
- This analytical results serve as “Discovery” of an illegal drug laboratory, as that term is found in Colorado Revised Statutes §25-18.5-103 and Regulation 6CCR 1014-3 (3) at the subject property.
- This analytical results serve as “Notification” of an illegal drug laboratory, as that term is found in Colorado Revised Statutes CRS §25-18.5-103 (1)(a).
- The work did not constitute a “Preliminary Assessment” as defined by State Regulations and cannot be used as, or in lieu of, a Preliminary Assessment.
- Pursuant to State Statutes, any additional sampling performed at the property cannot be used to refute or rebut the HET discovery data. The results of any additional sampling by another consultant may only be used if the data support these data, unless the work is performed pursuant to Sections 4, 6 and 7 of 6 CCR 1014-3.
- Any seller who is aware of the presence of an illegal drug laboratory is required by Colorado Revised Statutes 38-35.7-103(3)(a) to disclose to any potential buyer, in writing, the presence of the same.
- Pursuant to Colorado Revised Statutes§25-18.5-104, from this point forward, it is unlawful for any person to enter or occupy the lower two units and garages (except as specified by the provision in the Statute).
- Pursuant to CRS §25-18.5-104, prohibition on entry to lower two units and garages extends to the current occupants, Real Estate agents, property owner(s), maintenance personnel, potential buyers, home inspectors, and any and all other personnel, except law enforcement personnel and personnel meeting the requirements of Title 29 of the Code of Federal Regulations, Part 1910.120(e).
- Pursuant to Colorado Revised Statutes§25-18.5-104, from this point forward, any seller who permits entry into the lower two units and garages is in violation of State statutes and knowingly poses a significant health threat to those entering the property.
- Pursuant to CRS §25-18.5-103(3) no person shall remove any personal belongings or personal property from the lower two units and garages (including vehicles) unless that person secures the property in a manner that prevents theft and prevents exposing any other person to any toxic or hazardous chemicals until the property and debris is appropriately discarded or cleaned according to board rules.
- Pursuant to CRS §25-18.5-103(1)(b) The owner of any personal property within the residence (including the garage and vehicles) shall have ten days after the date of this discovery to clean, test or securely relocated under contract, his or her personal property



according to board rules. If the personal property owner(s) fails to comply with State statutes within ten days pursuant to the restrictions found in CRS §25-18.5-103(3), the registered owner of the structure may dispose of the personal property during the cleanup process without liability to the owner of the personal property for such disposition.

- Pursuant to CRS §25-18.5-103, the Registered Owner of the property exclusively has two options: 1) commission an authorized Industrial Hygienist to perform a *Preliminary Assessment* as described in 6 CCR1014-3 (4.0 *et seq*), or 2) demolish the property. No timeframe is currently assigned for the completion of the Preliminary Assessment or demolition.
- No exemptions are granted for regulatory compliance if the registered owner is a Commercial Lender, Bank Owned Property, “Fannie Mae,” “Freddie Mac,” or any other Federal or State Government lending program.
- Several unauthorized consultants (such as Mr. Rodosevich), have been performing unlawful consultation in illegal drugs labs in Colorado. Use of these consultants has resulted in serious litigation problems and will result in a fatal flaw in the work. This, or any other fatal flaw in compliance with the State Regulations, will prevent the registered owner from receiving the liability immunity provided by CRS §25-18.5-103(2).
- According to Regulation 6 CCR 1014-3, any cleaning and/or remediation and/or decontamination is strictly prohibited, except pursuant to a completed *Preliminary Assessment*.

## INTRODUCTION

The document provided is remarkably incompetent. As we stated in our November 27, 2013 letter to John Ballweber, Rocky Mountain Community Land Trust, we see that the report submitted by Mr. Rodosevich, isn’t even for the right property. Mr. Rodosevich’s report is actually for a completely different property and not for the property located at 539 Shady Crest Circle. That is typical for Mr. Rodosevich, who appears to merely reprint the same reports over and over again, hastily changing one or two things and issue his “report.” For example, in his report, Mr. Rodosevich states:

This property is located in the general area of Security, Colorado. East of the US-85 highway and north of the Crawford Ave. The subject site is located within a residential area.

In fact, the Shady Crest property is seven miles north of Crawford Avenue and nowhere near US-85, and it is a 15 minute drive to get to Crawford Ave from Shady Crest Circle.

Also, in his report, Mr. Rodosevich states:

There is a no basement at this house and the attic which had the access door was (*sic*) secured and not open at the time of the assessment. Both areas were inspected during this assessment and no clandestine laboratory material was found in either place.

Yet, Mr. Rodosevich then produces a photograph identified as “Stairwell downstairs to basement” and his sample log indicates that he collected a basement sample.



Similarly, if the attic door was secured, how did he gain access to perform the inspection? Further, if he inspected the attic, why are there no photographs as required by regulations, and why are there no samples collected from the attic as required by regulation?

Similarly, in his report to Mr. White, Mr. Rodosevich states:

Ten (10) samples were collected within the house, and the results indicated that only the bedroom had trace levels of methamphetamine.

But when we look at his sample “results” we see that neither one of the bedrooms had ANY detectable methamphetamine; whereas, the furnace, the (apparently nonexistent) basement, and the kitchen DID have methamphetamine.

Similarly, in his report, we see

Please see recommendations for cleaning the master bedroom due to trace levels of methamphetamine.

And yet, his report contains no recommendations for cleaning the master bedroom, no indication there is a master bedroom, and no samples that indicate that ANY bedroom has detectable concentrations of methamphetamine.

The work by Mr. Rodosevich in no way whatsoever was compliant with State Regulations, or State Statutes, and cannot be used for any compliance purposes. The samples collected by Mr. Rodosevich are completely invalid and cannot be used for compliance purposes.

Mr. Rodosevich has a long history of performing fraudulent and invalid assessments with complete disregard for State Regulations.

The report produced by Mr. Rodosevich for the Shady Crest property is almost identical to another invalid report he produced, for which we performed a Critical Review, which can be downloaded from here:

[http://forensic-applications.com/meth/Farnsworth\\_Critical\\_Review.pdf](http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf)

We recommend that you recover your fees paid to Mr. Rodosevich for his fraudulent work. If it would help, we could perform a Critical Review of his February 23, 2012 report on your behalf. If Mr. Rodosevich has performed similar work for your organization, those properties are in a state of liability peril and uncertainty.

## ***Overview of “Meth Testing”***

In Colorado, there are four distinct types of sampling and assessments involving illegal drug laboratories; one non-regulatory level and three regulatory and/or statutory levels.

### **1. Screening evaluation – a voluntary evaluation performed out of curiosity**



There are no regulations or statutes or other criteria that govern a screening test; an untrained 15 year old child (or a “certified mold inspector”) is permitted to perform the “testing,” and the results cannot be used for any regulatory compliance purposes.

**2. Cursory evaluation – a Real Estate transaction property inspection performed pursuant to CRS §38-35.7-103**

Work performed for a real estate transaction, must be performed by an Industrial Hygienist as defined by CRS 24-30-1402. The testing may be used to meet specific criteria as defined in CRS 38-35.7-103. The objective of this level of inspection is merely to identify whether or not a Preliminary Assessment is warranted. ANY reportable methamphetamine will automatically trigger the need for a Preliminary Assessment. No declaration of compliance may be made from this level of testing.

**3. Preliminary Assessment – a State mandated assessment following “discovery” performed pursuant to CRS 25-5-101 et seq and Regulation 6 CCR 1014-3**

Following the discovery of an illegal drug laboratory, the property owner must commission a Preliminary Assessment (PA); the PA must be performed by a qualified Industrial Hygienist meeting statutory definition of CRS 24-30-1402. The PA may or may not involve any sampling, and must conform to the mandatory elements as defined in 6CCR 1014-3 Section 4, and Section 6 and the provisions of Colorado Revised Statutes §25-18.5-101 *et seq.*

**4. Decision Statement - a State mandated declaration of compliance following “discovery” performed pursuant to provision of CRS §25-5-101 et seq and Colorado Regulation 6 CCR 1014-3**

Following the discovery of an illegal drug laboratory, and either in conjunction with, or following, a legitimate PA, the property owner must commission final verification sampling and other activities as defined by 6CCR 1014-3 and CRS 25-18.5-101 *et seq.* The work must be performed by a qualified Industrial Hygienist meeting statutory definition found in CRS 24-30-1402.

## **PERSONNEL**

In his report, Mr. Rodosevich identifies himself as a “Certified Clandestine Laboratory Specialist.” There is no such certification in Colorado, and Mr. Rodosevich has never been able to produce any documentation that supports his claim. We also note Mr. Rodosevich uses the titles Certified Hazardous Material Specialist and Certified Emergency Manager. We have never seen Mr. Rodosevich provide any documentation to support these titles.

It is clear from the available information and track record that Mr. Rodosevich has absolutely no recognized training in any aspect of clandestine drug laboratories.

In violation of State statute (title 38-35.7), HET failed to provide an individual who has any documentable training in the assessment of illegal drug laboratories as required.

One of the mandatory provisions, pursuant to state regulations promulgated by the Colorado State Board of Health and designated as “6 CCR 1014-3, Regulations Pertaining To The Cleanup Of Methamphetamine Laboratories” states that assessments





of properties within the scope of the regulation can only be performed by an authorized Industrial Hygienist who not only meets the definition found in Section 24-30-1402 of the Colorado Revised Statutes, but also, the Industrial Hygienist must perform hypothesis testing wherein:

*The strength of evidence needed to reject the hypothesis is low, and is only that which would lead a reasonable person, **trained in aspects of methamphetamine laboratories**, to conclude the presence of methamphetamine, its precursors as related to processing, or waste products.*

Similarly, regarding contamination migration, the regulations explicitly state:

*“Functional space” means a space where the spread of contamination may be expected to occur relatively homogeneously, compared to other functional spaces. The “functional space” may be a single room or a group of rooms, designated by a consultant who, **based on professional judgment**, considers the space to be separate from adjoining areas with respect to contaminant migration. Other typical examples of functional spaces include a crawl space, an attic, and the space between a dropped ceiling and the floor or roof deck above.*

And:

*4.6 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, or cooking areas, or **based on professional judgment** of the consultant; or the consultant may determine that assessment sampling is necessary to verify the presence or absence of contamination.*

And:

*Other outdoor surfaces should be evaluated based on **best professional judgment**. Wipe samples and destructive samples may be required.*

And:

*Composite sampling is permitted by this regulation, as described herein. The consultant may not use composite sampling unless in their **professional judgment**, contamination is expected to be relatively evenly dispersed throughout a given area, such that the sampling will accurately represent the conditions of the drug laboratory.*

And so forth; the allusion to an appropriately trained IH is woven intrinsically into the regulation and is needed for compliance.

The HET report contains so many gross errors, regulatory violations, omissions and false statements, and has been so incompetently prepared that one is led to the obvious conclusion that the HET author has no legitimate training or knowledge in clandestine drug laboratories. Therefore, the author is not qualified or authorized to perform the work.

### ***Plagiarism***

In their report, regarding Paragraph 4.9, Mr. Rodosevich merely plagiarized a web site written by me (Caoimhín P. Connell) wherein, many years ago, I stated on my web site:



Virtually ANY methamphetamine related activities, including smoking meth within a residence, is sufficient to categorize the property as an "illegal drug laboratory" pursuant to the regulations. Pursuant to CRS 25-18.5-101, *Definitions*, an illegal drug laboratory is defined as "the areas where controlled substances, have been manufactured, *processed*, cooked, disposed of, or stored and **all proximate areas that are likely to be contaminated as a result of such manufacturing, processing, cooking, disposing, or storing.**" Smoking methamphetamine pyrolyzes the drug, which is thus "processed" and therefore meets the definition of a drug laboratory. This broad scope is necessary since studies have shown that smoking meth in a residence can result in as much contamination or even more contamination than production and synthesis.

Compare this language that which appeared in the HET report:

Virtually ANY methamphetamine related activities, including smoking meth within a residence, is sufficient to categorize the property as an "illegal drug laboratory" pursuant to the regulations. Pursuant to CRS 25-18.5-101, *Definitions*, an illegal drug laboratory is defined as "the areas where controlled substances, have been manufactured, *processed*, cooked, disposed of, or stored and **all proximate areas that are likely to be contaminated as a result of such manufacturing, processing, cooking, disposing, or storing.**" Smoking methamphetamine pyrolyzes the drug, which is thus "processed" and therefore meets the definition of a drug laboratory. This broad scope is necessary since studies have shown that smoking meth in a residence can result in as much contamination or even more contamination than production and synthesis.

As can be seen, the language is identical, and it would be difficult to believe that an individual with no training in illegal drug laboratories or illegal drug assessments, or the regulations would have created the exact same language as that which I authored and which appeared on my web site.

However, in fact, the author of the HET report is so incompetent, he not only plagiarized the work of others, he entirely failed to update his files and failed to recognize that the State statutes had changed since he plagiarized the work, and the cited definition did not exist in Colorado on February 23, 2012 when Mr. Rodosevich wrote his report.

### ***Declaration of Discovery***

A recurring myth amongst unauthorized and fraudulent consultants in clandestine drug lab testing related issues is that if sampling (such as that performed at the subject property) finds methamphetamine, but the concentration is less than 0.5 micrograms per one hundred square centimeters ( $\mu\text{g}/100\text{cm}^2$ ) of surface area, then the property is "OK," and not covered by the State regulations.

This is the false assumption made by Mr. Rodosevich at this property.

However, this argument is erroneous and no such provisions are found anywhere in State statutes or State regulation. If an Industrial Hygienist chooses non-mandatory sampling (such as performed at the subject property) during an real estate transaction evaluation, and those samples result in any reportable contamination, even below the value of  $0.5 \mu\text{g}/100\text{cm}^2$ , then the property must, by state regulation, be declared an illegal drug



laboratory.<sup>1</sup> This is due to the fact that cursory sampling and real estate sampling does not meet the data quality objectives upon which the State clean-up level of “0.5 µg/100cm<sup>2</sup>” value is based.

It was for this reason that during legitimate real estate transaction testing by legitimate and trained Industrial Hygienists, the Industrial Hygienist will establish “data quality objectives” and select reportable limits that are sufficiently elevated such that trace or *de minimis* quantities of methamphetamine would not inappropriately trigger the State regulations, but the probability that elevated concentrations will be detected.

In any event, contrary to incompetent and erroneous statements made by Mr. Rodosevich in his report, the mere value of “0.5 µg/100cm<sup>2</sup>” is not the State of Colorado cleanup level, but rather is the value upon which the final cleanup level is based and which is described in the mandatory Appendix A of the State regulations. The Colorado clearance level of “0.5 µg/100cm<sup>2</sup>,” frequently misquoted by unauthorized “testing” firms applies exclusively as *prima facie* evidence of decontamination at the end of a project<sup>2</sup> and is that attainment threshold occasionally needed to issue a “decision statement” (final clearance).

Contrary to popular misconception, there is no *de minimis* concentration during a cursory evaluation or Preliminary Assessment below which a property could be declared “not a meth lab” or “not of regulatory concern” (or “fit for use” as used by Mr. Rodosevich) since virtually any concentration of meth present in a sample at the property would:

*...lead a reasonable person, trained in aspects of methamphetamine laboratories, to conclude the presence of methamphetamine, its precursors as related to processing, or waste products.*<sup>3</sup>

Although it should not have to be stated, the confirmed presence of methamphetamine at the Shady Crest property is sufficient evidence to conclude the presence of methamphetamine.

In an opinion issued by the State of Colorado Department of Public Health and the Environment,<sup>4</sup> even when the cursory concentrations are far below state mandated limits:

---

<sup>1</sup> *Ibid.* Appendix A

<sup>2</sup> Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*, 6 CCR 1014-3.

<sup>3</sup> *Ibid.*

<sup>4</sup> Email transmission from Craig Sanders to FACTs, January 31, 2008, quoting Coleen Bresnahan, CDPHE, regarding a property at 32548 Kinsey Lane Conifer, Colorado.



*"Performing a PA [Preliminary Assessment] and clearance sampling is the only way to meet the requirements of the Reg, get the liability shield, and provide protection for future Real Estate transactions."*

## **Follow up Testing**

Contrary to common misconception, by virtue of the HET results, any second test performed pursuant to CRS §38-35.7-103 that fails to confirm the presence of methamphetamine **cannot** be used to release the seller from the statutory requirements to perform the required Preliminary Assessment, since the discovery and notification have already occurred pursuant to CRS §25-18.5-103 and Colorado regulations 6 CCR 1014-3.

That is, pursuant to State statutes, any additional testing by another Industrial Hygienist at this property **cannot** be used to release the property owner from regulatory requirements to perform a Preliminary Assessment. Any additional testing by a second Industrial Hygienist can only be used if the data support these initial findings; the data are not permitted to be used to refute, rebut or counter these findings, and **cannot** be used to provide the seller with regulatory relief, and **cannot** be used in lieu of a Preliminary Assessment.

## **State Regulations**

Pursuant to Colorado regulations 6 CCR 1014-3,<sup>5</sup> following discovery and notification, a comprehensive and detailed "Preliminary Assessment" must be commissioned by the property owner (seller) and performed by an authorized and properly trained Industrial Hygienist who must characterize extant contamination. The content and context of the "Preliminary Assessment" is explicitly delineated by regulation. Any remediation or cleaning of the property must be based on the Industrial Hygienist's Preliminary Assessment, and cannot occur until such assessment has been conducted.

According to Colorado revised statutes,<sup>6</sup> the seller of a property shall disclose in writing to a buyer whether the seller knows that the property was previously used as a methamphetamine laboratory. Until such time that an authorized Industrial Hygienist has issued a Decision Statement, the seller of the property must disclose that the property is an illegal drug laboratory.

Nothing in State statutes prohibit a buyer from purchasing the property knowing the property to be contaminated. If this is done, then according to CRS §38-35.7-103(2)(c) the buyer shall notify the Governing Body of the purchase in writing on the day of closing and shall complete the Preliminary Assessment and remediation process and obtain a Decision Statement within 90 days of closing.

---

<sup>5</sup> Titled: Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories.*

<sup>6</sup> CRS 38-35.7-103(3)(a)  
Review of HET Discovery Shady Crest



## **Sample Collection**

None of the samples collected at the property were in compliance with 6 CCR 1014-3 as claimed. Upon the request of Rocky Mountain Community Land Trust, FACTs will describe the deficiencies in total.

## **CONCLUSIONS**

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

The work performed by HET is neither Preliminary Assessment as claimed nor a valid declaration of compliance or occupancy as claimed.

Pursuant to statute, a Preliminary Assessment must be performed pursuant to regulation by an authorized Industrial Hygienist, and a “decision statement” obtained, or the property must be demolished.

The declaration of “fitness” in the HET report is outside the authority of the Industrial Hygienist and is not valid.





**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.  
CONSULTANT STATEMENT OF QUALIFICATIONS**

(as required by State Board of Health Regulations 6 CCR 1014-3 Section 8.21)

FACTs project name:	Shady Crest	Form # ML15
Date	November 26, 2012	
Reporting IH:	Caoimhín P. Connell, Forensic IH	

Caoimhín P. Connell, has been involved in clandestine drug lab investigations since 2002 and meets the Colorado Revised Statutes §24-30-1402 definition of an "Industrial Hygienist." He has been a practicing Industrial Hygienist in the State of Colorado since 1987 and is the contract Industrial Hygienist for the National Center for Atmospheric Research. Mr. Connell is a recognized authority in methlab operations and is a Certified Meth-Lab Safety Instructor through the Colorado Regional Community Policing Institute (Colorado Department of Public Safety, Division of Criminal Justice). Mr. Connell was the lead instructor for the Colorado Division of Criminal Justice and has provided over 260 hours of methlab training for officers of over 25 Colorado Police agencies, 20 Sheriff's Offices, federal agents and probation and parole officers throughout Colorado judicial districts. He has provided meth-lab lectures to prestigious organizations such as the County Sheriff's of Colorado, the American Industrial Hygiene Association, US Air Force, and the National Safety Council.

Mr. Connell is Colorado's only private consulting Industrial Hygienist 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 is a member of the Colorado Drug Investigators Association, the American Industrial Hygiene Association (where he serves on the Clandestine Drug Lab Work Group), the American Conference of Governmental Industrial Hygienists and the Occupational Hygiene Society of Ireland. From 2009, as a law enforcement officer representing his agency, Mr. Connell served as the Industrial Hygiene Subject Matter Expert on the Federally funded Interagency Board ([www.IAB.gov](http://www.IAB.gov)) Health, Medical, and Responder Safety SubGroup, and was elected full member of the IAB-HMRS in 2011, and he conducted the May, 2010, AIHA Clandestine Drug Lab Course.

He has received over 144 hours of highly specialized law-enforcement sensitive training in meth-labs and clan-labs (including manufacturing and identification of booby-traps commonly found at meth-labs) through the Iowa National Guard/Midwest Counterdrug Training Center and the Florida National Guard/Multijurisdictional Counterdrug Task Force, St. Petersburg College as well as through the US NHTSA, and the U.S. Bureau of Justice Assistance (US Dept. of Justice). Additionally, he received extensive training in the Colorado Revised Statutes, including Title 18, Article 18 "Uniform Controlled Substances Act of 1992" and is currently ARIDE Certified.

Mr. Connell is a current law enforcement officer in the State of Colorado, 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 321 assessments in illegal drug labs in Colorado, Nebraska and Oklahoma, and collected over 2,900 samples during assessments (a 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, (State Board Of Health *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*) and was an original team member on two of the legislative working-groups which wrote the regulations for the State of Colorado. Mr. Connell was the primary contributing author of Appendix A (*Sampling Methods And Procedures*) and Attachment to Appendix A (*Sampling Methods And Procedures Sampling Theory*) of the Colorado regulations. He has provided expert witness testimony in criminal and civil cases for US Bureau of ATF and 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 officials and Federal Government representatives with forensic services and arguments against fraudulent industrial hygienists and other unauthorized consultants performing invalid methlab assessments.

Mr. Connell, who is a committee member of the ASTM International Forensic Sciences Committee, was the sole sponsor of the draft ASTM E50 *Standard Practice for the Assessment of Contamination at Suspected Clandestine Drug Laboratories*, and he is a coauthor of a 2007 AIHA Publication on methlab assessment and remediation.



# Multijurisdictional Counterdrug Task Force Training

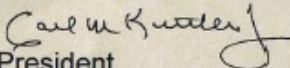


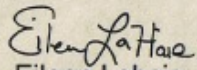
This is to certify that  
**Caoimhin P. Connell**

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



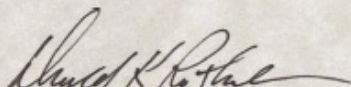
# Certificate of Training

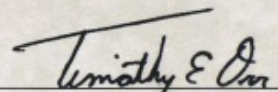
This certifies that

**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





# 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



**SINCE 1973**

*This is to certify that*

**Caoimlin P. Connell**

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

*Presented this 24th day of May, 2008*

Chris Page  
CATI President

[Signature]  
VIN Inspector Training Coordinator



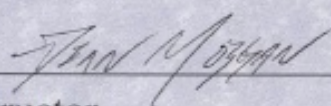
**Park County Sheriff's Office  
Certificate of Completion**

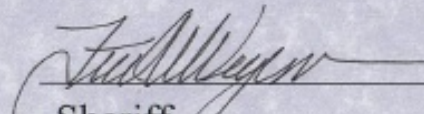
**Caoimhin Connell**

has completed an 8 hour course in:

**Crime-scene Approach and Evidence Collection**

Completed this 29th day of April, 2009

  
Instructor

  
Sheriff

***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



# Colorado Law Enforcement Officers' Association



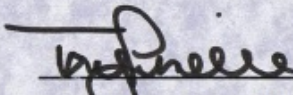
This is to certify that

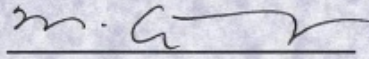
**CAOIMHIN CONNELL**

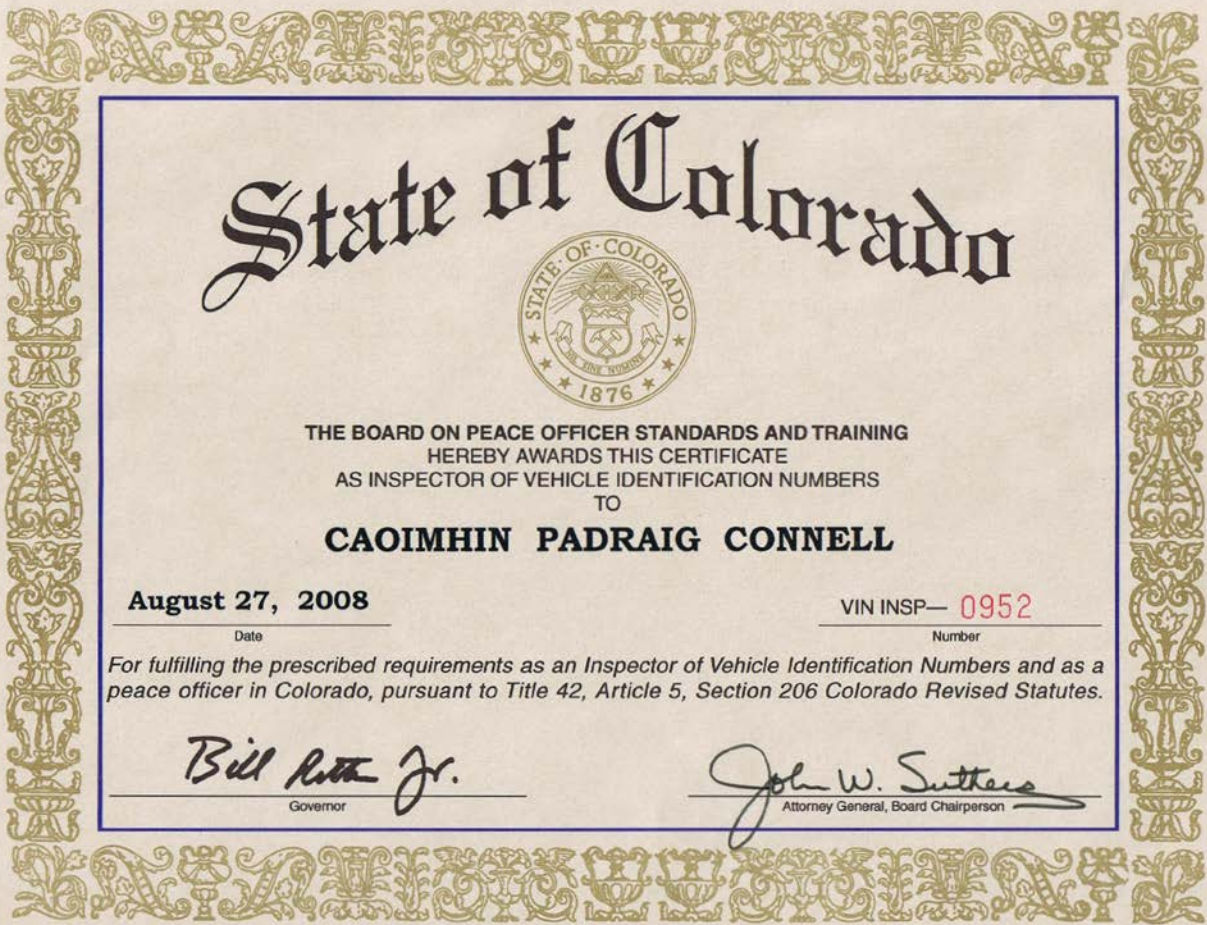
Completed ARIDE (Advanced Roadside Impaired Driving Enforcement)

hosted by Loveland Police Department

on February 28 – March 1, 2011

  
Tony Dinelle, CLEOA President

  
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**

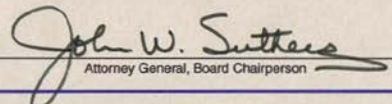
Date

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.*

  
Governor

  
Attorney General, Board Chairperson

# 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.*

*Bill Owen*

Governor

*Ken Salazar*

Attorney General, Board Chairperson



# 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

