



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

July 7, 2015

Aaron and Lillian Baca  
9721 Josephine Street  
Denver, CO 80229-2563

RE: 9721 Josephine Street, Denver, CO 80229-2563

Via email: [beavie42@aol.com](mailto:beavie42@aol.com)

Dear Mr. and Mrs. Baca –

This morning, via email, we received the July 6, 2015 letter from Ms. Lisa Oliveto with the Tri-County Health Department (TCHD) sent to Fire Insurance Exchange regarding the above referenced property (the subject property).

None of the “violations” cited by Ms. Oliveto in her letter are actually violations, and the subject property is in complete compliance with all pertinent rules and regulations.

In this letter we will demonstrate that TCHD, in the person of Lisa Oliveto, has merely invented, out of thin air, lies and fabrications in violation Colorado Criminal Code *CRS 18-8-404. First degree official misconduct.* As it is, in the following discussion, we demonstrate that not only has TCHD merely lied and invented “violations” that don’t exist, TCHD has also invented "regulations" that don’t exist.

Essentially, TCHD has capriciously and maliciously abused its power, and Ms. Oliveto’s letter constitutes an arbitrary and capricious denial of statutory right, contrary to constitutional right, power, privilege, or immunity, in excess of statutory jurisdiction, authority, purposes, or limitations, not in accord with the procedures or procedural limitations and otherwise required by law. Her letter and the actions of the TCHD constitute an abuse and clearly shows an unwarranted exercise of discretion. We recommend that your legal counsel discuss filing a suit against the TCHD, and we also recommend you seek filing criminal charges against Ms. Oliveto for her officious behavior.

### ***Alleged Violation 1***

1. The Preliminary Report references that a “standard screening evaluation” had been conducted on September 10, 2014. A copy of the composite log form from the “standard screening evaluation”, was included in the Preliminary Assessment and was dated July 31, 2014 which is before the “standard screening evaluation” which was done on September 10, 2014. Reference 6 CCR 1014-3 Section 6.2.14 Part 1.

## Response 1

This is an whole scale fabrication on the part of Ms. Oliveto. Below is an excerpt of Page 55 of our Preliminary Assessment for the subject property. This is our Composite Log Form that Ms. Oliveto is referencing, and as one can very clearly see, the date is September 10th, 2014.

COMPOSITE LOG FORM						
FACTs project name: Josephine			Form Composites			
Date: September 10, 2014			Alcohol Lot#: A1302		Gauze Lot#: G1301	
Reporting IH: Caoimhin P. Connell, Forensic IH			Preliminary _____ Intermediate _____ Final _____			
Sample ID	Type	Location	Funct. Space	Dimensions	Substrate	
1	A	TOP of <del>ENTRANCE</del> LIVING ROOM DOOR FRAME (CLOSET)		1.5 X 8	P W	
	B	DEN TOP of DOOR BELL COVER		3.5 X 3.5	PLASTIC	
	C	BASEMENT N. E. GARAGE LIGHT FIXTURE		3.5 X 3.5	PLASTIC	
	D	" " BATH TOP of LIGHT FIXTURE		3.5 X 3.5	METAL	
	E	CRAWL SPACE TOP VENT PIPE		2.5 X 3.5	G METAL	
2	A	FURNACE LATER		2.5 X 3.5	G METAL	
	B	GARAGE DOOR RAIL		2.5 X 3.5	G METAL	
	C	US NE BED ROOM TOP of WINDOW FRAME		2 X 6	G-METAL	
	D	SE " " TOP of TRUNK		1.5 X 8	V-WOOD	
	E	US BATHROOM TP of DOOR JAMB		3.5 X 3.5	P-WOOD	
3		LONG SPIKE		1.5 X 8	P-WOOD	

Not only has Ms. Oliveto fabricated the issue, but she has also simply invented a violation that does not exist. Ms. Oliveto has an habit of inventing her own personal “requirements” and falsely representing to others what is required. Even if the Composite Log Form did bear the date of July 31st, 2014, what would be the violation? Ms. Oliveto has failed to explain why she thinks that a document bearing the date of July 31, 2014 would constitute a regulatory violation.

Ms. Oliveto then references 6 CCR 101-4 Section 6.2.14 Part 1. This creates a serious problem for Ms. Oliveto since the cited section **did not exist** at the time we did our work at the subject property. That is Ms. Oliveto is so confused, she has referenced a section of regulations that simply do not exist in any pertinent regulations. The pertinent regulations are:

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
**6 CCR 1014-3**  
**STATE BOARD OF HEALTH**  
**Regulations Pertaining to the Cleanup of Methamphetamine Laboratories**  
**(Adopted January 19, 2005, effective March 30, 2005)**

We would like Ms. Oliveto to obtain a copy of those regulations and show you where her cited provisions are located in the regulations. Ms. Oliveto would not be able to show you, since the provisions do not exist in the above cited regulations – Ms. Oliveto has merely invented the requirement out of thin air.



This is not surprising since the TCHD in general, and Ms. Oliveto in particular, has a long history of inventing State statutes, State acts and State and county regulations that simply do not exist.

For example, if we go to the TCHD “*Regulation Idl-06 For The Clean-Up Of Illegal Drug Laboratories*” we see the following invention:

**Section 3. Authority**

**3.1** The Illegal Drug Laboratory Act, C.R.S. §25-18.5-101, et. seq., sets forth a regulatory structure for the clean-up of Illegal Drug Laboratories and other Contaminated property.

There is not now, and has never been any document passed in the State of Colorado called “The Illegal Drug Laboratory Act.” The document exists exclusively in the imagination of the TCHD.

Similarly, as we described in detail in our June 23, 2015 letter to you, and which was circulated to Ms. Harriet Miller, County Attorney, with Adams County, if we go to the TCHD regulation Section 3.3, we see the following:

**3.3** Pursuant to C.R.S. §25-18.5-105(2) and C.R.S. §25-1-507(d), the Board of Health of the Tri-County Health Department is authorized and empowered to adopt rules and regulations for the clean-up of Illegal Drug Laboratories and other Contaminated properties.

There is no such thing as “C.R.S. §25-1-507(d).” That is, although TCHD likes to pretend there is a State Statute codified as, “C.R.S. §25-1-507(d)” it doesn’t actually exist anywhere within the Colorado Revised Statutes. Nobody actually knows what TCHD was trying to reference. We know it can’t mean CRS §25-1-507 since that is the statute that allows a Mayor of a City to remove power from a county and take that power upon themselves – it does not give a county ANY authority to do anything at all.

In our experience, Ms. Oliveto is entirely incompetent and has never understood State regulations or TCHD regulations. Concerning work performed at previous methamphetamine affected properties, Ms. Oliveto has similarly attempted to bamboozle members of Forensic Applications Consulting Technologies, Inc. (FACTs) by fabricating “regulatory requirements” that simply never existed. (We would be happy to provide your legal counsel with information on those properties).

It is important to note that the Screening Evaluation we performed at the subject property on September 10, 2014 was not covered by any State Regulations or County Regulations. Ms. Oliveto has simply invented a personal “requirement” that otherwise does not exist anywhere in State or County Regulations, and she hopes that you aren’t smart enough to find out.



## ***Alleged Violation 2***

2. Two samples taken during the “standard screening evaluation” were documented as conducted on September 10, 2014. According to what was stated in the Preliminary Report and chain of custody, the samples were not submitted for analysis until September 24, 2015. It is not typical protocol to hold samples after collecting them before submittal to the laboratory. Reference 6 CCR 1014-3 Section 6.2.14 Part 1.

## ***Response 2***

This is not a violation, and is a fabrication and a false hood. FACTs was at liberty to archive the samples for two hours or two days, or two weeks or two years. Furthermore, it is quite typical to hold such samples and there is nothing in regulations that even addresses the issue. Ms. Oliveto has merely invented another “regulatory requirement” that is nothing more than an unformed personal belief that she wants you to believe is a “requirement.”

Ms. Oliveto has merely invented a requirement and a condition that only exists in her imagination.

The Regulation cited in her letter, “6 CCR 101-3 Section 6.2.14 Part 1” simply does not exist at the time of the work – Ms. Oliveto has merely invented an imaginary requirement so she could claim there was a violation. We would like Ms. Oliveto to provide the language found in “6 CCR 1014-3 Section 6.2.14 Part 1” of the regulations under discussion:

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
6 CCR 1014-3  
STATE BOARD OF HEALTH  
Regulations Pertaining to the Cleanup of Methamphetamine Laboratories  
(Adopted January 19, 2005, effective March 30, 2005)**

Ms. Oliveto cannot produce the language since that section does not exist anywhere in the referenced regulations.

Furthermore, Ms. Oliveto has failed to provide any information as to why holding the samples would be a violation of regulations or indeed, why the issue is even worthy of discussion. Ms. Oliveto cannot find a single citation anywhere in regulatory documentation or language that would indicate any kind of a problem with archiving samples.

In our professional opinion, Ms. Oliveto has merely committed a criminal act under the State of Colorado in making her written falsifications:



According to Colorado Criminal Code:

*CRS 18-8-404. First degree official misconduct.*

*(1) 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: (a) Commits an act relating to his office but constituting an unauthorized exercise of his official function; or (b) Refrains from performing a duty imposed upon him by law; or (c) Violates any statute or lawfully adopted rule or regulation relating to his office. (2) First degree official misconduct is a class 2 misdemeanor.*

Ms. Oliveto has merely invented the false “violations” as a malicious attack against FACTs, Inc., and had to rely on her personal falsifications in order to attempt to discredit our work.

### ***Alleged Violation 3***

3. A Scope of Work was not received from Crystal Clean nor was it included in the Post-Decontamination Report. Reference 6 CCR Section 8.0 through 8.6.7 Part 1 and TCHD Regulation IDL-06 Sections 10.1.2 and 10.2.

### ***Response 3***

FACTs was under no obligation what- so- ever to provide a Scope of Work as claimed, and there is nothing in County Regulation or State Regulations that require such a document from FACTs; Ms. Oliveto has merely invented the requirement out of thin air. TCHD has no authority to demand this document from us, and even if TCHD did demand the document, FACTs would have no obligation to respond since this is not covered in any regulation.

According to TCHD Regulations IDL-06 Section 10.1.2 actually states:

**10.1.2** If the Preliminary Assessment reasonably indicates that contaminant levels do exceed the clean-up levels specified in the State Regulations, TCHD **shall** notify the Property Owner that a Work Plan must be prepared and submitted to TCHD by the Property Owner's Consultant or Contractor in accordance with the State Regulations.

1) TCHD, in violation of their own regulations, failed to comply with Section 10.1.2 and entirely failed to notify you, the Property Owner, as required. I have no doubt that if Ms. Oliveto complied with her own regulations, as required, you would have been quite happy to provide TCHD with whatever documentation they requested.

2) Nowhere in the County Regulations, is there a requirement for anyone to submit a Scope of Work. This is yet another imaginary “requirement” by Ms. Oliveto, who has a long history of expressing personal desires and pretending those desires are regulatory requirements.



3) Following the notification (which TCHD failed to do) the consultant “or Contractor” may submit the Work Plan. FACTs has absolutely nothing to do with a Work Plan, was never in possession of a Work Plan and had no knowledge of any Work Plan, and we are not required to review or possess a Work Plan, or write a Work Plan and we don’t even have the authority to ask a contractor for a Work Plan. If TCHD thinks this is a violation, then why not go the contractor and seek it?

4) If a Work Plan is submitted then, it is to be submitted “...in accordance with the State Regulations.” We would like to see TCHD cite the State Regulations requiring such a submittal. In truth, there is no such State requirements and, therefore, even if the clean-up contractor did submit the work plan, it would be impossible for them to submit a Work Plan according to State regulations, since no such State requirements exist.

Furthermore, it is important to note that Ms. Oliveto is singling out this property and, to our knowledge, TCHD has never requested such a Work Plan or attempted to enforce this “provision” on any other property in their jurisdiction. That is, Ms. Oliveto is deciding to ignore the dozens and dozens of other properties where no Work Plan has ever been submitted, and focus in on this one property. Ms. Oliveto is simply desperate to grasp at any straw to discredit the work performed by FACTs even if it means she must lie and commit a crime to do it.

According to TCHD Regulations:

10.2 Work Plan

**When notified of the requirement for a Work Plan**, the Property Owner shall submit the Work Plan to TCHD for TCHD’s approval. Once the Work Plan has been reviewed and approved by TCHD, with any required modifications by TCHD, the Property Owner may commence decontamination of the property pursuant to the terms of the Work Plan.

In violation of their own regulations, TCHD entirely failed to notify the Property Owner “of the requirement for a Work Plan”. We do not see how, in light of the fact that TCHD violated their own Regulations, that TCHD can now hold you, the Property Owner responsible for a document that TCHD was required to ask for following notification and entirely failed to do so.

### ***Alleged Violation 4***

5) Ms. Oliveto cites Section 8 through 8.6.7 of Part 1 and claims that FACTs failed to include these elements. In the next several paragraphs, FACTs will demonstrate that Ms. Oliveto is a liar, and in violation of Colorado Criminal Code is simply and maliciously inventing the alleged violations out of personal malice in an effort to libel FACTs:

Section 8 (6 CCR 1014-3)

**8.0 Post-Decontamination Reporting.** The Consultant shall prepare a Post-Decontamination Report, in conjunction with the Contractor, to document the decontamination process and demonstrate that the entire subject property meets the cleanup standards listed in Section 7.0 of this Part 1. The Post-Decontamination Report shall include, but not be limited to, the following, to the extent available and applicable:

Each element was diligently met by FACTs, as documented here:



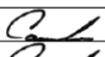
## Response 4

Section 8 (6 CCR 1014-3)

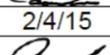
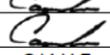
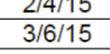
8.1 A copy of the Preliminary Assessment Report or a summary of the information and findings presented therein.

In our Post Decontamination Report, we provided a summary of the Preliminary Assessment and we **also** provided a full copy of the Preliminary Assessment. As we now know, TCHD lied and claimed that they never received the Final Report, in spite of the fact that our June 23, 2015 letter provided objective documentation proving that the report was email to TCHD on March 6, 2015 and the hard copy with the DVD was send via US Mail on May 11, 2015, and was received at the TCHD Offices on May 12, 2015 at 09:19 a.m. TCHD is now claiming they “accidentally lost” the report that was delivered into their hands. We are familiar with TCHD staff “losing” such important things as reports and DVDs.

Ms. Oliveto is merely lying when she stated that the Post Decontamination Report contained neither a summary or a copy of the Preliminary Assessment. Page 5 of our Post Decontamination Report includes the following verification:

Contaminated shared ventilation system in a multi-unit structure:		
8.1	Does the final report contain the Preliminary Assessment Report (DVD)	
§8.2	Photographic documentation of post-decontamination property conditions.	

Page 6 of our Post Decontamination Report contains the following.

§8.3	A description of the sampling procedures used, including sample collection, handling, and QA/QC.	
§8.4	Documentation of the analytical methods used, laboratory QA/QC documentation, laboratory report and chain-of-custody.	
§8.5	Results of post-decontamination clearance sampling	
§8.5	Computer generated figure of post-decontamination clearance sampling	
§8.6	Date FACTs received Contractor’s “Decontamination Summary Report”	2/4/15
§8.7	Evidence of Consultant certification	
§8.8	Signed mandatory language of certification	
§8.9	Date copy provided to the property owner	2/4/15
§8.9	Date copy provided to the Contractor (on or before)	3/6/15
§8.9	Date copy provided to the Department (on or before)	3/6/15
§8.10	Date copy provided to the Governing Body (on or before)	3/6/15

Section 8 (6 CCR 1014-3)

8.2 Photographic documentation of post-decontamination property conditions, including previously identified cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination and sample locations.

The DVD of our Post Decontamination Report for the subject property contained 99 photographs of post remediation conditions. Ms. Oliveto is simply lying by stating those photographs are not on the disc – or, perhaps, she has not even looked at our submitted report and DVD.



Section 8 (6 CCR 1014-3)

8.3 A description of the sampling procedures used, including sample collection, handling, and QA/QC.

The Table of contents of our Post Remediation Report clearly provides the following:

SAMPLE COLLECTION .....	11
Wipe Samples .....	11
Regulatory Sampling Protocol .....	11
Methamphetamine Analysis .....	15
QA/QC Precautions .....	15
Field Blanks .....	16
Field Spikes .....	16
Cross Contamination .....	16
Sample Locations .....	17
Sample Results .....	19

On Pages 11 through 19 of our Post Decontamination Report, FACTs has clearly presented a description of the sampling procedures used, including sample collection, handling, and QA/QC. Ms. Oliveto is merely lying by claiming the description does not exist.

Section 8 (6 CCR 1014-3)

8.4 Documentation of the analytical methods used and laboratory QA/QC documentation, including the laboratory analytical report and chain-of-custody documentation.

The documentation of the analytical methods used during this project is found in numerous locations in our report including Pages 15, 39, 40 and 41. For example, Page 15 from our report clearly states:

***Methamphetamine Analysis***

The wipe samples were submitted under the special regulatory chain-of-custody for analysis to Reservoirs Environmental Laboratories in Denver, CO for analysis by GCMS.<sup>3</sup> The special regulatory chain-of-custody is not a normal chain of custody but rather contained the additional regulatory requirements found in Sections §6.2.14.1 through §6.2.14.12. The chain-of-custody form includes a typographical error, each line should read 4 aliquots instead of 1.

***QA/QC Precautions***

The regulations prohibit the application of standard scientifically valid Industrial Hygiene QA/QC methodologies, and therefore, FACTs employed the mandatory regulatory QA/QC provisions instead.

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<sup>3</sup> The laboratory essentially uses the NIOSH Method 9106 "METHAMPHETAMINE and Illicit Drugs, Precursors and Adulterants on Wipes by Liquid-Liquid Extraction"

Josephine Certification  FACTs, Inc. Page 15



Laboratory QA/QC is clearly discussed on Pages 15 and 16 of our Post Decontamination Report. Ms. Oliveto is merely lying when she claims this information is not there.

The “chain-of-custody” documentation is clearly provided in our Post Decontamination Report on Page 37 and 42. Ms. Oliveto is merely lying when she claims it is not there.

Section 8 (6 CCR 1014-3)

8.5 Results of post-decontamination clearance sampling, including a description of sample locations and a computer generated figure with sample locations and identification, and a copy of each laboratory report of post-decontamination sample results. Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way. Spiked samples submitted for analysis shall not be used for purposes of compliance with the regulation.

Ms. Oliveto is simply lying when she claims FACTs did not meet this standard.

A) Sample results are found in Figure 5 and Table 1 of our report. Sample results are also found on page 40. By claiming the post-decontamination results are not there, Ms. Oliveto is maliciously lying.

B) Sample locations are provided in our report on Figures 1 (Page 17), Figures 2 and 3 (Page 18), Table 1 (Page 19), and Page 37. By claiming the sample locations have not been provided, Ms. Oliveto is maliciously lying.

C) Computer Generated figures are provided in our report on Figures 1 (Page 17), Figures 2 and 3 (Page 18). By claiming this provision has not been met, Ms. Oliveto is maliciously lying.

D) Copies of Laboratory Reports are included in our report on pages 38 through 41. By claiming this provision has not been met, Ms. Oliveto is maliciously lying.

### ***Alleged Violation 5***

4. Disposal Manifests for methamphetamine debris was not provided from Crystal Clean. Reference 6 CCR 1014-3 Sections 8.0, 8.6.4, and 8.6.7 Part 1
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### ***Response 5***

FACTs cannot be held responsible for the required documents of other people. If FACTs is not provided with the documents, we cannot reproduce those documents.

According to State regulations:

8.6 **The Contractor** shall provide an electronic copy of a Decontamination Summary Report, containing the following information, to the Department and to the Consultant within thirty (30) days of completion of decontamination work at the subject property for inclusion in the Post-Decontamination Report:

8.6.4 A description of the waste management procedures used, including characterization, handling and final disposition of wastes. Copies of the waste manifests or bills of lading shall be included in the final report.



FACTs was not the Contractor on this project and cannot be held responsible for the Contractor or his obligations. On Page 44 of our report, we included a statement where the Contractor informed TCHD of the following:

**(8.6.4)** A single thirty yard manifested roll-off container provided by 5280 Waste Solutions, 2051 W. Collage Ave Englewood Co (720) 884-0300 was placed directly in front of the garage door. No Characterization was performed, all waste generated was presumed to be contaminated with Methamphetamine residue and handled appropriately. Waste manifest will be forwarded upon receipt by CCD.

TCHD was aware of this when they received the Final Decontamination Report on March 6, 2015.

Even though we were under no obligations to so do, FACTs went to extra lengths to obtain the Waste Manifest from the Contractor as evidenced on Page 48 of our Final Decontamination Report, FACTs reproduced the following email:

9721 Josephine

Peter Riley  
Feb 3 at 7:47 AM  
To FACTs

Q, here are the docs for Josephine . I still have not received the manifest from the landfill. I will forward asap.

Thanks Peter

P.S. I never received any docs from Elite Environmental maybe check with Aaron and Lilly they may have them.

Peter C. Riley  
President  
Crystal Clean Decontamination llc  
303.884.5489 direct  
303.975.9972 fax

Finally, although we were not required to so do, on Page 22 of our report, FACT again addressed the Waste Manifest thusly:

CERTIFICATION, VARIATIONS AND SIGNATURE SHEET	
FACTs project name:	Form # ML14
Date: February 4, 2015	
Reporting IH:	Caoimhin P. Connell, Forensic IH
Certification	
<b>Statement</b>	<b>Signature</b>
I hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, Part 1, § 4.	
I do hereby certify that the analytical results reported here are faithfully reproduced.	
In the section below, describe any variations from the standard: For reasons described in the report, FACTs was unable to collect samples in strict compliance with certain sampling provisions. Crystal Clean Decon indicated they do not yet have a waste manifest however, they will provide the document when it becomes available.	



In any event, on February 14, 2015, FACTs was provided with the Waste Manifest and even though we were not required to do so, we forwarded a copy of the manifest to TCHD. (We presume that TCHD “lost” that document much like the “lost” the May 12, 2015 report delivery).

It is important to note that TCHD historically ignores hundreds and hundreds of actual violations from other consultants while, at the same time, TCHD fabricates “violations” regarding FACTs in an effort to maliciously harm us. We will address this issue in detail below.

### ***Alleged Violations 6***

5. The digital disk provided does not reflect approved sampling methodology or techniques. Reference 6 CCR 1014-3 Sections 6.0, 6.2.2, 6.3, 6.3.6 and Part 1.
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### ***Response 6***

We are not even sure what this is supposed to mean. We are not sure how a digital disc can reflect anything. It is important to note that TCHD initially lied and stated they never received the digital disc, and now apparently they do have it, but there is a problem with it. Until such time that TCHD can explain what this mysterious allegation actually means, we cannot provide a response.

However, we can say that during the Preliminary Assessment and the Post Remediation, all aspects of regulatory sampling protocols were met and TCHD would be unable to identify any actual regulatory violations. That is, every aspect of sampling has met regulatory requirements. If TCHD claims that is not so, then they will be unable to demonstrate the deficiencies.

FACTs has been on the receiving end of TCHD’s lies and fabrications in the past. For example, regarding the property located at 7351 Krameria Street, Commerce City, CO. Ms. Deanne Kelley with TCHD, informed the property owner that the FACTs report contained numerous violations and was unacceptable and would not be accepted by TCHD. TCHD was entirely unable to actually identify a single regulatory violation as claimed. On October 13, 2014, the Property Owner and I (Caoimhín P. Connell) met with Ms. Kelley at the TCHD office in Commerce City, CO. During that meeting, Ms. Kelley finally admitted that *she never actually read* the documents in question and just presumed that the documents were in violation of regulations; however, now (October 13, 2014), having had a chance to review the reports, Ms. Kelley stated that they couldn’t actually find any regulatory problems with the reports, but TCHD was not going to accept the reports anyway since Ms. Kelley personally didn’t “like the look” of some of the drawings contained in the report.

### ***Alleged Violation 7***

6. The Sampling methodology used in composite type sampling techniques was not in compliance with 6 CCR 1014-3 Section 6.3.6 Part 1.
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## Response 7

Section 6.3.6 states:

6.3.6 Collect all individual aliquots from 100 cm<sup>2</sup> sampling areas.

As very clearly documented in our report, every composite was exactly 100cm<sup>2</sup>. TCHD would be unable to identify a single sample that was in violation of Section 6.3.6 Again, Ms. Oliveto is merely making things up out of thin air – if one of the sample aliquots was not 100 cm<sup>2</sup>, then why didn't Ms. Oliveto specifically identify that sample?

Table 1 on Page 19 of our report clearly indicates that each aliquot was 100 cm<sup>2</sup>:

Sample Number	Location	Area (cm <sup>2</sup> )	Results µg/100cm <sup>2</sup>
JM012315-01	Garage back of garage door	100 X 4	<0.01
JM012315-02	Washing machine inside the lid	100 X 4	<0.01
JM012315-03	Clothes drier inside the door	100 X 4	<0.01
JM012315-04	US Bathroom floor	100 X 4	0.07
JM012315-05	Upstairs SE corner electrical conduit	100 X 4	<0.01
JM012315-06	Basement east lally column	100 X 4	<0.01
JM012315-07	Crawlspace Gas-pipe	100 X 4	0.06
JM012315-08	Field Blank	NA	<0.05*

\* Absolute micrograms recovered. The "<" symbol indicated "less than." \*\* Room size was greater than 500 ft, but less than 1,000 ft<sup>2</sup>.

**Table 1**  
**Sample Results in Concentration**

On Page 37 of our report, FACTs diligently documents the actual total dimensions for each sample. Table 1 (above) extracted from our report, clearly and unequivocally establishes that each sample is a four part composite and each part is EXACTLY 100 cm<sup>2</sup>. We are not sure how this could be made more clear or how a reasonably intelligent person could interpret the data otherwise.

We are aware that the TCHD staff has considerable difficulty with basic math skills and especially with algebra and long division. For example, in the past, FACTs has been asked to explain to TCHD personnel how sample results are calculated – in an email dated December 2, 2013, (regarding a property on Penny Lane in Brighton, CO) Ms. Kelley asked us to explain how one calculates a methamphetamine concentration from a laboratory report – the calculation is basic fourth grade long division.

It is interesting to note that Ms. Oliveto and TCHD allows blatant violations of this provision for other contactors. For example, when we look at the Preliminary Assessment report authored by Mr. Robert Woellner with QUEST Environmental for the property located at 11767 Grant Street, Northglenn, Colorado 80233, we see that TCHD has intentionally overlooked no fewer than 113 regulatory violations (that's one hundred and thirteen violations) including six separate violations of Section 6.3.6 as delineated in our regulatory audit found here:



TCHD regularly ignores gross, blatant regulatory violations by other consultants, while inventing alleged violations by FACTs that TCHD has never been able to substantiate. We have provided other examples below, but again, Ms. Oliveto is in violation of Colorado's Criminal Code CRS 18-8-404.

*CRS 18-8-404. First degree official misconduct.*

*(1) 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: (a) Commits an act relating to his office but constituting an unauthorized exercise of his official function; **or (b) Refrains from performing a duty imposed upon him by law; or** (c) Violates any statute or lawfully adopted rule or regulation relating to his office. (2) First degree official misconduct is a class 2 misdemeanor.*

This is not new behavior by TCHD, and certainly Ms. Oliveto has an history of fabrications and failure to perform her lawful duties.

### ***Alleged Violation 8***

7. No actual photos were taken documenting where and how samples were taken. Reference 6 CCR 1014-3 Section 6.2.11 Part 1.
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### ***Response 8***

This is simply a blatant and malicious lie on the part of Ms. Oliveto. According to Colorado Regulations:

6.2.11 Fold the sample media over again so that the sampled side is folded in. Place the sample media in a sample container, cap and number it, and note the number at the sample location on the sketch. Remove and discard impervious gloves. Include notes with the sketch giving any further description of the sample, including sample name and time of collection. **Photograph each sample location.**

### ***Sample 01***

Table 1 indicates "JM012315-01 Garage back of garage door" and our report contains the following photographs:







**Sample 02**

Table 1 indicates “JM012315-02 Washing machine inside the lid” and our report contains the following photographs of this sample location:





### Sample 03

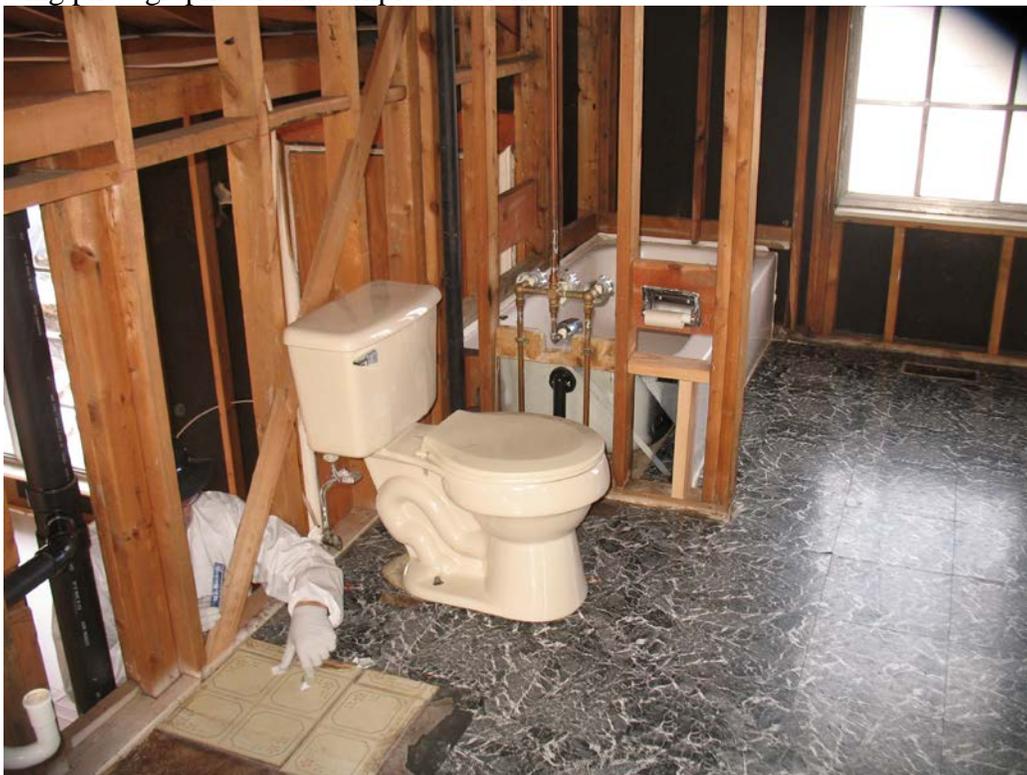
Table 1 indicates “JM012315-03 Clothes drier inside the door” and our report contains the following photographs of this sample location:

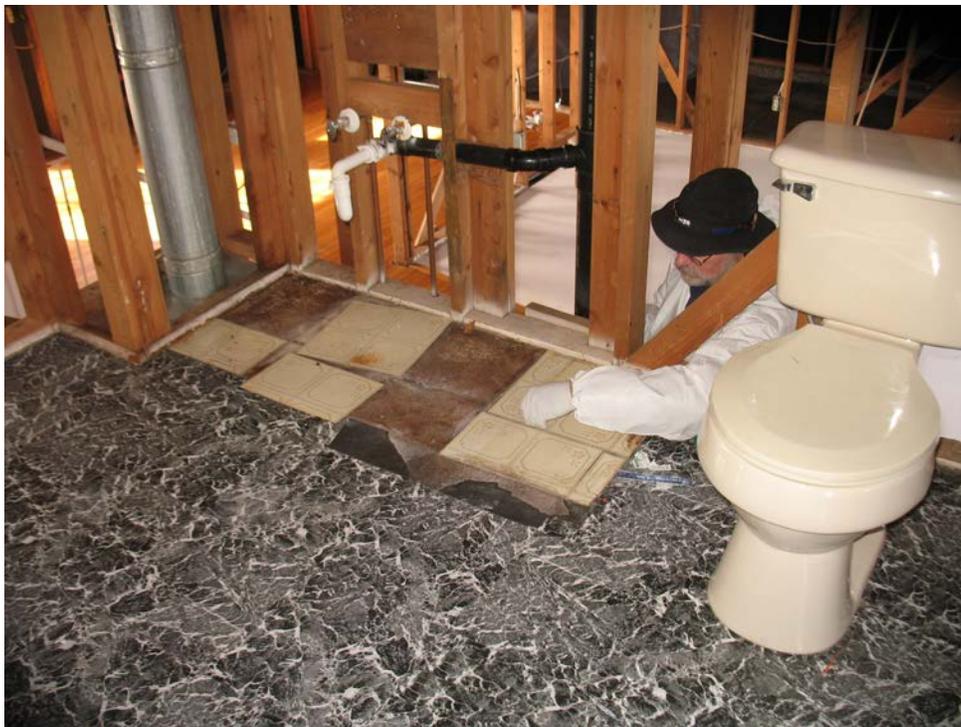




### Sample 04

Table 1 indicates “JM012315-04 US Bathroom floor” and our report contains the following photographs of this sample location.







### **Sample 05**

Table 1 indicates “JM012315-05 Upstairs SE corner electrical conduit” and our report contains the following photographs of this sample location.





We would be happy to provide *dozens and dozens* more photographs of our sampling locations, however, this should suffice to demonstrate that Ms. Oliveto is a knowing and malicious liar.



It is interesting to note that on another property, Ms. Oliveto informed us that regulations prohibited the sampling of electrical conduits – another imaginary regulatory requirement.

Our report clearly complies with the regulations and we have provided photographs of each sampling location as required.

Again, we can point to multiple projects wherein TCHD willingly and knowingly ignores such violations from other consultants. For example, when we look at the Preliminary Assessment report authored by Mr. Robert Woellner with QUEST Environmental for the property located at 11767 Grant Street Northglenn, Colorado 80233, we see that TCHD has intentionally overlooked no fewer than 113 regulatory violations including overlooking the fact that photographs actually were missing from that report.

### ***Alleged Violation 9***

8. Statements in the Preliminary and Post-Decontamination Reports related to TCHD regulations, protocols, etc., are personal opinions and do not belong in these reports. These reports should only include items and discussions required by regulation.

### ***Response 9***

TCHD, Ms. Dianne Kelley and Ms. Oliveto have a long history of lies, fabrications falsehoods, regulatory violations and in our opinion criminal activities. We have an obligation to advise our clients honestly and objectively about any unethical and illegal activities of any individuals who may impact the welfare of our clients. Contrary to the personal beliefs of Ms. Oliveto, these are not our “personal opinions” but rather professional advisements based on objective and indisputable facts.

TCHD or Ms. Oliveto has no authority to dictate what we choose to put in our reports outside the context of enforcing regulations. We would like Ms. Oliveto to provide the regulatory rubric that she believes gives her the authority to tell any member of the public what they may or may not say. Ms. Oliveto cannot provide any such authority since she has none – she is merely inventing her own authority where none otherwise exists.

If the TCHD would prefer to not see these objective facts appearing in our reports, then perhaps TCHD should stop behaving in an illegal and unethical manner, and thus negate the need for us to have to warn our clients about the illegal activities of certain TCHD staff.

Certain staff at TCHD have no qualms about interjecting their own personal whims and desires and falsely telling citizens that their personal whims are “requirements.” However, TCHD has absolutely no authority to demand how FACTs, or any other consulting firm, advises their clients. There is nothing in the regulatory framework that requires or prohibits FACTs from honestly and objectively advising our clients and warning them of the fact that some government agencies (such as TCHD) regularly engage in illegal activities and overt fabrications -as evidenced in Ms. Oliveto’s latest letter.



In this letter, the TCHD has stated:

accordance with Section 5.1 of TCHD IDL-06. Additionally, TCHD has consulted with the CDPHE which has concurred with TCHD's findings of deficiencies contained within the report. TCHD requires that a second Full Preliminary Assessment be conducted by a Consultant as defined by 6 CCR 1014-3 and is Certified by and in good standing with the CDPHE for the purpose of confirming that this property does in fact meet the criteria as Fit for Human Habitation.

Perhaps TCHD should have been aware of the fact that a motion for judicial review has been filed in District Court against the CDPHE wherein FACTs has delineated significant illegal activities by members of the CDPHE and whom Ms. Oliveto relied on for advice.

The above comment was very important and beneficial to FACTs since it clearly indicates the collusion on the part of CDPHE to conspire with outside entities (such as TCHD) to maliciously spread lies and harm the reputation and business of FACTs.

We have duly taken note that the TCHD letter is actually a product of both the TCHD as well as the CDPHE, who has been identified in the pending Motion for Judicial Review, and that, based on the statement by Ms. Oliveto, CDPHE is partially responsible for the lies and fabrications in the TCHD letter.

The TCHD has a long history of covering up violations by "favored consultants," intentionally providing misinformation to its citizens, attempting to exercise regulatory authority it does not possess and generally acting in a capricious manner regardless of the laws of the State of Colorado.

However unethical, illegal or prohibited their activities may be, staff with the TCHD and the CDPHE continue their illegal activities unabated, and you, Mr. and Mrs. Baca, are merely the latest victim of their actions. In addition to ignoring serious regulatory violations at multiple properties,<sup>1,2,3,4,5</sup> FACTs has also been involved in multiple projects where TCHD staff have merely invented their own person whims, and claimed those personal whims were "regulations" and have attempted to bully home owners into complying with their personal desires . We would be happy to provide documentation on those properties as well.

I hope this letter helps you to better understand the illegal activities of the TCHD, and capricious and unethical behavior of certain members staff.

In conclusion, TCHD has failed to identify so much as a single regulatory violation anywhere in our work. Ms. Oliveto has relied exclusively on personal whims and fabrications to weave a fantasy of regulatory violations that only exist in her imagination.

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<sup>1</sup> [http://forensic-applications.com/meth/Critical\\_review\\_Race.pdf](http://forensic-applications.com/meth/Critical_review_Race.pdf)

<sup>2</sup> [http://forensic-applications.com/meth/E66th\\_PA\\_regulatory\\_audit\\_HUD.pdf](http://forensic-applications.com/meth/E66th_PA_regulatory_audit_HUD.pdf)

<sup>3</sup> [http://forensic-applications.com/meth/GHP\\_Audit\\_Krameria.pdf](http://forensic-applications.com/meth/GHP_Audit_Krameria.pdf)

<sup>4</sup> <http://forensic-applications.com/meth/DimickCriticalReview.pdf>

<sup>5</sup> <http://forensic-applications.com/meth/164thCriticalReview.pdf>



As it is, the work we performed at 9721 Josephine Street, Denver, CO 80229-2563 is in complete compliance with all pertinent rules and regulations.

The property is in complete compliance.

Any requirements TCHD now attempts to enforce upon the Registered Owner for additional work may be construed as Insurance Fraud against the Insurance Carrier who paid for, and received a legitimate assessment and Certificate of Compliance lawfully issued pursuant to State Statutes and State Regulations.

Sincerely,



Caoimhín P. Connell  
Forensic Industrial Hygienist

CC: Heidi Miller, Adams County Attorney via email: [hmiller@adcogov.org](mailto:hmiller@adcogov.org)  
Margaret Emerich, City Attorney, via email: [margaret.emerich@cityofthornton.net](mailto:margaret.emerich@cityofthornton.net)  
Steve Harris, Attorney  
Howard Thigpen, Attorney  
Colleen Brisnehan, CDPHE

