



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

**Industrial Hygiene Assessment  
of an Unoccupied Property  
Resulting in the Discovery of an  
Illegal Drug Laboratory  
At**

**1308 Vesta Circle,  
Unit #188, Lafayette, CO**

**Prepared for:**

Confidential Client #1143

Prepared by:

**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

185 Bounty Hunter's Lane  
Bailey, CO 80421



February 17, 2014

## EXECUTIVE SUMMARY

- A property located at 1308 Vesta Circle, (Unit #188), Lafayette, CO was on the market and had been identified to a potential property buyer as a potentially methamphetamine-contaminated property. According to the seller, a local “toxic mold inspector” (Weecycle) had performed “testing” at the property and reportedly found methamphetamine.
- According to Colorado Revised Statutes, Title 38, Article 35.7, Part 103 real estate transaction testing and other regulatory testing can only be performed by a legitimate Industrial Hygienist. “Certified Mold Inspectors” are not Industrial Hygienists, and Weecycle is not an Industrial Hygiene firm and is not authorized to lawfully perform property testing under State statutes, or State Regulations, and their “testing” cannot be used for regulatory purposes or real estate transactions.<sup>1</sup>
- Therefore, at the request of a potential property buyer, legitimate state of the art sampling was performed by personnel with Forensic Applications Consulting Technologies, Inc. (FACTs) for the determination of the presence of methamphetamine at 1308 Vesta Circle, Unit #188, Lafayette, CO (the subject property).
- On Sunday, February 16, 2014, FACTs performed a real estate cursory evaluation site assessment and collected samples pursuant to the intent of Colorado Revised Statutes §38-35.7-103(2)(a).<sup>2</sup>
- FACTs collected samples from 10 locations throughout the property, and composited the samples into two quantitative analyses for methamphetamine.
- The sample results indicate the presence of widespread concentrations of methamphetamine. Had the composite samples been collected as part of regulatory final verification sampling, the concentration of methamphetamine would have been approximately 60 (sixty) times greater than the allowable concentration for a composite sample.
- Based on the results of the samples, an “illegal drug laboratory,” as defined in Colorado Revised Statutes §25-18.5-101(8) exists at the subject property.

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<sup>1</sup> See for example, [http://www.forensic-applications.com/meth/Censored\\_Weecycle\\_review.pdf](http://www.forensic-applications.com/meth/Censored_Weecycle_review.pdf)

<sup>2</sup> For this project, CRS 38-35.7 does not apply; the State of Colorado recognizes that statutory language notwithstanding, it is not possible to comply with the language of the statute as written with regarding to sampling. See *Cleanup of Clandestine Methamphetamine Labs Guidance Document*, July 2003 (Revised October 2007)



- Pursuant to Colorado Revised Statutes §25-18.5-104(1), from this point forward, entry into the subject property is restricted by regulation.
- Pursuant to CRS §25-18.5-104, prohibition of entry extends to Real Estate agents, property owner(s), maintenance personnel, potential buyers, home inspectors, and any and all other personnel, except law enforcement personnel and personnel meeting the requirements of Title 29 of the Code of Federal Regulations, Part 1910.120(e).
- As described below, contrary to common belief, any subsequent testing performed at the subject property cannot be used to rebut these data, and a Preliminary Assessment, as defined in 6 CCR 1014-3 must be performed at the property.
- Any seller who is aware of the presence of an illegal drug laboratory is required by Colorado Revised Statutes 38-35.7-103(3)(a) to disclose to any potential buyer, in writing, the presence of the same.
- This letter and documentation serve as “Discovery” of an illegal drug laboratory, as that term is found in Colorado Revised Statutes §25-18.5-103(1)(a) and Regulation 6CCR 1014-3 (3) at the subject property.
- This letter and documentation serve as “Notification” of an illegal drug laboratory at the subject property, as that term is found in Colorado Revised Statutes CRS §25-18.5-103 (1)(a).
- Pursuant to CRS §25-18.5-103(1)(c) no person shall remove any personal belongings or personal property from the property unless that person secures the property in a manner that prevents theft and prevents exposing any other person to any toxic or hazardous chemicals until the property, and resultant debris, is appropriately discarded or cleaned according to board rules (the State regulations).
- Pursuant to CRS §25-18.5-103, the Registered Owner of the property exclusively has two options: 1) commission an authorized Industrial Hygienist to perform a Preliminary Assessment as described in 6 CCR1014-3 (4.0 *et seq*), or 2) demolish the property. No timeframe is currently assigned by the City of Lafayette or Arvada or Jefferson County for the completion of the Preliminary Assessment or demolition.
- No exemptions are granted for regulatory compliance if the registered owner is “Fannie Mae,” “Freddie Mac,” or any other Federal or State Government lending program.
- Several unauthorized consultants, have been performing unlawful consultation in illegal drugs labs in Colorado. Use of these consultants has resulted in serious litigation problems and will result in a fatal flaw in the work. This, or any other



fatal flaw in compliance with the State Regulations, will prevent the registered owner from receiving the liability immunity provided by CRS §25-18.5-103(2)(a)(II).

- According to Regulation 6 CCR 1014-3, any cleaning and/or remediation and/or decontamination is strictly prohibited, except pursuant to a completed Preliminary Assessment.

## **INTRODUCTION**

On Sunday, February 16, 2014, Forensic Applications Consulting Technologies, Inc. (FACTs) was contracted by a potential buyer to perform a standard screening evaluation for the presence of methamphetamine at the subject residence.

Pursuant to the intent of Colorado Real Estate methamphetamine disclosure and testing statute as described by CRS §38-35.7-103(2)(a), FACTs collected two 5-parted wipe sample composites for the quantitative determination of the presence of methamphetamine.

### ***Personnel***

The Industrial Hygienist of record for the project was Mr. Caoimhín P. Connell, and the field work was performed by Mr. Glenn Hardey, Field Technician. Mr. Connell's SOQ is included with this discussion as an appendix. Mr. Hardey has extensive training in illegal drug laboratories and received a training certificate in Clandestine Drug Laboratory Assessments through the Colorado Regional Community Policing Institute (CRCPI), Colorado Division of Criminal Justice, (sponsored by the US Dept. of Justice High Intensity Drug Trafficking Area fund, and taught by Mr. Connell, lead instructor for the CRCPI). Mr. Hardey is further certified in Clandestine Drug Lab entry and processing through the US Drug Enforcement Agency, and received site specific training pursuant to 29 CFR §1910.120. Mr. Hardey, is a former Police Sergeant and SWAT Team leader who has approximately 10 years experience in drug interdiction, and drug manufacturing, and he was a co-instructor of the 2010 American Industrial Hygiene Association Clandestine Drug lab Professional Development Course for North America's top Industrial Hygienists. Mr. Hardey worked under the direct and constant supervision of Mr. Connell, and reported directly to Mr. Connell from the site. Mr. Connell personally reviewed, and selected all sample locations prior to sampling.

### ***Findings***

Based on state of the art sampling and analysis techniques, FACTs conclusively determined the presence of methamphetamine contamination in the residential structure. Based on current statutes and regulations, the property meets the definition of an "illegal drug laboratory" (meth-lab) as described below.

This letter confirms "Discovery" as that term is found in Colorado Regulation 6 CCR 1014-3(2) and Colorado Revised Statutes §25-18.5-103(1)(a) and CRS §38-35.7-



103(2)(c) and also confirms “Notification” as that term is used in CRS §25-18.5-103 (1)(a).

## **Background Information**

### **Structure**

The subject property built *circa* 1980, consisted of a condominium unit in a multifamily superstructure. The subject property approximated 1,772 square feet of interior occupiable floor space (including the garage). The structure has a forced-air heating system. At the time of our assessment, the structure was unoccupied.

## **PERTINENT REGULATORY STANDARDS**

The State of Colorado currently has one methamphetamine regulation and three methamphetamine statutes that are germane to the subject property.

### **State Statutes**

#### **Environmental Statutes**

Colorado has one of the country’s most comprehensive and scientifically valid clandestine drug laboratory regulations. The Colorado regulations become applicable when the owner of a property has received “notification” from a cognizant authority that a property is or *may* be noncompliant or methamphetamine *may* be present, or there is a potential for contamination. The discovery upon which the notification is based may be from a peace officer “...or when a “drug laboratory” is otherwise discovered.”<sup>3</sup>

Pursuant to State statute CRS §25-18.5-105(1), an illegal drug laboratory that has not met the cleanup standards set by the State Board of Health may be deemed a public health nuisance, and must either be demolished or remediated pursuant to a Preliminary Assessment.

### **Property Statutes**

#### **Notification During Real Estate Transaction**

According to Colorado revised statutes,<sup>4</sup> the seller of a property shall disclose in writing to a buyer whether the seller knows that the property was previously used as a methamphetamine laboratory. Until such time that an authorized Industrial Hygienist has issued a *Decision Statement*, the seller of the property must disclose that the property is an illegal drug laboratory.

Nothing in State statutes prohibit a buyer from purchasing the property knowing the property to be contaminated. If this is done, then according to CRS §38-35.7-103(2)(c)

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<sup>3</sup> CRS §25-18.5-103

<sup>4</sup> CRS 38-35.7-103(3)(a)



the buyer shall notify the Governing Body of the purchase in writing on the day of closing and shall complete the Preliminary Assessment and remediation process and obtain a Decision Statement within 90 days of closing.

## **Prohibition of entry**

Pursuant to State statutes entry into the property is restricted:

### **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: (a) The person is trained or certified to handle contaminated property under board rules or federal law; or (b) The owner has received certificates of compliance under section 25-18.5-102 (1) (e).

## **Prohibition of removal of personal belongings**

Pursuant to State statutes, the removal of items from the property is restricted:

### **25-18.5-103(1)(c)**

(c) A person who removes personal property or debris from a drug laboratory shall secure the property and debris to prevent theft or exposing another person to any toxic or hazardous chemicals until the property and debris is appropriately disposed of or cleaned according to board rules.

## **Loss of Possession of Personal Belongings**

Pursuant to State statutes:

### **CRS 25-18.5-103 (1)(b)**

An owner of personal property within a structure or vehicle contaminated by illegal drug laboratory activity has ten days after the date of discovery of the laboratory or contamination to remove or clean the property according to board rules and paragraph (c) of this subsection (1). If the personal property owner fails to remove the personal property within ten days, the owner of the structure or vehicle may dispose of the personal property during the clean-up process

## **Follow up Testing**

Contrary to common misconception, by virtue of these findings, any second test performed pursuant to CRS §38-35.7-103(2)(b) that fails to confirm the presence of methamphetamine cannot be used to release the seller from the statutory requirements to perform the required Preliminary Assessment. Since the discovery and notification have already occurred pursuant to CRS §25-18.5-103 (1)(a) and Colorado regulations 6 CCR 1014-3, any retesting, outside of a Preliminary Assessment can only be used to confirm the initial testing.

That is, pursuant to State statutes, any additional testing by another Industrial Hygienist at this property cannot be used to release the property owner from regulatory requirements to perform a Preliminary Assessment. Any additional testing by a second Industrial Hygienist can only be used if the data support these initial findings; the data are



not permitted to be used to refute, rebut or counter these findings, and cannot be used to provide the seller with regulatory relief, and cannot be used in lieu of a Preliminary Assessment.

### ***Criminal Proceedings – Public Nuisance Statutes***

Pursuant to State statute CRS §16-13-303(c)(1), every building or part of a building including the ground upon which it is situated and all fixtures and contents thereof, and every vehicle, and any real property shall be deemed a class 1 public nuisance when used for the unlawful storage or possession of any controlled substance, or any other drug the possession of which is an offense under the laws of Colorado. Based on CRS §16-13-303(c)(1), the presence of extant methamphetamine in the property is *prima facie* evidence of possession of the same.

Pursuant to State statute §16-13-308(1)(a), if probable cause for the existence of a Class 1 Public Nuisance is shown to the court by means of a complaint supported by an affidavit, the court shall issue a temporary restraining order to abate and prevent the continuance or recurrence of the nuisance or to secure property subject to forfeiture. Such temporary restraining order shall direct the County Sheriff or a peace officer to seize and, where applicable, close the public nuisance and keep the same effectually closed against its use for any purpose until further order of the court.

An alternative declaration of Public Nuisance may be found in statute §16-13-307(4), wherein an action to abate a public nuisance may be brought by the district attorney, or the attorney general with the consent of the district attorney, in the name of the people of the State of Colorado or in the name of any officer, agency, county, or municipality whose duties or functions include or relate to the subject matter of the action.

### ***State Regulations***

Pursuant to Colorado regulations 6 CCR 1014-3,<sup>5</sup> following discovery and notification, a comprehensive and detailed “Preliminary Assessment” must be commissioned by the property owner and performed by a legitimate and qualified (properly trained) Industrial Hygienist who must characterize extant contamination. The content and context of the “Preliminary Assessment” is explicitly delineated by regulation. Any remediation or cleaning of the property must be based on the Industrial Hygienist’s Preliminary Assessment, and cannot occur until such assessment has been conducted.

Since discovery and notification had not, to our knowledge, taken place at the time of our visit, FACTs was not performing a “Preliminary Assessment” as that term is defined in State regulation, and this work does not meet the elements or definition of a “Preliminary Assessment” and cannot be used or otherwise substituted for a Preliminary Assessment.

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<sup>5</sup> Titled: Colorado Department Of Public Health And Environment, State Board Of Health, *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*.



## **Boulder County Resolution**

On January 7, 2009, Boulder County adopted Ordinance 2006-1 concerning methamphetamine contamination in vehicles and structures. Although certain aspects of the Boulder County ordinance creates some minor conflicts with state regulations, Boulder County Department of Health has jurisdiction over the property.

According to the Boulder County Ordinance:

### **Law enforcement notice to other authorities**

*Law enforcement or other authorities who identify the existence of an illegal methamphetamine laboratory after the effective date of this ordinance shall promptly notify Boulder County Public Health, Boulder County Land Use, Building Division, and if appropriate, Child Protection Services. If the methamphetamine laboratory is located within an incorporated town or city, Boulder County Public Health shall be notified, and if appropriate, Child Protection Services.*

## **Posting**

According to Boulder County ordinance:

### **Declaration of property as a public health nuisance**

*A property identified as the site of an illegal methamphetamine laboratory shall be declared a public health nuisance and unfit for human habitation or use. A warning sign shall be posted on the entrance of the affected part of the property by law enforcement, Public Health, the Chief Building Official or his designee. With respect to a vehicle, the warning sign shall be posted on the front windshield.*

## **Prohibition of Entry**

In addition to State statutes, and State regulations, Boulder County ordinance requires the following:

### **Occupation Prohibited**

*Upon the issuance and posting of a Declaration of Public Health Nuisance, all occupants of such building or structure shall immediately vacate the premises, and such vehicles shall be impounded by the police. With the exception of persons evaluating the contamination level, remediating the contamination, or conducting fire or police activities, no person shall occupy, enter or allow occupancy or entrance to a building or structure which has been declared a public health nuisance, and no person shall occupy or drive a vehicle which has been declared a public health nuisance, until such declaration is revoked or modified to allow occupancy. All who enter must have the required health and safety training, and wear appropriate personal protective equipment. Removal of the posted Declaration of Public Health Nuisance by anyone other than the Building Official, Public Health or law enforcement authorities is prohibited.*

Pursuant to statute and regulations, the documentation in this report must be submitted to the “Governing Body” to avail of the statutory liability immunity. The *de facto* “Governing Body” as defined in CRS 25-18.5-101 for this property is:

Michael Richen, CIH, Indoor Air Quality Specialist  
Boulder County Public Health  
Administration/Environmental Health Site



3450 Broadway  
Boulder, CO 80304

FACTs will forward a copy of this report to the Governing Body on Friday, February 21, 2014. The Governing Body has the statutory authority to impose additional restrictions including, but not limited to abate the public nuisance, close the public nuisance, seize the property until the nuisance is abated and set a time frame on the completion of abatement.

### ***City Regulations***

According to the Lafayette Police Department, the City of Lafayette does not have any Home-Rule regulations concerning illegal drug laboratories.

## **ASSESSMENT PROTOCOLS**

### ***Sampling Protocol***

During our screening assessment, the hypothesis was made that the subject property was devoid of detectable concentrations of methamphetamine at a specified limit of reporting and data would be collected to support the hypothesis. As such, the data quality objectives were not designed to quantify or characterize the *extent* or degree of contamination, but rather to support the statement:

Methamphetamine is not present in the property above specified levels.

Contrary to common belief (and information usually found in Weecycle's reports), there is a misconception that if samples are collected, and the laboratory results are below the value often misinterpreted as the State's regulatory threshold value (0.5  $\mu\text{g}/100\text{ cm}^2$ ), the samples necessarily indicate that the area is not contaminated and no action is required. However, the regulatory threshold values are exclusively to be used as *prima facie* evidence for final verification activities in the absence of all other information. Except, during a final verification or a properly designed Preliminary Assessment, there is no *de minimis* concentration of methamphetamine below which a statement of compliance can be made in the absence of final verification sampling.

As such, to ensure that a compliant property was not otherwise "discovered" as a result of trace amounts of methamphetamine, our data quality objectives were such that we selected a total sampling area that would result in a reportable quantity limit of 0.5  $\mu\text{g}/100\text{ cm}^2$ . That is, unless the concentration of the methamphetamine in the composite sample exceeded 0.49  $\mu\text{g}/100\text{ cm}^2$ , the laboratory would report the concentration as "below reportable limit." The value of 0.5  $\mu\text{g}/100\text{ cm}^2$  was selected since according to the State of Colorado Regulations, the maximum allowable concentration of methamphetamine as determined during compliance sampling is 0.5  $\mu\text{g}/100\text{ cm}^2$ ; the minimum permissible concentration of methamphetamine allowed as determined during compliance sampling for a five parted sample is 0.1  $\mu\text{g}/100\text{ cm}^2$ .



Our testing produced results that failed to support the hypothesis, and we therefore accept the null hypothesis; *viz.* the subject property conclusively contains methamphetamine at concentrations greater than the specified reporting limit. The null hypothesis that we must accept is:

Methamphetamine is present in the property above specified levels.

Our sampling indicates that if the samples were collected as part of a final clearance sampling protocol, the concentrations of methamphetamine in at least one location would have been approximately sixty times greater than the maximum permissible concentration of methamphetamine allowed for a 5-part composite as determined during compliance sampling.

### **Sample Collection**

Using standard industrial hygiene methods, we collected two 5-part composite samples from within the structure. The samples were submitted to Reservoirs Laboratory, Denver, CO for quantitative analysis using gas chromatography coupled with mass spectrometry. A copy of the results is attached to this report.

The numerical values in the laboratory report are NOT concentrations and CANNOT be used to compare against any regulatory concentrations or any other comparative determinations.

### ***Wipe Sample***

The wipe sample media was individually wrapped commercially available Johnson & Johnson™ brand gauze pads. Each gauze material was assigned a lot number for quality assurance and quality control (QA/QC) purposes and recorded on a log of results. Each pad was moistened with reagent grade methyl alcohol. Each batch of alcohol was assigned a lot number for QA/QC purposes and recorded on a log of results.

The sampling media were prepared off-site in small batches in a clean environment. The sample media were inserted into individually identified polyethylene centrifuge tubes with screw caps and assigned a unique sample identifier.

### ***Field Blanks***

The history of the FACTs sampling media has demonstrated a media and solvent contamination level below the analytical detection limit for the method. FACTs reagents blank information for methyl alcohol lot # A13Ø2 is less than the method detection limit for n=10 and gauze lot # G13Ø1 is less than the method detection limit for n=10. Therefore, we are confident the methamphetamine reported in the sample was a result of surface contamination and not a result of contaminated sampling materials or handling.

### ***Field Spikes***

Although not required by regulations, as part of our general QA/QC protocol, FACTs regularly submits surreptitious spikes to the analyzing laboratory. "Spiked" samples consist of randomly selecting samples that are submitted to a third party independent



laboratory for the inclusion of known amounts of *d*-methamphetamine<sup>6</sup> into the selected sample media. The spiked samples are then surreptitiously submitted with the normal project samples. To ensure the integrity of the spikes, laboratory personnel are unaware of the presence or nature of the spikes. The spikes allow FACTs to determine the adequacy of the laboratory in recovering known amounts of methamphetamine from the samples. Sample results reported are then corrected to the spike recovery.

In this case, we used the pooled spike recovery from all previous projects which indicates a spike recovery of 95.6% recovery (n=28,  $\sigma$  =0.15  $\mu$ g). All final results were spike-corrected.

**Field Duplicates**

For the purposes of the data quality objectives associated with this screening evaluation, no duplicates were required, and none were collected.

**Sample Results**

The actual methamphetamine *concentrations* found in the samples taken at the subject property, are not required to be reported, are not germane to this discussion and cannot be used for any purpose. The numerical values of the results do not carry any meaningful or probative value, are not within our stated data quality objectives, and therefore, are not required to be reported here.

In our experience, reporting the numerical concentrations frequently leads poorly trained Industrial Hygienists, “environmental consultants,” sellers, and others to misunderstand and misinterpret the data. Therefore, the actual concentrations are not reported here and the numerical values provided in the accompanying laboratory report are **NOT** concentrations and **CANNOT** be used to compare the data against any regulatory limit.

Table 1, below, presents the sample location information:

Sample Set 1	Sample Location	Sample Status
VM021614-01A	Furnace interior cold return	<b>Greater than reportable limit</b>
VM021614-01B	Laundry room top of duct	
VM021614-01C	Basement top of smoke detector	
VM021614-01D	Basement bathroom exhaust	
VM021614-01E	Kitchen, top of cabinets	
Sample Set 2	Sample Location	Sample Status
VM021614-02A	Main floor powder bathroom	<b>Greater than reportable limit</b>
VM021614-02B	SW Bedroom closet door	
VM021614-02C	Upstairs bathroom exhaust fan	
VM021614-02D	East bedroom top of door jamb	
VM021614-02E	Garage top of door opening mechanism	

**Table 1  
Results of Methamphetamine Samples**

<sup>6</sup> S(+)-methamphetamine, S,S(+)-pseudoephedrine, 1S,2R(+)-ephedrine



## CONCLUSIONS

Based on our objective sample results collected during our assessment, the subject property contains methamphetamine contamination in excess of the regulatory thresholds.

Pursuant to State statutes, the illegal drug lab has been “otherwise discovered.”

Pursuant to statute, a Preliminary Assessment must be performed pursuant to regulation by an authorized Industrial Hygienist, and a “decision statement” obtained, or the property must be demolished.

Respectfully,



Caoimhín P. Connell  
Forensic Industrial Hygienist



# APPENDIX A LABORATORY REPORT





## **Forensic Applications**

### **Final Report**

**RES 282512-1**

**February 18, 2014**

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February 18, 2014

Laboratory Code: RES  
Subcontract Number: NA  
Laboratory Report: RES 282512-1  
Project # / P.O. #: Vesta  
Project Description: None Given

Caoimhin Connell  
Forensic Applications  
185 Bounty Hunter Ln.  
Bailey CO 80421

Dear Customer,

Reservoirs Environmental, Inc. is an analytical laboratory accredited for the analysis of Environmental matrices by the National Environmental Laboratory Accreditation Program, Lab Certification #E871030. The laboratory is currently proficient in the in-house ERA PAT Program.

Reservoirs has analyzed the following sample(s) using Gas Chromatography Mass Spectrometry (GC/MS) / Gas Chromatography Flame Ionization Detector (GC/FID) per your request. The analysis has been completed in general accordance with the appropriate methodology as stated in the analysis table. Results have been sent to your office.

**RES 282512-1** is the job number assigned to this study. This report is considered highly confidential and the sole property of the customer. Reservoirs Environmental, Inc. will not discuss any part of this study with personnel other than those authorized by the client. The results described in this report only apply to the samples analyzed. This report shall not be reproduced except in full, without written approval from Reservoirs Environmental, Inc. Samples will be disposed of after sixty days unless longer storage is requested. If you should have any questions about this report, please feel free to call me at 303-964-1986.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeanne Orr", is written over a horizontal line.

Jeanne Spencer Orr  
President

Analyst(s):   
Mike Schaumloeffel

## RESERVOIRS ENVIRONMENTAL, INC.

NVLAP Accredited Laboratory #101896  
AIHA Certificate of Accreditation #480 LAB ID 101533

### TABLE I. ANALYSIS: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 282512-1**  
Client: **Forensic Applications**  
Client Project Number / P.O.: **Vesta**  
Client Project Description: **None Given**  
Date Samples Received: **February 17, 2014**  
Analysis Type: **Methamphetamine by GCMS**  
Turnaround: **24 Hour**  
Date Samples Analyzed: **February 18, 2014**

Client ID Number	Lab ID Number	Reporting Limit** (µg)	METHAMPHETAMINE CONCENTRATION (µg)
VM021614-01	EM 1120138	0.3	0.91
VM021614-02	EM 1120139	0.3	3.63

\* Unless otherwise noted all quality control samples performed within specifications established by the laboratory.

\*\* Client specified reporting limit.

DATA QA \_\_\_\_\_

## RESERVOIRS ENVIRONMENTAL, INC.

NVLAP Accredited Laboratory #101896  
AIHA Certificate of Accreditation #480 LAB ID 101533

### QUALITY CONTROL: METHAMPHETAMINE BY WIPE

RES Job Number: **RES 282512-1**  
Client: **Forensic Applications**  
Client Project Number / P.O.: **Vesta**  
Client Project Description: **None Given**  
Date Samples Received: **February 17, 2014**  
Analysis Type: **Methamphetamine by GCMS**  
Turnaround: **24 Hour**  
Date Samples Analyzed: **February 18, 2014**

Quality Control Batch	Reporting Limit ( $\mu\text{g}/100\text{cm}^2$ )	Matrix Blank ( $\mu\text{g}/100\text{cm}^2$ )	Matrix Duplicate (% RPD)	Matrix Spike (% Recovery)	Laboratory Control Sample (% Recovery)
<b>1</b>	0.05	BRL	4	85	93

\* Unless otherwise noted all quality control samples performed within specifications established by the laboratory.

\*\* These analytical results meet NELAC requirements.

DATA QA \_\_\_\_\_

Due Date: 2.18.14  
 Due Time: 8AM



# RESEVOIRS ENVIRONMENTAL, INC.

RES 282512

After Hours Cell Phone: 720-339-9228

**INVOICE TO: (IF DIFFERENT)**

**CONTACT INFORMATION:**

Company: **Forensic Applications, Inc.** Contact: **Caoimhín P. Connell**  
 Address: 185 Bounty Hunters Lane Phone: 303-903-7494  
 Bailey, CO 80421 Fax:  
 Project Number and/or P.O. #: Vesta Cell/pager:  
 Project Description/Location: Final Data Deliverable Email Address: admin@forensic-applications.com

Client sample ID number (Sample ID's must be unique)	REQUESTED ANALYSIS										VALID MATRIX CODES				LAB NOTES:									
	PLM - Short report, Long report, Point Count	TEM - AHERA Level II, 7402, ISO +/-, Quant, Semi-quant, Micro-vac, ISO-Indirect Preps	PCM - 7400A, 7400B, OSHA	DUST - Total, Respirable	METALS - Analyte(s) RCRA 8, TCLP, Welding Fume, Metals Scan	ORGANICS - METH	MICROBIOLOGY				Salmonella +/-	E.coli O157:H7 +/-	Listeria +/-	Aerobic Plate Count +/- or Quantification		Coliforms +/- or Quantification	S.aureus +/- or Quantification	Y & M +/- or Quantification	Mold +/- Identification, Quantification	SPECIAL REPORTING LIMITS: RUSH RUSH	Sample Volume (L) / Area	Matrix Code	Date Collected mm/dd/yy	Time Collected hr/mm a/p
1 VM021614-01						X														W	1 02/16/14		1120138	
2 VM021614-02						X														W	1 02/16/14		9	
3																								
4																								
5																								
6																								
7																								
8																								
9																								
10																								

Number of samples received: 2 (Additional samples shall be listed on attached long form.)  
 NOTE: REI will analyze incoming samples based upon information received and will not be responsible for errors or omissions in calculations resulting from the inaccuracy of original data. By signing client/company representative agrees that submission of the following samples for requested analysis as indicated on this Chain of Custody shall constitute an analytical services agreement with payment terms of NET 30 days, failure to comply with payment terms may result in a 1.5% monthly interest surcharge.

Relinquished By: A. Powell Date/Time: 2.17.14 7:30 Carrier: Drop Box  
 Laboratory Use Only  
 Results: Contact Phone Email Fax Date Time Initials Contact Phone Email Fax Date Time Initials  
 Sample Condition: On Ice Sealed Intact  
 Temp. (F°) Yes/No Yes/No Yes/No  
 Date 2.18.14 Time 8:30 Initials CP

# APPENDIX B CONSULTANT'S SOQ





**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.  
CONSULTANT STATEMENT OF QUALIFICATIONS**

(as required by State Board of Health Regulations 6 CCR 1014-3 Section 8.21)

FACTs project name:	Vesta	Form # ML15
Date Feb. 18, 2014		

Caoimhín P. Connell, has been involved in clandestine drug lab investigations since 2002 and meets the Colorado Revised Statute §24-30-1402 definition of an "Industrial Hygienist." He has been a practicing Industrial Hygienist since 1987 and was the contract Industrial Hygienist for the National Center for Atmospheric Research for over ten years. Mr. Connell is a recognized authority in drug-lab operations and is a Certified Instructor in Meth-Lab Safety through the Colorado Regional Community Policing Institute, CRCPI (through the Colorado Division of Criminal Justice) and was the lead instructor for the CRCPI providing over 260 hours of methlab training for over 45 Colorado Law Enforcement Agencies, federal agents, probation and parole officers throughout Colorado judicial districts. He has provided meth-lab lectures to the US Air Force, the National Safety Council, and the American Industrial Hygiene Association (of which he is a member and serves on the Clandestine Drug Lab Work Group and for whom he conducted the May, 2010, Clandestine Drug Lab Course, and is a coauthor of the AIHA methlab assessment publication.)

Mr. Connell is also a member of the American Conference of Governmental Industrial Hygienists, the Occupational Hygiene Society of Ireland, the Colorado Drug Investigators Association, an appointed Full Committee Member of the National Fire Protection Association, and the ASTM International Forensic Sciences Committee, (where he was the sole sponsor of the draft ASTM E50 *Standard for the Assessment of Suspected Clandestine Drug Laboratories*).

From 2009, Mr. Connell served as the Industrial Hygiene Subject Matter Expert on the Federally funded Interagency Board (Health, Medical, and Responder Safety SubGroup), and was elected full member of the IAB-HMRS in 2011 where he now serves. He is the only private consulting Industrial Hygienist in Colorado certified by the Office of National Drug Control Policy High Intensity Drug Trafficking Area Clandestine Drug Lab Safety Program, and P.O.S.T. certified by the Colorado Department of Law.

He has received over 144 hours of highly specialized law-enforcement sensitive training in illegal drug lab operation, and under supervision of the US Drug Enforcement Agency, he has manufactured methamphetamine using a variety of street methods. He has received highly specialized drug lab assessment training through the Iowa National Guard, Midwest Counterdrug Training Center and the Florida National Guard Multijurisdictional Counterdrug Task Force, St. Petersburg College as well as through the US NHTSA, and the U.S. Bureau of Justice Assistance (US Dept. of Justice). Additionally, he received extensive training in the Colorado Revised Statutes, including Title 18, Article 18 "Uniform Controlled Substances Act of 1992" and is currently ARIDE Certified.

Mr. Connell is a current sworn law enforcement officer who has conducted clandestine laboratory investigations and performed risk, contamination, hazard and exposure assessments from both the law enforcement (criminal) perspective, and from the civil perspective in residences, apartments, motor vehicles, and condominiums. Mr. Connell has conducted over 436 assessments of illegal drug labs in Colorado, Nebraska and Oklahoma, and collected over 3, 950 samples during assessments (a detailed list of drug lab experience is available on the web at):

<http://forensic-applications.com/meth/DrugLabExperience2.pdf>

He has extensive experience performing assessments pursuant to the Colorado meth-lab regulation, 6 CCR 1014-3, (State Board of Health *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*) and was an original team member on two of the legislative working-groups which wrote the regulations for the State of Colorado. Mr. Connell was the primary contributing author of Appendix A (*Sampling Methods And Procedures*) and Attachment to Appendix A (*Sampling Methods and Procedures Sampling Theory*) of the Colorado regulations and a US NIOSH Recommended Peer Review Expert for the NIOSH 9109 Method, *Methamphetamine*. He has been admitted as a clandestine drug lab expert in Colorado, and an Industrial Hygiene Expert in Colorado in both civil and criminal courts as well as Federal Court in Pennsylvania. He has provided expert testimony in several criminal cases including Grand Jury testimony and testimony for US Bureau ATF and he testified before the Colorado Board of Health and Colorado Legislature Judicial Committee regarding methlab issues. Mr. Connell has provided services to private consumers, Indian Nations, State Investigators, and Federal Investigators with forensic services and arguments against corrupt regulators, fraudulent industrial hygienists, and unauthorized consultants performing invalid methlab assessments.



# Multijurisdictional Counterdrug Task Force Training

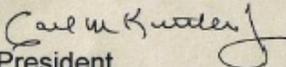


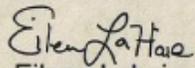
This is to certify that  
**Caoimhin P. Connell**

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



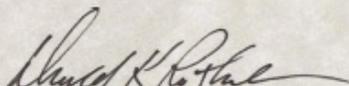
# Certificate of Training

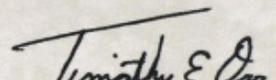
This certifies that

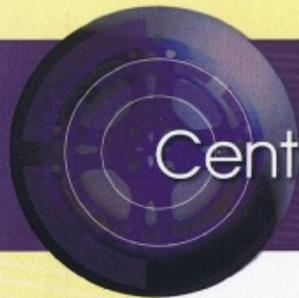
**Caoimhin Connell**

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**

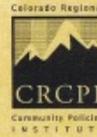
HAS SUCCESSFULLY COMPLETED AN 8-HOUR  
STATE AND LOCAL ANTI-TERRORISM TRAINING PROGRAM  
NARCOTICS TASK FORCE ANTI-TERRORISM BRIEFING

**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



# 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



## 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

John M. [Signature]  
Instructor

Frank Weyer  
Sheriff

# *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

C7954



## ***Colorado Law Enforcement Officers' Association***



This is to certify that

### **CAOIMHIN CONNELL**

Completed ARIDE (Advanced Roadside Impaired Driving  
Enforcement)

hosted by Loveland Police Department

on February 28 – March 1, 2011

Tony Binelle, CLEOA President

ARIDE Instructor

# Certificate of Completion

## Intoxilyzer 9000 Operator Certification Course

The Evidential Breath Alcohol Testing Program of the  
Colorado Department of Public Health and Environment certifies that

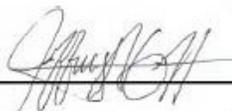
Caoimhin P Connell

User ID: 841645

has successfully completed the "Intoxilyzer 9000 Operator Certification Course"  
to determine the alcohol concentration in breath specimens pursuant to the  
State Board of Health Rules Pertaining to Testing for Alcohol and Other Drugs (5 CCR, 1005-2)  
Training was provided by the Evidential Breath Alcohol Testing Program  
of the Colorado Department of Public Health and Environment.

February 21, 2013

Certificate Date



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



David A. Butcher, Director  
Laboratory Services Division  
Colorado Department of Public Health  
and Environment

Certification expires 180 days from certificate date. Recertification must be per 5 CCR 1005-2.



# Certificate of Achievement

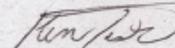
awarded to:

**Caoimhin P. Connell**

Has successfully completed Methamphetamine Lab Cleanup Management and  
Supervision training in accordance with 29 CFR 1910.120 and State Regulations  
Pertaining to the Cleanup of Methamphetamine Laboratories (8Hrs.)

June 1st, 2005

Date



Signed

HAZMAT Plans & Programs, Inc. 30 S. Havana St. Suite 304F Aurora, Colorado 80012 (303) 360-9801  
"Safety Plans, Programs and Training Tailored To The Needs Of Your Business"

# CERTIFICATE OF COMPLETION

COLORADO LAW ENFORCEMENT ASSOCIATIONS TRAINING PROJECT

*This Certifies That*

**Caoimhin Connell**

Has Attended the

**CLEAT 40-HOUR**

**Train the Trainer Course**

Hosted by Breckenridge Police Department  
August 14-18, 2006

Karen M. Renshaw, CAE  
Executive Director  
Colorado Association of Chiefs of Police

John L. Kammerzell  
Executive Director  
Police Officer Standard & Training

Donald E. Christensen  
Executive Director  
County Sheriffs of Colorado



**APPENDIX C**  
**REGULATORY DECISION FLOW CHART**



