



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
of**

METHAMPHATAMINE (*sic*) LABORATORY REPORT

**████████████████████
Colorado Springs, Colorado ██████████**

Robert M. Rodosevich

Health And Environmental Technology (*sic*)

September 11, 2013

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

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EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) is performing a series of regulatory audits on public domain documents regarding the assessment of methamphetamine affected properties.

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

This review pertains to two documents, the first is identified as:

**Methamphetamine Contamination
Real Estate Assessment**

██████████, Colorado Springs, Colorado ██████████
August 16, 2013

**HEALTH AND ENVIRONMENTAL TECHNOLOGY (sic)
Robert M. Rodosevich**

Submitted to:

██████████
██████████
Colorado Springs, Colorado ██████████

The second Document is identified as

METHAMPHATAMINE (sic) LABORATORY REPORT

██████████, Colorado Springs, Colorado ██████████
Section 4.0 State of Colorado Department of Public Health and Environment
Robert M. Rodosevich
September 11, 2013

Submitted to:

██████████
██████████
Colorado Springs, Colorado ██████████

The purpose of this review is to document regulatory violations (6CCR 1014-3) associated with the assessment of the subject property. The consultant in question (Robert M. Rodosevich) has a very long history of regulatory violations.^{1,2,3,4,5}

¹ See for example: 2045 Farnsworth, Colorado Springs, CO, http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf

² See for example: 1299 Vondelpark Drive, Unit C, Colorado Springs, CO http://forensic-applications.com/meth/Vondelpark_audit_censored.pdf

³ See for example: 539 Shady Crest Circle, Colorado Springs, CO 80916 http://forensic-applications.com/meth/Reg_audit_shady_crest.pdf



- The work by Mr. Rodosevich as documented in his report for [REDACTED], Colorado Springs, CO (the subject property), and in this discussion exhibited profound incompetence.
- The work by Mr. Rodosevich as documented in his report for this subject property, and in this discussion appears to constitute malfeasance.
- The work by Mr. Rodosevich as documented in his report and in this discussion documented no fewer than 377 (three hundred and seventy seven) violations of State regulation 6 CCR 1014-3.
- None of the sampling performed at the subject property by Mr. Rodosevich met the mandatory requirements of 6 CCR 1014-3 and none of the samples were valid.
- None of the sampling performed at the subject property by Mr. Rodosevich was valid.
- None of the sampling performed at the subject property by Mr. Rodosevich can be used for regulatory compliance with 6 CCR 1014-3.

Many of the regulatory violations committed by Mr. Rodosevich have been known to Ms. Colleen Brisnehan with the Colorado Department of Public Health and Environment for a very long time, and Ms. Brisnehan has knowingly provided false information to law enforcement personnel in Colorado Springs regarding Mr. Rodosevich, in an attempt to help Mr. Rodosevich avoid detection.⁶

Furthermore, for all methamphetamine-affected properties assessed after December 15, 2014, Ms. Brisnehan has the regulatory obligation to enforce the revised version of 6 CCR 1014-3, and in violation of 6 CCR 1014-3 Part 3, Section 3, failed to take action on those violations.

For this regulatory audit, FACTs has identified no fewer than 377 individual regulatory violations.

GENERAL OBSERVATIONS

As is normal for this particular consultant, the assessment documentation is so amazingly full of errors that it is difficult to comprehend how the consultant remains in business.

For example, the Consultant was unable to correctly spell the name of his own company in his own report (a very common finding).

⁴ See for example: 1349 Hazeline Lake Drive Colorado Springs, Colorado 80921, http://www.forensic-applications.com/meth/HET_Hazelin_Lake_RA.pdf

⁵ See for example: 1006 Gilfin Circle Colorado Springs, Colorado 80915 http://www.forensic-applications.com/meth/HET_1006_Gilfin_RA.pdf

⁶ See email regarding Citizen Request #4967, Tuesday, September 4, 2012 4:00 PM, Sgt. Harrell, Vice and Narcotics, Colorado Springs Police Department, 705 S Nevada Avenue, Colorado Springs, CO 80903



The consultant was incapable of spelling “methamphetamine” correctly in his report.

The consultant has long claimed to be a “Certified Clandestine Laboratory Specialist.” However, there is no such title, and Mr. Rodosevich has never been able to document any knowledge or training in the assessment of illegal drug laboratories.

The consultant has a long history of plagiarizing the work products, web site and reports prepared by Forensic Applications Consulting Technologies, Inc. (FACTs).

For example, Mr. Rodosevich included the following paragraph in his report, plagiarized directly from the FACTs website:

The assumption (hypothesis) is that the area is clean and data will be collected to find support for the hypothesis. Data, such as samples, are collected to prove the area is compliant. Any data that disproves the hypothesis - including police records, visual clues of production, storage, or use or documentation of drug paraphernalia being present - is considered conclusive, and leads the consultant to accept the null hypothesis and declare the area non-compliant.

The consultant references statutory requirements and compliance issues that don't actually exist anywhere in statutes or regulations. For example:

According to the Colorado Real Estate Methamphetamine Disclosure and testing statute as described by CRS Section 38-35.7-103 (2)(a), HET collected two standard five-part composite samples for the quantitative determination of the presence of methamphetamine from ten differ locations in the subject property.

Similarly:

The results indicated methamphetamine levels well below the State regulated levels of 0.5 micrograms per 100 square centigrams, or 0.1 micrograms per 500 square centimeters.

There is no State regulated level of 0.1 micrograms per 500 square centimeters as claimed.

REAL ESTATE ASSESSMENT

In his report, Mr. Rodosevich stated he “...collected samples as described by CRS Section 38-35.7-103 (2)(a)” There are no sample collection requirements pursuant to the cited rubric.

In his report, Mr. Rodosevich claims to have identified the presence of methamphetamine, claimed the property was contaminated, and declared the property an illegal drug laboratory and falsely stated:



As to the State Statute, a Preliminary Assessment should be performed at the property.

In fact, what Mr. Rodosevich failed to note was that if his samples actually did contain methamphetamine (something that remains unknown at this time), and if the property was “discovered” as the statutes existed at the time, then the performance of a Preliminary Assessment was not an option, but rather was a mandatory requirement on the part of the property owner.

Furthermore, not noted by Mr. Rodosevich, was the following statute:

25-18.5-104. Entry into illegal drug laboratories.

If a structure or vehicle has been determined to be contaminated or if a governing body or law enforcement agency issues a notice of probable contamination, the owner of the structure or vehicle shall not permit any person to have access to the structure or vehicle unless the person is trained or certified to handle contaminated property pursuant to board rules or federal law.

That is, if discovery occurred as claimed by Mr. Rodosevich, entry and occupancy of the property would have been prohibited by statute. Indeed, if Mr. Rodosevich was a reliable or competent consultant, occupancy would be restricted to the day of this review. Fortunately for the current occupant, Mr. Rodosevich has a long history of incompetence and regulatory violations, and there is no credence that can be impugned to his work and his sample “results” have a low probability of representing the possibility of contamination. Because of Mr. Rodosevich’ lack of knowledge and training, a valid argument can be made that no discovery actually occurred at the property.

PRELIMINARY ASSESSMENT

For this section, since Mr. Rodosevich claimed the property was contaminated, and claimed the property was an illegal drug laboratory, and since Mr. Rodosevich claimed he was performing a “Preliminary Assessment” pursuant to 6 CCR 1014-3, we have reviewed the second document on its face as a “Preliminary Assessment.” All of the work under discussion occurred during the effective dates of 6 CCR 1014-3 (2005) and therefore all references to regulations and statutes are to those regulations and statutes as they existed at the time of the work. Therefore, from this point forward this discussion is in the context of Colorado Regulation 6 CCR 1014-3 (2005).

According to Colorado State Statutes and State Regulation 6-CCR 1014-3, following the discovery of an illegal drug laboratory as that term was defined in CRS §25-18.5-101 (2.7),⁷ and following “notification,” an affected property must either be demolished or a “Preliminary Assessment” must be conducted at that property to characterize extant contamination (if any), and to direct appropriate decontamination procedures (if any).

⁷ SB13-219 was passed in March of 2013, and signed into law at the end of May, 2013. That Bill renumbered some of the rubrics found in Title 25 and Title 38. Where appropriate the rubric will be cited contemporaneously with the time frame involved.



Pursuant to State regulations, information obtained in the Preliminary Assessment, must be used as the basis for remediation, and must be the basis for any final clearance sampling.

The Preliminary Assessment must be conducted according to specified requirements⁸ and must contain specific elements. The regulations were not guidelines, but were mandatory requirements. The Industrial Hygienist did not have the liberty or authority to simply not comply with the regulations or “pick-and-choose” which elements he would follow and which elements he could ignore.

For this property, Mr. Rodosevich stated that he performed a Preliminary Assessment for this property. However, the documentation he provided is not a Preliminary Assessment and entirely failed to meet the elements of a Preliminary Assessment.

Failure to Provide Trained Personnel

In his report, Mr. Rodosevich identifies himself as a “Certified Clandestine Laboratory Specialist.” There is no such certification in Colorado and never has been, and Mr. Rodosevich has never been able to produce any documentation that supports his claim, and has never been able to produce any documentation that indicates he has had any training in the assessment of illegal drug laboratories. In his report Mr. Rodosevich states he has included his “Vitae” (sic); although he failed to actually include it (as required). When we review other reports that do include the referenced “Vitae” (sic) there is nothing to support the claim that Mr. Rodosevich is a “Certified Clandestine Laboratory Specialist” or that he has had any documentable training in the assessment of illegal drug laboratories.

It is clear from the available information that Mr. Rodosevich has absolutely no recognized training in any aspect of clandestine drug laboratories. (Indeed, for that matter, the documentation indicates that Mr. Rodosevich has very little, if any, legitimate knowledge in Industrial Hygiene).

In violation of Regulations, HET failed to provide an individual who has any documentable training in the assessment of illegal drug laboratories as required.

One of the mandatory provisions, pursuant to state regulations promulgated by the Colorado State Board of Health and designated as “6 CCR 1014-3, *Regulations Pertaining To The Cleanup Of Methamphetamine Laboratories*” requires assessments of properties within the scope of the regulation can only be performed by an authorized Industrial Hygienist who not only meets the definition found in CRS 24-30-1402, but also, the Industrial Hygienist must perform hypothesis testing wherein:

The strength of evidence needed to reject the hypothesis is low, and is only that which would lead a reasonable person, **trained in aspects of methamphetamine**

⁸ Section 4 of 6 CCR 1014-3



laboratories, to conclude the presence of methamphetamine, its precursors as related to processing, or waste products.

Similarly, regarding contamination migration, the regulations explicitly state:

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

And:

4.6 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, or cooking areas, or based on professional judgment of the consultant; or the consultant may determine that assessment sampling is necessary to verify the presence or absence of contamination.

And:

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

And:

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

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

In the case of the subject property, the assessment was performed by an individual with **no** documentable training in clandestine operations and a long history of botched assessments.

The HET report contains so many gross errors, regulatory violations, omissions and false statements, and has been so incompetently prepared that one is led to the obvious conclusion that the HET author has no legitimate training or knowledge in clandestine drug laboratories. Therefore, the author is not qualified or authorized to perform the work. This conclusion is not subjective, but as described in detail later in this discussion, the author, Mr. Robert Rodosevich, has violated State regulations by entirely failing to demonstrate that he has any kind of knowledge in performing the work at all.

Failure to Comply With Paragraph 4.1

According to State regulations, the Preliminary Assessment shall include a property description containing specific elements.



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.

Failure to Comply With Paragraph 4.2

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall perform specific duties regarding law enforcement documentation:

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.

HET failed to perform its duties and fulfill regulatory requirements by failing to determine the availability of applicability of law enforcement documents. In his report, Mr. Rodosevich states:

A review was conducted of the arrest...

Therefore, apparently there was a drug related arrest at the house. Therefore, there would have been some documentation of the arrest and the circumstances surrounding the arrest. Similarly, those documents may have identified other pertinent aspects of the drug laboratory activities such as narratives and an inventory of items also confiscated or observed at the house during the arrest. Since Section 8 of the State regulations require the Industrial Hygienist to provide copies of the reviewed documents, it is difficult to understand how the document could be provided when they have not even been cited.

Failure to Comply With Paragraph 4.3 (15 violations)

According to State regulations, during the Preliminary Assessment, the Industrial Hygienist shall provide information on the identification of specific Functional spaces. According to State regulations, the Industrial Hygienist shall 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.

HET failed to perform its regulatory and professional duty by failing to comply with this requirement. In their report, HET merely makes the following cryptic statement:

All areas were inspected during this assessment including the crawl space and attic, and no clandestine laboratory material was found.

The quoted HET statement is also cryptic since HET states they did find methamphetamine in the property; how then did Mr. Rodosevich find methamphetamine and simultaneously not find clandestine laboratory material?

The requirement to identify each Functional Space has nothing to do with whether or not all areas were inspected. Rather State regulations required the identification of each Functional Space to permit the performance of post decontamination verification



sampling pursuant to Section 6.1 of the regulations as well as Appendix A of the regulations that explicitly require:

- For any given *functional space*, at least 500 cm² of surface shall be sampled, unless the area is assumed to be non-compliant.

Unless each Functional Space has been identified (as required by regulations), the post remediation requirements cannot be met. Nowhere within the documentation do we see where HET has provided an inventory of Functional Spaces at the property as required by regulation.

Based on the best information available, there were 15 functional spaces as follows:

1. Landing
2. Kitchen
3. Dining Room
4. Powder bath
5. Office
6. Main bath
7. Bedroom 3
8. Bedroom 1
9. Master Bedroom
10. Master Bath
11. Garage
12. Basement
13. Attic
14. Crawlspace
15. Ventilation

Violation of Section 4.4 Failure to Identify Manufacturing Process

During the performance of a Preliminary Assessment, the consultant is required to identify the manufacturing process. According to State regulations 6 CCR 1014-3, during the Preliminary Assessment, the Industrial Hygienist shall identify the manufacturing process used on site so that information may be included in the final documentation. The information is imperative and indispensable during the Preliminary Assessment, since the decontamination efforts must commensurate with 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 HET failed to attempt to obtain law enforcement records as required (or even determine their availability), HET could not have complied with this provision. Similarly, since HET has no documented knowledge or training in clandestine drug laboratory issues, (and has an history of providing erroneous information), and HET has otherwise demonstrated gross technical incompetency in clandestine drug laboratory assessments, and there is no reason to expect HET to have sufficient competency in recognizing, or knowing the significance of any such observations to discern which method(s) may have been involved.



State Regulations explicitly require the following:

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.

HET entirely failed to perform its regulatory duties, and entirely failed to even grasp the importance of this determination. An ethical and trained Industrial Hygienist would have known it was their responsibility to obtain the necessary law enforcement documents, and it was their responsibility to make the determination of methodology based on their own observations.

If a trained Industrial Hygienist had performed the assessment, they may have noted that a “red-P” pseudoephedrine reduction method of production was used at the subject property; such a method uses iodine. According to State Regulations (6 CCR 1014-3 (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.

Mr. Rodosevich failed to note the staining on the walls that may have been indicative of iodine as evidence in his photographs.

If a legitimate Industrial Hygienist had performed the assessment, they may have noted that a “P-2-P” method had been deployed at the subject property; such a method involves lead and mercury. According to State Regulations (6 CCR 1014-3 (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.

Since HET has no documented training in such matters, how could they have been expected to know what the process was, and meet the mandatory final verification sampling requirements?

Since there is no indication that HET attempted to retrieve any law enforcement documentation, HET appears to have simply ignored this very important information, upon which both the decontamination and the final clearance sampling MUST be based.

Since HET never addressed these issues, there would be no way for them to guarantee that the property is not contaminated with iodine, lead or mercury, or therefore confirm that the proper final clearance sampling was conducted.



Failure to Comply With 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).

HET entirely failed to perform its professional, regulatory obligations and duties and failed to fulfill this regulatory requirement by failing to identify law enforcement documentation that may have identified the chemicals that may have been associated with the property.

Failure to Comply With Paragraph 4.6

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...

HET failed to perform its duties and fulfill regulatory requirements by failing to identify or recognize signs of contamination by even conducting a visual inspection. Instead HET appears to have merely collected samples in the structure.

In their report, HET merely states:

Please see Chain of Custody for areas tested and See (sic) pictures for areas tested.

A chain of custody is NOT an inspection report and in no way provides the results of an inspection that provides “Identification and documentation of areas of contamination.” A chain of custody merely tracks who handled samples.

Failure to Comply With Paragraph 4.8

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

4.8. Identification and documentation of waste disposal areas.

HET failed to perform its duties and fulfill regulatory requirements by failing to identify the waste disposal areas. In their report, HET merely stated that they didn’t do the work required of them:

There was no manufacturing of methamphetamine at this site.



Section 4.8 deals with waste material, not manufacturing. HET failed to address waste materials.

Failure to Comply With Paragraph 4.9

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

4.9. Identification and documentation of cooking areas.

HET entirely failed to identify these areas as required. Instead, in their report, HET merely plagiarized a web site written by Forensic Applications Consulting Technologies, Inc. wherein, (many years ago), FACTs, Inc. stated:

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

In their report, HET states:

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

As can be seen, the language is identical, verbatim complete with formatting, font and even emphasis.

Unfortunately, Mr. Rodosevich is so poorly versed in Colorado's regulations that he not only plagiarized the work of others, he entirely failed to update his files and failed to recognize that the language he stole from others was no longer even valid. The statutes had changed and the cited definition no longer existed in Colorado when Mr. Rodosevich reproduced the plagiarized language.

Failure to Comply With Paragraph 4.10

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



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

Nowhere in the HET report do we find that HET addressed this mandatory element for a Preliminary Assessment. Instead, in their report HET falsely stated the following self contradictory statement:

There was no etching fire damage, staining or outdoor areas of dead vegetation at this site. There was staining within the walls of this residence.

In fact, it would appear that either HET never bothered to perform the mandatory inspection, or the author was so grossly incompetent that he did not know what to look for as significant.

Mr. Rodosevich's own photographs appears to document the presence of staining on the walls (how he determined staining was not present in the walls is not described).

Also aerial photography from the time of the inspection indicates areas of dead vegetation. Unfortunately, since Mr. Rodosevich failed to photograph the site conditions as required, there is no way to now know the actual site conditions.

Failure to Comply With 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.*

HET failed to comply with this mandatory activity and entirely failed to perform an inspection as required.

Instead, Mr. Rodosevich responded to his regulatory obligations by stating:

This residence is not considered contaminated according to the State of Colorado regulations. Remediation is not required.

Clearly the above comments do not indicate any kind of "Inspection of plumbing system integrity and identification and documentation of potential disposal into the sanitary sewer or an individual sewage disposal system..."

Failure to Comply With 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 in the HET report do we find that HET even addressed this mandatory element for a Preliminary Assessment. HET failed to comply with this mandatory activity and entirely failed to perform an inspection as required.

Instead, Mr. Rodosevich responded to his regulatory obligations thusly:

*The subject house **is not** contaminated due to the production, and or pyrolysis (sic) of the drug.*

There is no such thing as “pyrolysis” and even if there was, the regulations are requiring the consultant to identify areas where contamination may have spread or been tracked; something Mr. Rodosevich failed to do.

Failure to Comply With Paragraph 4.13

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

4.13. Identification and documentation of common ventilation systems with adjacent units or common areas.

Nowhere in the HET report do we find that HET even addressed this mandatory element for a Preliminary Assessment. HET entirely failed to comply with this mandatory activity and entirely failed to perform an inspection as required. Instead, in their report, HET made the following cryptic statement:

Remediation is not necessary at this residence.

Failure to Comply With Paragraph 4.14

During the Preliminary Assessment, the Industrial Hygienist is required to provide:

4.14 Photographic documentation of property conditions, including cooking areas, chemical storage areas, waste disposal areas, and areas of obvious contamination.

HET failed to meet its regulatory, professional and fiduciary responsibilities by failing to provide photographs as required.

We do not find any photographs that document exterior property conditions, the attic identified by Mr. Rodosevich in the assessment, or the crawlspace Mr. Rodosevich states was present and which he claims to have inspected.



Failure to Comply with Appendix A

According to the regulations in order to make a decision regarding compliant versus noncompliant areas:

“Decision level” means that concentration, relative to the cleanup level, that shall be used to distinguish between compliant and non-compliant areas. The calculation for the decision level for composite samples is found in Appendix A, Composite Decision Level.

In turn, “cleanup levels” is defined:

“Cleanup level” means the numerical value, established in section 7.0 of this regulation, that causes the consultant to determine if an area is compliant or noncompliant based on the results of sampling conducted in accordance with the sampling procedures presented in Appendix A.

Failure to Comply With Sampling Requirements

State regulations state that IF samples are collected, the collection of those samples MUST meet certain requirements. For this property, HET failed to comply with the sampling requirements. According to State regulations:

6.0.3 Post-decontamination clearance sampling shall be conducted to verify that cleanup standards have been met. Sample collection and laboratory analysis **shall be conducted** in accordance with the procedures set forth in Appendices A, B and D of these regulations.

Failure to Identify Sample Locations on a Sketch (53 violations)

Appendix A states:

2. Prepare a rough sketch of the area(s) to be sampled.

9. 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. Include notes with the sketch giving any further description of the sample.

In his report, Mr. Rodosevich states

Fifty-three (53) samples were collected within the house and attached garage to determine if there was methamphetamine activity conducted at this house.

Therefore, 53 locations should have been identified on a sketch or sketches – no drawings or sketches were found anywhere in the documentation.

Violation of Mandatory Sampling Wipe Protocol (53 violations)

According to the mandatory requirements, wipe samples collected at the property, must be collected in a specific manner:



“Wipe sample” means a surface sample collected by wiping a sample media on the surface being sampled in accordance with Appendix A.

Appendix A states:

6. Wiping may be done by one of the following methods:
 - a. Square method: Start at the outside edge and progress toward the center of the surface area by wiping in concentric squares of decreasing size.
 - b. “S” method: Wipe horizontally from side-to-side in an overlapping “S”-like pattern as necessary to completely cover the entire wipe area.

8. Use the same sample media to repeat the sampling of the same area. If using the “S” method, the second pass shall be sampled by wiping with overlapping “S”-like motions in a top-to-bottom direction.

There is no indication Mr. Rodosevich used the mandatory sampling method and, in violation of §8.11

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

In the light of the gross incompetence exhibited by Mr. Rodosevich on this property, there is no expectation Mr. Rodosevich used the mandatory sampling method; since Mr. Rodosevich never provided the mandatory description, there is nothing to demonstrate Mr. Rodosevich complied with the regulations.

Failure to provide Blanks (2 violations)

According to the regulations, the consultant is required to provide

10. At least one sample media blank, treated in the same fashion but without wiping, should be submitted for every 10 samples collected.

According to Mr. Rodosevich,

Fifty-three (53) samples were collected throughout the house; these were combined into ten (10) multi-part composite samples and three (3) discrete sample.

Therefore, according to Mr. Rodosevich, there were 13 sample submittals. As such, by regulations, there should have been two field blanks – no field blanks have been documented.

Collection of Samples from Prohibited Surface

During a Preliminary Assessment, the consultant is permitted to collect compliance samples provided the samples are collected in a manner that is consistent with the protocols found in Appendix A which, in part state:

Wipe sampling shall not be used to demonstrate that cleanup levels have been met on porous surfaces.



Although the photographic archive is incomplete, Mr. Rodosevich documented that at least one of his compliance samples was collected from a porous surface in violation of the regulations.



P9025299 Discrete Sample 3 in Garage

Failure to Collect Samples From Functional Spaces (9 violations)

According to the regulations, the Consultant is required to collect a specific number of samples from specific locations, and those samples must consist of a specific amount of surface area:

For drug laboratories, as defined in section 25-18.5-101, C.R.S., whose structural floor plan is not greater than 1,500 square feet, surface sampling shall be collected according to the following schedule. Exception: for pre-decontamination scenarios, any and all other data may be used in lieu of sampling to reject the hypothesis and deem the area to be contaminated.

- For any given *functional space*, at least 500 cm² of surface shall be sampled, unless the area is assumed to be non-compliant.

For this property, there were at least 15 Functional Spaces, and therefore 500cm² was required to have been collected from each Functional Space. The table below summarizes the samples that were required and the samples that were actually collected:



Functional Space	Area Required cm2	Area Sampled cm2	Area Missing cm2	Samples Missing
Landing	500	300	200	2
Kitchen	500	500	0	0
Dining Room	500	500	0	0
Powder bath	500	500	0	0
Office	500	400	100	1
Main bath	500	500	0	0
Bedroom 3	500	500	0	0
Bedroom 1	500	500	0	0
Master Bedroom	500	400	100	1
Master Bath	500	100	400	4
Garage	500	100	400	4
Basement	500	100	400	4
Attic	500	0	500	5
Crawlspace	500	0	500	5
Ventilation	500	0	500	5
Totals	7,500	4,400	3,100 cm2	31

Failure to Comply With Paragraph 6.1 (44 violations)

State regulations require that samples 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

The many gross violations of regulation indicate that Mr. Rodosevich lacked the knowledge necessary to perform assessments in illegal drug laboratories and as such would not be expected to have the skill set necessary to determining locations that would fulfill this requirement.

As it is, since Mr. Rodosevich failed to properly document all sample locations or site conditions at the property, it is impossible to know if all selected locations were appropriate. However, since Mr. Rodosevich provided photographs of some sample locations, we can state that the following samples were not collected from locations expected to have the highest contamination level.

P9025290 Landing Area, sample 37
P9025291 Landing Area Samples 38 and 39
P9025259 Sample Site 1 in Kitchen
P9025260 Sample Site 2 in Kitchen
P9025261 Sample Site 3 in Kitchen
P9025262 Sample Site 4 in Kitchen
P9025263 Sample Site 5 in Kitchen
P9025265 Sample 6 in Dining Room
P9025266 Sample 7- Dining Room
P9025267 Sample 8 and 9 in Dining Room



P9025268 Dining Room and Sample 10
P9025269 Sample 11 in half bath closet
P9025271 Sample site 12 in half bath
P9025272 Sample 13 in half bath
P9025273 Sample 14 and 15 in half bath
P9025274 Sample 16 in office
P9025275 Sample 17 and 18 in office
P9025276 Sample 19 and 20 in office
P9025279 Sample 21 and 22 in main bath
P9025280 Sample 23 and 24 in main bath
P9025281 Sample 25 in main bath
P9025283 Sample 26 in Bedroom 3
P9025284 Sample 27 in Bedroom 3
P9025285 Samples 28, 29, 30 in Bedroom 3
P9025287 Sample 31, 32 in Bedroom 1
P9025288 Sample 33 in Bedroom 1
P9025289 Sample 34 (in closet) and 35 in Bedroom 1
P9025293 Sample 40 in Master Bedroom
P9025294 Sample 41 in Master Bedroom
P9025295 Sample 42 in Master Bedroom
P9025296 Sample 43 in Master Bedroom Closet
P9025297 Sample 44 in Master Bath
P9025299 Discrete Sample 3 in Garage
P9025301 Discrete Sample Site 2 in Basement

Failure to Comply With Paragraph 6.1.2

State regulations require that:

6.1.2. Areas where contamination may have migrated, such as adjacent rooms or units, common areas, and ventilation systems.

In violation of 6.1.2, no samples were collected from the ventilation system as required.

Failure to Comply With Paragraph 6.2.2 (50 violations)

State regulations require that:

6.2.2. Composite sampling may only be conducted in situations where contamination is expected to be relatively evenly dispersed throughout a given area, and composite sampling will provide an accurate representation of the area sampled, as described in Appendix A.

A legitimate Industrial Hygienist, trained in the aspects of illegal drug laboratory assessments would have known that contamination under these circumstances exhibits very large sampling error. A legitimate Industrial Hygienist would have known that field data from fully characterized properties exhibit a lognormal distribution (large variations of concentration). That is, the contamination under the circumstances of the subject



property will never be "...expected to be relatively evenly dispersed throughout a given area..." and the geometric standard deviations can be as large as 16.0 - this distribution is similar to that reported elsewhere.^{9, 10} Therefore, composite samples were prohibited at this property, and therefore, each composite aliquot was in violation of regulations.

Failure to Comply With Paragraph 6.6

State regulations require that:

Quality Control/Quality Assurance (QA/QC) samples, including sample blanks, field duplicates, matrix spike and matrix spike duplicates, shall be collected and/or analyzed as specified in the sampling and analysis protocols presented in Appendices A, B and D of these regulations.

Similarly, Appendix A, being referenced above states:

10. At least one sample media blank, treated in the same fashion but without wiping, should be submitted for every 10 samples collected.

Therefore, since HET submitted 13 samples, mandatory compliance with State regulations dictated the inclusion of at least two field blanks. In violation of Appendix A, HET did not submit any blanks.

Violation of General Reporting Section 8.0

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report. In this case, the Preliminary Assessment was to serve as the Decision Statement and therefore, was to serve as the final report. Indeed, Mr. Rodosevich explicitly states that his samples were clearance samples:

This residence is cleared for occupancy.

Therefore, Mr. Rodosevich was required to prepare a final report as follows:

A final report shall be prepared by the consultant to document the decontamination process and demonstrate that the property has been decontaminated to the cleanup levels listed in Section 7.0 of these regulations. The final report shall include, but not be limited to, the following:

In the following sections, FACTs has identified the missing information.

⁹ Washington State Department of Health: Summary Results from a Pilot Study to Evaluate Variability and Distribution of Methamphetamine Residue in Remediated Residential Illegal Drug Labs, as reported in NIOSH Method 9106 (DRAFT)

¹⁰ Martyny JW, Arbuckle SL, McCammon CS, Esswein EJ, Erb N, *Chemical Exposures Associated with Clandestine Methamphetamine Laboratories*, (http://www.njc.org/pdf/chemical_exposures.pdf , May 10, 2004).



Violation of Paragraph 8.2

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

Description of manufacturing methods and chemicals used, based on observations, law enforcement reports and knowledge of manufacturing method.

In violation of Paragraph 8.2 HET failed to perform its duties and failed to identify the manufacturing process used. As already addressed, in his report, Mr. Rodosevich stated:

There were no chemicals found within the living areas of the residence. There was no suspicious glassware in the house including the attic.

For a start, there is no indication Mr. Rodosevich actually entered the attic, since there were no photographs or samples collected from the attic as required. In any event, Mr. Rodosevich is confused; the explicitly require the Industrial Hygienist to identify the method of *manufacturing*. Glassware, and chemical storage issues are covered in other parts of the Standard (with which Mr. Rodosevich also failed to comply).

Violation of Paragraph 8.3 Identification of Cooking, Storage and Waste

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

8.3. If available, copies of 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.

In his report, Mr. Rodosevich identifies that an arrest occurred at the property, but he otherwise entirely failed to address this issue. As already discussed HET failed to perform its duties and fulfill regulatory requirements by failing to document law enforcement documents.

There is no indication that Mr. Rodosevich made any attempt to obtain law enforcement documentation to help him determine "...manufacturing method, chemicals present, cooking areas, chemical storage areas..." Furthermore, this section requires the Industrial Hygienist to describe observed areas of contamination or waste disposal. Therefore:

Violation of Paragraph 8.3 Failure to Identify Manufacturing Method

See above.

Violation of Paragraph 8.3 Failure to Identify Cooking Area

See above.



Violation of Paragraph 8.3 Failure to Identify Waste Disposal

See above.

Violation of Paragraph 8.4 Identification of Chemical Storage Areas

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

8.4. A description of chemical storage areas, with a figure documenting location(s).

HET failed to perform its duties and fulfill regulatory requirements by failing to identify or recognize signs of contamination by even conducting a visual inspection. Instead HET appears to have merely collected samples in the structure.

In their report, HET merely states:

Please see Chain of Custody for areas tested and See (sic) pictures for areas tested.

A chain of custody is NOT an inspection report and in no way provides the results of an inspection that provides “Identification and documentation of areas of contamination.” A chain of custody merely tracks who handled samples.

Violation of Paragraph 8.5 Identification of Waste Disposal Areas

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

8.5. A description of waste disposal areas, with a figure documenting location(s).

HET failed to perform its duties and fulfill regulatory requirements by failing to identify the waste disposal areas. In their report, HET merely stated that they didn’t do the work required of them:

There was no manufacturing of methamphetamine at this site.

Section 8.5 deals with waste material, not manufacturing. HET failed to address waste materials.

Violation of Paragraph 8.6 Identification of Cooking Areas

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

8.6. A description of cooking areas, with a figure documenting location(s).

As already addressed above, for this section, Mr. Rodosevich simply plagiarized language from FACTs, Inc. and otherwise failed to fulfill his regulatory obligations and failed to provide the mandatory information.



Violation of Paragraph 8.7 Identification of Contamination Areas

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

8.7. A description of areas with signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation, with a figure documenting location(s).

As already addressed, Mr. Rodosevich failed to identify these areas and failed to include the crawlspace and the attic (which Mr. Rodosevich identified as being present).

Violation of Paragraph 8.9 Identification of Fugitive Emissions

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

8.9. A description of adjacent units and common areas where contamination may have spread or been tracked.

According to State regulations,

“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.

Although Mr. Rodosevich stated that an attic and a crawlspace exists at the property, Mr. Rodosevich entirely failed to address these areas or other areas “...*where contamination may have spread or been tracked.*”

Violation of Paragraph 8.10 Identification of Ventilation System

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

8.10. Identification of common ventilation systems with adjacent units or common areas.

In his report Mr. Rodosevich mysteriously states:

*4.13 ID OF COMMON VENTILATION SYSTEMS WITH ADJACENT UNITS OR COMMON AREAS:
Remediation is not necessary at this residence.*

Furthermore as already addressed, Section 6.1.2 states:

6.1.2. Areas where contamination may have migrated, such as adjacent rooms or units, common areas, **and ventilation systems.**

Mr. Rodosevich entirely failed to provide the mandatory documentation.



Violation of Paragraph 8.11 Description of Sampling and QA/QC

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

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

We do not see anywhere in the HET report where HET has fulfilled this regulatory obligation. Indeed, Mr. Rodosevich failed to provide the mandatory QA/QC samples during his work.

Failure to Describe Sampling Procedures (Required by §8.11)

Nowhere do we find where HET complied with this mandatory provision.

Failure to Describe Sampling Collection (Required by §8.11)

Nowhere do we find where HET complied with this mandatory provision.

Failure to Describe Sampling Handling Procedures (Required by §8.11)

Nowhere do we find where HET complied with this mandatory provision.

Failure to Describe QA/QC (Required by §8.11)

Nowhere do we find where HET complied with this mandatory provision.

Apart from documenting that he violated the mandatory sampling requirements, we do not find where Mr. Rodosevich otherwise provided any of the descriptions as required.

Mr. Rodosevich must know of Appendix A of the regulations since in his report he fraudulently stated:

All sampling Methods were conducted to the 6 CCR 1014-3 Appendix A: Methamphetamine Laboratories "Sampling Methods And Procedures"

In fact, as described below, NONE of the samples collected by Mr. Rodosevich were collected pursuant to mandatory sample collection provisions.

Violation of Paragraph 8.12 Description of Laboratory QA/QC

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

8.12. A description of the analytical methods used and laboratory QA/QC requirements.

Nowhere do we find where HET provided the mandatory description which would have included an explanation of why he failed to provide the QA/QC blanks as required.



Violation of Paragraph 8.13 Description of Sample Locations (53 violations)

According to Colorado Regulations, 6 CCR 1014-3, the Industrial Hygienist is required to provide specific information in the final documentation report including:

8.13. A description of the location and results of initial sampling (if any), including a description of sample locations and a figure with sample locations and identification.

Failure to provide a description of initial sampling (Required by §8.13)

According to the HET report, during the “Preliminary Assessment” HET collected ten samples. Yet in violation of the State regulations, nowhere do we see a description of the initial sampling with figures.

Violation of Paragraph 8.14. Description of Health and Safety

In the report HET states:

Section 8 clearly states:

The final report shall include, but not be limited to, the following:

8.14. A description of the health and safety procedures used in accordance with OSHA requirements.

Mr. Rodosevich entirely failed to provide such a description in his final report.

Violation of Paragraph 8.19 Post Decontamination Samples (53 violations)

According to the mandatory regulations, the Industrial Hygienist is required to prepare a final report and is required to include:

8.19. A description of the location and results of post-decontamination samples, including a description of sample locations and a figure with sample locations and identification.

Nowhere in the HET report do we find the mandatory information.

Violation of Paragraph 8.20 Photographic Archive

According to the mandatory regulations, the Industrial Hygienist is required to prepare a final report and is required to include:

8.20. Photographic documentation of pre- and post-decontamination property conditions, including cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination, sampling and decontamination procedures, and post-decontamination conditions.



Failure to provide Pre-remediation photographs

Nowhere in the HET report do we find any photographic documentation of pre-decontamination property conditions. There are no photographs of the cooking areas, exterior areas, attic or crawlspace.

Failure to provide Post-remediation photographs

Nowhere in the HET report do we find any photographic documentation of post-decontamination property conditions (that is, photographs documenting property conditions during clearance sampling). There are no photographs of the cooking areas, exterior areas, attic or crawlspace.

Violation of Paragraph 8.21 Consultant SOQ

According to the mandatory regulations, the Industrial Hygienist is required to prepare a final report and is required to include:

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 information is missing from the report. Mr. Rodosevich claims he is a “Certified Clandestine Laboratory Specialist.” Yet there is no documentation to support the claim. Certified by whom? Certified when? Certified where? In fact it is clear from the work product, Mr. Rodosevich has absolutely no idea of what he is doing or what the mandatory regulations require or how to assess a clandestine drug laboratory.

An example of a legitimate Consultant Statement of Qualifications (SOQ) is appended to this discussion as an example of what an SOQ is, and what an SOQ should contain. Mr. Rodosevich has a long documented history of fraud, plagiarism, and incompetence with respect to the assessment of illegal drug laboratories.^{11,12,13,14,15}

¹¹ See for example: 2045 Farnsworth, Colorado Springs, CO, http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf

¹² See for example: 1299 Vondelpark Drive, Unit C, Colorado Springs, CO http://forensic-applications.com/meth/Vondelpark_audit_censored.pdf

¹³ See for example: 539 Shady Crest Circle, Colorado Springs, CO 80916 http://forensic-applications.com/meth/Reg_audit_shady_crest.pdf

¹⁴ See for example: 1349 Hazeline Lake Drive Colorado Springs, Colorado 80921, http://www.forensic-applications.com/meth/HET_Hazelin_Lake_RA.pdf

¹⁵ See for example: 1006 Gilfin Circle Colorado Springs, Colorado 80915 http://www.forensic-applications.com/meth/HET_1006_Gilfin_RA.pdf



Violation of Paragraph 8.22 Certification of procedures

According to the mandatory regulations, the Industrial Hygienist is required to prepare a final report and is required to include:

8.22. Certification of procedures and results, and variations from standard practices.

In the HET report, HET again lacks an understanding of what is required. In the report, HET entirely failed to certify the results and entirely failed to identify an variation from standard practices.

Violation of Paragraph 8.22 Certification of procedures

According to the mandatory regulations, the Industrial Hygienist is required to prepare a final report and is required to provide the following language:

8.23. A signed certification statement in one of the following forms, as appropriate:

"I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, § 4, and that I conducted post-decontamination clearance sampling in accordance with 6 CCR 1014-3, § 6. I further certify that the property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3, § 5, and that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted."

OR

"I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, § 4. I further certify that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted."

Instead, Mr. Rodosevich fraudulently claims that that he followed the regulations.

Violation of CRS 18-5-114 *Offering a false instrument for recording*

The Preliminary Assessment and "final verification" documents prepared by HET are a written instrument as defined by CRS 18-5-101(9) which states:

(9) "Written instrument" means any paper, document, or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying, or recording information, and any money, credit card, token, stamp, seal, badge, or trademark or any evidence or symbol of value, right, privilege, or identification, which is capable of being used to the advantage or disadvantage of some person.

According to *C.R.S. 18-5-114 (2013) Offering a false instrument for recording*

(1) A person commits 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.



(2) Offering a false instrument for recording in the first degree is a class 5 felony.

One of two mental states necessarily must have been present in the performance of the HET work: 1) Either HET knew that the work it was performing was grossly incompetent and not in compliance with State Regulations (as demonstrated above) or, 2) HET was unaware of the fact that their work was grossly deviating from mandatory State requirements.

If HET did not know that their work was grossly deviating from mandatory State requirements, then that is sufficient information to surmise that they lacked the technical competency and authority to perform the work in the first place since it would have been their professional obligation to conform to those regulations and perform work pursuant to those regulations. However, since HET presents as knowledgeable, one must surmise that HET knowingly and willingly performed work that grossly deviated from mandatory State requirements with the intent to defraud.

Furthermore, as already mentioned, we have reviewed other HET reports in the past, and we have pointed out similar flaws. Therefore, it would be impossible for HET to argue that they did not know their work was grossly incompetent.

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.

Similarly HET explicitly states they possess knowledge of the regulations, and therefore, establish the fact that they are aware of such recording.

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.

Colorado Consumer Protection Act

In Colorado, consumers are protected against deceptive trade practices as delineated in the Colorado Consumer Protection Act, 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 of 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. Rodosevich was fully aware of the fact that he was falsifying the report provided to the occupants of [REDACTED], Colorado



█, and it is our opinion Mr. Rodosevich has violated the Colorado Consumer Protection Act, and as a result, the registered owner of this subject property (and several others named above), and the general public, have been harmed.

CONCLUSIONS

Based on the totality of circumstances, FACTs finds the following:

- The work by Mr. Rodosevich as documented in his report and in this discussion exhibited profound incompetence.
- The work by Mr. Rodosevich as documented in his report and in this discussion documented no fewer than 377 violations of State regulation 6 CCR 1014-3.
- None of the sampling performed by Mr. Rodosevich met the mandatory requirements of 6 CCR 1014-3 and none of the samples were valid.
- None of the sampling performed by Mr. Rodosevich was valid.
- None of the sampling performed by Mr. Rodosevich can be used for regulatory compliance with 6 CCR 1014-3.



Caoimhín P. Connell
Forensic Industrial Hygienist



Appendix A

Reviewer's Statement of Qualifications





Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	██████████	Form # ML15
Nov. 28, 2015		

Caoimhín P. Connell, has been involved in clandestine drug lab investigations and assessments 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. 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 (Colorado Division of Criminal Justice) and was the lead instructor for the CRCPI through the Colorado Division of Criminal Justice, 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 meth-lab lectures to the US Interagency Board, US Air Force, the National Safety Council, and the American Industrial Hygiene Association (of which he is a member and served 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 a member of the American Conference of Governmental Industrial Hygienists, the Occupational Hygiene Society of Ireland, the Colorado Drug Investigators Association, an appointed 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 194 hours of highly specialized law-enforcement sensitive training in drug lab operation, and under supervision of the US DEA, 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) and he 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 607 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,492 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, and was an original team member on two of the legislative working-groups which wrote the original regulations for the State of Colorado and he was the primary author of Appendix A (*Sampling Methods And Procedures*) and Attachment to Appendix A (*Sampling Methods and Procedures Sampling Theory*) of the original Colorado regulations. Mr. Connell strongly objected to the unscientific, unfounded and inappropriate amendments now found in regulation.

Recommended by the US NIOSH as Peer Review Expert for the NIOSH 9109 Method, *Methamphetamine*, he has been admitted as a 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, and provided testimony regarding criminal activities of staff members at the Colorado Department of Public Health Environment.



Multijurisdictional Counterdrug Task Force Training

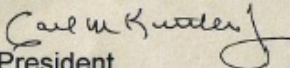


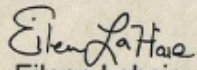
This is to certify that
Caoimhin P. Connell

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



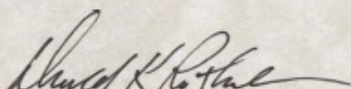
Certificate of Training

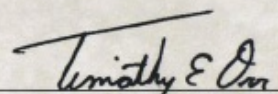
This certifies that

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



www.nesglobal.net

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

This certifies that

Caoimhin P Connell

Has met the requirements for the online course

Expert Testimony Training for the Prosecutor and Scientist



11-07-2012

Certificate Number: 1109778763

For more information please visit <http://www.rti.org/forensiced>



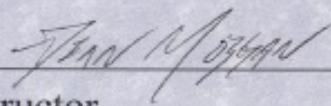
Park County Sheriff's Office Certificate of Completion

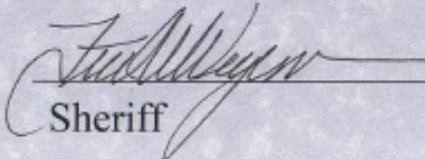
Caoimhin Connell

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



P. Ritch Wagner
Instructor

Director, Law Enforcement Liaison & Education



Certificate of Training

This is to certify that
Caoimhin Connell

(Name)

Park County Sheriff's Office

(Agency)

If the bearer of this document possesses a 40 Hour certificate pursuant to 29 CFR §1910.120, this certifies the above named has met the refresher training requirements of 29 CFR §1910.120(e)(8) and is hereby **RECERTIFIED** in Clandestine Laboratory Safety / HazWoper

Sponsored by
Rocky Mountain High Intensity Drug Trafficking Area
Colorado Regional Community Policing Institute

Caoimhin P. Connell 4/12/10
Caoimhin P. Connell, Instructor/Date
Glean HARDEY



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**

Tom Finelle
Tom Finelle, CLEOA President

M. A. [Signature]
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.

Bill Ritter Jr.

Governor

John W. Suthers

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

Jeffrey A. Groff, Program Manager
Evidential Breath Alcohol Testing Program



David A. Butcher

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

CATI President

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.*

Governor

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

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

CERTIFICATE OF TRAINING

THIS IS TO CERTIFY THAT

Caoimhín Connell

Has completed 4 hours of successful training for

The Hazards of Hash Oil Extraction

Held at IRIS Fire Investigations in Englewood, CO

on this 7th day of November, 2014

Robert K. Toth
IRIS Fire Investigations, President



COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

December 30, 2014

Caoimhin Connell
Forensic Applications Consulting Technologies Inc
185 Bounty Hunter Ln
Bailey, CO 80421

Consultant Interim Authorization Approval

Dear Caoimhin Connell:

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Department) has reviewed the application for Consultant Interim Authorization and has determined the application to be complete and in compliance with 6 CCR 1014-3, Regulations Pertaining to the Cleanup of Methamphetamine-Affected Properties (the Regulations).

The Department approves the application for **Consultant Interim Authorization**. This interim authorization approval shall expire on June 15, 2015.

Assessment and sampling of methamphetamine-affected properties may only be conducted by Consultant Firms that have received interim authorization under Part 2, Section 3.2.4 of the Regulations. Therefore, this interim authorization may only be used to conduct assessment and sampling of methamphetamine-affected properties for a Consultant Firm that has received interim authorization approval from the Department.

Approved By: _____

Date: _____

12/30/2014





COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

December 30, 2014

Forensic Applications Consulting Technologies Inc
185 Bounty Hunters Ln
Bailey, CO80421

Consultant Firm Interim Authorization Approval

Dear Forensic Applications Consulting Technologies Inc:

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Department) has reviewed the application for Consultant Firm Interim Authorization and has determined the application to be complete and in compliance with 6 CCR 1014-3, Regulations Pertaining to the Cleanup of Methamphetamine-Affected Properties (the Regulations).

The Department approves the application for **Consultant Firm Interim Authorization**. The firm shall only utilize individuals who have received interim authorization under Part 2, Section 3.2.1 of the Regulations to conduct assessment and sampling of methamphetamine-affected properties. This interim authorization approval shall expire on June 15, 2015.

The Regulations require submittal of electronic copies of reports to the Department. Electronic copies of reports should be submitted via email to cdphe_methlabdocuments@state.co.us. The words "report" or "report submittal" should be included in the email subject line, and the property address should be included in the body of the email.

Alternatively, compact disks with electronic copies of reports may be mailed to:

Colorado Department of Public Health and Environment
Hazardous Material and Waste Management Division
4300 Cherry Creek Drive South
Denver, CO 80246-1530
Attn: Colleen Brisnehan or Richard Mruz

Packages may also be hand delivered to the Department's mail room located in the northwest corner of Building B (700 South Ash Street).

Approved By: _____

Date: 12/30/2014

