



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

November 6, 2012

Joe Schieffelin
Manager
Solid and Hazardous Waste Program
Hazardous Materials and Waste Management Division
4300 Cherry Creek Drive South
Denver CO 80246-1530

Dear Mr. Schieffelin:

We received your letter dated October 16, 2012.

We stand by our earlier statements made in our various letters and critical reviews. We do not wish to retract any statement we have made. All of our statements and observations are well documented and are objectively factual, and we are prepared to provide all necessary documentation to support those statements.

We noticed that you circulated your response to some new names. However, it is not likely that those recipients are familiar with the grossly unethical, unprofessional and incompetent practices and multiple violations of State regulations that have been committed by members of your office and therefore, for their benefit, here is a recap of our objectively true and objectively demonstrable statements:

Position Statement

CDPHE has an appalling record on its own adherence to Board of Health Regulations starting when it was discovered¹ that a person working for the CDPHE hired a consultant to provide the CDPHE with clandestine drug-lab assessment, at tax-payer expense, at a property in Westminster, CO. The consultant hired by your office was so grossly incompetent, that he continuously cited methlab regulations from the State of California; and thought those regulations were Colorado regulations, and he entirely failed to follow those regulations (either Colorado or California). Furthermore, your consultant referenced the State of California regulations as Colorado regulations. Furthermore, your office ENTIRELY failed to recognize the fact that this consultant entirely failed to follow State regulations, and your office entirely failed to notice that this consultant was actually referencing the regulations from another state.

¹ <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

When a family moved into the subject Westminster property, and subsequently became ill, we were asked to review the documents associated with the property. Unbeknownst to us at the time, that the consultant was actually hired by CDPHE, we performed an audit of the first document and found multiple violations of regulation. We issued our report which can be found here: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

Instead of addressing the issues raised, personnel from your office (Ms. Brisnehan) was embarrassed at getting caught in such a clearly incompetent role and responded with an highly unprofessional personal rampage against me and my company. Perhaps it would behoove you, Mr. Schieffelin, to go back and read our initial report, and your office's response.

Due to Ms. Brisnehan's highly unprofessional response, we reviewed the second document associated with the property, the one used to claim compliance and used to claim that the post mitigation sampling as required by 6 CCR 1014-3 had been completed. Here is a copy of that report:

www.forensic-applications.com/meth/ResponseCDPHE.pdf

In that document, we again found multiple violations of state regulations, multiple false statements made by the CDPHE consultant, and references to the State of California. Subsequent testing by a legitimate Industrial Hygienist confirmed that contamination levels in the house were hundreds of times above the regulatory thresholds for compliance and that the sampling was NEVER performed in a compliant manner. Your office ENTIRELY failed to catch ANY of these deficiencies and told the occupants of the property that the house had been remediated and cleaned according to regulations.

Worse still, the consultant hired by the CDPHE had never even read the Colorado regulations, and thought the California regulations were actually for the State of Colorado. Worse again was that your office, upon receiving the fraudulent documents entirely failed to notice that this consultant was ignoring Colorado regulations and was citing California regulations. Nobody in your office noticed any of these deficiencies until we released our report. After these deficiencies had been raised, your office ENTIRELY failed to address the issues.

The level of embarrassment increased for your office when it was subsequently discovered that the incompetent consultant hired by your office was in fact a fellow board member of a private club² with Ms. Colleen Brisnehan. The conflict of interest allowing Ms. Brisnehan to review and respond could not be more blatant, and the subsequent officious behavior could not be more apparent.

² Colorado Association of Meth and Mold Professionals (CAMMP)



The subsequent testing by a legitimate Industrial Hygienist is unassailable, as are the objective findings presented in our letters.

Additionally, in the more recent past, Ms. Brisnehan's level of embarrassment rose to new levels when it was discovered that she personally attempted to cover up yet another botched job regarding testing and regulatory compliance of an illegal drug laboratory at 4893 South Johnson Street in Denver, Colorado, resulting in a fraudulent document prepared by yet another member of her private club.³

Once again, an individual moved into the contaminated Johnson Street property that had been assessed by the same gross incompetent Industrial Hygiene firm that botched the Westminster property.

Once again, the consultant entirely failed to comply with state regulations.

Once again an unauthorized consultant was used to perform final clearance sampling. State regulations require the work to be performed by an Industrial Hygienist; the consultant, who has personally and publically declared that he is NOT an Industrial Hygienist, (but happens to be a member of Ms. Brisnehan's private club), completely failed to comply with state regulations and fraudulently declared the property to be in compliance. A family moved into the property and became ill.

For this property, Ms. Brisnehan personally accompanied the fraudulent consultant to the site and personally helped the fraudulent consultant collect unlawful samples, from prohibited surfaces, and then Ms. Brisnehan informed the sick occupant that the work had been finally performed correctly. (We found a very dead rat that had been in the ventilation system for a very long time. This is the same ventilation system that your employee Ms. Brisnehan said had been cleaned.)

My company was hired by the sick occupant to review the available documentation and we reported on these deficiencies in an objective and truthful manner. We identified no fewer than 59 violations of State regulations; our sampling conclusively and objectively demonstrated that the levels of methamphetamine remained in excess of the State regulations. That report can be found here:

www.forensic-applications.com/meth/Johnson_Critical_review.pdf

It becomes impossible for your office to explain why Ms. Brisnehan not only ignored the faulty work performed by the same incompetent consulting firm which was involved in the Westminster, CO property, and who then botched the

³ http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



Preliminary Assessment at Johnson Street, but also to explain why, on August 23, 2011, one of your employees, (Ms. Brisnehan), personally went into the field on taxpayer's dollars to personally assist an unauthorized consultant to collect unlawful samples in violation of Colorado Regulations.

You speak of apologies – Is your office going to apologize to Ms. Lalani DeVine who reported becoming ill while living in a property that your office dishonestly and with willful disregard for State regulations told Ms. DeVine that the work was completed according to regulations? Is your office going to apologize to the family who moved into 4690 West 76th Ave., Westminster Colorado and subsequently became ill, and who had been misled by your office who hired a consultant who didn't know the difference between Colorado Regulations and California regulations – a difference that was entirely ignored by your office and ultimately defended by your office? Is your office going to apologize to Mr. Eric Stevens of 117 Ross Ave., Alamosa, CO who also became ill due to the presence of contamination in a rental property and was told by Ms. Brisnehan that everything was "OK" and the landlord had no obligations? (The Alamosa Police Department also contacted your office for advice, and was informed by your office that the owner of the structure didn't have to follow regulations and the Alamosa Police Department informed us they were heard very disparaging comments about me and my firm by your office).

Conclusions

From this point forward we will not tolerate any of the libelous statements made by members of your office. Any further comments about me, my reputation or my business will result in my company seeking damages from you personally (Mr. Schieffelin), from Ms. Brisnehan personally and the State of Colorado. Your office has demonstrated that it cannot behave in a professional manner, and we will no longer tolerate your libelous and officious actions against us.

Furthermore, as highly respected professionals, we will continue to accurately report on projects to our clients – if those reports uncover additional lies and willful deceit on the part of you or Ms. Brisnehan or your office, we will present that information in those reports in an objective manner.

In your October 16th, 2012, letter you have included Mr. David Kreutzer with the Attorney General's Office. Mr. Kreutzer was a recipient of our original 2010 letter and is familiar with Colorado's criminal code CRS 18-8-308 "*Failing to disclose a conflict of interest*" which states that a public servant commits "failing to disclose a conflict of interest" if he exercises any substantial discretionary function in connection with a government contract, purchase, payment, or other pecuniary transaction without having given seventy-two hours' actual advance written notice to the secretary of state and to the governing body of the government which employs the public servant of the existence of a known potential conflicting interest of the public servant in the transaction with reference to which he is about to act in his official capacity. A "potential conflicting interest" exists when the public servant is a director, president, general manager, or similar



executive officer or owns or controls directly or indirectly a substantial interest in any nongovernmental entity participating in the transaction. Failing to disclose a conflict of interest is a class 2 misdemeanor. Did Ms. Brisnehan commit a Class 2 misdemeanor?

Mr. Kreutzer will also be familiar with Colorado's criminal code 18-8-404 "*First degree official misconduct*" which states that a public servant commits first degree official misconduct if, with intent to obtain a benefit for the public servant or another or maliciously to cause harm to another, he or she knowingly: Commits an act relating to his office but constituting an unauthorized exercise of his official function; or refrains from performing a duty imposed upon him by law; or violates any statute or lawfully adopted rule or regulation relating to his office. First degree official misconduct is also a class 2 misdemeanor.

Assertion

Make it known by this document that it is my position that on or about, August 23, 2011, Ms. Colleen Brisnehan committed first degree official misconduct, when she arrived at 4893 South Johnson Street in the City of Denver, State of Colorado and, while representing herself as an employee of the CDPHE she did knowingly and willfully engage in the violation of numerous sampling provisions of State Regulation 6-CCR 1014-3 when she knowingly and willfully (a) assisted an unauthorized consult (b) collect prohibited samples in a manner that violated 6 CCR 1014-3 from a recognized illegal drug laboratory as defined by CRS 25-18.5-101(2.7), that was subject to the requirements of 6 CCR 1014-3.

It is my position that on or about, August 23, 2011, Ms. Colleen Brisnehan committed first degree official misconduct, when Ms. Brisnehan maliciously caused harm to Ms. Lelani DeVine of 4893 South Johnson Street in the City of Denver, State of Colorado by knowingly falsely informing Ms. DeVine that the work that had been done at her residence was compliant with State regulations.

It is my position that on or about, March 10, 2010, Ms. Colleen Brisnehan committed first degree official misconduct, when Ms. Brisnehan issued a letter that covered up regulatory violations and deficiencies and incompetence at a property located at 4690 West 76th Ave., Westminster Colorado and failed to take action to correct those regulatory violations to the benefit of the consultant who had violated State regulations resulting in chemical injury to the occupants.

It is my position that on several occasions including March 1, 2010, when Ms. Brisnehan, as an official with the CDPHE, made, in writing, malicious, unsupported statements about me personally, and my firm.

Mr. Kreutzer is at liberty to use the above as my affidavit, and I will make myself available to his office to have the affidavit sworn out under oath and notarized at his request.

We will no longer tolerate your attempts to bully and intimidate us. I will no longer tolerate the libelous statements made by Ms. Brisnehan or your office about me or my office or my firm.



The misconduct by your office must come to an immediate end. We will require a written apology from your office directed to me and to Ms. Carty.

Caoimhín P. Connell
Forensic Industrial Hygienist

Colleen Brisnehan – CDPHE/HMWMD
Special Agent James F. Yacone - Federal Bureau of Investigation (Public Corruption)
Karen Osthus – CDPHE Board of Health Administrator
Ann Hause – CDPHE
David Kreutzer Colorado Attorney General's Office
Sgt. Harrell, CSPD
John Ferrugia, KMGH TV Denver
Chet Hardin, Colorado Springs Independent
Assistant Majority Leader, Senator Lois Tochtrop
Christopher E. Urbina, Executive Director and Chief Operating Officer, CDPHE
Chris Porter Attorney at Law

