



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

September 29, 2014

Randy Curl
3251 S. Elati St.
Englewood, CO

RE: 3251 S. Elati Street, Englewood, CO

Dear Mr. Curl –

It was a pleasure speaking with you today. Thank you for giving Forensic Applications Inc. the opportunity to provide you with Industrial Hygiene services and specifically post verification sampling at the Elati Street property.

By State regulation, final verification sampling must be incumbent on the Preliminary Assessment. The Preliminary Assessment is the foundation upon which the clean-up activities and the final verification must occur.

Unfortunately, for this property, it would appear that you and Mr. Ryan Turbyfill, (RE/MAX Alliance), have been the victim of fraud at the hands of Century Environmental Hygiene. As we reviewed the work by CEH, we identified no fewer than 21 violations of State regulations and State statutes and we have concluded that the “Preliminary Assessment” is invalid and is not actually a Preliminary Assessment at all. Attached to this letter is our review of the work performed by Century Environmental Hygiene.

As it stands now, a legitimate Preliminary Assessment must be performed at the property before cleaning can continue. (KC Restoration has not violated any kind of regulations since they were acting in good faith on the presumed legitimacy of the CEH “report”). Nevertheless, a legitimate Preliminary Assessment must be performed at the property before cleaning can continue and verification sampling can occur.

We would be happy to provide you with a cost estimate for a Preliminary Assessment for the property so that it may be brought into compliance.

Pursuant to Colorado Revised Statutes, CRS 18-8-115, we are obligated to report this information to appropriate law enforcement personnel. In this case, that will include the State Attorney General’s Office. Such reporting should not impact you in any way, except that it appears that you are the victim of a crime.

Please see the attached, I will get to you a proposal for performing a Preliminary Assessment for this property.

Caoimhín P. Connell
Forensic Industrial Hygienist



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene Review
and
Regulatory Audit of Documents
For an
Identified Illegal Drug Laboratory**

3251 S. Elati Street, Englewood, CO

Prepared for:

**Randy Curl
3251 S. Elati St.
Englewood, CO**

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

185 Bounty Hunter's Lane
Bailey, CO 80421



September 29, 2014

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EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) was asked by the registered owner of 3251 S. Elati Street, Englewood, CO to perform final verification sampling regarding methamphetamine contamination at the property located at 3251 S. Elati Street, Englewood, CO (the subject property).

According to mandatory Colorado State regulations, prior to decontamination or cleaning of an identified illegal drug laboratory, an Industrial Hygienist must perform a site characterization called a “Preliminary Assessment.” The Preliminary Assessment is a regulatory term, defined in 6 CCR 1014-3 and that regulation defines the elements that constitute a Preliminary Assessment. The regulation is mandatory, the elements are mandatory and the Industrial Hygienists does not have the authority to waive any of the mandatory elements.

FACTs reviewed a document titled:

Preliminary Assessment For Methamphetamine, Prepared for: RE/MAX Alliance, Mr. Ryan Turbyfill, 13770 E. Rice Place, Aurora, CO 80015 Assessment Location:3251 S. Elati Street, Englewood, CO May 18, 2014, Project #4701.14

This document was prepared by a company (Century Environmental Hygiene, LLC) that has a long history of producing invalid “assessments” that are fraudulently identified as “Preliminary Assessments.”^{1,2,3,4,5,6,7,8,9} Indeed, Mr. Dennison of Century Environmental

¹ See for example, 2745 S Hooker Street, Denver, http://www.forensic-applications.com/meth/Critical_review_Hooker.pdf

² See for example: 24018 Deer Valley Road, Golden, Colorado <http://forensic-applications.com/meth/DVRCriticalReview.pdf>

³ See for example: 3509 Montrose Street, Evans CO <http://forensic-applications.com/meth/Initial-review.pdf>

⁴ See for example: Columbine Apartments 655 Wickes Ave. Craig, CO 81625, <http://forensic-applications.com/meth/columbinepreliminaryassessment.pdf>

⁵ See for example: 3509 Montrose Street, Evans CO <http://forensic-applications.com/meth/Initial-review.pdf>

⁶ See for example:1812 164th Place, Thornton CO <http://forensic-applications.com/meth/164thCriticalReview.pdf>

⁷ See for example: 5337 Wishing Well Drive, Timnath, CO

⁸ See for example: 775 West Lake Street, Fort Collins

⁹ See for example: 19042 E 53rd Avenue, Denver, Colorado, <http://www.forensic-applications.com/meth/gollaspa.pdf>



Hygiene, and his company, was caught lying in a sting operation which appeared in a broadcast by an ABC News affiliate.¹⁰

The document falsely represents itself as a “Preliminary Assessment,” and falsely states that the authors followed mandatory state regulations in the preparation of the document.

The above referenced document is already in the Public Domain and is a public record on file and available for public viewing. There is no confidentiality associated with the reviewed documents or this audit of those public records.

Upon reviewing the documents, FACTs finds the following:

General Findings

- CEH has made abjectly false statements in its report.
- The document identified as a “Preliminary Assessment” was not prepared in a manner consistent with applicable State Regulations.
- The document identified as a “Preliminary Assessment” is not a “Preliminary Assessment”, does not fulfill the intent of a “Preliminary Assessment” and cannot be used in lieu of a “Preliminary Assessment.”
- As delineated below, FACTs has identified no fewer than two dozen violations of State regulations and state statutes regarding the compliance activities required for this property. Since none of the samples collected by CEH were collected in a manner that was compliant with State regulations, strictly speaking, each sample could be identified as a unique violation which would significantly increase the number of violations.
- It is our opinion that Century Environmental Hygiene LLC (CEH) ignored and/or violated the provisions of Colorado Regulations 6 CCR 1014-3. Specifically:
- PRELIMINARY ASSESSMENT
 - Failure to Provide Authorized Personnel
 - Failure to comply with 6 CCR 1014-3 Paragraph 4.1
 - Failure to comply with 6 CCR 1014-3 Paragraph 4.2
 - Failure to comply with 6 CCR 1014-3 Paragraph 4.3
 - Failure to comply with 6 CCR 1014-3 Paragraph 4.4
 - Failure to comply with 6 CCR 1014-3 Paragraph 4.5
 - Failure to comply with 6 CCR 1014-3 Paragraph 4.6 – Bias Sampling
 - Failure to comply with 6 CCR 1014-3 Paragraph 4.6 – Prohibited Surfaces
 - Failure to comply with 6 CCR 1014-3 Paragraph 4.7
 - Failure to comply with 6 CCR 1014-3 Paragraph 4.8
 - Failure to comply with 6 CCR 1014-3 Paragraph 4.9

¹⁰ Videos may be found here: <http://www.forensic-applications.com/meth/coloregs.html>



- Failure to comply with 6 CCR 1014-3 Paragraph 4.10
- Failure to comply with 6 CCR 1014-3 Paragraph 4.11
- Failure to comply with 6 CCR 1014-3 Paragraph 4.12
- Failure to comply with 6 CCR 1014-3 Paragraph 6.0
- Failure to comply with 6 CCR 1014-3 Section 6.1.1
- Failure to comply with 6 CCR 1014-3 Section 6.6
- Section 8.21 Statements of Qualifications

In addition to the regulatory violations, Mr. Dennison and Century Environmental Hygiene also appear to have violated the following provisions of Colorado's Criminal Code:

- CRS §18-5-114 Offering a false instrument for recording

Additionally, we are of the opinion (as supported here) that Century Environmental Hygiene LLC violated the Colorado Consumer Protection Act and especially as described in:

- CRS §6-1-105 Deceptive trade practices
 - (b) Knowingly makes a false representation as to the certification of services
 - (e) Knowingly makes a false representation as to the characteristics of services

Additionally, it is our opinion that Mr. Dennison also violated the following Code of Ethics of the American Board of Industrial Hygiene and the American Industrial Hygiene Association:

- Violation of ABIH (I)(A)(1)
 - Violation of AIHA (I)(A)(1)
 - Violation of ABIH (I)(A)(5)
 - Violation of ABIH (I)(A)(6)
 - Violation of AIHA (I)(A)(5)
 - Violation of ABIH (II)(A)(1)
 - Violation of AIHA (II)(A)(1)
 - Violation of ABIH (II)(A)(2)
 - Violation of AIHA (II)(A)(2)
 - Violation of ABIH/AIHA (II)(A)(3)
 - Violation of ABIH/AIHA (II)(A)(5)
 - Violation of ABIH/AIHA (II)(A)(6)
 - Violation of ABIH/AIHA (II)(C)(1)
 - Violation of AIHA (II)(C)(2)
- None of the sampling performed at 3251 S. Elati Street, Englewood, Colorado, was performed in a manner as required by State regulations.



- No legitimate Preliminary Assessment was performed for this property as required by regulation.
- Until such time that a Preliminary Assessment has been performed, no further cleaning is permitted at the property.
- Until such time that a Preliminary Assessment has been performed, no post remediation verification sampling can be performed.

INTRODUCTION

Based on the available information, on May 6th, 2014, CEH sent an asbestos technician out to the property to perform “sampling.” On May 18, 2014, CEH then produced a document falsely represented as a “Preliminary Assessment.”

Essentially, CEH employed an asbestos technician to collect a considerable number of useless samples, thus increasing the fees to the client, but entirely failed to collect any samples that could be used in a legitimate Preliminary Assessment.

As already identified, CEH has an extended documented history of gross technical incompetence, botched illegal drug laboratory assessments and regulatory violations. During the work at the previously referenced properties (see earlier foot notes), FACTs has identified the same recurring patterns of violations; therefore it would appear that the violations identified in this audit are willful and intentional.

REVIEW OF THE MAY 18, 2014 DOCUMENT

Failure to Provide Authorized Personnel

The State of Colorado has several State statutes, and one regulation specifically pertaining to the assessment and remediation of methamphetamine contaminated properties. The statutes and regulations contain mandatory provisions.

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 authorized Industrial Hygienists meeting the definition of Section 24-30-1402 of the Colorado Revised Statutes. According to the regulations, during the assessment, 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.*



To our knowledge, neither the author of the report, (Mr. James Dennison) nor the asbestos technician used for the field work (Mr. Paul Jaeckel) has received any legitimate training or experience in the assessment of methamphetamine laboratories. In violation of 6-CCR 1014-3, §8.21 no “Consultant statement of qualifications,” was included in the report as required which would establish that the work was performed by an Industrial Hygienist, or that the individuals had any knowledge of the assessment of illegal drug laboratories.

Nothing within the provided documentation demonstrates that the CEH personnel involved with the assessment work are authorized to perform assessments of clandestine drug laboratories, pursuant to pertinent regulations. Considering the gross lack of technical competency exhibited by the author of the report (here and historically), one may reasonably conclude that neither individual with CEH has received any kind of training in either the State requirements or illegal drug laboratory assessment. As discussed below, the CEH author has made many gross technical errors and, omissions, and has exhibited a gross lack of technical competency in the realm of clandestine drug laboratory assessment.

FACTs has reviewed several reports^{11,12,13,14,15,16} from CEH and has found that CEH merely “plugs in” the same faulty language over and over in each of its reports regardless of actual site conditions and regardless of regulatory obligations. Thus for example, as described later, in their report, CEH states:

Distressed vegetation was not observed outside the building.

And yet, their own photographs, in their own report, clearly show stressed vegetation.

In each case, where FACTs has reviewed the work of CEH, FACTs has identified similar language pools and found similar fatal flaws and gross technical incompetence. FACTs has also provided oral courtroom expert witness testimony¹⁷ in a case involving Mr. Dennison and CEH, wherein our testimony was that CEH failed to understand and follow the rudimentary elements of clandestine drug laboratory assessments, and failed to

¹¹ 3509 Montrose Street, Evans CO (4/5/06) <http://forensic-applications.com/meth/Initial-review.pdf>

¹² 1812 164th Place, Thornton CO (4/23/09) <http://forensic-applications.com/meth/164thCriticalReview.pdf>

¹³ Property address sealed by court order (9/23/09)

¹⁴ 24018 Deer Valley Road, Golden, CO (8/25/10) <http://forensic-applications.com/meth/DVRCriticalReview.pdf>

¹⁵ Columbine Apartments, Unit A107 605 Wickes Ave. Craig, CO 81625 (12/30/07) <http://forensic-applications.com/meth/columbinepreliminaryassessment.pdf>

¹⁶ 19042 E 53rd Ave., Denver, CO (12/10/08) <http://forensic-applications.com/meth/gollaspa.pdf>

¹⁷ City of Evans, Colorado vs. Patrice Wayne, Motions Hearing Documentation, April 5, 2006



understand Colorado regulations and statutes regarding clandestine drug laboratories. CEH has, therefore, a long history of performing botched assessments of illegal drug laboratories. The assessment performed by CEH at the subject property similarly contains fatal flaws, and cannot be used as a legitimate Preliminary Assessment.

Statements of Qualifications

As mentioned, Section 8.21 of the Colorado Regulations explicitly requires the consultant to provide:

8.21 Consultant statement of qualifications, including professional certification or qualification as an industrial hygienist as defined in section 24-30-1402, C.R.S., and description of experience in assessing contamination associated with methamphetamine labs.

The CEH documentation provided to FACTs included two sections ostensibly meant to be the mandatory Statement of Qualifications for the CEH personnel. However, neither section documented any legitimate training or knowledge specific to clandestine drug laboratories, and neither section documented any experience with regard to assessing contamination associated with methamphetamine labs. Furthermore, as described below, the information provided in Mr. Dennison's report appears to be exaggerated and/or fabricated.

“Brief Bio” of James E. Dennison

Nothing in State regulations require the consultant to provide a “Brief Bio” as part of the mandatory documentation. The language of the State regulations is clear in content and intent. The information provided in the documents authored by CEH fails to document that Mr. Dennison has had any training in clandestine drug laboratories, as required. The information provided in the “Brief Bio” simply states:

Attended meth lab training classes

There is no indication provided in the documentation that Mr. Dennison actually has attended any such classes. Indeed, given the gross technical incompetence exhibited by Mr. Dennison at the subject property, and the statements made in his “Brief Bio” one would conclude that Mr. Dennison has never actually received any legitimate training in the assessment of clandestine laboratories. For example, in his “Brief Bio,” Mr. Dennison claims that he

Sampled first known phenyl-2-propanone method meth lab

The phenyl-2-propanone method has been in existence since at least 1944,¹⁸ (before Mr. Dennison was even born) and if Mr. Dennison had received any legitimate training in clandestine drug laboratories, he would have been aware of that fact. We believe that the statement is a fabrication intended to mislead the client into thinking that Mr. Dennison

¹⁸ Crossley FS, Moore ML, *Studies on the Leuckart reaction*; J Org Chem 9, 5291 (1944)



has experience beyond his actual knowledge. Since Mr. Dennison has not provided any information regarding the date or location of the P-2-P laboratory, one cannot confirm the claim. However, the assertion that Mr. Dennison was performing sampling at a time when he was not likely to have even been born is patently unsupportable.

It is possible Mr. Dennison is referring to a P-2-P laboratory located at 19042 E 53rd Avenue, Denver, Colorado, wherein CEH performed some sampling. However, the site in question was making the drug ecstasy, not methamphetamine. The work performed by CEH at that property was characteristically deficient, not compliant with state regulations, and ultimately the Preliminary Assessment¹⁹ needed to be re-done and the final clearance sampling was performed by FACTs, Inc. who ultimately issued the Decision Statement²⁰ to release the property.

In his “Brief Bio” Mr. Dennison claims that he sampled an apartment building that was subsequently found to be the largest “meth lab” yet found in Colorado. Again, Mr. Dennison provides no information to support the claim. It is possible that CEH is referring to the apartments at 775 W Lake Street, in Fort Collins. In that property, CEH performed an invalid “assessment” wherein CEH falsified their statements. The owner of the property was unable to use the “assessment” and a legitimate assessment needed to be performed at the property by another firm.

In any event, to our knowledge, the largest meth-lab yet discovered in Colorado under the current State regulations, was that reported on the front page of the Denver Post²¹ at a Day Camp which comprised of more than 14 structures, over 21,000 square feet of occupiable floor space, included two separate sewerage systems, and covered approximately two acres of land. FACTs performed the Preliminary Assessment²² and Final Clearing Sampling and Decision Statement for that property.²³

¹⁹ Preliminary Assessment of an Identified Illegal Drug Laboratory 19042 E 53rd Avenue Denver, Colorado, December 10, 2008

²⁰ Final Verification Sampling and DECISION STATEMENT of an Identified Illegal Drug Laboratory At: 19042 E 53rd Avenue Denver, Colorado, March 7, 2009

²¹ http://www.denverpost.com/golf/ci_9635055

²² *Preliminary Assessment of an Identified Illegal Drug Laboratory 618 Park County Road 68, Bailey, Colorado*, July 15, 2008, On file with Tom Eisenman, Park County Development Services Coordinator, Environmental Health and Planning and Zoning, PO Box 1598, Fairplay CO 80440 and available at <http://forensic-applications.com/meth/FarmerPreliminaryAssessment.pdf>

²³ *Final Verification Sampling and DECISION STATEMENT of an Identified Illegal Drug Laboratory 618 Park County Road 68, Bailey, Colorado*, October 7, 2008, On file with Tom Eisenman, Park County Development Services Coordinator, Environmental Health and Planning and Zoning, PO Box 1598, Fairplay CO 80440 and available at <http://forensic-applications.com/meth/FarmerPreliminaryAssessment.pdf>



There is nothing in the “Brief Bio” that would satisfy the regulatory requirement that the consultant submit a “...statement of qualifications, including professional certification or qualification as an industrial hygienist as defined in section 24-30-1402, C.R.S., and description of experience in assessing contamination associated with methamphetamine labs.”

As an example of a legitimate Statement of Qualifications, the author of this review (Connell) has included a copy of his Statement of Qualifications in Appendix A of this discussion.

Furthermore, the information as provided is a violation of the Code of Ethics of the American Board of Industrial Hygiene which certifies Mr. Dennison and which requires the ABIH member to:

Provide accurate and truthful representations concerning all certification and recertification information.

Furthermore, the ABIH Code of Ethics requires its membership to:

Recognize the limitations of one’s professional ability and provide services only when qualified. The certificant/candidate is responsible for determining the limits of his/her own professional abilities based on education, knowledge, skills, practice experience and other relevant considerations.

Mr. Dennison has failed to demonstrate or document that he has any legitimate specialized knowledge in clandestine drug laboratories, and, specifically, methamphetamine laboratories.

Finally, in his “Brief Bio” Mr. Dennison makes the false statement:

All submitted final reports have been accepted by all governing bodies (health departments)

There are two problems with this statement:

1) Some offices of the Governing Body exercise their statutory authority to review and then accept or reject the consultant’s report. Mr. Dennison’s work has been rejected in the past. For example, the City of Evans, Colorado (*Evans vs Wayne, 2006*) rejected Mr. Dennison’s reports upon review, and, then FACTs was retained by the City to perform the necessary work. The CEH statement, therefore, is patently untrue. FACTs is not aware of any assessment of a clandestine drug laboratory performed by CEH that has ever met with regulatory technical merit and/or met with minimum state statutory or regulatory requirements.

2) Mr. Dennison fails to note that pursuant to State Statute, Governing Bodies are required to “accept” (that is *receive*) all submitted reports, regardless of proficiency and regardless of content or compliance with regulations. If a ten year old child submitted a one-page document prepared in crayon and submitted the paper as a “Final Report” of an



assessment, state statutes require the Governing Body to *receive* the report. By state statutes, the Governing Body is not required to approve or even read the submitted work; the Governing Body is merely required to receive the final report.

As a side note, “Governing Bodies” is a legal term, and does not, as implied in Mr. Dennison’s report, necessarily imply “health department.”

Failure to Comply With Mandatory Elements of a Preliminary Assessment

According to Colorado State regulation 6 CCR 1014-3, when a Preliminary Assessment is conducted specific elements must be included:

6 CCR 1014-3 4.0 Preliminary Assessment. A preliminary assessment shall be conducted by the consultant, in accordance with section 6.7 of this regulation, prior to the commencement of property decontamination. ... Information collected during the preliminary assessment shall include, but not be limited to, the following:

Failure to comply with 6 CCR 1014-3 Paragraph 4.1

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall perform specific duties that determine the potential for contamination migration, establish the grounds for decontamination and prepare the foundation for post clearance sampling by determining functional spaces. The Regulations explicitly require the Industrial Hygienist to provide:

4.1. Property description including physical address, legal description, number and type of structures present, description of adjacent and/or surrounding properties, and any other observations made

In their report, CEH merely describes the adjacent and/or surrounding properties as:

Mainly residential.

Therefore, in addition to the residential properties there are some other kind of properties that are not residential. CEH has not identified what the balance of properties that are not residential.

Failure to comply with 6 CCR 1014-3 Paragraph 4.2

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall perform and provide:

4.2 Review of available law enforcement reports that provide information regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination or waste disposal.

There is nothing in the documentation provided that indicates that CEH made any attempt to obtain or even determine the availability of any law enforcement documents as required. Instead, CEH appears to have merely accepted a single document provided to



him by his client, Mr. Turbyfill who had obtained specific information from the Englewood Police Department. However, for this property, there were three distinct law enforcement agencies with original jurisdiction over the property:

Englewood Police Department
North Metro Drug Task Force
Arapahoe County Sheriff's Office

There is no indication in the report that CEH made any attempts to contact ANY of the law enforcement agencies to determine if documentation was available.

Failure to comply with 6 CCR 1014-3 Paragraph 4.3

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist must perform specific duties that determine the potential for contamination migration, establish the grounds for decontamination and prepare the foundation for post clearance sampling by determining functional spaces. The Regulations explicitly require the Industrial Hygienist to provide:

4.3. Identification of structural features that may indicate separate functional spaces, such as attics, false ceilings and crawl spaces, basements, closets, and cabinets.

CEH failed to perform its duties and fulfill regulatory requirements by failing to identify functional spaces within the subject property that may be associated with unique contamination as required by regulation. Pursuant to this section of the regulations, the Industrial Hygienist is required to consider:

According to State regulations 6 CCR 1014-3 (Section 3)

“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.

In its report, CEH failed to perform the regulatory mandated identification of structural features that may indicate separate functional spaces. Instead, CEH ignored the regulatory requirements and merely stated:

4.1 Description of Functional Spaces. Whole occupiable portion of the house, attic, and HVAC system. No obvious sign of recent painting was observed.

The establishment of Functional Spaces is absolutely integral to the utility of the Preliminary Assessment. Without the assessment and identification of the Functional Spaces, decontamination cannot properly occur, and without the identification of the Functional spaces, final clearance sampling cannot occur since State regulations require



the clearance sampling to be based on those Functional Spaces that have been identified in the Preliminary Assessment.

Based on our very brief review of the available documentation, FACTs identified at least 13 Functional Spaces not including the furnace system:

Attic
Basement bathroom
Basement laundry room
Basement northeast bedroom
Basement northwest bedroom
Basement utility room
Dining room
Kitchen
Living room
Shed
Upstairs bathroom
Upstairs Northeast bedroom
Upstairs Northwest bedroom

Failure to comply with 6 CCR 1014-3 Paragraph 4.4

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall identify the manufacturing process used on site. The information is imperative and indispensable during the Preliminary Assessment, since the decontamination efforts may be incumbent on the type of process used. Furthermore, the post decontamination sampling shall be incumbent on the type of process used. The state regulations explicitly require the Industrial Hygienist to:

4.4. Identification of manufacturing methods based on observations and law enforcement reports.

Since there is no documentation that CEH actually performed any inspection of the property, as evidenced by its failure to identify functional spaces, CEH could not have complied with Section 4.4

Similarly, since CEH failed to demonstrate any documentable knowledge of manufacturing processes (and has an history of providing erroneous technical information), there is no reason to expect CEH to have sufficient competency in recognizing, or knowing the significance or having the ability of discerning which method may have been used.

This information is imperative since final verification sampling cannot occur without this vital information since, according to regulations:

7.3. If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead shall not exceed a concentration of 40 µg /ft², and vapor samples for mercury shall not exceed a concentration of 1.0 µg /m³.



And:

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

Since there is no documentation that would indicate that CEH actually inspected the house, or has any legitimate training in assessing illegal drug laboratories, it is reasonable to conclude that if such evidence was present, it would not have been documented.

Failure to comply with 6 CCR 1014-3 Paragraph 4.5

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.5. Identification of chemicals used, based on observations, law enforcement reports, and knowledge of manufacturing method(s).

CEH entirely failed to perform its professional, regulatory obligations and duties and failed to fulfill this regulatory requirement by failing to identify the chemicals that may have been present. Although CEH speculates that an anhydrous method or “Red Phosphorous” method may have been used, CEH failed to explain how the chemicals used in these methods could have impacted the property or how those compounds and chemicals were assessed.

Failure to comply with 6 CCR 1014-3 Paragraph 4.6 – Bias Sampling

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

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. If the consultant determines that assessment sampling is necessary, such sampling shall be conducted in accordance with the sampling protocols presented in Appendices A and D. Sample analysis shall be conducted in accordance with the method requirements presented in Appendices B and D.

CEH failed to perform its duties and fulfill regulatory requirements by failing to collect samples pursuant to Appendix A.

In its report, CEH states:

Sample locations were generally selected in a more or less random manner.

Furthermore, in its report, CEH also states:



Due to inherent variability in the contamination level from one location to another location, there are locations with higher and lower levels than are indicated by the samples. Some locations could exceed the Cleanup Level even when the structure as a whole complies with the Cleanup Level as indicated by data available. However, a reasonable effort was made to collect samples from random locations, which supports the idea that the samples provide a representative indication of meth levels, i.e., “average” meth levels.

However, if CEH had been familiar with Colorado’s Regulations, CEH would have known that Appendix A of Colorado’s regulations state:

Biased Sampling

*Biased sampling is the type of authoritative sampling that intends **not to estimate average concentrations** or typical properties, but to estimate “worst” or “best” cases (as described in ASTM Method D6051-96 (2001), Standard Guide for Composite Sampling and Field Subsampling for Environmental Waste Management Activities. As described later in this protocol, the aim of the consultant performing post-decontamination sampling is to demonstrate the worst-case scenario in the drug laboratory. The term “biased,” as used here, refers to the collection of samples with expected high concentrations. For example, a sample taken at the source of the actual “cook,” known release, spill or storage area could serve as an estimate of the “worst-case” concentration found in the functional space.*

The Colorado regulations continue with:

Sampling Theory

*The type of sampling used for stationary structures and vehicles described in this protocol is a type of sampling recognized as “authoritative” sampling. Authoritative sampling is a nonstatistical sampling design that **does not** assign an equal probability of being sampled to all portions of the population. Consultants using this protocol will have a priori knowledge of the property to be sampled. The a priori knowledge, in the hands of a competent consultant, permits immediate inclusion/exclusion of sampling areas, based on professional judgment. As such, the weight of validity of the data gathered with authoritative sampling is largely dependent on the knowledge and competency of the sampler.*

CEH has exhibited gross technical incompetency in understanding Colorado’s regulations, and their technical incompetence translated into gross errors and omissions during their work at the subject property.

Failure to comply with 6 CCR 1014-3 Paragraph 4.6 – Prohibited Surfaces

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

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. If the consultant determines that assessment sampling is necessary, such sampling shall be conducted in accordance with



the sampling protocols presented in Appendices A and D. Sample analysis shall be conducted in accordance with the method requirements presented in Appendices B and D.

CEH failed to perform its duties and fulfill regulatory requirements by failing to collect samples pursuant to Appendix A.

Appendix A Colorado

Porous Surfaces - Vacuum Sampling

Vacuum sampling shall be used to determine the extent of contamination on porous surfaces, including carpeting, drapery, upholstery, clothing, and other soft goods.

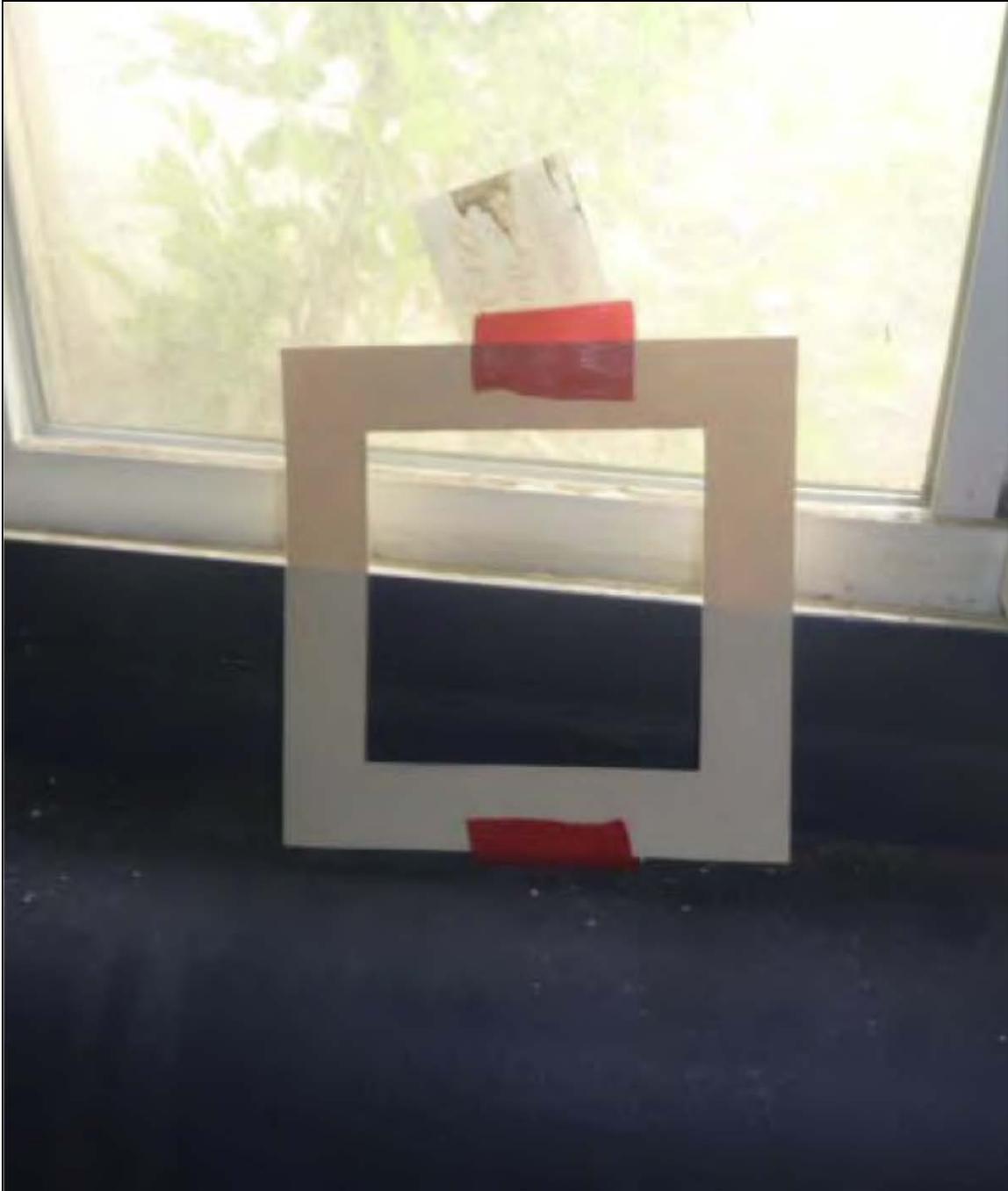
In their report, CEH falsely states:

Samples were collected from non-porous surfaces by marking an area of 100 cm² with a pre-cut template.

However, the photographs provided by CEH, clearly show that not only did they not actually use “a pre-cut template,” but they also collected samples from porous surfaces, and they did not collect 100 cm² increments as claimed.

For example, on Page 25 of their report, we see the following remarkable photograph:





Photograph from CEH Report

The photograph clearly shows the template extending into air; that is, approximately half of the area over which the template was placed. How can CEH justify sampling thin air? Other photographs in the CEH report clearly shows that CEH employed this bizarre and prohibited sampling procedure.



In the above photograph, CEH cannot argue that the template actually covers glass or the other painted surfaces since according to regulations this would be a “composite sample,” and as specified by regulations:

The mixing of media, matrices or substrates is not permitted.

(We will see later that CEH violated this provision and mixed matrices anyway.)

However, in their report, CEH clearly documents that the following Samples were collected from prohibited porous surfaces .

6D
7B
7D
8B
8D
10C
15A

Failure to comply with 6 CCR 1014-3 Paragraph 4.7

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including providing:

4.7. Identification and documentation of chemical storage areas.

As already mentioned, since CEH personnel do not have any demonstrable training in the assessment of illegal drug laboratories and also since CEH failed to obtain law enforcement documentation, there is no way CEH could have met this regulatory obligation. Indeed, CEH merely states:

Chemical Storage Areas. Unknown. It is presumed that if cooking occurred, chemicals could have been stored at any location in the unit.

(It is not known what “the unit” means, and we presume that the language was merely lifted from another CEH report, without regard to actual site condition, and may refer to some work CEH performed at a storage unit or perhaps an apartment unit.)

Failure to comply with 6 CCR 1014-3 Paragraph 4.8

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including providing:

4.8. Identification and documentation of waste disposal areas.

CEH has entirely failed to perform this mandatory regulatory obligation. As already mentioned, since CEH personnel do not have any demonstrable training in the assessment of illegal drug laboratories and also since CEH failed to obtain law enforcement documentation, there is no way CEH could have met this regulatory obligation. In their report, CEH mysteriously states:



Waste Disposal Areas. Unidentifiable. Etching was not seen in fixtures. If cooking occurred, disposal is assumed to be to sanitary sewer. A plumber should inspect the plumbing system to verify integrity. Distressed vegetation was not observed outside the building.

And yet, distressed vegetation was clearly visible in the photographs collected by CEH.

Furthermore, as described below, the comment:

A plumber should inspect the plumbing system to verify integrity.

Demonstrates that CEH violated Section 4.11 which requires the Industrial Hygienist to inspect the plumbing system.

Failure to comply with 6 CCR 1014-3 Paragraph 4.9

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including providing :

4.9. Identification and documentation of cooking areas.

Since CEH personnel have no documented training in any aspect of illegal drug laboratories, or the assessment of the same, and since CEH failed to determine the availability of law enforcement documents, it would be virtually impossible for CEH to make this mandatory determination.

In fact, in other properties assessed by CEH, we have seen CEH fail to identify such areas, even when those areas are patently obvious or have been identified in law enforcement documents. It would appear that CEH merely uses the same boiler-plate language regardless of actual site conditions.

Failure to comply with 6 CCR 1014-3 Paragraph 4.10

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including providing:

4.10 Identification and documentation of signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation.

In their report, CEH merely plugged in the same language it seems to use in all its reports regardless of site conditions,. CEH stated:

Distressed vegetation was not observed outside the house.

Yet, in no fewer than seven photographs in the CEH report, clearly show distressed vegetation.



Furthermore, in their report, their photographs clearly show staining. Yet in their report, CEH falsely states:

No specific signs of contamination were identifiable, as noted above. Distressed vegetation or meth-related staining on the lot was not observed. No staining on walls, floors or ceiling anywhere in the unit that was uniquely attributable to meth production was observed.

Again, although we don't know what "the unit" refers to, we do know that the photographs clearly demonstrate both staining and distressed vegetation.

Since CEH personnel have no documented training in the assessment of illegal drug laboratories there is no reason to believe that even if CEH had properly inspected the outdoors, they would have possessed sufficient knowledge to determine signs of contamination; but surely even an untrained individual would be capable of identifying "distressed vegetation."

Failure to comply with 6 CCR 1014-3 Paragraph 4.11

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:

4.11. Inspection of plumbing system integrity and identification and documentation of potential disposal into the sanitary sewer or an individual sewage disposal system (ISDS). ... et seq.

CEH entirely failed to perform its obligatory duties and instead stated:

A plumber should inspect the plumbing system to verify integrity.

Ignoring for a moment that it would be unlawful for a plumber to enter the property (an identified illegal drug lab) and perform the assessment, CEH so poorly understands its professional obligations and responsibilities that it fails to recognize that they (CEH) is required by regulation to assess the plumbing.

The above statement, found in the CEH report, is exactly the same language that regularly appears in all CEH drug laboratory assessments that FACTs has reviewed, regardless of site conditions. In fact, CEH was required by State regulation to have performed the inspection. The inspection is not only a mandatory requirement, it is also normal standard industry practice. It is difficult to understand how on the one hand, CEH could accept the professional obligation to perform a Preliminary Assessment, (which explicitly requires an inspection of the plumbing integrity), and at the same time claim that the work was somebody else's responsibility.

Failure to comply with 6 CCR 1014-3 Paragraph 4.12

According to State Regulations, during the Preliminary Assessment, the Industrial Hygienist is required to perform specific duties including:



4.12. *Identification of adjacent units and common areas where contamination may have spread or been tracked.*

Nowhere do we see in the report where CEH addressed this mandatory provision. Furthermore, since CEH has no documented training in such aspects, and did not obtain any law enforcement documents, and uses the exact same language in all of its reports, there is no reason to believe that CEH would be capable of recognizing fugitive emissions.

Failure to comply with 6 CCR 1014-3 Paragraph 6.0

See the discussion above addressed under 6 CCR 1014-3 Paragraph 4.6 – Bias Sampling and Prohibited Surfaces.

Failure to comply with 6 CCR 1014-3 Section 6.1.1

State regulations require that samples shall be collected from:

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

In fact, CEH is so entirely unfamiliar with clandestine drug lab assessment protocols, and clandestine drug labs in general, and certainly the regulations, CEH failed to realize that the locations of the documented samples were not collected from areas that would have represented the highest potential concentrations, but in fact, have some of the lowest probabilities.

In fact in their report, CEH states:

Sample locations were generally selected in a more or less random manner.

There is no sampling theory known as “the more or less random sampling theory.”

In reality, the collection of the samples at the property were a complete waste of the client’s money (that is, a waste of the financial resources of RE/MAX Alliance Mr. Ryan Turbyfill). A properly trained and astute Industrial Hygienist could have assessed the contamination of this property with a single sample. We have seen in the past, where CEH has falsely told its clients that sampling is required by regulations during a Preliminary Assessment. In fact, nowhere in regulations is such sampling required and virtually none of the samples collected by CEH were useful even if they had been collected by a authorized Industrial Hygienist as required.

False Certification

CEH made a false certifications, and failed to meet the provisions of the requirements of Section 4 of 6 CCR 1014-3.



Yet, in spite of their knowingly omissions and violations, CEH makes the following false statement:

Certification

I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3 §4.

The statement is false since,

- 1) as demonstrated in this audit prepared by FACTs, the purported Preliminary Assessment, was not performed in accordance with the provisions of 6 CCR 1014-3 §4
- 2) The sampling, as demonstrated in the preceding discussion, was not performed in accordance with the provisions of 6 CCR 1014-3 §4

CRS §18-5-114 Offering a false instrument for recording

One of two mental states necessarily must have been present in the performance of the CEH work: 1) Either CEH knew that the work it was performing was grossly deviant from mandatory State requirements or, 2) CEH was unaware of the fact that their work was grossly deviating from mandatory State requirements.

If CEH did not know that their work was grossly deviating from mandatory State requirements, then that is sufficient to surmise that they lacked the technical competency and authority to perform the work in the first place since it is their professional obligation to conform to those regulations and perform work pursuant to those regulations. Indeed, on several occasions known to FACTs, CEH personnel have signed false statements affirming that the work they performed conformed to those regulations.

Since FACTs has, in the past on other properties^{24,25,26,27,28,29} throughout the State of Colorado assessed by CEH, repeatedly pointed out the same deficiencies in CEH work, (as referenced in this discussion), one must surmise that CEH knowingly and willingly performed work that deviated grossly from mandatory State requirements.

²⁴ 3509 Montrose Street, Evans CO (4/5/06) <http://forensic-applications.com/meth/Initial-review.pdf>

²⁵ 1812 164th Place, Thornton CO (4/23/09) <http://forensic-applications.com/meth/164thCriticalReview.pdf>

²⁶ Property address sealed by court order (9/23/09)

²⁷ 24018 Deer Valley Road, Golden, CO (8/25/10) <http://forensic-applications.com/meth/DVRCriticalReview.pdf>

²⁸ Columbine Apartments, Unit A107 605 Wickes Ave. Craig, CO 81625 (12/30/07) <http://forensic-applications.com/meth/columbinepreliminaryassessment.pdf>

²⁹ 19042 E 53rd Ave., Denver, CO (12/10/08) <http://forensic-applications.com/meth/gollaspa.pdf>



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

Pursuant to State statute, and state regulations, the mandatory “Preliminary Assessment” and the final report on post remediation sampling of an illegal drug lab is filed with the “Governing Body” with jurisdiction wherein the property is located. CEH has in the past explicitly acknowledged that fact since they have referenced the Governing Body in their documentation and the submission of final reports to the same.

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

Mr. Paul Jaekel has explicitly held himself out to be an Industrial Hygienist. Yet, there is nothing provided in the documentation that would indicate that he is, in fact, an Industrial Hygienists meeting the State definition.

Industrial Hygienist Core Capabilities

In 2012, the American Industrial Hygiene Association,³⁰ in conjunction with the American Conference of Governmental Industrial Hygienists,³¹ and the American Board of Industrial Hygiene, published a document called “Core Competencies for the Practice of Industrial /Occupational Hygiene” The document identified those core competencies as:

- Air Sampling and Instrumental analysis
- Basic Science
- Biohazards
- Biostatistics and Epidemiology
- Chemical Hazards
- Community Exposures
- Engineering Control and ventilation
- Ergonomics
- Health Risk Analysis and Hazard Communication
- Ionizing radiation
- Management
- Noise and Hearing loss prevention
- Non engineering controls
- Non ionizing radiation

³⁰ Of which this reviewer (Connell) is a member and currently sits on the Clandestine Drug Laboratory Working Group

³¹ Which this review (Connell) is a member



Thermal stressors
Toxicology
Work Environments and Industrial Processes

There is no documentation provided in the work history of Mr. Jaekel that would suggest that he has any training or experience or knowledge in ANY of the above listed core capabilities.

There was nothing provided in the CEH report that documented that Mr. Jaekel is in any way qualified to perform the work or sign the signature page as an Industrial Hygienist and there is no Statement of Qualifications indicating qualifications as required by regulation. The incompetence demonstrated by Mr. Jaekel in the CEH report is sufficient to demonstrate that Mr. Jaekel is clearly NOT an Industrial Hygienist and is NOT competent to perform the work and is therefore, falsely representing himself as an Industrial Hygienist.

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. Jaekel 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 Consumer Protection Act

In Colorado, consumer are protected against deceptive trade practices as delineated in the Colorado Consumer Protection Act, as delineated in 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 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.

We believe that Mr. Jaekel and Mr. Dennison have violated the Colorado Consumer Protection Act, and as a result, both the buyer of the Elati Street property, Mr. Randy Curl, and the seller (as represented by Mr. Ryan Turbyfill) have been harmed.

We are aware that another victim of CEH reported CEH to Colorado Attorney General, Consumer Protection/Fraud Division who stated:

“If the number of complaints rise to a level that indicates a widespread pattern of deceptive practices, as defined by the Colorado Consumer Protection Act (CCPA), our office will further review the complaints against the company at that time for possible legal intervention.”

However, considering that dozens and dozens of victims have been harmed by the actions of Mr. Dennison and CEH, it is difficult to know when the Consumer Protection/Fraud Division determines when a “widespread pattern of deceptive practices” is recognized.

Violation of the AIHA/ABIH Code of Ethics

The work performed by Mr. Dennison constituted a violation of the Code of Ethics of the American Board of Industrial Hygienists and the American Industrial Hygiene Association and fails to meet a minimum standard of professional care. Specifically, Mr. Dennison has violated the following professional Codes of Ethics:

- Violation of ABIH (I)(A)(1)
- Violation of AIHA (I)(A)(1)
- Violation of ABIH (I)(A)(5)
- Violation of ABIH (I)(A)(6)
- Violation of AIHA (I)(A)(5)
- Violation of ABIH (II)(A)(1)
- Violation of AIHA (II)(A)(1)
- Violation of ABIH (II)(A)(2)
- Violation of AIHA (II)(A)(2)
- Violation of ABIH/AIHA (II)(A)(3)
- Violation of ABIH/AIHA (II)(A)(5)
- Violation of ABIH/AIHA (II)(A)(6)
- Violation of ABIH/AIHA (II)(C)(1)
- Violation of AIHA (II)(C)(2)

Violation of ABIH (I)(A)(1)

Comply with laws, regulations, policies and ethical standards governing professional practice of industrial hygiene and related activities.



Violation of AIHA (I)(A)(1)

Comply with laws, regulations, policies, and ethical standards governing professional practice of industrial hygiene and related activities, including those of professional associations and credentialing organizations.

Clearly, as described above, Mr. Dennison has failed to comply with the mandatory Colorado Regulations in the performance of this work.

Violation of ABIH (I)(A)(5)

Report apparent violations of the ethics code by certificants and candidates upon a reasonable and clear factual basis.

To our knowledge, Mr. Dennison has failed to report his violations to the ABIH.

Violation of ABIH (I)(A)(6)

Refrain from any public behavior that is clearly in violation of accepted professional, ethical or legal standards.

Violation of AIHA (I)(A)(5)

Refrain from any public behavior that is clearly in violation of accepted professional, ethical or legal standards.

Clearly, as described above, Mr. Dennison has failed to refrain from behavior that is in violation of the accepted professional and legal standards, by violating both.

Violation of ABIH (II)(A)(1)

Deliver competent services with objective and independent professional judgment in decision-making.

Violation of AIHA (II)(A)(1)

Deliver competent services in a timely manner, and with objective and independent professional judgment in decision-making.

As described above, Mr. Dennison has not performed the necessary work in a competent manner.

Violation of ABIH (II)(A)(2)

Recognize the limitations of one's professional ability and provide services only when qualified. The certificant/candidate is responsible for determining the limits of his/her own professional abilities based on education, knowledge, skills, practice experience and other relevant considerations

Violation of AIHA (II)(A)(2)

Recognize the limitations of one's professional ability, and provide services only when qualified. The member is responsible for determining the limits of his/her own professional abilities based on education, knowledge, skills, practice experience, and other relevant considerations.



As described above, Mr. Dennison has clearly performed work for which he was not capable or qualified. If, on the other hand, Mr. Dennison argues that he was capable and qualified, one must then conclude that his work was intentionally deficient, which may constitute criminal fraud.

Violation of ABIH/AIHA (II)(A)(3)

Make a reasonable effort to provide appropriate professional referrals when unable to provide competent professional assistance.

Mr. Dennison failed to refer the work to a competent Industrial Hygienist.

Violation of ABIH/AIHA (II)(A)(5)

Properly use professional credentials, and provide truthful and accurate representations concerning education, experience, competency and the performance of services.

By claiming in his “brief-Bio” to have performed additional clandestine drug lab assessments, Mr. Dennison is axiomatically claiming to have *properly* performed that work. However, since available documentation exists that indicates that Mr. Dennison has NEVER performed a valid clandestine drug laboratory assessment, one is forced to conclude that Mr. Dennison is intentionally misleading the client or has simply fabricated his experience.

Violation of ABIH/AIHA (II)(A)(6)

Provide truthful and accurate representations to the public in advertising, public statements or representations, and in the preparation of estimates concerning costs, services and expected results.

Mr. Dennison falsely presented himself to the public as a competent Industrial Hygienist qualified to perform clandestine drug laboratory assessments pursuant to Colorado Regulations 6 CCR 1014-3. Clearly, as described above, Mr. Dennison is not capable or qualified to perform the required work in a proper or professional manner.

Violation of ABIH/AIHA (II)(C)(1)

Follow appropriate health and safety procedures, in the course of performing professional duties, to protect clients, employers, employees and the public from conditions where injury and damage are reasonably foreseeable.

By performing grossly deficient work, as described above, and demonstrating an history of habitual gross incompetence, one can reasonably foresee that Mr. Dennison’s clients, and the general public, are now placed at risk of injury and damage due to his incompetency.

Violation of AIHA (II)(C)(2)

Inform appropriate management representatives and/or governmental bodies of violations of legal and regulatory requirements when obligated or otherwise clearly appropriate.



Mr. Dennison states he is familiar with State Regulation 6 CCR 1014-3. Therefore, Mr. Dennison must be aware of the fact that his work is in gross violation of those regulations. Therefore, Mr. Dennison had the professional obligation to bring his regulatory violations to the attention of the Governing Body.

We recommend that this audit be provided to the ABIH Ethic Committee.

We recommend that the situation be forwarded to the District Attorney for proper evaluation, and to determine if the case rises to the level of criminal conduct.

CONCLUSIONS

Until such time that a legitimate Preliminary Assessment has been performed by an authorized Industrial Hygienist, acceptable cleaning and decontamination activities cannot be completed.

Until such time that a legitimate Preliminary Assessment has been performed by an authorized Industrial Hygienist, final verification sampling cannot occur.

Until such time that a legitimate Preliminary Assessment has been performed by an authorized Industrial Hygienist, the property can never be deemed compliant.

CRS 18-8-115. Duty to report

It is the duty of every corporation or person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities. Notwithstanding any other provision of the law to the contrary, a corporation or person may disclose information concerning a suspected crime to other persons or corporations for the purpose of giving notice of the possibility that other such criminal conduct may be attempted which may affect the persons or corporations notified. When acting in good faith, such corporation or person shall be immune from any civil liability for such reporting or disclosure. This duty shall exist notwithstanding any other provision of the law to the contrary; except that this section shall not require disclosure of any communication privileged by law.



APPENDIX A

FACTs SOQ



APPENDIX A

FACTs SOQ





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:	Elati	Form # ML15
Date Sept. 29, 2014		

Caoimhín P. Connell, has been involved in clandestine drug lab investigations 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 and was the contract Industrial Hygienist for the National Center for Atmospheric Research for over ten years. 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 (through the Colorado Division of Criminal Justice) and was the lead instructor for the CRCPI 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 methlab lectures to the US Air Force, the National Safety Council, and the American Industrial Hygiene Association (of which he is a member and serves 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 also a member of the American Conference of Governmental Industrial Hygienists, the Occupational Hygiene Society of Ireland, the Colorado Drug Investigators Association, an appointed Full Committee 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 190 hours of highly specialized law-enforcement sensitive training in illegal drug lab operation, and under supervision of the US Drug Enforcement Agency, 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). 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 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 496 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 4,611 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, (*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 and a US NIOSH Recommended Peer Review Expert for the NIOSH 9109 Method, *Methamphetamine*. He has been admitted as a clandestine 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 with forensic services and arguments against corrupt regulators, fraudulent industrial hygienists, and unauthorized consultants performing invalid methlab assessments.

185 Bounty Hunter's Lane, Bailey, Colorado 80421
Phone: 303-903-7494 www.forensic-applications.com



Multijurisdictional Counterdrug Task Force Training

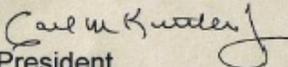


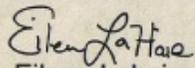
This is to certify that
Caoimhin P. Connell

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



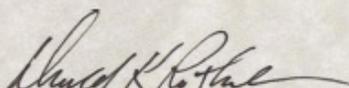
Certificate of Training

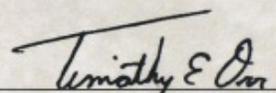
This certifies that

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



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



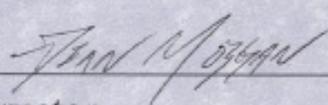
Park County Sheriff's Office Certificate of Completion

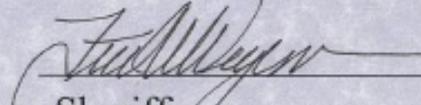
Caoimhin Connell

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

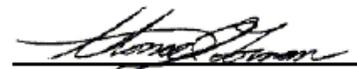
Hash Oil Explosions

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

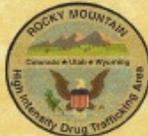
At: CO Law Enforcement Officers Assn. On: September 30, 2010
Greeley, Colorado



Director, Law Enforcement Liaison & Education

P. Ritch Wagner
Instructor

C7954



Certificate of Training

This is to certify that
Caoimhín 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

Caoimhín P. Connell: Instructor/Date
4/12/10
Glean HARDEY



Colorado Law Enforcement Officers' Association



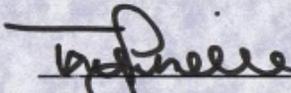
This is to certify that

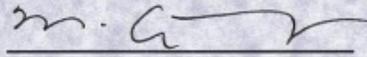
CAOIMHIN CONNELL

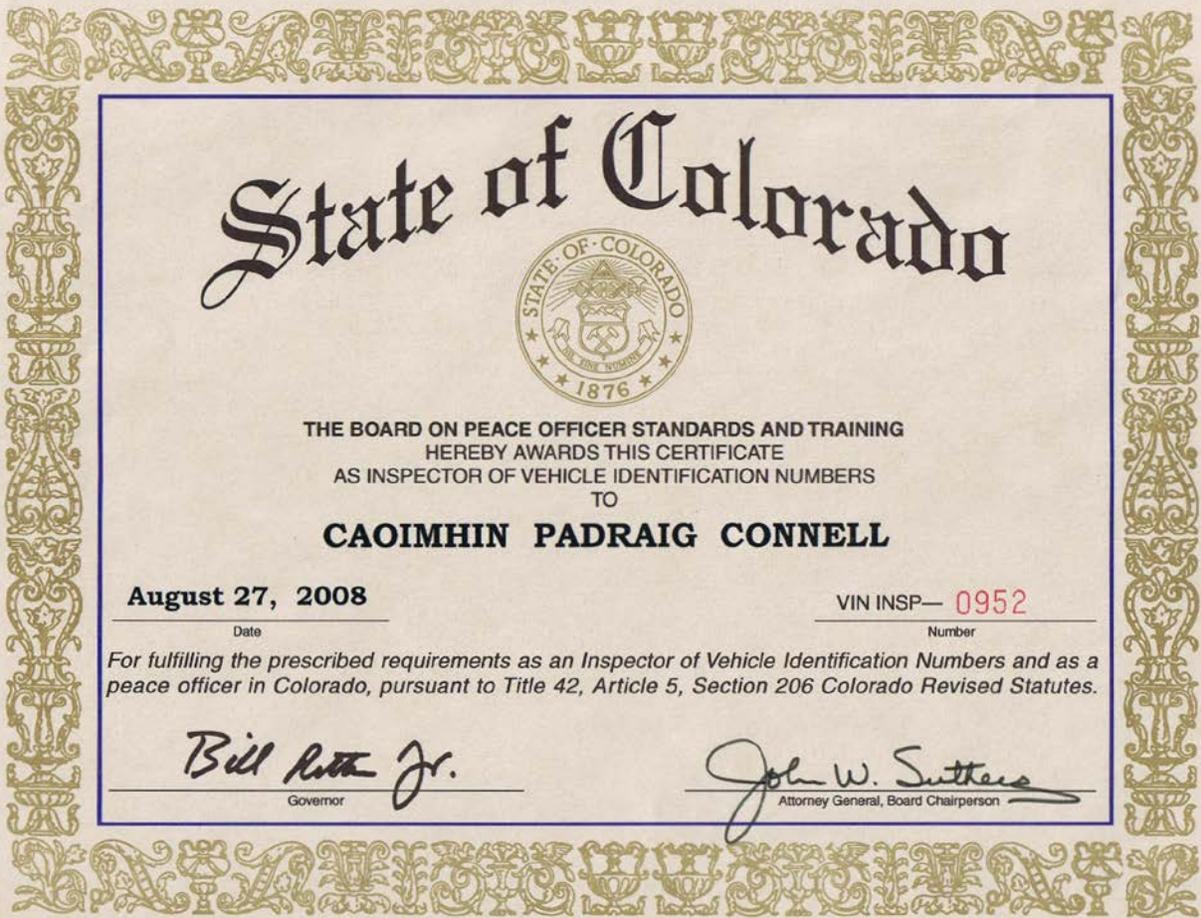
Completed ARIDE (Advanced Roadside Impaired Driving Enforcement)

hosted by Loveland Police Department

on February 28 – March 1, 2011


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

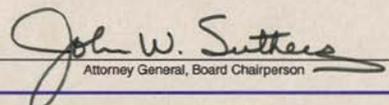
Date

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

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

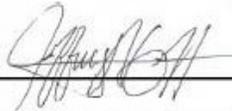
Caoimhin P Connell

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, Program Manager
Evidential Breath Alcohol Testing Program



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

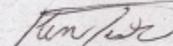
awarded to:

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

Chris Fox

CATI President

[Signature]

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.

Phil Owen

Governor

Ken Salazar

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

Jim Bjo

Training Manager, Rocky Mountain HIDTA

Thomas Simon

Director, Rocky Mountain HIDTA