



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

**Industrial Hygiene  
Review  
Of**

Weecycle Environmental Consulting, Inc.  
(Judith E Sawitsky)  
Screening Assessment Report - Methamphetamine  
18394 E. Oregon Pl., Aurora, CO 80017  
June 30, 2014

Prepared for:  
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## **INTRODUCTION**

On Tuesday, January 7, 2015, Forensic Applications Consulting Technologies, Inc. (FACTs) was contacted by Ms. Kim Wyatt (Mile High Home Buyers) regarding a property located at 8394 E. Oregon Pl., Aurora, CO 80017 (the subject property).

Ms. Wyatt informed FACTs that Weecycle Environmental Consulting Inc. had performed a methamphetamine assessment at the subject property. Ms. Wyatt provided FACTs with a copy of a report identified as

**Screening Assessment Report - Methamphetamine  
at  
18394 E. Oregon Pl., Aurora, CO 80017  
on  
June 23, 2014**

The recipient of the report was not identified. Weecycle did not identify the person/company for whom they performed the work.

Over the last couple of years, Weecycle Environmental Consulting, Inc. has, in our opinion, been knowingly violating State statutes and State regulations and producing falsified documents associated with testing and assessments for methamphetamine in Colorado.

In the past, jurisdictions were reluctant to prosecute such consultants performing fraudulent work, who have created serious problems by performing unlawful assessments, and falsely claiming the assessments were in accordance with State regulations and State Statutes.

Due to the serious problems thus created by such fraudulent consultants, Senator Lois Tochtrop promulgated Senate Bill SB13-219 which was signed by Gov. Hickenlooper at the end of May 2013. That bill provided provisions which required the State of Colorado to develop standards for the performance of screening evaluations for properties involved in Real Estate transactions, and for the licensing of authorized Industrial Hygienists involved in the work, including disciplinary actions against those who violated the regulations.

In the past, fraudulent consultants apparently were aware of the fact that there was little chance of any retribution for violating State regulations, so they continued to cheat consumers with impunity. SB13-219 therefore, heavily modified Colorado Revised Statutes and placed provisions in those statutes for disciplinary fines on consultants who violate the State regulations.

The revised State regulations and some of the statutes became effective after the date of the Weecycle report being reviewed. Therefore, for this review, we have restricted our audit to the statutes and regulations as they existed at the time of the work reported to be June 23, 2014.

Having reviewed the report, we have identified no fewer than 20 violations of State regulations in the performance of the methamphetamine assessment at the subject property (in fact no aspect of Colorado Regulations 6 CCR 1014-3 was met).

### **SUMMARY OF VIOLATIONS**

- Violation of CRS 38-35.7-103
- Violation of 6 CCR 1014-3
- Violation of 6 CCR 1014-3 Paragraph 4.1
- Violation of 6 CCR 1014-3 Paragraph 4.1- Legal description
- Violation of 6 CCR 1014-3 Paragraph 4.1- Structures
- Violation of 6 CCR 1014-3 Paragraph 4.1- Adjacent properties
- Violation of 6 CCR 1014-3 Paragraph 4.2
- Violation of 6 CCR 1014-3 Paragraph 4.3
- Violation of 6 CCR 1014-3 Paragraph 4.4
- Violation of 6 CCR 1014-3 Paragraph 4.5
- Violation of 6 CCR 1014-3 Paragraph 4.6
- Violation of 6 CCR 1014-3 Paragraph 4.7
- Violation of 6 CCR 1014-3 Paragraph 4.8
- Violation of 6 CCR 1014-3 Paragraph 4.9
- Violation of 6 CCR 1014-3 Paragraph 4.10
- Violation of 6 CCR 1014-3 Paragraph 4.11
- Violation of 6 CCR 1014-3 Paragraph 4.12
- Violation of 6 CCR 1014-3 Paragraph 4.13
- Violation of 6 CCR 1014-3 Paragraph 4.14
- Violation of CRS §6-1-105 Deceptive trade practices
- Colorado Criminal Code CRS 18-5-113. Criminal impersonation
- Violation of C.R.S. 18-5-114 Offering a false instrument for recording

### **DETAILS OF VIOLATIONS**

#### Violation of CRS 38-35.7-103

In the Weecycle Environmental Consulting (WEC) report, WEC makes the following statement:

On June 23, 2014, Weecycle performed a Screening Level assessment of the property following the protocol established in 38-35.7-103,C.R.S.

Therefore, WEC explicitly claims the work and the report were in compliance with State Statutes, and that their work necessarily was covered by this statute. Yet, according to those Colorado Revised Statutes

*CRS 38-35.7-103. Disclosure - methamphetamine laboratory.*

*(2) (a) Tests conducted pursuant to this section **shall** be performed by a **certified industrial hygienist** or **industrial hygienist**, as those terms are defined in section 24-30-1402, C.R.S., ...*

When such screening sampling is performed, it may **only** be performed by an Industrial Hygienist.

In their report, Weecycle falsely states:

Samples were collected by a Consultant in good standing with the Colorado Department of Health and following all guidelines as outlined in 6 CCR 1014-3 Regulations pertaining to the Cleanup of a Methamphetamine-affected property.

This statement is false for several reasons as outlined below:

### **Consultant in Good Standing**

WEC states:

Samples were collected by a Consultant in good standing with the Colorado Department of Health

This statement is false, and at the time WEC made the statement they were not “in good standing” with the Colorado Department of Health. Indeed, at the time they made the statement, there were no consultants in the State of Colorado that were in good standing with the Colorado Department of Health since the Colorado Department of Health had no such category or classification. It was impossible for anyone in Colorado to be a “Consultant in good standing with the Colorado Department of Health” since the Colorado Department of Public Health and Environment (CDPHE) had no regulatory role and no regulatory authority to make such a determination. The statement is, in our opinion, intended to mislead the client into thinking WEC had some kind of State sanctioning that was simply impossible to possess at the time of their report for this subject property.

On approximately October 15, 2014, the State of Colorado adopted amended rules to Colorado Regulations 6 CCR 1014-3 which directed the CDPHE to solicit applications from consultants who wished to be placed on an interim authorization list of consultants in good standing. That list did not come out until January of 2015.

### **“Consultant” not an Industrial Hygienist**

According to Colorado Revised Statutes

*CRS 38-35.7-103. Disclosure - methamphetamine laboratory.  
(2) (a) Tests conducted pursuant to this section **shall** be performed by a **certified industrial hygienist** or **industrial hygienist**, as those terms are defined in section 24-30-1402, C.R.S., ...*

There is nothing in the statute that authorized a “Consultant in good standing” to perform the work. The State statute clearly states that the work shall be performed by an Industrial Hygienist as defined in CRS 24-30-1402.

According to the WEC report:

This Screening Assessment was conducted by Judith Sawitsky

Ms. Judith E Sawitsky, the author of the Weecycle report, knowingly has made a false representation since Ms. Sawitsky has falsely represented herself and her technicians under a number of make-believe “certifications” over the years. In the past, Ms. Sawitsky, has fraudulently represented herself with several titles including an “Industrial Hygienist.”

For example, on December 19, 2014, FACTs performed an Industrial Hygiene review of of a December 15, 2014 WEC report wherein we identified 44 violations of State regulations and State statutes.<sup>1</sup> In that fraudulent document, WEC falsely stated:

Samples were collected by Chris Schiechl, an Environmental Technician in good standing with the Colorado Department of Health’ (sic)

Also, for example, on April 28, 2013 WEC falsely identified themselves as “Industrial Hygienists” when they performed invalid sampling at a Longmont property.<sup>2</sup>

Also, for example, on August 17, 2013 at a property located in Aurora, CO, Ms. Sawitsky, fraudulently represented that WEC was certified by the State of Colorado to perform assessments.<sup>3</sup>

On November 9, 2013, on their website, WEC made the fraudulent claim that they were **certified** in the State of Colorado for performing testing in clandestine drug laboratories. On their web site, WEC falsely claimed:



**Figure 1**  
**Language from the Weecycle Internet Site<sup>4</sup>**

<sup>1</sup> Review submitted to the State of Colorado, available upon request.

<sup>2</sup> See <http://forensic-applications.com/meth/weecyclecensoredreport.pdf>

<sup>3</sup> See: [http://www.forensic-applications.com/meth/Weecycle\\_audit\\_censored.pdf](http://www.forensic-applications.com/meth/Weecycle_audit_censored.pdf)

Weecycle, Inc. is not now and has never been certified in the State of Colorado or by the State of Colorado to perform clandestine lab testing for methamphetamine contamination; the claim is fraudulent and as a result of that fraudulent claim, the WEC Client was lead to believe that they possessed some kind of certification which they did not possess.

In the above referenced address,<sup>5</sup> WEC also claims they hold

State of Colorado Consultant Registration, Reg. #5417

FACTs is entirely unaware of this “registration” or how it may be alluding to methamphetamine projects. FACTs searched the Official State of Colorado Registry and found there was only exclusively one listing for “Judith Sawitsky” who is exclusively certified to collect asbestos air samples. We could find no reference to a Consultant Registration or Consultant Registration Number 5417.

In the past (for example in the above referenced report), WEC claims their field technician (Ms. Sawitsky) was an Industrial Hygienist by virtue of having “...AT LEAST 5 years of experience in Industrial Hygiene prior to the July 1, 1997 date as set out in DEFINITION II.”

However, there is no such provision in Colorado State statutes under which an individual may claim to be an Industrial Hygienist. The Colorado Revised Statutes actually require something completely different than the provision claimed by WEC; the statutes actually read:

*CRS 24-30-1402 (c)(2)(II) Any individual who has practiced within the scope of the meaning of industrial hygiene for a period of not less than five years immediately prior to July 1, 1997, is exempt from the degree requirements set forth in this subsection (2.2).*

As it is, according to the WEC report, in the five years prior to July 1, 1997, Ms. Sawitsky was not practicing as an Industrial Hygienist, but rather WEC describes their technician’s experience as working at “...an environmental consulting firm located in Denver, CO as an intern and then as an Environmental Biotechnologist staff member from 1990 through 1994.” Being an “intern” with an environmental firm is not practicing Industrial Hygiene and there is no definition of an “Environmental Biotechnologist” and, therefore, a janitor at a school legitimately can claim to be an “Environmental Biotechnologist.”

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<sup>4</sup> Copyright Weecycle 2013, used here without permission under the “fair use” doctrine as described in US Code, Title 17 Section 107 “criticism,” “teaching,” “reporting,” and “scholarship.”

<sup>5</sup> See: [http://www.forensic-applications.com/meth/Weecycle\\_audit\\_censored.pdf](http://www.forensic-applications.com/meth/Weecycle_audit_censored.pdf)

According to Colorado statutes:

*24-30-1402. Definitions.*

*(2.2) "Industrial hygienist" means an individual who has obtained a baccalaureate or graduate degree in industrial hygiene, biology, chemistry, engineering, physics, or a closely related physical or biological science from an accredited college or university. The special studies and training of such individual shall be sufficient in the cognate sciences to provide the ability and competency to:*

*(a) Anticipate and recognize the environmental factors and stresses associated with work and work operations and to understand their effects on individuals and their well-being;*

*(b) Evaluate on the basis of training and experience and with the aid of quantitative measurement techniques the magnitude of such environmental factors and stresses in terms of their ability to impair human health and well-being;*

*(c) (I) Prescribe methods to prevent, eliminate, control, or reduce such factors and stresses and their effects.*

This reviewer (Connell) was the legislative technical advisor for promulgation of CRS 24-30-1402, and crafted some of the legislative language. The intent of the legislation was to recognize those Industrial Hygienists who were already practicing Industrial Hygiene for five years prior to July 1, 1997. WEC has not provided any documentation indicating that Ms. Sawitsky was a practicing Industrial Hygienist five years prior to July 1, 1997.

### **AIHA Industrial Hygienist Core Capabilities**

In 2012, the American Industrial Hygiene Association,<sup>6</sup> in conjunction with the American Conference of Governmental Industrial Hygienists,<sup>7</sup> and the American Board of Industrial Hygiene, published a document called "Core Competencies for the Practice of Industrial /Occupational Hygiene" The document identified those core competencies as:

- Air Sampling and Instrumental analysis
- Basic Science
- Biohazards
- Biostatistics and Epidemiology
- Chemical Hazards
- Community Exposures

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<sup>6</sup> Of which this reviewer (Connell) is a member and currently sits on the Clandestine Drug Laboratory Working Group

<sup>7</sup> Which this review (Connell) is a member

Engineering Control and ventilation  
Ergonomics  
Health Risk Analysis and Hazard Communication  
Ionizing radiation  
Management  
Noise and Hearing loss prevention  
Non engineering controls  
Non ionizing radiation  
Thermal stressors  
Toxicology  
Work Environments and Industrial Processes

There is no documentation that would suggest that the WEC field technician, Ms. Sawitsky, has any training or experience or knowledge in any of the above listed core capabilities. Furthermore, previous work by WEC clearly demonstrates gross incompetence in several of these areas, such as toxicology, biohazards and air sampling.<sup>8</sup>

In November of 2013, a part-time FACTs field Technician, was working as a supervisor at a heavy industry steel manufacturing facility. FACTs asked our technician to contact WEC, and identify himself and his role in heavy industry and to inform WEC he was asked to contact WEC regarding their capabilities to provide Industrial Hygiene services. Specifically, our Technician was asked to inquire as to the capabilities of WEC to perform the following Industrial Hygiene services:

Air Sampling and Instrumental analysis  
Biohazards  
Chemical Hazards  
Engineering Control and ventilation  
Ergonomics  
Health Risk Analysis and Haz Comm  
Ionizing radiation  
Noise and Hearing loss prevention  
Non ionizing radiation  
Toxicology  
Work Environments and Industrial Processes

Our technician was informed by WEC, that they were not able of providing ANY of the above listed Industrial Hygiene services. Therefore, out of the 17 core capabilities that constitute Industrial Hygiene, WEC was incapable of providing at least 11 of those services. Our Technician inquired of the following topics and areas of service:

### ***TIG and Arc Welding Operations***

Specifically, WEC was asked about their capabilities to provide air monitoring exposures assessment for TIG and stick arc welding operations which incorporates the following industrial Hygiene aspects:

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<sup>8</sup> See for example: <http://forensic-applications.com/meth/weecycleensoredreport.pdf>

Air Sampling and Instrumental analysis  
Chemical Hazards  
Health Risk Analysis and Haz Comm  
Ionizing radiation  
Non ionizing radiation  
Toxicology  
Work Environments and Industrial Processes

WEC informed us they were not able to perform this industrial hygiene function.

***Biohazards***

Specifically, WEC was asked about their capabilities to provide an assessment of biohazards related with the Mycobacteria associated with metal cutting fluids which incorporates the following industrial Hygiene aspects:

Air Sampling and Instrumental analysis  
Basic Science  
Biohazards  
Engineering Control and ventilation  
Health Risk Analysis and Haz Comm  
Non engineering controls  
Toxicology  
Work Environments and Industrial Processes

WEC informed us they were not able to perform this industrial hygiene function.

***Ergonomics***

Specifically, WEC was asked about their capabilities to provide an ergonomic assessment for grinders and buffers which incorporates the following industrial Hygiene aspects:

Basic Science  
Biohazards  
Ergonomics  
Health Risk Analysis and Haz Comm  
Non engineering controls  
Work Environments and Industrial Processes

WEC informed us they were not able to perform this industrial hygiene function.

***Industrial Ventilation***

Specifically, WEC was asked about their capabilities to provide design criteria for industrial ventilation which incorporates the following industrial Hygiene aspects:

Basic Science  
Chemical Hazards

Community Exposures  
Engineering Control and ventilation  
Health Risk Analysis and Haz Comm  
Management  
Noise and Hearing loss prevention  
Work Environments and Industrial Processes

WEC informed us they were not able to perform this industrial hygiene function.

***Noise and Hearing Loss Prevention***

Specifically, WEC was asked about their capabilities to provide sound and noise monitoring services for a factory floor wherein steel fabrication occurs, which incorporates the following industrial Hygiene aspects:

Basic Science  
Engineering Control and ventilation  
Health Risk Analysis and Haz Comm  
Noise and Hearing loss prevention  
Non engineering controls  
Work Environments and Industrial Processes

WEC informed us they were not able to perform this industrial hygiene function.

***Ionizing radiation***

Specifically, WEC was asked about their capabilities to provide ionizing radiation assessments for sealed source devices, which incorporates the following industrial hygiene aspects:

Basic Science  
Community Exposures  
Engineering Control and ventilation  
Health Risk Analysis and Haz Comm  
Ionizing radiation  
Management  
Non engineering controls  
Work Environments and Industrial Processes

WEC informed us they were not able to perform this industrial hygiene function.

WEC, which is not an Industrial Hygiene firm, and to our knowledge employs no Industrial Hygienists, was not able to provide any of the above, basic Industrial Hygiene services.

There is no documentation suggesting that the WEC field technician, Ms. Sawitsky, has any special training or studies in the core cognate sciences that constitute Industrial Hygiene, or that speak to the ability and competency to anticipate and recognize the

environmental factors and stresses associated with work and work operations and to understand their effects on individuals and their well-being.

In fact, as already referenced, in the document found at <http://www.forensic-applications.com/moulds/elizcensorecritical.pdf> FACTs demonstrated that WEC entirely rejects known air sampling and instrumental analysis techniques, and rejects basic science in evaluating biohazards, and rejects basic science of toxicology and rejects basic science in biostatistics and rejects the science of biohazards and therefore, rejects basic science.

Furthermore, there is no indication that Ms. Sawitsky has any knowledge of the assessment of illegal drug laboratories, and there is no documentation in the WEC report that would indicate that Ms. Sawitsky has any experience or training that would equip her to perform an assessment of an illegal drug laboratory.

Based on the best information available, at no time in the past has Ms. Sawitsky or Weecycle ever performed assessments subject to the regulations. Based on the best information possible, at all times in the past, Ms. Sawitsky and Weecycle have historically, repeatedly and knowingly violated State regulations.

#### Violation of 6 CCR 1014-3

In their report, WEC states:

Samples were collected by a Consultant in good standing with the Colorado Department of Health and following all guidelines as outlined in 6 CCR 1014-3 Regulations pertaining to the Cleanup of a Methamphetamine-affected property.

In fact, a legitimate consultant would have known the correct title of 6 CCR 1014-3 was “*Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*” and they would have known that prior to any cleaning, the regulations require the mandatory completion of a process known as a “Preliminary Assessment.” In Colorado, it is illegal to decontaminate an illegal drug laboratory except upon completion of a “Preliminary Assessment.”

The Preliminary Assessment is a site characterization necessary to determine what contamination may be present, how did it get there and where did it go. The Preliminary Assessment is necessary to direct the decontamination process. According to mandatory State regulations:

**4.0 Preliminary Assessment.** A preliminary assessment shall be conducted by the consultant, in accordance with section 6.7 of this regulation, prior to the commencement of property decontamination.

Similarly, the Preliminary Assessment is necessary since no final clearance sampling may be conducted except based on the information contained in the Preliminary Assessment. The pertinent language is as follows:

*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.*

*6.1. Locations of samples **shall** be based on information gathered during the preliminary assessment.*

In their report, it appears that WEC entirely failed to advise the home owner that the performance of a Preliminary Assessment was a mandatory element which must be completed before a lawful remediation can occur. Instead, in their report, WEC states:

**Recommendation:**

Weecycle recommends proceeding with the decontamination of the structure by removal of all walls, ceilings, and insulation and decontamination of all cabinets, appliances (may require disposal) and plumbing fixtures, due the fact that all surfaces were painted.

Based on the best information available, WEC entirely failed to meet every mandatory element of the mandatory Preliminary Assessment as required by regulation. Specifically:

**Violation of 6 CCR 1014-3 Paragraph 4.1**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

*4.1. Property description including physical address, legal description, number and type of structures present, description of adjacent and/or surrounding properties, and any other observations made.*

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.1- Legal description**

We were unable to find the legal description for the property in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.1- Structures**

We were unable to find a description of the number and type of structures present in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.1- Adjacent properties**

We were unable to find a description of adjacent and/or surrounding properties in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.2**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

*4.2 Review of available law enforcement reports that provide information regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination or waste disposal.*

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.3**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

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

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.4**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

*4.4. Identification of manufacturing methods based on observations and law enforcement reports.*

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.5**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

*4.5. Identification of chemicals used, based on observations, law enforcement reports, and knowledge of manufacturing method(s).*

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.6**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

*4.6 Identification and documentation of areas of contamination.*

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.7**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

*4.7. Identification and documentation of chemical storage areas.*

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.8**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

*4.8. Identification and documentation of waste disposal areas.*

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.9**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

*4.9. Identification and documentation of cooking areas.*

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.10**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

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

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.11**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

*4.11. Inspection of plumbing system integrity and identification and documentation of potential disposal into the sanitary sewer or an individual sewage disposal system (ISDS).*

We were unable to find this information in the WEC report.

**Violation of 6 CCR 1014-3 Paragraph 4.12**

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

*4.12. Identification of adjacent units and common areas where contamination may have spread or been tracked.*

We were unable to find this information in the WEC report.

### Violation of 6 CCR 1014-3 Paragraph 4.13

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

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

We were unable to find this information in the WEC report.

### Violation of 6 CCR 1014-3 Paragraph 4.14

Prior to decontamination an Industrial Hygienist is required by regulation to provide the following information:

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

We were unable to find this information in the WEC report.

Following the remediation process, the Industrial Hygienist is required to prepare a final report based on the Preliminary Assessment and the decontamination process. The pertinent language is:

***8.0 Reporting.** 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.*

If we are provided with the final document, we will evaluate that document for completeness.

### Violation of CRS §6-1-105 Deceptive trade practices

According to the Colorado Consumer Protection Act, deceptive trade practices are prohibited. Specifically:

*CRS §6-1-105 Deceptive trade practices  
(b) Knowingly makes a false representation as to the certification of services  
(e) Knowingly makes a false representation as to the characteristics of services*

Based on the best information available (including numerous projects in the past), FACTs concludes that WEC knowingly made a false representation as to the certification of services and knowingly made a false representation as to the characteristics of services.

FACTs recommends that WEC be required to provide to the Attorney General's office a complete list of all reports and assessment they have performed to allow the state to notify all of the past clients of the apparently fraudulent activities of WEC.

### Colorado Criminal Code CRS 18-5-113. *Criminal impersonation*

Ms. Sawitsky has repeatedly and explicitly held herself out to be an Industrial Hygienist. Yet, there is nothing provided in the documentation that would indicate that any of the WEC

individuals involved in this property were in fact Industrial Hygienists meeting the State definition.

To our knowledge, having reviewed multiple reports from WEC, there has never been any documented evidence that any of the WEC personnel are qualified to perform the work in lieu of a legitimate Industrial Hygienist.

The incompetence demonstrated in the WEC report is sufficient to demonstrate that Ms. Sawitsky is clearly not an Industrial Hygienist and is not competent to perform the work and has been falsely representing herself as an Industrial Hygienist.

Colorado Case law defines criminal impersonation as knowingly assuming a false or fictitious identity or capacity, and in that identity or capacity, doing any act with intent to unlawfully gain a benefit or injure or defraud another (*People v. Brown*, 193 Colo. 120, 562 P.2d 754 (1977); *People v. Borrego*, 738 P.2d 59 (Colo. App. 1987)). To falsely impersonate means to pretend to be a particular person without lawful authority (*People v. Horkans*, 109 Colo. 177, 123 P.2d 824 (1942)); and to perform an act in an assumed character for benefit. It is an offense under the code to falsely impersonate another, and in such assumed character to do any act whereby any benefit might accrue to the offender or to another person. (*People v. Horkans*, 109 Colo. 177, 123 P.2d 824 (1942)). Venue is not an element of the crime of criminal impersonation (*People v. Perez*, 129 P.3d 1090 (Colo. App. 2005)). Although the code does not require two overt acts to be committed, (rather the code requires assuming a false identity and doing an act with the intent to gain a benefit (*People v. Johnson*, 30 P.3d 718 (Colo. App. 2000)), Ms. Sawitsky has repeatedly performed these acts. The requisite intent to gain a benefit may be inferred from the accused's knowing use of a false identity and the acknowledged intent to secure some advantage from the impersonation (*People v. Borrego*, 738 P.2d 59 (Colo. App. 1987)). The common meaning of "assumes a false or fictitious identity" is not to hold oneself out as someone that he or she is not; it requires the assumption of the identity of another person, whether that other person is real or fictitious (*People v. Jones*, 841 P.2d 372 (Colo. App. 1992)). For example, an attorney with a suspended license who continues to practice law is guilty of criminal impersonation for practicing law. The courts have held that "continuing to represent himself as an attorney and performing legal work when he was aware that he had no valid license to do so amounts to the assumption of a false or fictitious capacity for purposes of the criminal impersonation statute." (*People v. Bauer*, 80 P.3d 896 (Colo. App. 2003)).

#### Violation of C.R.S. 18-5-114 *Offering a false instrument for recording*

The document in question prepared by WEC is 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.*

Furthermore, as already mentioned, we have reviewed other WEC reports in the past, and we have pointed out similar flaws; and WEC has been fully aware of these deficiencies.

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.

## **CONCLUSION**

FACTs has been aware of the activities of Ms. Sawitsky and WEC for a considerable length of time, and we have reviewed several reports wherein we have documented multiple violations of state regulations and state statutes regarding the assessment and clean-up of illegal drug labs.

We recommend the case be presented to:

Office of the Attorney General  
Consumer Protection Section  
1525 Sherman Street, 7th Floor  
Denver, CO 80203

FACTs stands ready to cooperate with investigating agencies and provide full copies of our files regarding the work by WEC.

Kind regards,



Caoimhín P. Connell  
Forensic Industrial Hygienist



## Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	Oregon	Form # ML15
February 2, 2015		

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" and is authorized under 6 CCR 1014-3 to perform assessments in illegal drug laboratories. He has been a practicing Industrial Hygienist since 1987. Mr. Connell is a recognized authority in drug-lab operations and is a Certified Instructor in Meth-Lab Safety through the Colorado Regional Community Policing Institute, CRCPI (Colorado Division of Criminal Justice) and was the lead instructor for the CRCPI 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 a member of the American Conference of Governmental Industrial Hygienists, the Occupational Hygiene Society of Ireland, the Colorado Drug Investigators Association, an appointed Member of the National Fire Protection Association, and the ASTM International Forensic Sciences Committee, (where he was the sole sponsor of the draft ASTM E50 *Standard for the Assessment of Suspected Clandestine Drug Laboratories*).

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

He has received over 194 hours of highly specialized law-enforcement sensitive training in drug lab operation, and under supervision of the US DEA, he has manufactured methamphetamine using a variety of street methods. He has received highly specialized drug lab assessment training through the Iowa National Guard, Midwest Counterdrug Training Center and the Florida National Guard Multijurisdictional Counterdrug Task Force, St. Petersburg College, Rocky Mountain HIDTA, as well as through the US NHTSA, and the U.S. Bureau of Justice Assistance (US Dept. of Justice) and he is currently ARIDE Certified.

Mr. Connell is a current sworn law enforcement officer who has conducted clandestine laboratory investigations and performed risk, contamination, hazard and exposure assessments from both the law enforcement (criminal) perspective, and from the civil perspective in residences, apartments, motor vehicles, and condominiums. Mr. Connell has conducted over 524 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 4,861 samples during assessments (a partial detailed list of drug lab experience is available on the web at): <http://forensic-applications.com/meth/DrugLabExperience2.pdf>

He has extensive experience performing assessments pursuant to the Colorado meth-lab regulation, 6 CCR 1014-3, and was an original team member on two of the legislative working-groups which wrote the original regulations for the State of Colorado and he was the primary contributing author of Appendix A (*Sampling Methods And Procedures*) and Attachment to Appendix A (*Sampling Methods and Procedures Sampling Theory*) of the original Colorado regulations. Mr. Connell strongly objected to the unscientific, unfounded and inappropriate amendments now applicable to those original regulations.

Recommended by the US NIOSH as Peer Review Expert for the NIOSH 9109 Method, *Methamphetamine*, he has been admitted as a drug lab expert in Colorado, and an Industrial Hygiene Expert in Colorado in both civil and criminal courts as well as Federal Court in Pennsylvania. He has provided expert testimony in several criminal cases including Grand Jury testimony and testimony for US Bureau ATF and he testified before the Colorado Board of Health and Colorado Legislature Judicial Committee regarding methlab issues. Mr. Connell has provided services to private consumers, Indian Nations, State Investigators, and Federal Investigators.



# Multijurisdictional Counterdrug Task Force Training

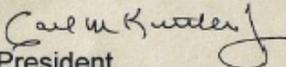


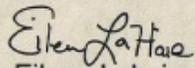
This is to certify that  
**Caoimhin P. Connell**

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



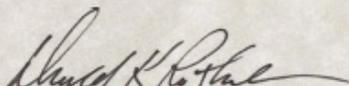
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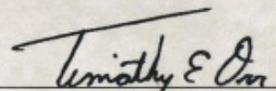
This certifies that

**Caoimhin Connell**

Has successfully completed the  
**Clandestine Laboratory Certification**

Cheyenne, WY  
40 Training Hours  
2-6 August 2004

  
Network Environmental Systems, Inc.

  
LTC Timothy E. Orr  
Commandant



# Center *for* Task Force Training™

THIS IS TO CERTIFY THAT

*Caoimhin P. Connell*

HAS SUCCESSFULLY COMPLETED 20 HOURS OF TRAINING IN

**METHAMPHETAMINE INVESTIGATION MANAGEMENT**

MARCH 20-22, 2006

DENVER, COLORADO

Domingo S. Herraiz  
Director, Bureau of Justice Assistance

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



## State and Local Anti-Terrorism Training

THIS IS TO CERTIFY THAT

**Caoimhin P. Connell**

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

June 1, 2006

Denver, Colorado

Domingo S. Herraiz  
Director, Bureau of Justice Assistance



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

**Rocky Mountain  
High Intensity Drug Trafficking  
Area**



*Certifies that*



**Caoimhín Connell**

*has attended*

*4 hours of*

***Hash Oil Extraction: The Scene and The Patient***

*Aurora, CO*

*July 25, 2014*

*Training Manager, Rocky Mountain HIDTA*

*Director, Rocky Mountain HIDTA*



**Certificate of Completion**

**Caoimhin Connell**

*has successfully completed training in*

***Advanced Clan Labs: Beyond the Basics***

*presented by*

**NES, Inc.**

*1141 Sibley Street Folsom, CA 95630*

*Instructor - Brian Escamilla*

*04/28/14 04/30/14*

*Date*

*Contact Hours:24*



# Certificate of Completion

This Will Certify That

## Caoimhín P. Connell

Successfully Completed

### Prescription Drug Crimes

7 Hours Completed

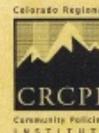
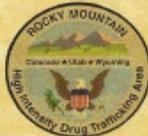
At: CO Law Enforcement Officers Assn. On: September 30, 2010  
Greeley, Colorado



Director, Law Enforcement Liaison & Education

P. Ritch Wagner  
Instructor

C7954



# Certificate of Training

This is to certify that  
Caoimhín 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

Caoimhín P. Connell: Instructor/Date  
4/12/10  
Glean HARDEY



# Colorado Law Enforcement Officers' Association



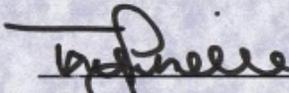
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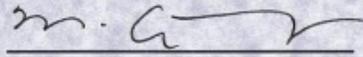
**CAOIMHIN CONNELL**

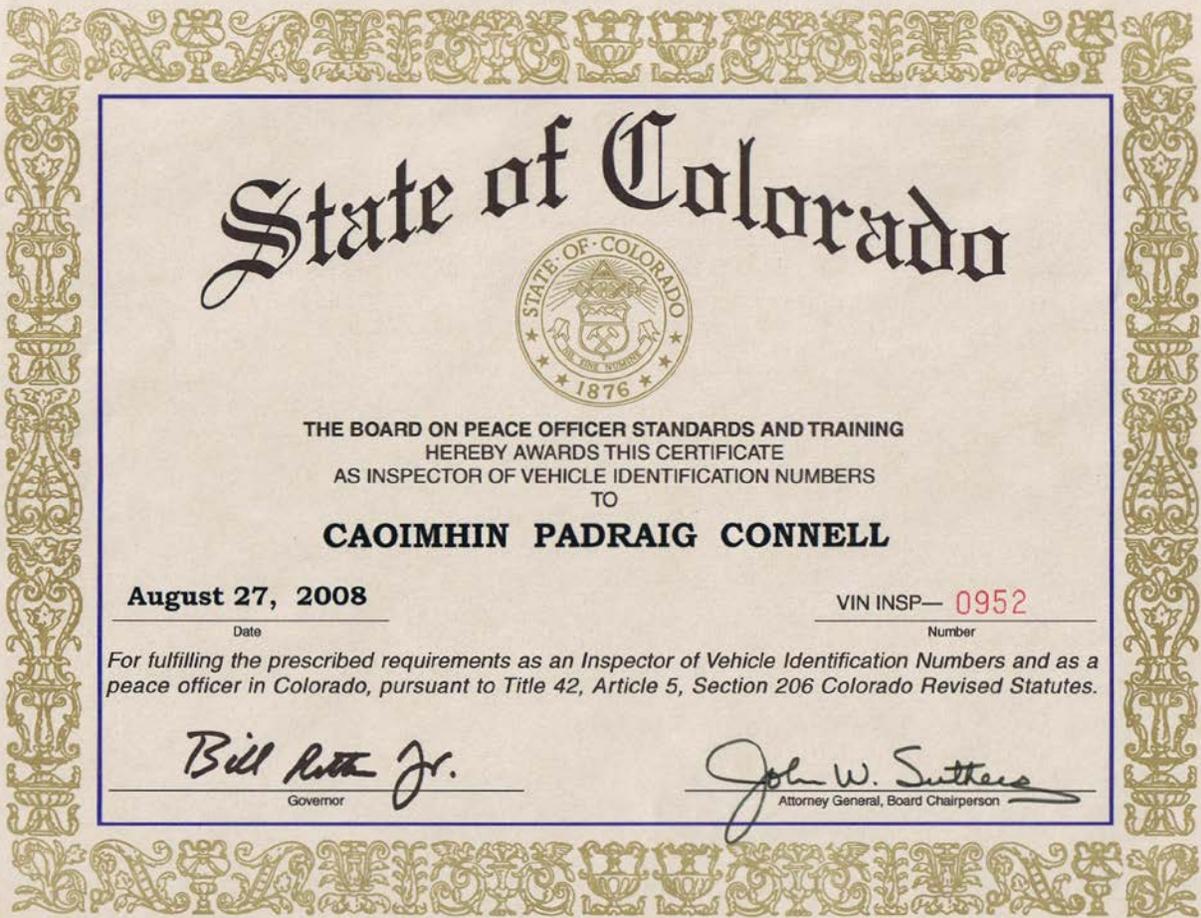
Completed ARIDE (Advanced Roadside Impaired Driving Enforcement)

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**

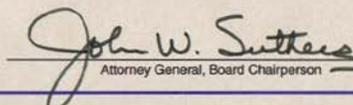
Date

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

**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

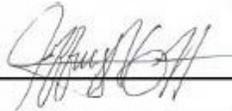
Caoimhin P Connell

User ID: 841645

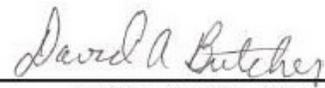
has successfully completed the "Intoxilyzer 9000 Operator Certification Course"  
to determine the alcohol concentration in breath specimens pursuant to the  
State Board of Health Rules Pertaining to Testing for Alcohol and Other Drugs (5 CCR, 1005-2)  
Training was provided by the Evidential Breath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

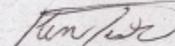
awarded to:

**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



**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

# 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.

*Phil Owen*

Governor

*Ken Salazar*

Attorney General, Board Chairperson

## *Rocky Mountain High Intensity Drug Trafficking Area*



*Certifies that*



### *Caoimhín Connell*

*has attended*

*16 hours of*

*MCTC / RMHIDTA Indoor Marijuana Grows*

*Centennial, CO*

*August 28-29, 2014*

*Jim B...*

Training Manager, Rocky Mountain HIDTA

*Thomas...*

Director, Rocky Mountain HIDTA

# CERTIFICATE OF TRAINING

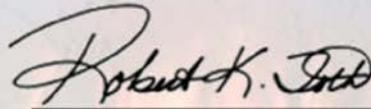
THIS IS TO CERTIFY THAT

*Caoimhin Connell*

Has completed 4 hours of successful training for  
The Hazards of Hash Oil Extraction

Held at IRIS Fire Investigations in Englewood, CO

on this 7<sup>th</sup> day of November, 2014



Robert K. Toth  
IRIS Fire Investigations, President



**COLORADO**  
Department of Public  
Health & Environment

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

December 30, 2014

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

**Consultant Interim Authorization Approval**

Dear Caoimhin Connell:

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

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

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

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

12/30/2014





**COLORADO**  
Department of Public  
Health & Environment

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

December 30, 2014

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

**Consultant Firm Interim Authorization Approval**

Dear Forensic Applications Consulting Technologies Inc:

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

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

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

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

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

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

Approved By: \_\_\_\_\_

Date: 12/30/2014

