



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

# **Industrial Hygiene Regulatory Audit Of**

Report for  
Clandestine Drug Lab  
Basic Methamphetamine Survey  
Weecycle Environmental Consulting, Inc.  
(Judith E Sawitsky)

Regarding  
1234 Xxxxxx Drive  
Unit 102  
Anytown, CO 80026  
Weecycle Job Number: 14-11104  
Performed On: December 15, 2014

Prepared by:

**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**  
185 Bounty Hunter's Lane  
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**THIS WEB VERSION HAS BEEN CENSORED  
TO PROTECT THE VICTIMS**

December 19, 2014

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

CC:

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## **INTRODUCTION**

On December 19, 2014, Forensic Applications Consulting Technologies, Inc. (FACTs) was contacted by Mr. Lance Jones (Acme Realty, 1111 Main Street, Suite 200, Boulder Colorado 80302) regarding a property located at 1234 Xxxxxx Drive Unit 102 Anytown CO, 80026.

Mr. Jones informed FACTs that Weecycle Environmental Consulting Inc. had performed a methamphetamine assessment at the Anytown property. Mr. Jones contacted FACTs for information and a second opinion regarding the testing. Mr. Jones provided FACTs with a copy of a report identified as

Report for  
Clandestine Drug Lab  
Basic Methamphetamine Survey  
Weecycle Environmental Consulting, Inc.  
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Clandestine Drug Lab Basic Methamphetamine Survey  
For the Building(s) Located at:  
1234 Xxxxxx Drive  
Unit 102  
Anytown, CO 80026  
Weecycle Job Number: 14-11104  
Performed On: December 15, 2014  
Prepared For:  
Tim XxXxxxxx  
1234 S Main Street  
Anytown, CO 80000

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

In the past, jurisdictions were reluctant to prosecute such consultants performing fraudulent work, who 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 that required the State of Colorado to develop standards for performing 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 knew there was little chance of any retribution for violating State regulations and they could continue to cheat consumers with impunity. SB13-219 therefore, heavily modified Colorado Revised Statutes and placed in those statutes provisions for disciplinary fines for consultants who violate the State regulations.

**Colorado Revised Statutes: 25-18.5-107. *Enforcement***

(1) A person that violates any rule promulgated by the board under section 25-18.5-102 is subject to an administrative penalty not to exceed fifteen thousand dollars per day per violation until the violation is corrected.

The new regulations were Adopted by the Colorado Board of Health on October 15, 2014, and the new regulations became effective on December 15, 2014.

I have reviewed the report by Weecycle, and I have made the following observations and I have identified no fewer than 44 violations of State regulations in the performance of the methamphetamine assessment at the subject property.

- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.1
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.4
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.5
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.1
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.2
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.3
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.4
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.5
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.6
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.6.1
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.6.2
- Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.6.3
- Violation of 6 CCR 1014-3 Section 6.0
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.1.1
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.1.3.2
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.1.3.3
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.1.3.5
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.1
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.2
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.3
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.4
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.5
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.11
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.12
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.12.1
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.12.2
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.12.3
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.12.5
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.14

- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.14.2
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.14.3
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.14.6
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.14.7
- Violation of 6 CCR 1014-3, Part 1 Paragraph 6.2.14.9
- Violation of CRS §6-1-105 Deceptive trade practices
- Violation of CRS §6-1-105 (b) false representation
- Violation of CRS §6-1-105 (e) false representation
- Violation of CRS §18-5-113. Criminal impersonation

## **DETAILS OF VIOLATIONS**

### Violation of 6 CCR 1014-3, Part 1 Paragraph 3.1

The provisions of Colorado’s mandatory regulations pertaining to the assessment of methamphetamine in a structure are applicable when:

*Paragraph 1.2.3. When screening level sampling is conducted at a property that has not been deemed a methamphetamine-affected property.*

When such screening is performed it may ONLY be performed pursuant to regulations:

*3.1 No person other than a Consultant in good standing may conduct screening level assessments. The Consultant shall personally inspect the subject property to gather all of the information necessary to prepare a Screening Level Assessment Report.*

The State of Colorado defines “Consultant” as:

*“Consultant” means a Certified Industrial Hygienist or Industrial Hygienist who is not an employee, agent, representative, partner, joint venture participant, or shareholder of the Contractor or of a parent or subsidiary company of the Contractor, and who has been certified under § 25-18.5-106 C.R.S and these regulations.*

In their report, Weecycle states:

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

Ms. Judith E Sawitsky, the author of the Weecycle report, knowingly has made a false representation since Ms. Sawitsky was present during several of the stakeholders meetings during the development of the regulations and is aware of the fact that there is no category as “Environmental Technician” and that there is no “Environmental Technician” in the State of Colorado who is in “good standing” with the Colorado Department of Health.

In the past, Ms. Sawitsky, has fraudulently represented herself according to several titles including an “Industrial Hygienist.”

For example August 17, 2013 at a property located at 3402 S. Eagle St. #104, Aurora, CO, 80014, Ms. Sawitsky, has fraudulently represented that they were certified by the State of Colorado to perform assessments. For example, 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>1</sup>**

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 Registered Owner of the subject property believed WEC was in fact certified by the State of Colorado to perform the work.

In the above referenced address, 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.*”

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<sup>1</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.”

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."

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>2</sup> in conjunction with the American Conference of Governmental Industrial Hygienists,<sup>3</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
- 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, Chris Schiechl, or the author of the report, 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.

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

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<sup>2</sup> Of which this reviewer (Connell) is a member and currently sits on the Clandestine Drug Laboratory Working Group

<sup>3</sup> Which this review (Connell) is a member

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:

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, was not able to provide any of the above, basic Industrial Hygiene services.

There is no documentation suggesting that the WEC field technician, Chris Schiechl or 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/elizcensoredcritical.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 Chris Schiechl or 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 Chris Schiechl, or Ms. Sawitsky has any experience or training that would equip either to perform an assessment of an illegal drug laboratory.

Furthermore, Ms. Sawitsky cannot claim to have Interim Authorization under 6 CCR 1014-3 §3.1 since that provision specifically requires

*3.0 Interim Authorization*

*3.1 Persons who, as of the effective date of this Part 2 of these regulations, are performing assessment or decontamination activities **subject to these regulations** may continue to perform such activities, as long as they comply with the requirements of this section 3.*

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, Part 1 Paragraph 3.4  
According to mandatory State regulations,

*3.4 If the screening level assessment is performed in connection with a proposed transaction for the purchase of a multi-unit building, each accessible unit must be inspected for signs that the unit has been used as an illegal drug laboratory. Any unit exhibiting signs of being a methamphetamine-affected property is subject to the preliminary assessment requirements of Section 4 and Section 6 of this Part 1 in lieu of this section. If the screening level assessment involves a single unit with multiple tenants, each tenant's living space must be inspected unless access is not granted. All access limitations shall be documented in the Screening Level Assessment Report in accordance with Section 3.7 of this Part 1.*

Based on the information provided to FACTs, Inc., the WEC assessment was part of a proposed real estate transaction and did involve the purchase of a multi-unit building. Yet nowhere in the WEC report is there any indication that any other unit was addressed in any way. Nowhere in the WEC report is there any indication that any other unit was inspected for signs that the unit has been used as an illegal drug laboratory. Therefore, since no such assessment was made, there is no way WEC could determine if any unit was exhibiting signs of being a methamphetamine-affected property, and therefore, subject to the preliminary assessment requirements of Section 4 and Section 6 of Part 1 in 6 CCR 1014-3.

Also according to 6 CCR 1014-3, Part 1 Paragraph 3.4:

*All access limitations shall be documented in the Screening Level Assessment Report in accordance with Section 3.7 of this Part 1.*

There is nothing in the WEC report that documents the limitation that prevented WEC from fulfilling the regulatory requirements.

Violation of 6 CCR 1014-3, Part 1 Paragraph 3.4  
According to mandatory State regulations:

*3.5 The Consultant shall conduct limited composite wipe sampling of the structure(s) for methamphetamine (including fixtures, as appropriate), in accordance with Section 6 of this Part 1.*

As delineated below, WEC entirely failed to collect samples in accordance with Section 6 of Part 1 of the mandatory regulations.

Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7  
According to mandatory State regulations, the Consultant is required to include specific information in their report.

*3.7 Information collected during the screening level assessment shall be documented in a Screening Level Assessment Report and shall include, but not be limited to, the following, to the extent available and applicable:*

**Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.1**

The consultant is required to provide:

*3.7.1 Subject property description including physical address, number and type of structures present.*

In their report, WEC failed to provide the required information. Nowhere in their report did WEC identify the number of structures present.

**Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.2**

According to mandatory regulations, the Consultant is required to provide:

*3.7.2 Description of structural features in all buildings comprising the subject property, such as attics, false ceilings, crawl spaces, and basements including identification of structural features connected to adjacent units or common areas.*

Nowhere in their report has WEC provided the mandatory information. Nowhere in their report has WEC identified structural features such as kitchens, living rooms, attics, stairways, crawlspaces, or similar structural features.

**Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.2**

According to mandatory regulations, the Consultant is required to provide:

*3.7.3 Identification and documentation of common ventilation systems connected to other units or common areas.*

Nowhere in their report has WEC provided the mandatory information. Although the structure is a multi-unit structure with common adjoining units, nowhere in their report has WEC identified or ruled out or even addressed the possibility of common ventilation systems.

**Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.4**

According to mandatory regulations, the Consultant is required to provide:

*3.7.4 Summary of observations made during inspections.*

As delineated in this entire review, WEC has failed to make mandatory observations and document those observations. Furthermore, since the “Environmental Technician,” Chris Schiechl, has no documented training in illegal drug laboratory assessments, there is no expectation that the field technician would even have the necessary competence to identify important aspects.

Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.5

According to mandatory regulations, the Consultant is required to provide:

*3.7.5 Photographic documentation of property conditions.*

The WEC report is devoid of any photographic documentation as required.

Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.6

According to mandatory regulations, the Consultant is required to provide specific information in the final report.

*3.7.6 Documentation of screening level sampling shall include:*

As specified below, none of the following mandatory information was provided.

Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.6.1

According to mandatory regulations, the Consultant is required to provide

*3.7.6.1 a description of the sampling procedures used, including sample collection, handling, and quality assurance/quality control (QA/QC);*

The required information is not provided in the WEC report.

Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.6.2

According to mandatory regulations, the Consultant is required to provide

*3.7.6.2 documentation of the analytical methods used and laboratory QA/QC requirements, including the laboratory analytical report and chain-of-custody documentation; and*

Nowhere in the WEC report is the specific analytical method identified. Furthermore, as described below the chain-of-custody report is missing information and failed to follow the necessary chain-of-custody requirements.

Violation of 6 CCR 1014-3, Part 1 Paragraph 3.7.6.3

According to mandatory regulations, the Consultant is required to provide

*3.7.6.3 results of sampling, including a description of sample locations and a computer generated figure illustrating the layout of the building(s) and sample locations and identification. Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way. Spiked samples submitted for analysis shall not be used for purposes of compliance with the regulation.*

No drawings or computer generated graphics of sample locations were included in the WEC report as required. No drawings or computer generated graphics of the building

layout was included in the WEC report as required. No locations of samples were identified.

#### Violation of 6 CCR 1014-3, Part 1 Section 6

According to mandatory regulations, the Consultant is required to follow specific procedures and protocols. As delineated below, WEC failed to follow the mandatory protocols.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.1.1

According to mandatory regulations, the Consultant is required to be a Consultant in good standing in order to perform sampling.

*6.1.1 No person other than a Consultant in good standing may conduct sampling under these regulations.*

WEC failed to provide a Consultant in good standing to perform sampling. As already described above, in their report, WEC states:

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

There is no category of "Environmental Technician" in which one may be in good standing, and that there is no "Environmental Technician," in the State of Colorado who is in "good standing" with the Colorado Department of Health. The statement is a fabrication intended to misrepresent the work, and the character of the work and intentionally mislead the consumer with false information.

Ms. Judith E Sawitsky, the author of the Weecycle report, has knowingly made false representations since Ms. Sawitsky was present during several of the stakeholders meetings during the development of the regulations and is aware of the conditions of the regulations.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.1.3

According to mandatory regulations, the Consultant is required to follow specific protocols while performing sampling.

*6.1.3 The following sample collection procedures shall be followed for screening level sampling, preliminary assessment sampling and clearance sampling, except as provided in Section 6.8.2 of this Part 1.*

In their report, WEC demonstrated they failed to follow the mandatory provisions as set forth below.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.1.3.2

According to mandatory regulations, the Consultant is required to perform specific tasks including:



*6.1.3.2. Wipe sampling shall be used to determine the extent of lead contamination on all surfaces at properties whenever the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacture was used on the property.*

There is no indication that either Chris Schiechl, or Ms. Sawitsky has any recognizable training in the assessment of illegal drug laboratories and there is no indication that either individual would possess the necessary skill set or competency to identify whether or not a P-2-P lab had been present. Therefore, it would be impossible for either Chris Schiechl, or Ms. Sawitsky to determine if the assessment of lead was appropriate or not.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.1.3.3

According to mandatory regulations, the Consultant is required to perform specific tasks including:

*6.1.3.3 Wipe sampling shall be used to determine the extent of iodine contamination whenever there is visible evidence of iodine staining on surfaces that will not be removed.*

There is no indication that either Chris Schiechl, or Ms. Sawitsky has any recognizable training in the assessment of illegal drug laboratories and there is no indication that either individual would possess the necessary skill set or competency to identify whether or not iodine was present or even the conditions under which iodine may be present. Therefore, it would be impossible for either Chris Schiechl, or Ms. Sawitsky to determine if the assessment of iodine was appropriate or not.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.1.3.5

According to mandatory regulations, the Consultant is required to perform specific tasks including:

*6.1.3.5 Vapor sampling shall be used to determine the extent of mercury contamination whenever the preliminary assessment indicates the P2P method of methamphetamine manufacture was used on the property.*

There is no indication that either Chris Schiechl, or Ms. Sawitsky has any recognizable training in the assessment of illegal drug laboratories and there is no indication that either individual would possess the necessary skill set or competency to identify whether or not a P-2-P laboratory was present or even the conditions under which a P-2-P facility may be present. Therefore, it would be impossible for either Chris Schiechl, or Ms. Sawitsky to determine if the assessment of mercury was appropriate or not.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.2

According to mandatory regulations, the Consultant is required to perform specific tasks including:

*6.2 Discrete Wipe Sample Collection Procedures. The following procedure shall be used for collecting discrete wipe samples:*

In their report, WEC documents they collected a discrete sample. However, since, as described above, WEC failed to identify their sampling protocols as required, there is no way to document that WEC conducted the sampling as follows.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.2.1

*6.2.1 Sample media shall consist of 2x2 inch wipes made of one of the following:*

- *6.2.1.1 Cotton gauze material.*
- *6.2.1.2 4-ply non-woven cotton/polyester blend.*
- *6.2.1.3 Tightly knitted continuous filament polyester.*

#### Violation of 6 CCR 1014-3, Part 1 Section 6.2.2

As described above, WEC failed to identify their sampling protocols as required, there is no way to document that WEC conducted the sampling as required. Indeed, given the gross incompetence exhibited by WEC, Chris Schiechl, and Ms. Sawitsky it would be reasonable to conclude that the provisions of this section were not followed.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.2.2

During the screening process, the Consultant is required to

*6.2.3 Prepare a rough sketch of the area(s) to be sampled and indicate sample location(s).*

In violation of regulations already described, WEC failed to provide a computer generated drawing in their report. There is similarly no indication in the WEC report that a sketch was made of any area.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.2.4

During the screening process, the Consultant is required to

*6.2.4 Wet the sample media with isopropanol to enhance collection efficiency.*

As described above, WEC failed to identify their sampling protocols as required. As such, there is no way to document that WEC conducted the sampling as required.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.2.5

During the screening process, the Consultant is required to

*6.2.5 Use a new set of clean, non-powdered impervious gloves for each sample to avoid contamination of the sample media by previous samples and to prevent contact with the substance.*

As described above, WEC failed to identify their sampling protocols as required. As such, there is no way to document that WEC conducted the sampling as required.

#### Violation of 6 CCR 1014-3, Part 1 Section 6.2.11 (sketch)

During the screening process, the Consultant is required to

*6.2.11 ...Include notes with the sketch giving any further description of the sample, including sample name and time of collection.*

Nowhere in the WEC report is there a sketch or description of the sample location.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.11 (photographs)

During the screening process, the Consultant is required to

*6.2.11 ...Photograph each sample location.*

Nowhere in the WEC report is there a photograph of any sample location.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.12

During the screening process, the Consultant is required to

*6.2.12 Submit at least one field blank, prepared and handled in the same fashion but without wiping, for every 10 samples collected, according to the following:*

WEC failed to provide a field blank as required.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.12.1

During the screening process, the Consultant is required to

*6.2.12.1 To collect a field blank, remove a wipe from the wrapper with a new glove, shake the wipe open, refold in the same manner as during the sampling procedure, and then insert the wipe into the sample container.*

Since WEC failed to provide a field blank as required, it was physically impossible for WEC to have met this mandatory field blank requirement.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.12.2

During the screening process, the Consultant is required to

*6.2.12.2 Repeat this procedure for multiple aliquots when collecting a composite field blank.*

Since WEC failed to provide a field blank as required, it was physically impossible for WEC to have met this mandatory field blank requirement.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.12.2

During the screening process, the Consultant is required to

*6.2.12.3 For projects with fewer than 10 samples collected, the last sample collected shall be the field blank.*

Since WEC failed to provide a field blank as required, it was physically impossible for WEC to have met this mandatory field blank requirement.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.12.2

During the screening process, the Consultant must meet the following requirement:

*6.2.12.5 Field blanks shall be representative of the majority of samples collected for every sample group (i.e., discrete or composite).*

Therefore, since WEC collected one discrete and one composite, WEC was required to provide one field blank to represent the discrete sample and one field blank to represent the composite. WEC failed to meet this regulatory requirement.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.14

During the screening process, the Consultant is required to prepare a chain-of-custody that contains specific elements.

*6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. Document sample(s) collected from a single methamphetamine-affected property on one Chain-of-Custody Record. Every transfer of custody shall be noted and signed for and a copy of the record shall be kept by each individual who has signed it. Samples shall be sealed, labeled, and secured. All samples collected shall be transported directly to the laboratory. Shipping samples overnight is considered direct transport, and the shipping label shall be considered part of the Chain-of-Custody Record. Retain all sample documents for the project record and include them in the project reports. At a minimum, the Chain-of-Custody Record shall include the following:*

Violation of 6 CCR 1014-3, Part 1 Section 6.2.14 (transfer broken)

During the screening process, the Consultant is required to prepare a chain-of-custody that contains specific elements including:

*Every transfer of custody shall be noted and signed for and a copy of the record shall be kept by each individual who has signed it.*

According to the WEC report, the samples were collected by “Chris Schiechl,” the samples were submitted to the laboratory for analysis and included the name “Tim XxXxxxxx,” and the samples were released to the laboratory by an unknown person whose initials are “AN.”

Therefore, there were at least two transfers that were not recorded on the C-O-C; that from “Chris Schiechl,” to “Tim XxXxxxxx,” and that from “Tim XxXxxxxx” to the unknown person whose initials are “AN.”

Violation of 6 CCR 1014-3, Part 1 Section 6.2.14 (copies)

*...and a copy of the record shall be kept by each individual who has signed it..*

Since WEC failed to maintain a chain-of-custody, it would have been impossible for each person to whom the samples were transferred to keep a copy.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.14 (Missing elements)

During the screening process, the Consultant is required to prepare a chain-of-custody that contains specific elements including:

Violation of 6 CCR 1014-3, Part 1 Section 6.2.14.2

*6.2.14.2 subject property address;*

WEC failed to provide the complete address for the property.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.14.2

According to regulations, WEC was required to provide, on the C-O-C, the name of the person who collected the samples:

*6.2.14.3 sampler name and contact information;*

Nowhere on the C-O-C does the name “Chris Schiechl” appear.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.14.6

According to regulations, WEC was required to provide, on the C-O-C, the number of sample aliquots.

*6.2.14.6 number of sample aliquots;*

Nowhere on the WEC C-O-C does the mandatory information appear.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.14.9

According to regulations, WEC was required to provide, on the C-O-C, the sample matrix.

*6.2.14.9 sample matrix;*

Nowhere on the WEC C-O-C does the mandatory information appear.

Violation of 6 CCR 1014-3, Part 1 Section 6.2.14.12

According to regulations, WEC was required to provide, on the C-O-C, the signature and date for each person relinquishing sample custody.

*6.2.14.12 signature and date for each person relinquishing or receiving sample custody*

As already described, there is no signature for “Chris Schiechl” and there is no identification of the unknown person whose initials are “AN.”

## 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*

On several occasions, WEC representatives, including Ms. Judith E Sawitsky were present at the stakeholders rulemaking meetings, wherein she was made aware of the provisions of the mandatory regulations.

Furthermore, on December 12, 2014, Ms. Colleen Brisnehan with the Colorado Department of Public Health and Environment, Hazardous Material and Waste Management Division, sent to Ms. Sawitsky an email that stated:

*The Regulations Pertaining to the Cleanup of Methamphetamine-Affected Properties (6 CCR 1014-3) become effective on December 15, 2014. The regulations require submittal of electronic copies of reports to the Department, in accordance with sections 3.7.7, 4.20, 8.6 and 8.9.*

*Therefore, beginning Monday December 15, 2014, electronic copies of all reports prepared in accordance with the regulations should be submitted via email to [cdphe\\_methlabdocuments@state.co.us](mailto:cdphe_methlabdocuments@state.co.us). Please include the words "report" or "report submittal" in the email subject line, and include the property address in the body of the email.*

Ms. Sawitsky was fully aware of the provisions found in the regulations and was fully aware of when the regulations were effective, and what the regulations required. It is our opinion that Ms. Sawitsky has knowingly in the past (repeatedly), and knowingly for this project, in violation of CRS §6-1-105 *Deceptive trade practices*, falsely represented the certification of her services by falsely claiming that

Samples were collected by Chris Schiechl, an Environmental Technician in good standing with the Colorado Department of Health' following sampling protocol as outlined in 6 CCR 1014-3 regulations pertaining to the cleanup of a Methamphetamine-affected property.

In fact, Ms. Sawitsky was fully aware that the above statement was patently false when she made that statement.

Ms. Sawitsky has created serious harm to the Colorado consumer on multiple occasions in the past, and with reckless abandon has completely ignored the current regulations.

FACTs recommends that WEC be required to provided 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 fraudulent activities of WEC.

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

Ms. Sawitsky has repeated 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 or sign the signature page 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 screening document 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.*

WEC was fully aware of the reporting requirements of screening evaluations and was fully aware that the screening report was required to be submitted to the State of Colorado. Indeed, WEC was even reminded of such in the December 12, 2014, email send to Ms. Sawitsky by Ms. Colleen Brisnehan with the Colorado Department of Public Health and Environment, Hazardous Material and Waste Management Division, sent to Ms. Sawitsky an email that stated:

*The regulations require submittal of electronic copies of reports to the Department, in accordance with sections 3.7.7, 4.20, 8.6 and 8.9.*

*Therefore, beginning Monday December 15, 2014, electronic copies of all reports prepared in accordance with the regulations should be submitted via email to [cdphe\\_methlabdocuments@state.co.us](mailto:cdphe_methlabdocuments@state.co.us).*

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 violation of state regulations and state statutes.

Considering the repeated occasions of violations, and the multitude of willful gross violations observed in this case, FACTs recommends the maximum fines to be levied as described in:

### **Colorado Revised Statute s: 25-18.5-107. Enforcement**

(1) A person that violates any rule promulgated by the board under section 25-18.5-102 is subject to an administrative penalty not to exceed fifteen thousand dollars per day per violation until the violation is corrected.

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

# Appendix A

## WEC Report