



REGULATORY STATUS APPENDIX

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

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

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

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

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

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

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

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

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

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

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

Colorado Revised Statutes §24-50-117 reads:

24-50-117. Prohibited activities of employees

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

The State of Colorado continued to ignore the corruption and criminal behavior in their ranks (including the illegal expenditure of federal Brownsfields monies to produce

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

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

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

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

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

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

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

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

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

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

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

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



fraudulent environmental assessments to the benefit of the members of the CAMMP). The result was a plethora of falsified real estate documents being filed with local jurisdictions claiming that properties were being assessed, cleaned and verified pursuant to State regulations – when in fact, said properties remained contaminated illegal drug laboratories.

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

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

FACTs has knowledge of dozens of other affected addresses constituting thousands of regulatory violations of 6 CCR 1014-3. For most of those other addresses, and all of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



above addresses, the regulatory violations associated with submitted fraudulent documents were known to staff at CDPHE, TCH and Boulder County Public Health.

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

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

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

6 CCR 1014-3 Part 2

3.0 Interim Authorization

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

Yet, in violation of the new regulations, Ms. Brisnehan (CDPHE) granted "interim authorization" to the very consultants who had been performing the fraudulent assessments and to each of the members of her "CAMMP organization" who had been previously performing the illegal assessments of methamphetamine affected properties. Ms. Brisnehan (CDPHE), ultimately, in violation of the regulations, granted full state "certification" as personal favors.

In spite of regulations, these consultants still could not produce proof of any documentable training, and who could not demonstrate eligibility in this particular field.

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



(Unfortunately, these “certified” consultants are the ones a property owner must now hire to perform an assessment at a contaminated property.)

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

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

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

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

On January 23, 2015, Mr. Michael Richen with the Boulder County Public Health sent FACTs a letter stating that the BCPH had, in association with CDPHE, determined there were no violations at the 100 West Spaulding Street property. On February 9, 2015, Mr. Schieffelin (CDPHE) issued a letter⁵³ regarding the Spaulding Street property which falsely laid out straw-man arguments against FACTs, and stated that our findings regarding the Spaulding Street property were invalid, and the later work performed at the

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

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

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



property (performed by a CAMMP member) was performed in accordance with State regulations.

The knowingly false assertions made by CDPHE were provided to a variety of recipients including Ms. Melanie Del Hierro, effectively falsifying the regulatory status of the property. In their letter, CDPHE failed to mention they had no authority, at that point in time, to comment on the work, which had occurred under the old regulations (prior to December 15, 2014); and CDPHE also failed to mention that the consultant who had performed the invalid work at this property had a long history of fraudulent work, and was a fellow CAMMP member on a board which Ms. Brisnehan served as a Director (a conflict of interest on her part).

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

In her action, Ms. Brisnehan (CDPHE) alleged that FACTs had committed regulatory violations, but, in violation of mandatory State regulations, Ms. Brisnehan refused to comply with the State regulations that required her to provide an explanation of the alleged violations. To date, the CDPHE has not been able to demonstrate any material compliance violations against FACTs, or it's employees.

In retaliation for the FACTs independent regulatory audit of the Spaulding Street property, and in violation of Colorado criminal code CRS 18-8-404, more recently Mr. Richen with Boulder County Public Health, knowingly fabricated allegations against FACTs that culminated with three separate letters.^{54,55,56} In these three letters Mr. Richen knowingly provided false information to our client, the Boulder County Housing Authority, BCHA, (which receives Federal Funding) regarding work conducted by FACTs at three properties managed by this organization. FACTs responded with three

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

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

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



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

To date, FACTs has performed reviews of 48 reports prepared by State Certified (but otherwise untrained and/or fraudulent consultants) under the new regulations (6 CCR 1014-3 (2014), and we have identified no fewer than 15,025 (thirteen thousand, and twenty five) regulatory violations. In violation of 6 CCR 1014-3 Part 3, Section 3.0 *Notification and Imposition*, Ms. Brisnehan (CDPHE) is helping to hide these violations and is failing to perform her lawful duty of enforcing the regulations to protect the citizens of Colorado. A complete list of the audits performed by FACTs can be found at: <http://www.forensic-applications.com/meth/coloregs.html>

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



DISCOVERY AND NOTIFICATION

More recently, Ms. Brisnehan has been intentionally misleading Colorado Citizens by claiming that the work by FACTs is invalid and cannot be used. The claim is false, and Ms. Brisnehan, who has an extended history of knowingly falsifying information, has never been able to provide any regulatory language or statutory language to support her personal opinions. In her responses, Ms. Brisnehan always fails to mention that a law suit is pending against her and the CDPHE.

The CDPHE responded to a February 2017 court decision against them by attempting to intimidate the Judge by filing a personal law suit against the Judge who issued the decision. The CDPHE included a caveat that the CDPHE would drop the law suit against the Presiding Judge, if the Judge reversed her legal decision. The Judge, did not reverse her decision and instead issued a harsh rebuttal (via the Colorado Attorney General's Office) pointing out that the CDPHE had failed to provide any support its allegations against FACTs. As of July 11, 2017, the CDPHE, realizing it had created yet more problems for itself, withdrew its law suit against the Judge, who denied the CDPHE's request for summary dismissal.

Yet however flawed, the Colorado regulations nevertheless become applicable when the owner of a property has received "notification" from a cognizant authority that a property is or *may* be noncompliant, or methamphetamine *may* be present, or there is a potential for contamination. The discovery upon which the notification is based may be from a peace officer "...or when a "drug laboratory" is otherwise discovered."⁶⁹

For some properties, in an effort to gain unlawful benefit for her friends, Ms. Brisnehan with the CDPHE has intentionally lied to property owners and claimed that "discovery" can only occur if the sampling has been performed pursuant to State screening regulations.⁷⁰ However, on other properties, Ms. Brisnehan has claimed that discovery occurs if the sampling has been performed by one of her favored consultants, even when the sampling has not been performed pursuant to any State regulations. Although Ms. Brisnehan constantly changes her interpretation of the regulations to gain an unlawful benefit for her friends, the State statutes and State regulations are otherwise very clear about the "discovery" process and explicitly state the following:

State Statutes

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

⁶⁹ CRS §25-18.5-103

⁷⁰ See for example, the documentation associated with 3731 South Uinta Street, Denver, CO



Similarly, State regulations explicitly state:

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

1.2 Applicability - The requirements of this Part apply:

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

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

State statutes and regulations are clear in their language on this matter and nothing in State law supports Ms. Brisnehan's changing personal interpretations.

The work performed by FACTs for this property and others is completely lawful and applicable and is in complete compliance withal State of Colorado Regulations and Statutes. Our protocols are scientifically valid, and neither the State of Colorado, nor anyone else has been able to show any deficiency in our work.

This document has been prepared by Forensic Applications Consulting Technologies, Inc., pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure.*

