



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene Review
of
Documentation Prepared by
Robert M. Rodosevich
Health and Environmental Technology, LLC.**

In the matter of

**1299 Vondelpark Dr. Unit C,
Colorado Springs CO 80907-4089**

**Prepared for:
Undisclosed Recipient**

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

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TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	4
HISTORY OF PROPERTY.....	5
Preliminary Assessment.....	7
DECISION STATEMENT.....	7
Failure to Provide Trained Personnel.....	7
Required Final Documentation.....	9
Violation of General Reporting Section 8.0.....	9
Violation of Paragraph 8.2.....	9
Violation of Section 4.4 Failure to Identify Manufacturing Process.....	9
Violation of Paragraph 8.3 Identification of Cooking, Storage and Waste.....	11
Violation of Paragraph 8.3 Failure to Identify Manufacturing Method.....	11
Violation of Paragraph 8.3 Failure to Identify Cooking Area.....	11
Violation of Paragraph 8.3 Failure to Identify Waste Disposal.....	11
Violation of Paragraph 8.4 Identification of Chemical Storage Areas.....	11
Violation of Paragraph 8.5 Identification of Waste Disposal Areas.....	12
Violation of Paragraph 8.6 Identification of Cooking Areas.....	13
Violation of Paragraph 8.7 Identification of Contamination Areas.....	13
Violation of 4.10. Failure to identify and document signs of contamination (staining, etching, fire damage, or outdoor areas of dead vegetation).....	14
Violation of Paragraph 8.9 Identification of Fugitive Emissions.....	14
Violation of Paragraph 8.10 Identification of Ventilation System.....	15
Violation of Paragraph 8.11 Description of Sampling and QA/QC.....	15
Failure to Describe Sampling Procedures (Required by §8.11).....	16
Failure to Describe Sampling Collection (Required by §8.11).....	16
Failure to Describe Sampling Handling Procedures (Required by §8.11).....	16
Failure to Describe QA/QC (Required by §8.11).....	16
Failure to Submit Blanks (Required by §6.6 and Appendix A #10).....	17
Violation of Paragraph 8.12 Description of Laboratory QA/QC.....	17
Violation of Paragraph 8.13 Description of Sample Locations.....	17
Failure to provide a description of initial sampling (Required by §8.13).....	17
Failure to provide a description of figure of initial sampling (Required by §8.13).....	18
Failure to provide a description of initial sample identification (Required by §8.13).....	18
Violation of Paragraph 8.14. Description of Health and Safety.....	18
Violation of Paragraph 8.15 Description of Health and Safety.....	18
Violation of Paragraph 8.16 Description of Removal.....	19
Violation of Paragraph 8.17 Encapsulation.....	19
Violation of Paragraph 8.18 Waste Management.....	20
Violation of Paragraph 8.19 Post Decontamination Samples.....	20
Failure to Perform Final Verification Sampling.....	21
Violation of 6.0.1: Failure to Clear Functional Space 1.....	23
Violation of 6.0.1 -Failure to Collect Minimum Surface Area.....	23
Violation of 6.0.1: Collected Samples from Prohibited Surfaces.....	23
Violation of Appendix A Collected of Mixed Matrices.....	23
Violation of 6.0.1: Failure to Clear Functional Space 2.....	23
Violation of 6.0.1 -Failure to Collect Minimum Surface Area.....	23
Violation of 6.0.1: Failure to Clear Functional Space 3.....	24
Violation of 6.0.1: Collected Samples from Prohibited Surfaces.....	24
Violation of Appendix A Collected of Mixed Matrices.....	24
Violation of 6.0.1: Failure to Clear Functional Space 4.....	24
Violation of 6.0.1: Collected Samples from Prohibited Surfaces.....	24
Violation of Appendix A Collected of Mixed Matrices.....	24
Violation of 6.0.1: Failure to Clear Functional Space 5.....	25
Violation of 6.0.1 -Failure to Collect Minimum Surface Area.....	25
Violation of 6.0.1: Collected Samples from Prohibited Surfaces.....	25



Violation of Appendix A Collected of Mixed Matrices.....	25
Violation of 6.0.1: Failure to Clear Functional Space 6	25
Violation of 6.0.1 -Failure to Collect Minimum Surface Area	25
Violation of 6.0.1: Collected Samples from Prohibited Surfaces	25
Violation of Appendix A Collected of Mixed Matrices.....	26
Violation of 6.0.1: Failure to Clear Functional Space 7	26
Violation of 6.0.1 -Failure to Collect Minimum Surface Area	26
Violation of 6.0.1: Collected Samples from Prohibited Surfaces	26
Violation of Appendix A Collected of Mixed Matrices.....	26
Violation of 6.0.1: Failure to Clear Functional Space 8	26
Violation of 6.0.1 -Failure to Collect Minimum Surface Area	26
Violation of 6.0.1: Failure to Clear Functional Space 9	26
Violation of 6.0.1 -Failure to Collect Minimum Surface Area	27
Violation of 6.0.1: Failure to Clear Ventilation System	27
Violation of 6.1.2 -Failure to Collect Sample the Ventilation System.....	27
Violation of 6.0.1 -Failure to Collect Minimum Surface Area	27
Violation of Paragraph 8.20 Photographic Archive	27
Failure to provide Pre-remediation photographs	27
Failure to provide Post-remediation photographs	28
Violation of Paragraph 8.21 Consultant SOQ	28
Violation of Paragraph 8.22 Certification of procedures	29
Violation of Paragraph 8.22 Certification of procedures	29
Violation of CRS 18-5-114 <i>Offering a false instrument for recording</i>	30
Violation of 5.1 Failed to Use Negative Pressure Containment	31
CONCLUSIONS	32
Appendix A	34



EXECUTIVE SUMMARY

On Monday, May 12, 2014, [REDACTED] provided FACTs with a public domain document package titled:

Methamphetamine Contamination Clearance Assessment, 1299 Vondelpark Drive Unit C, Colorado Springs, Colorado 80907 (December 4, 2013)

[REDACTED] submitted the public domain report to FACTs for our review. The author of the report is identified as Robert M. Rodosevich, Health and Environmental Technology, LLC.

Based on a review of the report provided to us, FACTs makes the following conclusions:

- 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 appears to constitute malfeasance.
- The work by Mr. Rodosevich as documented in his report and in this discussion documented no fewer than 73 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.
- There is no valid documentation that the property at 1299 C Vondelpark, Unit C, Colorado Springs, Colorado has been cleaned pursuant to mandatory state requirements.
- There is no valid documentation that the property at 1299 C Vondelpark, Unit C, Colorado Springs, Colorado has been sampled and verified as compliant and cleaned pursuant to mandatory state requirements.
- Since the work performed at the property was not conducted under negative pressure, FACTs concludes that fugitive emissions or toxic materials and contaminants may have migrated into the adjoining unit, which may not be contaminated.
- The property located at 1299 C Vondelpark, Unit C, remains a noncompliant illegal drug laboratory as defined by CRS §25-18-5-101(8) et seq.
- As of the date of this letter, entry into the property remains restricted pursuant to CRS §25-18.5-104(1); restriction on entry extends to:
 - The owner
 - Maintenance personnel
 - Construction personnel
 - Occupants



- Prospective buyers
 - All other personnel not meeting the requirements of Title 29 Code of Federal Regulations Part 1910.120 (e)
- As of the date of this letter, any new construction or painting is unlawful and may need to be removed.

HISTORY OF PROPERTY

On Wednesday, August 1, 2012, an personnel from Forensic Applications Consulting Technologies, Inc. (FACTs) performed a standard State-mandated Preliminary Assessment (PA) at the property located at 1299 Vondelpark Drive, Unit C, Colorado Springs, CO 80907-4089. Samples taken during the PA conclusively demonstrated the presence of profound and widespread methamphetamine contamination throughout the residence. Based on the totality of the circumstances, FACTs made the following declarations:

- The property exhibits overt noncompliance with Colorado’s methamphetamine cleanup standards.
- “Discovery” and “Notification” existed prior to our involvement.
- A noncompliant illegal drug lab, as that term was defined in CRS §25-18.5-101, existed at the subject property.
- A Class 1 Public Nuisance, as defined in CRS §16-13-303(1) existed at the subject property.

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),¹ 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). 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 requirements² and must contain specific elements. The regulations are not guidelines, but are mandatory requirements. The Industrial Hygienist does not have the liberty or authority to simply

¹ 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 now found in Title 25 and Title 38. Where appropriate the rubric will be cited contemporaneously with the time frame involved.

² Section 4 of 6 CCR 1014-3



not comply with the regulations or “pick-and-choose” which elements he will follow and which elements he will ignore.

For this property, Mr. Rodosevich states that he performed a Preliminary Assessment for this property. However, this creates two problems: 1) The documentation he provided is not a Preliminary Assessment and entirely fails to meet the elements of a Preliminary Assessment, and 2) A Preliminary Assessment had already been performed at this property and had already entered the public record and public domain.

On August 10, 2012, a legitimate Preliminary Assessment for the subject property was prepared and presented to Ralph Martinez, Rocky Mountain Community Land Trust, 1299 Vondelpark Dr Unit C, Colorado Springs CO 80907-4089.

That Preliminary Assessment makes the following statement:

Decontamination of The Residence

Due to the elevated concentrations of methamphetamine associated with the property, all surfaces including the ceilings must be addressed and decontaminated. Currently, the State of Colorado prohibits encapsulation, and there is no waiver mechanism in place to obtain variances.

In the December 4, 2013, Health and Environmental Technology, LLC, (HET) document falsely presented as a “Preliminary Assessment,” HET states:

Because the unit had been recently painted...

And elsewhere in the HET document, HET discusses that the walls had been painted:

But do (*sic*) to the house being repainted the drywall will have to be removed. The problem lies in the fact that the house has been repainted...

At the time of the legitimate Preliminary Assessment (August 10, 2012), there were no freshly painted walls. Therefore, the language in the HET report (if accurate) would indicate that someone had unlawfully entered the property and unlawfully painted the walls in an attempt to hide the noncompliant status of the property and then sell the property. As documented here, HET has a long and documented history of making false statements, incompetence, and gross errors in its reports. Therefore, there is no way to know if the language in the report is accurate or if surfaces had actually be repainted.

However, if accurate, this begs the question, why would someone unlawfully enter the house and unlawfully paint the walls and then hire Mr. Rodosevich to perform a fraudulent Preliminary Assessment? (Especially when a legitimate Preliminary Assessment had already been performed and was already on file with the Governing Body and in the public domain?)

In any event, without exception, where we have reviewed Mr. Rodosevich’s claims that he performed a Preliminary Assessment, he has never done any such thing. Here, we



have reviewed Mr. Rodosevich's "Preliminary Assessment" and the "Clearance Assessment" as a single document, as it has been presented.

Preliminary Assessment

Although Mr. Rodosevich states he has included the Preliminary Assessment in the data package provided to FACTs by the undisclosed recipient of this review, there is no Preliminary Assessment, and therefore, we cannot know what Mr. Rodosevich thinks he has done.

We can conclude however, that the Decision Statement must be based on the Preliminary Assessment; we know that the work by HET absolutely does not comply with the legitimate Preliminary Assessment. Therefore, where the confirmation sampling and report does not comply with the regulations, we can presume that the alleged Preliminary Assessment was similarly faulty or never actually existed.

DECISION STATEMENT

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 Mr. Rodosevich has never been able to produce any documentation that supports his claim. We note that in his "Vitae" in the documentation there is nothing to actually support the claim that Mr. Rodosevich is a "Certified Clandestine Laboratory Specialist" or by whom was he certified or when?

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 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 1299 Vondelpark Drive 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.

Following decontamination of a property, an authorized Industrial Hygienist is required to perform specific activities **based on the Preliminary Assessment** to determine if the property is compliant.



In this case, the only Preliminary Assessment on record is the August 10, 2014 Preliminary Assessment. None of the decontamination or the final clearance sampling has been performed pursuant to either mandatory Colorado State Regulations or the Preliminary Assessment.

Required Final Documentation

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.

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:

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. In his report Mr. Rodosevich stated:

The exact method of use is not known. There were no chemicals found within the unit.

Mr. Rodosevich is confused; the regulations do not require the Industrial Hygienist to identify how the drug was *used*, the regulations explicitly require the Industrial Hygienist to identify the method of *manufacturing*. This also indicates a violation of ...

Violation of Section 4.4 Failure to Identify Manufacturing Process

Mr. Rodosevich was required to identify the manufacturing process in the Preliminary Assessment. 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, HET could not have complied with this provision. Similarly, since HET has no documented knowledge or training in clandestine drug lab issues, (and has an history of providing erroneous information), and HET has otherwise demonstrated gross technical incompetency in clandestine drug lab assessments, 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 $\mu\text{g}/\text{ft}^2$, and vapor samples for mercury shall not exceed a concentration of 1.0 $\mu\text{g}/\text{m}^3$.

HET entirely failed to perform its regulatory duties, and entirely failed to even grasp the importance of this determination and instead HET falsely states:

However a 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 $\mu\text{g}/100\text{ cm}^2$.

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 $\mu\text{g}/\text{ft}^2$, and vapor samples for mercury shall not exceed a concentration of 1.0 $\mu\text{g}/\text{m}^3$.

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 made the slightest attempt 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.

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 entirely failed to address this issue and merely states:

No chemicals were observed on site

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

Violation of Paragraph 8.3 Failure to Identify Cooking Area

Violation of Paragraph 8.3 Failure to Identify Waste Disposal

Since Mr. Rodosevich did not prepare a legitimate Preliminary Assessment of his own and ignored the existing Preliminary Assessment, it would have been impossible for Mr. Rodosevich to have complied with this provision.

Existing documentation for the property indicates that manufacturing occurred in the upstairs bedroom and upstairs bathroom.

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).



In fact, during the legitimate Preliminary Assessment, and documented as such, there was chemical storage. Therefore, were the chemicals unlawfully removed before the site visit by Mr. Rodosevich, or, has Mr. Rodosevich simply used standard boiler-plate language in his report?

Unfortunately, Mr. Rodosevich has a long documented track record of using the exact same language in all of his reports regardless of actual site conditions. Therefore, since there are no photographs of the predecontamination conditions (in violation of State regulations), one must assume that the language in the report is boiler plate. Had Mr. Rodosevich followed the mandatory regulations, the final report would have included the photographs of the initial site conditions. Since Mr. Rodosevich failed to comply with existing regulations, he did not include those photographs as required.

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).

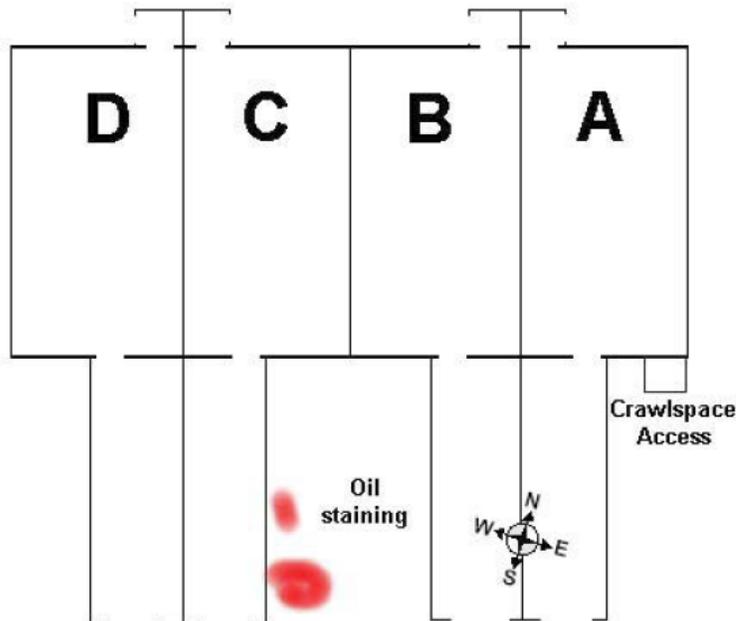
In his report, Mr. Rodosevich falsely states:

There was no evidence of waste disposal issues with this house.

In fact, during the legitimate Preliminary Assessment, and documented as such, there was waste disposal, and the figures of the waste disposal were already in the public domain and were readily available to Mr. Rodosevich, who entirely failed to meet this regulatory requirement. According to the readily available public domain documentation:

There were visual signs of motor oil being discarded in the back of the residence, however, there were no indicators in the exterior grounds that spoke to illegal disposal (such as stressed vegetation) associated with clandestine drug operations. In general, the grounds would not be conducive to clandestine disposal. The Drawing below indicates the location of the staining in the exterior grounds.





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).

In their report HET states:

The suspected area of the cook is unknown. See photographs in Appendix A.

If we go to Appendix A as requested, we see that “Appendix A” is in fact laboratory reports, and no photos. If we go to the actual photos, there is no photo at all the represents anything to do with Paragraph 8.6.

HET entirely failed to address or document the available information. In this case, had HET obtained a copy of the readily available public domain documentation he would have seen the following:

... based on the best information available, manufacturing occurred in the upstairs bedroom and the upstairs bathroom; storage occurred in all locations throughout the property.

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).

In spite of the overwhelming stressed vegetation surrounding the property, Mr. Rodosevich states in his report:

There was no staining, etching, fire damage or outdoor areas of dead vegetation to indicate that something was going on within the home.

Once again, Mr. Rodosevich was required by law (6 CCR 1014-3 Paragraph 8.20) to provide the pre remediation photographs in the final document – those photographs do not exist in the copy of the report provided to us.

According to the public domain documentation readily available for this property, staining occurred throughout the house. However, since Mr. Rodosevich does not have any documentable training, it is not likely that he would have been able to identify the types of staining that is useful as an indicator.

These issues were similarly supposed to be included in the Preliminary Assessment Mr. Rodosevich claims to have performed for this property. Therefore, his failure to obtain that information also indicates:

Violation of 4.10. Failure to identify and document signs of contamination (staining, etching, fire damage, or outdoor areas of dead vegetation).

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.

We don't see where HET has addressed the crawlspace anywhere in their report. This is especially troubling since in their report HET explicitly states:



Contamination was assumed to have affected all areas of this residence. All areas were decontaminated.

According to Appendix A of the mandatory Regulations:

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

Therefore, although we see where HET assumed the crawlspace was contaminated (which is permitted), and then HET alludes the crawlspace was decontaminated we do not see where HET sampled the crawlspace to confirm the crawlspace had been properly remediated.

The legitimate Preliminary Assessment for this property indicated that the attic was heavily contaminated. There is no indication that HET has even addressed the attic.

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 their report HET states:

The ventilation system, duct work and furnace were cleaned.

And mandatory State regulations require the Industrial Hygienist to collect a final clearance sample from:

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

Therefore, HET claims the ventilation system and duct work and furnace were all cleaned, in violation of regulations, nowhere in the HET report do we see where HET collected a sample from the ventilation system that was cleaned as required.

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. Instead HET stated:



Sampling procedure was according to the 6CCR 1014 (sic) State of Colorado Regulations.

As described later, none of the samples were collected pursuant to 6 CCR 1014-3 and in fact all of the samples were collected in violation of 6 CCR1014-3.

In fact, in the HET report, what we do see creates a serious problem since Mr. Rodosevich is so poorly trained in the assessment of illegal drug laboratories and is so profoundly incompetent, he actually documented that he violated State regulations by stating:

Clearance testing was competed on the remaining studs to ensure that the contamination had not extended beyond the drywall...

And indeed, remarkably, Mr. Rodosevich actually provided photographic documentation that he did, indeed, in violation of State regulations actually collect clearance samples from the porous wall studs in spite of the fact that State regulations explicitly prohibit the practice of collecting clearance samples from porous materials. Appendix A of the mandatory State regulations explicitly state:

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

Failure to Describe Sampling Procedures (Required by §8.11)

Otherwise, 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.



Failure to Submit Blanks (Required by §6.6 and Appendix A #10)

Had Mr. Rodosevich provided a description of the sampling QA/QC, it would have been necessary for Mr. Rodosevich to include a statement admitting that in violation of State regulations, he entirely failed to submit any blanks as required by Appendix A which reads:

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

Nowhere in any of the documentation do we see there Mr. Rodosevich met this mandatory regulatory obligation.

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. We do note that at least one of the samples (called the Bedroom South) had a surrogate spike recovery that was out of tolerance. Mr. Rodosevich, in violation of State regulations, does not describe what this means. Furthermore, since, in violation of State regulations, Mr. Rodosevich neither provided drawing as required by regulations, but also failed to provide the locations of his samples, one cannot now go back and try to reconstruct what the actual methamphetamine concentrations may have been in the context of the out-of-tolerance QA/QC.

Violation of Paragraph 8.13 Description of Sample Locations

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.



Failure to provide a description of figure 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 the figure which depicts where the samples were collected.

Failure to provide a description of initial sample identification (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 in the report do we see where the identification of these samples is provided.

Violation of Paragraph 8.14. Description of Health and Safety

In the report HET states:

HET was not involved in the remediation process.

Again, HET apparently has not read the regulations and is not aware of what the Industrial Hygienist is supposed to provide in the final documentation. 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.

There is nothing in the regulations that asks if the Industrial Hygienist was involved or not involved in the remediation process.

The regulations asks for “A description of the health and safety procedures used in accordance with OSHA requirements” and Mr. Rodosevich has entirely failed to provide such a description in his final report.

Violation of Paragraph 8.15 Description of Health and Safety

According to 6 CCR 1014-3, in the final report, the Industrial Hygienist is required to provide:

8.15. A description of the decontamination procedures used and a description of each area that was decontaminated.

Not only has HET entirely failed to provide the mandatory information, but the report is completely full of conflicting information; viz:

As part of the remediation process, *all drywall was removed.*



Yet, the photographs included in the final report clearly show that all dry wall was NOT removed. Then in the next section, where HET was supposed to identify the materials that were removed, HET contradicts itself and states:

8.16 Removal of Contents

All items were cleaned by the remediation contractor.

Therefore it begs the questions:

Which is correct? Where the items cleaned or removed?

Which items were cleaned?

Which items were removed?

What about the attic? Was the attic cleaned as required? Was the contaminated insulation removed?

HET has entirely failed to comply with this mandatory provision of the regulations.

Violation of Paragraph 8.16 Description of Removal

According to 6 CCR 1014-3, the Industrial Hygienist is REQUIRED to provide:

8.16. A description of the removal procedures used and a description of areas where removal was conducted, and the materials removed.

In the HET reports, HET reports that all items were removed and all items were cleaned. The HET report contains photographs that show that some items were indeed removed, and so presumably some items were cleaned. In the HET report, Mr. Rodosevich states:

8.16 Removal of Contents

All items were cleaned by the remediation contractor.

Why was this statement placed in a rubric about removal? Nowhere in the HET report do we see the mandatory description of the removal procedures or a description of areas where removal was conducted, or a description of the materials removed. Instead the report claims all items were removed (which is contradicted by the existing photographs), and that all items were cleaned (which is also contradicted by the existing photographs).

Violation of Paragraph 8.17 Encapsulation

According to regulations, the Industrial Hygienist is required to provide:

8.17. A description of the encapsulation procedures used and a description of the areas and/or materials where encapsulation was performed.

In the report, HET explicitly states:

But do (*sic*) to the house being repainted the drywall will have to be removed. The problem lies in the fact that the house has been repainted...



Painting is a form of encapsulation. Therefore, all of the areas were encapsulated. Since the photographic record demonstrates that all items were not removed, one must presume that those surfaces remaining must be encapsulated. Yet in the report, HET again contradicts itself and claims:

There was no encapsulation at the time of clearance.

Yet, several of the photographs clearly show the remaining surfaces such as the ceilings), and therefore, based on the information, those areas were in fact encapsulated (in violation of regulations).

Violation of Paragraph 8.18 Waste Management

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

8.18. A description of the waste management procedures used, including handling and final disposition of wastes.

HET entirely failed to comply with this regulatory provision and instead states:

The waste management procedure is not known, HET was not involved in the remediation.

The Colorado regulations specify who is or is not involved in the remediation process, and nowhere in the regulations does the Industrial Hygienist have to declare if they were or were not involved in the remediation process. The Industrial Hygienist is required to include a description of the waste management procedures used, including handling and final disposition of wastes. If HET did not know this, it was their statutory and regulatory obligation to go out and find that information and ensure its inclusion in the final report. There is no indication in the HET report that Mr. Rodosevich made even the slightest attempt to attain the mandatory information and provide it as required.

Violation of Paragraph 8.19 Post Decontamination Samples

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. Instead, of the description of locations, we see identifications of room - example:

Closets upstairs

WHICH closets upstairs? Where within the closets? What within the closet was sampled? Where are the mandatory drawings showing the locations of the samples?



Nowhere in the HET report do we find the mandatory information. Instead, of the description of locations, we see identifications of room - example:

LR

LR? What does LR mean? We know it can't mean "Living room?" Since there is already a sample identified as "Living Room." Were there two samples for the living room? If so, where in the living room? What in the living room was sampled? Where is the drawing showing the location?

According to regulations, HET was required to collect a sample of the attic. Where is that listed? Does a sample of the attic even exist? Where is the drawing showing the location of the attic?

HET entirely failed to comply with this provision. In fact, as described below, Mr. Rodosevich entirely failed to collect a single sample pursuant to State regulations and entirely failed to perform valid verification sampling for even a single Functional Space.

Failure to Perform Final Verification Sampling

According to 6 CC 1014-3, 6.0.1

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.

According to the referenced mandatory Appendix A:

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

Also According to the referenced mandatory Appendix A:

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

In the table below, we have summarized the sampling performed by HET.



Location	Area cm2	Valid?	Reason
Lower bath	500	No	Prohibited sample – porous surfaces Prohibited sample – mixed matrices
Living room	500	No	Prohibited sample – porous surfaces Prohibited sample – mixed matrices
Bedroom North	500	No	Prohibited sample – porous surfaces Prohibited sample – mixed matrices
Closets upstairs	500	No	Prohibited sample – porous surfaces Prohibited sample – mixed matrices
bedroom south	500	No	Prohibited sample – porous surfaces Prohibited sample – mixed matrices
Upper bath	400	No	Prohibited sample – porous surfaces Prohibited sample – mixed matrices Insufficient area collected
Garage	300	No	Prohibited sample – porous surfaces Prohibited sample – mixed matrices Insufficient area collected
Kitchen	100	No	Prohibited sample – porous surfaces Prohibited sample – mixed matrices Insufficient area collected
LR	100	No	Location Unknown Prohibited sample – porous surfaces Prohibited sample – mixed matrices Insufficient area collected
Bed north	100	No	Prohibited sample – porous surfaces Prohibited sample – mixed matrices Insufficient area collected

According to §4.3 of 6 CCR 1014-3, during the PA, the Industrial Hygienist is required to provide

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

HET failed to perform the necessary identification during the PA. The Functional Spaces thus identified are then to be cleared with a specific clearance sample pursuant to Appendix A which states:

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.

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



Although HET entirely failed to identify **any** functional spaces, Unit C of 1299 Vondelpark Dr. had nine Functional Spaces that needed to be addressed:

Functional Space	Description of the Functional Space
1	Garage
2	Attic above the garage
3	Powder bathroom (ground floor bathroom)
4	Kitchen, Living room, stair chase and top landing
5	Upstairs bathroom
6	Upstairs southeast bedroom
7	Upstairs northeast bedroom
8	Crawlspace
9	Upstairs attic

Violation of 6.0.1: Failure to Clear Functional Space 1

For this Functional Space –
HET collected a composite sample from three 100 cm² sample.

Violation of 6.0.1 -Failure to Collect Minimum Surface Area

HET was required to collect a total of 500 cm² from this area.

Violation of 6.0.1: Collected Samples from Prohibited Surfaces

Two of the samples were collected from prohibited porous surfaces.

Violation of Appendix A Collected of Mixed Matrices

According to mandatory regulations,

*Any composite sampling **must** consist of like media, matrices or substrates. The mixing of media, matrices or substrates is **not permitted**.*

For this Functional Space, HET composited two samples from (porous) dry wall with one from a metal garage door.

Therefore, there are no valid samples for Functional Space Number 1. This Functional Space remains in a state of noncompliance.

Violation of 6.0.1: Failure to Clear Functional Space 2

For this Functional Space –

HET entirely failed to collect **any** samples.

Violation of 6.0.1 -Failure to Collect Minimum Surface Area

HET was required to collect a total of 500 cm² from this area.

The public domain document filed with the Governing Body on August 10, 2012 indicated that the contamination level in the attic above the garage was 3.17 µg/100cm².



Therefore, there are no valid samples for Functional Space Number 2. This Functional Space remains in a state of noncompliance.

Therefore, there are no valid samples for Functional Space Number 1. This Functional Space remains in a state of noncompliance.

Violation of 6.0.1: Failure to Clear Functional Space 3

For this Functional Space –

HET collected a composite from prohibited mixed matrices

HET collected samples exclusively from prohibited porous surfaces

Violation of 6.0.1: Collected Samples from Prohibited Surfaces

Although HET failed to properly identify the photographs in their report, it would appear that all of the samples in this composite were collected from prohibited porous surfaces (wooden studs).

Violation of Appendix A Collected of Mixed Matrices

It is possible that one of the portions of the composite for this area (as depicted in Photograph 3707, was collected from dry wall whereas the remaining aliquots were collected from porous wooden studs.

Therefore, there are no valid samples for Functional Space Number 3. This Functional Space remains in a state of noncompliance.

Violation of 6.0.1: Failure to Clear Functional Space 4

For this Functional Space –

HET collected samples exclusively from prohibited porous surfaces

The sampling scenario for this area is very convoluted, and HET appears to have not only mixed matrixes but also functional spaces, in violation of Appendix A.

Violation of 6.0.1: Collected Samples from Prohibited Surfaces

Although HET failed to properly identify the photographs in their report, it would appear that all of the samples in these composite were collected from prohibited porous surfaces (wooden studs) and porous untreated drywall.

Violation of Appendix A Collected of Mixed Matrices

The aliquots of this composite were collected from wooden studs and combined with porous untreated drywall.

Therefore, there are no valid samples for Functional Space Number 4. This Functional Space remains in a state of noncompliance.



Violation of 6.0.1: Failure to Clear Functional Space 5

For this Functional Space –

HET collected samples exclusively from prohibited porous surfaces

HET collected a composite from prohibited mixed matrices

HET failed to collect the required 500 cm²

Violation of 6.0.1 -Failure to Collect Minimum Surface Area

HET was required to collect a total of 500 cm² from this area; for this area HET collected a total of 400 cm².

Also it is interesting to note that, in a rare display of profound incompetence, HET would place a 10cm X 10cm (100 cm²) template over a single stud which would cover 10 cm X 3.4 cm and believe that he was collecting a 100 cm² sample. In fact, Mr. Rodosevich was collecting a 34 cm² sample and not 100 cm² as claimed. Therefore, although Mr. Rodosevich reported collecting 400 cm² for this area, we actually only collected about 302 cm²; such incompetence is remarkably difficult to achieve.

Violation of 6.0.1: Collected Samples from Prohibited Surfaces

All of the samples in these composite were collected from prohibited porous surfaces (wooden studs and porous untreated drywall).

Violation of Appendix A Collected of Mixed Matrices

The aliquots of this composite were collected from wooden studs and combined with porous untreated drywall.

Therefore, there are no valid samples for Functional Space Number 5. This Functional Space remains in a state of noncompliance.

Violation of 6.0.1: Failure to Clear Functional Space 6

For this Functional Space –

HET collected samples exclusively from prohibited porous surfaces

HET collected a composite from prohibited mixed matrices

HET failed to collect the required 500 cm²

Violation of 6.0.1 -Failure to Collect Minimum Surface Area

HET was required to collect a total of 500 cm² from this area; for this area HET collected a total of 400 cm². Although HET claims to have collected 500 cm², the photographic record demonstrates that only 400 cm² was actually collected.

Violation of 6.0.1: Collected Samples from Prohibited Surfaces

All of the samples in these composite were collected from prohibited porous surfaces (wooden studs and porous untreated drywall).



Violation of Appendix A Collected of Mixed Matrices

The aliquots of this composite were collected from wooden studs and combined with porous untreated drywall.

Therefore, there are no valid samples for Functional Space Number 6. This Functional Space remains in a state of noncompliance.

Violation of 6.0.1: Failure to Clear Functional Space 7

For this Functional Space –
HET collected samples exclusively from prohibited porous surfaces
HET collected a composite from prohibited mixed matrices
HET failed to collect the required 500 cm²

Violation of 6.0.1 -Failure to Collect Minimum Surface Area

HET was required to collect a total of 500 cm² from this area. Although HET claims to have collected 500cm², seems to indicate that HET collected about 300 cm² (using their remarkable template technique wherein they place the template partially over a bare wooden stud.). The photographic archive indicates only four aliquots of 100 cm² were actually collected.

Violation of 6.0.1: Collected Samples from Prohibited Surfaces

All of the samples in these composite were collected from prohibited porous surfaces (wooden studs and porous untreated drywall).

Violation of Appendix A Collected of Mixed Matrices

The aliquots of this composite were collected from wooden studs and combined with porous untreated drywall.

Therefore, there are no valid samples for Functional Space Number 7. This Functional Space remains in a state of noncompliance.

Violation of 6.0.1: Failure to Clear Functional Space 8

For this Functional Space –

HET entirely failed to collect any samples.

Violation of 6.0.1 -Failure to Collect Minimum Surface Area

HET was required to collect a total of 500 cm² from this area.

Therefore, there are no valid samples for Functional Space Number 8. This Functional Space remains in a state of noncompliance.

Violation of 6.0.1: Failure to Clear Functional Space 9

For this Functional Space –



HET entirely failed to collect **any** samples.

Violation of 6.0.1 -Failure to Collect Minimum Surface Area

HET was required to collect a total of 500 cm² from this area.

Therefore, there are no valid samples for Functional Space Number 9. This Functional Space remains in a state of noncompliance.

Violation of 6.0.1: Failure to Clear Ventilation System

In their report HET states:

The ventilation system, duct work and furnace were cleaned.

Mandatory State regulations require the Industrial Hygienist to collect a final clearance sample from:

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

For this Functional Space –

HET entirely failed to collect **any** samples.

Violation of 6.1.2 -Failure to Collect Sample the Ventilation System

Violation of 6.0.1 -Failure to Collect Minimum Surface Area

HET was required to collect a total of 500 cm² from this area.

Therefore, there are no valid samples for the ventilation system which therefore remains in a state of noncompliance.

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 upstairs, or the waste disposal area identified outside, or areas of obvious contamination.



Failure to provide Post-remediation photographs

Nowhere in the HET report do we find photographic documentation of post-decontamination property conditions. Instead, a total of 35 photographs are provided in the report – 69% of those photographs (24 photographs) are close-up photographs of sampling templates that could have been taken anywhere. There are no photographs that show the condition of the garage or the kitchen or the attic.

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.

In the report, we see where Mr. Rodosevich claims he is a certified mold inspector, and a certified bridge painting inspector, and a pilot, and a safety manager, and he was featured in *Better Homes and Gardens*, but nowhere in the final documentation do we see where Mr. Rodosevich has provided a statement of qualifications including Professional Certification as an Industrial Hygienist or a description of experience in assessing contamination associated with methamphetamine labs.

If our experience, FACTs has found that Mr. Rodosevich has never assessed correctly performed an assessment in a methamphetamine laboratory.

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.^{3,4,5,6}

³ 2045 Farnsworth, Colorado Springs, http://forensic-applications.com/meth/Farnsworth_Critical_Review.pdf

⁴ 113 Tewa Drive, Security, Colorado

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

⁶ 11473 White Lotus , Colorado Springs, CO



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 made the following statement:

Health and Environmental Technology LL, Robert M. Rodosevich, certifies that a preliminary assessment was conducted according to the State of Colorado Regulations, and that Robert Rodosevich conducted post-decontamination clearance sampling in accordance with 6 CCR 1014-3 and 6. *(sic)* Robert Rodosevich further certifies that the property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3 and 5 *(sic)* and that the cleanup standards established by 6 CCR 1014-3 and 7 *(sic)* have been met as evidenced by testing that Robert Rodosevich conducted at this residential unit.

Based on the best information available, Mr. Rodosevich has committed the crime of felonious *Offering a false instrument for recording*.



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.

Pursuant to State statute, if the seller of the property presents the work by Mr. Rodosevich as a genuine Preliminary Assessment, then this too would appear to meet the definition of “*Offering a false instrument for recording.*”

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.

Violation of 5.1 Failed to Use Negative Pressure Containment

According to the regulations:

“Negative air unit” means a portable exhaust system equipped with HEPA filtration and capable of maintaining a constant high velocity airflow out of the contaminated area, resulting in a constant low velocity air flow into the contaminated area from adjacent uncontaminated areas

According to the regulations, the property was supposed to be placed under negative pressure to prevent migration of contamination into the adjoining unit to the east.

Several of the photographs included in the HET report clearly and unequivocally demonstrate that no negative pressure was applied during the remediation process. (See photographs 3707 and 3720 as examples).

Therefore, Mr. Rodosevich patently committed fraud (again), when he “certified” that:

Robert Rodosevich further certifies that the property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3 and 5 (*sic*)

Clearly virtually no aspect of this project:

- 1) Preliminary Assessment
- 2) Remediation
- 3) Final clearance sampling

has met any aspect of the regulations.

Furthermore, if a Functional Space fails, that area, by regulation, must be isolated with negative pressure enclosures and recleaned.

According to regulations:



5.1. A negative air unit, equipped with a HEPA filtration system, shall be used throughout the decontamination process to reduce airborne particulates.

If a Functional Space is not isolated, and is recleaned following a failed sample, all Functional Spaces contiguous with that area must also be re-sampled. This is because the act of re-cleaning that area can re-contaminate all other areas.

HET states the garage originally failed and had to be recleaned. Therefore, even if all of the sample collected in the property were valid, the recleaning of the garage without the negative pressure controls would have rendered all the sample invalid anyway.

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 appears to constitute malfeasance.
- The work by Mr. Rodosevich as documented in his report and in this discussion documented no fewer than 73 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.
- There is no valid documentation that the property at 1299 C Vondelpark, Unit C, Colorado Springs, Colorado has been cleaned pursuant to mandatory state requirements.
- There is no valid documentation that the property at 1299 C Vondelpark, Unit C, Colorado Springs, Colorado has been sampled and verified as compliant and cleaned pursuant to mandatory state requirements.
- Since the work performed at the property was not conducted under negative pressure, FACTs concludes that fugitive emissions or toxic materials and contaminants may have migrated into the adjoining unit, which may not be contaminated.
- The property located at 1299 C Vondelpark, Unit C, remains a noncompliant illegal drug laboratory as defined by CRS §25-18-5-101(8) et seq.
- As of the date of this letter, entry into the property remains restricted pursuant to CRS §25-18.5-104(1); restriction on entry extends to:
 - The owner



- Maintenance personnel
 - Construction personnel
 - Occupants
 - Prospective buyers
 - All other personnel not meeting the requirements of Title 29 Code of Federal Regulations Part 1910.120 (e)
- As of the date of this letter, any new construction or painting is unlawful and may need to be removed.



Caoimhín P. Connell
Forensic Industrial Hygienist

This review was not a peer reviewed FACTs product and FACTs reserves the right to amend the review at will.



Appendix A

Reviewer'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:	Vondelpark	Form # ML15
Date May 15, 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 168 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 455 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 4,130 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.

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



Multijurisdictional Counterdrug Task Force Training

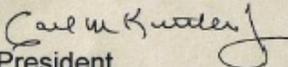


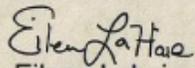
This is to certify that
Caoimhin P. Connell

Has satisfactorily completed the following 24 hour MCTFT training course held at
DIVIDE, CO

Rural Patrol

Training held 9/27/2004 through 9/29/2004


President
St. Petersburg College


Eileen Lahaie
MCTFT Director

A partnership between The Florida National Guard and St. Petersburg College

Midwest Counterdrug Training Center



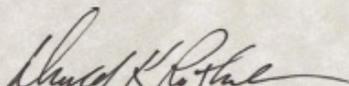
Certificate of Training

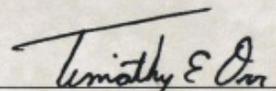
This certifies that

Caoimhin Connell

Has successfully completed the
Clandestine Laboratory Certification

Cheyenne, WY
40 Training Hours
2-6 August 2004


Network Environmental Systems, Inc.


LTC Timothy E. Orr
Commandant



Center *for* Task Force Training™

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED 20 HOURS OF TRAINING IN

METHAMPHETAMINE INVESTIGATION MANAGEMENT

MARCH 20-22, 2006

DENVER, COLORADO

Domingo S. Herraiz
Director, Bureau of Justice Assistance

Training coordinated by the
Institute for Intergovernmental
Research® on behalf of BJA



State and Local Anti-Terrorism Training

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

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

June 1, 2006
Denver, Colorado

Domingo S. Herraiz
Director, Bureau of Justice Assistance



Training coordinated on behalf of BJA
by the Institute for Intergovernmental Research



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 Murphy



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

Brian Escamilla

Instructor - Brian Escamilla

04/28/14 04/30/14

Date

Contact Hours:24



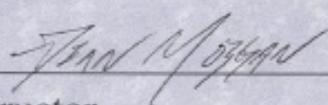
**Park County Sheriff's Office
Certificate of Completion**

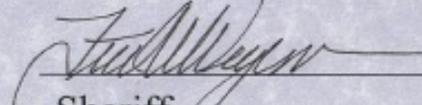
Caoimhin Connell

has completed an 8 hour course in:

Crime-scene Approach and Evidence Collection

Completed this 29th day of April, 2009


Instructor


Sheriff

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



Colorado Law Enforcement Officers' Association



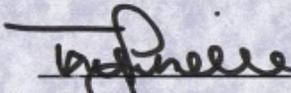
This is to certify that

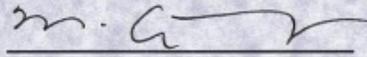
CAOIMHIN CONNELL

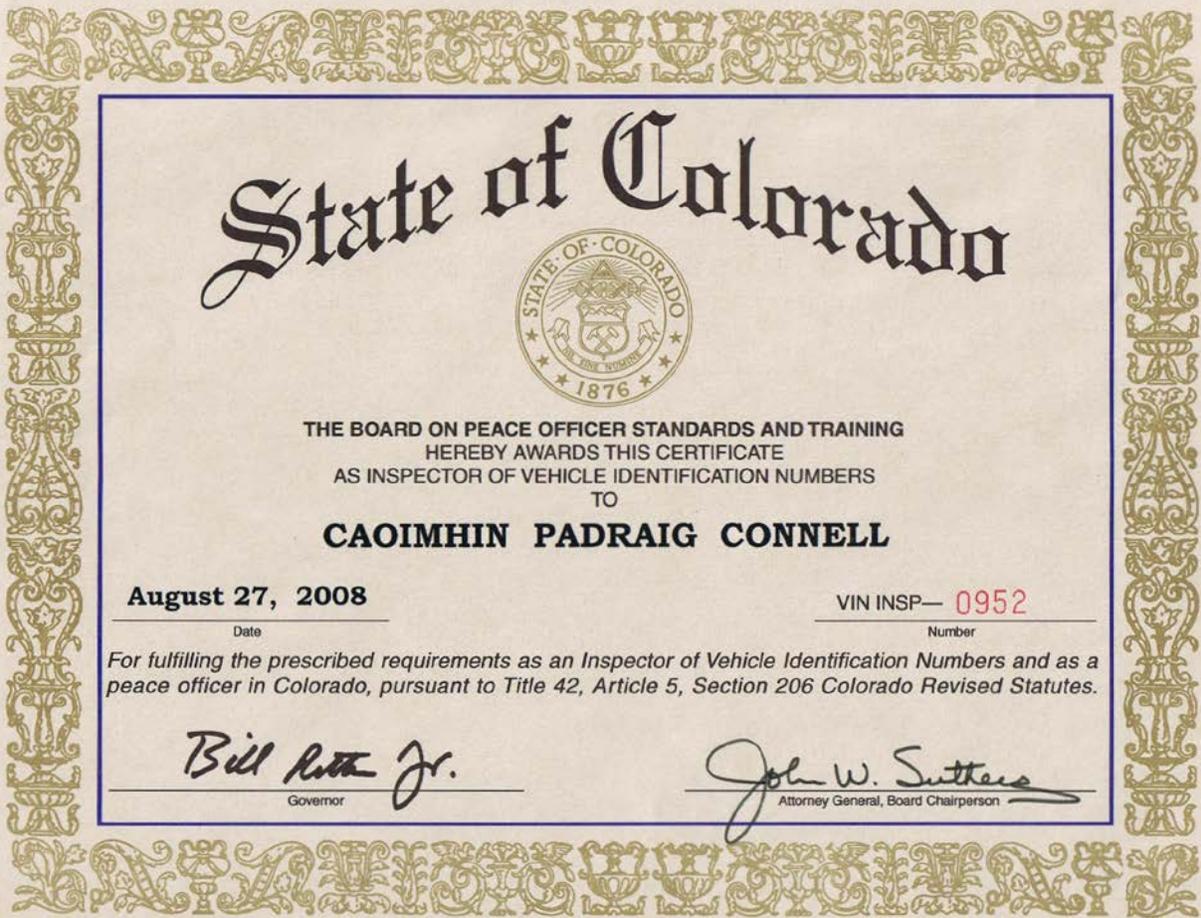
Completed ARIDE (Advanced Roadside Impaired Driving Enforcement)

hosted by Loveland Police Department

on February 28 – March 1, 2011


Tony Dinelle, CLEOA President


ARIDE Instructor



State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING
HEREBY AWARDS THIS CERTIFICATE
AS INSPECTOR OF VEHICLE IDENTIFICATION NUMBERS
TO

CAOIMHIN PADRAIG CONNELL

August 27, 2008

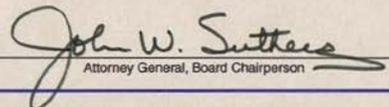
Date

VIN INSP— **0952**

Number

For fulfilling the prescribed requirements as an Inspector of Vehicle Identification Numbers and as a peace officer in Colorado, pursuant to Title 42, Article 5, Section 206 Colorado Revised Statutes.


Governor


Attorney General, Board Chairperson

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.

Bill Owen

Governor

Ken Salazar

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***

Chris Fox

CATI President

[Signature]

VIN Inspector Training Coordinator