



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Regulatory Audit
of
Preliminary Assessment Report
By
Robert Woellner
at an
Illegal Drug Laboratory
Identifying 277 Regulatory Violations**

**Located at:
1138 32nd Street, Unit 201
Denver, Colorado 80205**

Prepared by:

FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
REVIEW OF THE DOCUMENT	4
Violation of Section 4.1.....	4
Violation of Section 4.2.....	5
Violation of Paragraph 4.3.....	5
Violation of Paragraph 4.3.1.....	6
Violation of Paragraph 4.3.2 (6 violations)	6
Violation of Paragraph 4.5.....	7
Violation of Paragraph 4.6.....	8
Violation of Paragraph 4.7.....	8
Violation of Paragraph 4.9.....	9
Violation of Paragraph 4.10.....	9
Violation of Paragraph 4.11.2.....	10
Violation of Section 4.14 (10 Violations)	10
Violation of Section 4.15.1 (2 violations)	11
Violation of Section 4.15.1 (28 violations)	12
Violation of Section 4.15.3 (4 Violations)	12
Violation of Section 4.17 (5 Violations)	12
Violation of Section 4.17.4	13
Violation of Section 4.18 (2 Violations)	13
Violation of Section 4.20	14
Violation of Paragraph 6.2.14.2.....	14
Violation of Paragraph 6.1.3.2.....	14
Violation of Section 6.2.2 (2 violations)	15
Violation of Section 6.2.2 (24 violations)	16
Violation of Section 6.2.3 (4 violations)	17
Violation of Section 6.2.7 (24 Violations)	17
Violation of Section 6.2.9 (24 Violations)	18
Violation of Section 6.2.10 (24 Violations)	18
Violation of Section 6.2.11 (2 Violations)	19
Violation of Section 6.2.12.1	19
Violation of Paragraph 6.2.14 (4 Violations)	20
Violation of Paragraph 6.2.14.2.....	20
Violation of Paragraph 6.2.14.3 (2 violations)	20
Violation of Paragraph 6.2.14.4 (7 Violations)	20
Violation of Paragraph 6.2.14.5 (7 Violations)	21
Violation of Paragraph 6.2.14.6 (7 Violations)	21
Violation of Paragraph 6.2.14.7 (7 Violations)	21
Violation of Paragraph 6.2.14.8 Sampling Times (28 violations)	21
Violation of Paragraph 6.2.14.8 Sampling Dates (28 violations)	22
Violation of Paragraph 6.2.14.9.....	22
Violation of Paragraph 6.2.14.10.....	22
Violation of Paragraph 6.2.14.11.....	22
Violation of Paragraph 6.2.14.12.....	22
Violation of Section 6.3.6 (2 violations)	23
HISTORY: CDPHE and Robert Woellner.....	23
Colorado Consumer Protection Act.....	31
CRS §18-5-114 Offering a false instrument for recording.....	32
CONCLUSION.....	32
Appendix A	33
Reviewer's Statement of Qualifications.....	33



EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) is performing a series of regulatory audits on public domain documents. This document has been prepared by Forensic Applications Consulting Technologies, Inc. as part of an ongoing Motion for Judicial Review in response to actions by the Colorado Department of Public Health and Environment (CDPHE), and pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure*.

This review pertains to the document identified as:

Methamphetamine Preliminary Assessment Inspection
1138 32nd Street, Unit 201
Denver, Colorado 80205
Robert A. Woellner
Alex Johnsen

The purpose of this review is to document regulatory violations associated with regulatory work regarding the sampling of methamphetamine contaminated properties. The consults involved, with the consulting firm, (DS Environmental Consulting, DSEC) have an extensive history of willful and intentional regulatory violations, invalid drug laboratory assessments, falsification of information relating to real estate documents, and claims to credentials that are unsupported.^{1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16} Thus far, FACTs

¹ 100 W. Spaulding Street, Lafayette, Colorado http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

² 131 South Benton Street Denver, CO, <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

³ 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

⁴ 788 W. Lois Ct., Louisville, CO 80027

⁵ 48400 Routt County Road 56C, Steamboat Springs, CO 80487 (54 violations – detailed report is pending)

⁶ 11767 Grant Street, Northglenn, Colorado 80233 (113 violations) http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf

⁷ 690 S. Lincoln Street, Denver, CO 80203 (769 violations) http://forensic-applications.com/meth/Woellner_Lincoln_Clearance_RA.pdf

⁸ 8347 S Reed Street, Unit 2, Littleton CO 80128 (121 violations) http://forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf

⁹ 410 E 32nd Ave Avenue in Carbondale, CO 81623, (198 Violations) http://forensic-applications.com/meth/QUEST_Garfield_PA_RA.pdf

¹⁰ Clearance report for 410 E 32nd Ave Avenue in Carbondale, CO 81623 (366 Violations) http://forensic-applications.com/meth/Woellner_Garfield_Clearance_RA.pdf

¹¹ Preliminary Assessment 8172 East 132nd Avenue, Thornton CO (385 Regulatory Violations) http://forensic-applications.com/meth/QUEST_132nd_Ave_PA_RA.pdf



has identified no fewer than 4,423 (four *thousand*, four hundred and twenty three) willful and knowing regulatory violations of 6 CCR 1014-3. For this regulatory audit, FACTs has identified no fewer than 277 regulatory violations.

REVIEW OF THE DOCUMENT

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific mandatory tasks and provide specific mandatory documentation. In reviewing the report associated with 1138 32nd Street, Unit 201 in Denver, Colorado 80205, FACTs has identified the following deficiencies.

Violation of Section 4.1

During the performance of a Preliminary Assessment, the Consultant is required by regulations to provide specific mandatory information, including:

4.1 Subject 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.

In their report, DSEC falsely state:

The legal description for the multifamily residential property located at 1138 32nd Street in Denver, Colorado was not available in the Denver Property Assessment and Taxation System online database and was not otherwise able to be ascertained.

In fact, the statement is entirely untrue. This consultant has a long documented history of fabrications, false statements (including false statement under oath¹⁷). Therefore, fabrications of this manner are common for this consultant. The legal description for the property was a readily available in the public domain through the City and County of Denver at no charge. According to the City and County of Denver, the legal description for the property is:

¹² See: Screening Assessment (101 Regulatory violations) 413 W. Easter Avenue in Littleton, CO 80120, http://forensic-applications.com/meth/QUEST_Easter_Screening_RA.pdf

¹³ See: Preliminary Assessment, (79 Regulatory violations) 413 W. Easter Avenue in Littleton, CO 80120, http://forensic-applications.com/meth/QUEST_EASTER_PA_RA.pdf

¹⁴ (179 Regulatory violations) 413 W. Easter Avenue in Littleton, CO 80120, Methamphetamine Post-Decontamination Report, http://forensic-applications.com/meth/QUEST_Easter_Clearance_RA.pdf

¹⁵ 179 Regulatory Violations of 6 CCR 1014-3 associated with 586 West Fremont Drive, Littleton, CO 80120: http://forensic-applications.com/meth/QUEST_Fremont_Screen_RA.pdf

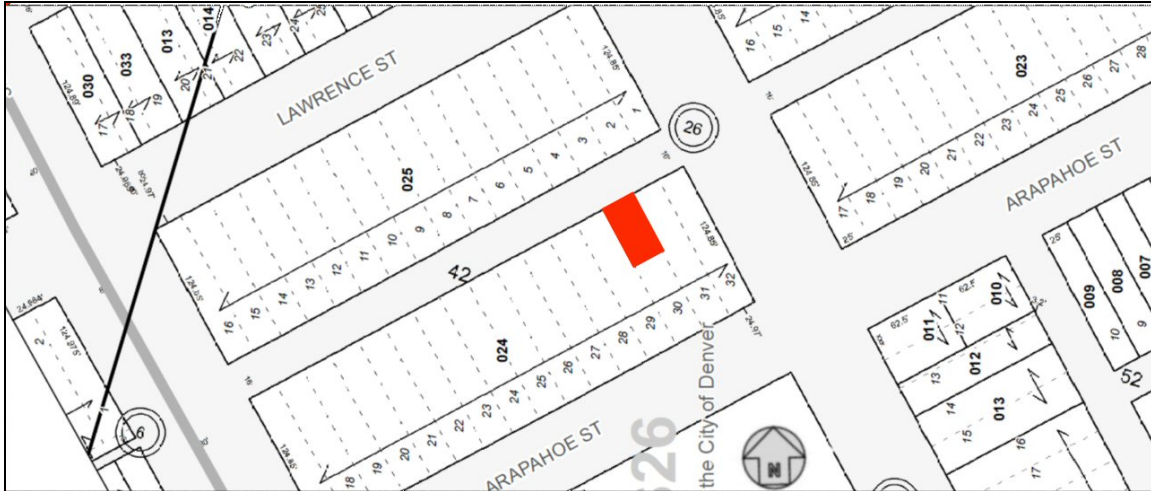
¹⁶ See: 598 Cleveland Avenue, Louisville, CO 80027 (264 Regulatory violations): http://forensic-applications.com/meth/QUEST_Cleveland_Screen_RA.pdf

¹⁷ Transcript of the Testimony of Robert Woellner in the Matter of Fidelity and Deposit Company of Maryland v. White River Townhomes, LLC et al, November 19, 2009. Compare to oral testimony given by Mr. Woellner on July 17, 2008, in the matter of "913 Industrial Park / Colorado Casualty (Claim Number 902597160002)



Lots 17 to 32 inclusive, of Block 42, Case & Ebert's Addition to the City of Denver

A partial plat is given below with the subject property in red:



Violation of Section 4.2

During the performance of a Preliminary Assessment, the Consultant is required by regulations to provide specific mandatory information, including:

4.2 Summary of information from review of available law enforcement reports regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and areas of contamination, or waste disposal.

Nowhere in the reviewed report has DSEC documented any attempt to obtain law enforcement documents or ascertain the availability of such documents. Therefore, the locations of pertinent areas within the structure, as may have been identified by law enforcement personnel have not been provided.

Violation of Paragraph 4.3

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

4.3 Description of structural features in all buildings, such as attics, false ceilings, crawl spaces, and basements, including:

In some places of their report, DSEC states the property has a crawlspace and that DSEC collected samples from the crawlspace:

Samples Collected: On February 13, 2015, DS collected six (6) four-composite wipe samples (plus one blank) of 400 cm² in size, from areas containing the suspected production areas, use, storage, contact, and/or disposal areas



Violation of Paragraph 4.5

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

4.5 Identification of manufacturing methods based on the Consultant's observations and law enforcement reports, if available.

Since DS made no documented attempts to obtain any pertinent law enforcement documents from appropriate law enforcement agencies, DS could not have complied with this requirement.

Furthermore, the CDPHE now allows virtually anyone to identify themselves as a "Industrial Hygienist" (even those individuals who have explicitly stated they are not Industrial Hygienists," and allows untrained consultants to perform property assessments.

Mr. Woellner (who in the past has explicitly stated he is not an (Industrial Hygienist) has never been able to document any training in the assessment of illegal drug laboratories and therefore would not be expected to have any training that would equip him to recognize any signs of illegal drug laboratory activities.

Although Mr. Woellner now identifies himself as an "Industrial Hygienist," until very recently, Mr. Woellner has explicitly stated that he is not an Industrial Hygienist. As recently as 2011, Mr. Woellner was still stating he was not an "Industrial Hygienist." For example in his May 12, 2011 report¹⁸ to Paul Matamana regarding 4893 South Johnson Street, Littleton, CO 80123, Mr. Woellner identified his professional title as "Senior Scientist." (This was the property where Ms. Coleen Brisnehan with CDPHE helped Mr. Woellner collect unlawful samples and then lied to the home occupant claiming that the work had been done according to regulations, when virtually no aspect of methamphetamine sampling/remediation was ever done).

According to the *Colorado Department Of Regulatory Agencies, Office Of Policy And Research, Industrial Hygienists, And Safety Professionals 2001 Sunrise Review* (October 15, 2001) Mr. M. Michael Cooke, Executive Director stated:

Another avenue of redress is the Colorado Consumer Protection Act. This law prohibits individuals from misrepresenting their certification, abilities, and associations, and making false or misleading statements concerning the price of goods, services, or property. In addition, §6-1-707(1)(a)(I), C.R.S., prohibits an individual from claiming "either orally or in writing, to possess either an academic degree or an honorary degree of the title associated with said degree, unless the person has, in fact, been awarded said degree." While this Act does not prevent individuals from performing industrial hygiene work, it does prohibit individuals from claiming that they have education or background that they do not possess. An individual who misrepresents his or her qualifications may be in violation of this Act.¹⁸ § 6-1-105(1)(b), (c), (e) and (l), C.R.S.

¹⁸See the review at http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



Violation of Paragraph 4.6

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

4.6 Identification of chemicals used, based on the Consultant's observations and knowledge of manufacturing method(s), and if available, identification and documentation of any methamphetamine lab wastes or precursor chemicals discovered at the subject property.

This particular contractor (Woellner), now associated with DS Environmental, has never been able to demonstrate that he has received any kind of training in illegal drug laboratories or has any specialized knowledge in illegal drug laboratories in general. Therefore, there would be no expectation the consultant would have the necessary skills to actually identify manufacturing methods present at the property. The lack of training in assessment of properties is evidenced in this report by the mysterious allusion to "orange rind," wherein DSEC states:

*DS inspected the interior of the subject unit and observed lots of bleached out and red-stained carpeting, **but no orange rind** or other signs of meth-specific staining, oxidation, or damage.*

Those trained in illegal drug laboratories would know that orange rinds would not be associated with methamphetamine production or use. This is similar to the common myth that spray starch is an adequate indicator of iodine contamination at the State specified level. In their report, DSEC states:

No TVOCs were detected in any location in the unit. DS aggressively inspected the subject unit and saw no visible iodine-stained areas; spray starch was not used.

These comments appear to indicate that the training received by the consultants was probably limited to what they learned by watching fictitious crime TV programs.

Violation of Paragraph 4.7

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

If the Consultant determines that assessment sampling is appropriate, such sample collection and analysis shall be conducted in accordance with the assessment level sampling protocols and other requirements of Section 6 of this Part 1.

As described below, the consultant failed to perform such sample collection and analysis in accordance with the assessment level sampling protocols of Section 6. Part 1



Violation of Paragraph 4.9

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

4.9 Identification and documentation of signs of contamination such as staining, etching, or fire damage.

As mentioned above, neither of the consultants has any documented training in the assessment of illegal drug laboratories, and therefore, would not be expected to possess the skills necessary to identify such signs. Nowhere in the report, does DSEC even mention “fire damage” or that they looked for such or would know what to look for.

Furthermore, as described below, although the report contains several close-up photographs of sampling locations, DSEC failed to meet its regulatory obligations by failing to provide photographic documentation of site conditions. Therefore, it is impossible now to determine what fire damage may have been present, or indeed, if iodine staining may have been present at the property. This is important since the information can speak to the issue of migration of contaminants into other adjoining apartments.

Violation of Paragraph 4.10

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

4.10 Description of plumbing system, including identification and documentation of potential disposal into the sanitary sewer or an on-site wastewater treatment system (OWTS). ...

In their report, DSEC confuses the plumbing system with the bathroom ventilation system, and otherwise, states that an inspection of the plumbing system is “...*outside of DS’s scope of work.*” In their report, DSEC states:

4.10 Inspection of Plumbing System: The plumbing system is reportedly connected to the municipal sanitary sewer system. A detailed plumbing inspection is outside of DS’s scope of work. However, a general inspection of the accessible plumbing features revealed the areas to be under normal conditions. No chemical etching, significant oxidation, or residue was observed other than the rusting of the master bathroom supply air vent. As a precaution, DS recommends that the plumbing system be flushed with generous amounts of water and inspected by a qualified plumber.

Since DSEC failed to provide photographic documentation as required by regulation, there is no way to now know the condition of the plumbing.



Violation of Paragraph 4.11.2

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

4.11.2 If a multi-unit structure has connected crawl spaces, the crawl spaces shall be investigated to determine whether the connected crawl spaces are also contaminated.

In their report, DSEC states:

*Samples Collected: On February 13, 2015, DS collected six (6) four-composite wipe samples (plus one blank) of 400 cm² in size, from areas containing the suspected production areas, use, storage, contact, and/or disposal areas throughout the subject unit **and underlying crawl space** in accordance with 6 CCR 1014-3, Part 1, § 6.*

Therefore, to the extent DSEC has claimed they collected samples from the crawlspace, one must presume DSEC identified a crawlspace and therefore, DSEC was required to determine whether the connected crawl spaces are also contaminated. We do not see where DSEC made such a determination or resolved the ambiguity of the existence of a crawlspace.

Violation of Section 4.14 (10 Violations)

During the performance of a Preliminary Assessment, the Consultant is required by regulations to provide specific mandatory information, including:

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

Although there are multiple close-up photographs of sampling locations (that could have been taken from any property at any time), There is only one photograph showing the interior conditions and no photographs exhibiting exterior conditions of the subject property.

In their report, DSEC identifies the following areas:

Bedroom 1
Bedroom 2
Bedroom 3
Bathroom 1
Bathroom 2
Kitchen
Dining Room
Balcony
Living Room
Exterior

There are no photographs showing site conditions of the following areas:



Bedroom 1
Bedroom 2
Bedroom 3
Bathroom 1
Bathroom 2
Kitchen (partial photograph is present)
Dining Room (partial photograph is present)
Balcony
Living Room (partial photograph is present)
Exterior

According to Ms. Colleen Brisnehan (CDPHE) in a March 16, 2015, letter to Forensic Applications, where files are referenced in a report, but those files are not included in the report, failure to include those files constitutes a violations of Section 3.7.7, 4.20, and 8.10, but is also grounds for disqualification of the consultant.

In his report, Mr. Woellner states:

4.14 Photographs of Property Conditions: Please see the attached photographs for general site condition as well as photographs of each sampling location. Including the attached photographs, DS maintains approximately 70 photographs of the property and its condition at the time of our preliminary assessment inspection.

And yet, the report only contains one photograph of site conditions, which, according to Ms. Brisnehan with the CDPHE constitutes a gross violation of regulations and is the ground upon which disqualification of the consultant occurs.

Violation of Section 4.15.1 (2 violations)

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific duties, including:

4.15 If assessment sampling is conducted, it shall be conducted in accordance with Section 6 of this Part 1. Documentation of assessment sampling shall include:

4.15.1 a description of the sampling procedures used, including sample collection, handling, and QA/QC;

As discussed below, sampling was not conducted pursuant to the requirements of Section 6.

Nowhere in the DSEC report is QA/QC even mentioned, and nowhere in the report has DSEC described their QA/QC procedures. This is particularly important since the laboratory report clearly indicates that the samples used by DSEC were contaminated, or the sampling materials were otherwise mishandled- the laboratory reports indicate that



the blanks contained methamphetamine. Nowhere in the report has DSEC discussed this problem as required.

Although Mr. Woellner provided a description of his sampling materials, nowhere in the report has Mr. Woellner provided a description of the sampling procedures used.

Violation of Section 4.15.1 (28 violations)

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific duties, including:

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

As claims it collected 24 samples, and four blanks. Nowhere in the DSEC report is there a chain of custody for any of the 28 composites resulting in four-parted samples.

Violation of Section 4.15.3 (4 Violations)

During the performance of a Preliminary Assessment, the Consultant is required by regulations to provide specific information including:

4.15.3 ... a computer generated figure illustrating the layout of the building(s) ...

Nowhere in their report has DSEC provided a computer generated figure of the layout of the buildings.

4.15.3 results of sampling, including a description of sample locations and a computer generated figure illustrating the layout of the building(s) **and sample locations**...

Nowhere in their report, has DSEC provided the computer generated figures for the following samples.

- 06a
- 06b
- 06c
- 06d

Violation of Section 4.17 (5 Violations)

During the performance of a Preliminary Assessment, the Consultant is required by regulations to provide specific information including:

4.17 If clearance sampling is conducted during the preliminary assessment, it shall be conducted in accordance with Section 6 of this Part 1. Documentation of clearance sampling shall include:

A consultant trained in the aspects of illegal drug laboratory assessments would not have conducted the sampling as performed by DSEC at this property since the results were a



foregone conclusion anyway – that is a legitimately trained consultant would have known the entire property was contaminated and would not have wasted the financial resources of the property owner collecting samples that were not required by regulations.

Sampling would have only been performed on the extremely rare chance of identifying a specific room as compliant – that is, unless one was performing clearance sampling. As such, it is obvious that DSEC was attempting to exclude areas from remediation (clearance sampling), otherwise, there would have been no utility to the samples thus collected. As such, DSEC was required by regulations to include the following:

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

As already stated, nowhere in their report has DSEC provided a description of sampling protocols used.

Nowhere in the report has DSEC described the QA/QC (or indeed even used the acronym or even used the terms “Quality Assurance” or “Quality Control.”)

Furthermore, the regulations require:

4.17.3 Results of clearance sampling, including a description of sample locations and a computer generated figure with sample locations and identification,

Nowhere in their report, has DSEC provided the computer generated figures for the following samples.

- 06a
- 06b
- 06c
- 06d

Violation of Section 4.17.4

During the performance of a Preliminary Assessment, the Consultant is required by regulations to provide specific information including:

4.17.4 Documentation of variations from standard practices.

Nowhere in his report for this subject property has DSEC documented the several variations from standard practice as identified in this review.

Violation of Section 4.18 (2 Violations)

During the performance of a Preliminary Assessment, the Consultant is required by regulations to provide specific information including:

4.18 Evidence of Consultant certification under Part 2 of these regulations.



Nowhere in his report for this subject property has DSEC documented such evidence for either of the two authors identified.

Violation of Section 4.20

During the performance of a Preliminary Assessment, the Consultant is required by regulations to provide specific information including:

4.20 The Consultant shall provide an electronic copy of the Preliminary Assessment Report to the Department within thirty (30) days of completing the report. If clearance sampling is conducted during the preliminary assessment, the owner must provide a copy of the Preliminary Assessment Report to the governing body as defined in § 25-18.5-101(7), C.R.S. to obtain the immunity provided in § 25-18.5-103(2), C.R.S.

DSEC failed to provide an electronic copy of the Preliminary Assessment Report to the Department within thirty (30) days of completing the report. In violation of Section 4.20 of Colorado Regulations 6 CCR 1014-3, as of April 1, 2015, DS Environmental Consulting failed to file a copy of the report with the Colorado Department of Public Health and Environment as required, to the extent that CDPHE had no record of the report. We do not know if DSEC has ever filed a copy of the report with the CDPHE as required by regulations.

Violation of Paragraph 6.2.14.2

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific duties including:

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.

As described below the mandatory elements were not performed as required.

Violation of Paragraph 6.1.3.2

During the performance of a Preliminary Assessment, the Consultant is required by regulations to perform specific duties 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

As documented earlier in this report, law enforcement documents were not obtained, and therefore, the production process (if any at all) was not determined by the DSEC. Furthermore, as already documented, neither of the two DSEC consultants have any documented training in the assessment of illegal drug laboratories and therefore, there is no expectation that either consultant would possess the necessary skill set to determine what process, if any, was used at the property. Therefore, compliance with this section could not have been met.



Violation of Section 6.2.2 (2 violations)

During the performance of a Preliminary Assessment, the Contractor is required by regulations to follow specific sampling protocols including:

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.

6.2.2 Delineate a 100 cm² area on the surface to be sampled, either by attaching a physical template to the surface (being careful not to touch the area within the template), or by an equivalently reliable and accurate method. The area within the template (i.e., the sample area) shall be 100 cm².

In several photographs in the report, DSEC documents that they failed to collect samples from areas that were 100 cm². In several locations, DSEC merely placed a 100 cm² template over an area that may have actually contained empty space and no surface at all. For example:



Photograph Documenting Failure to Collect 100cm²





Photograph Documenting Failure to Collect 100cm²

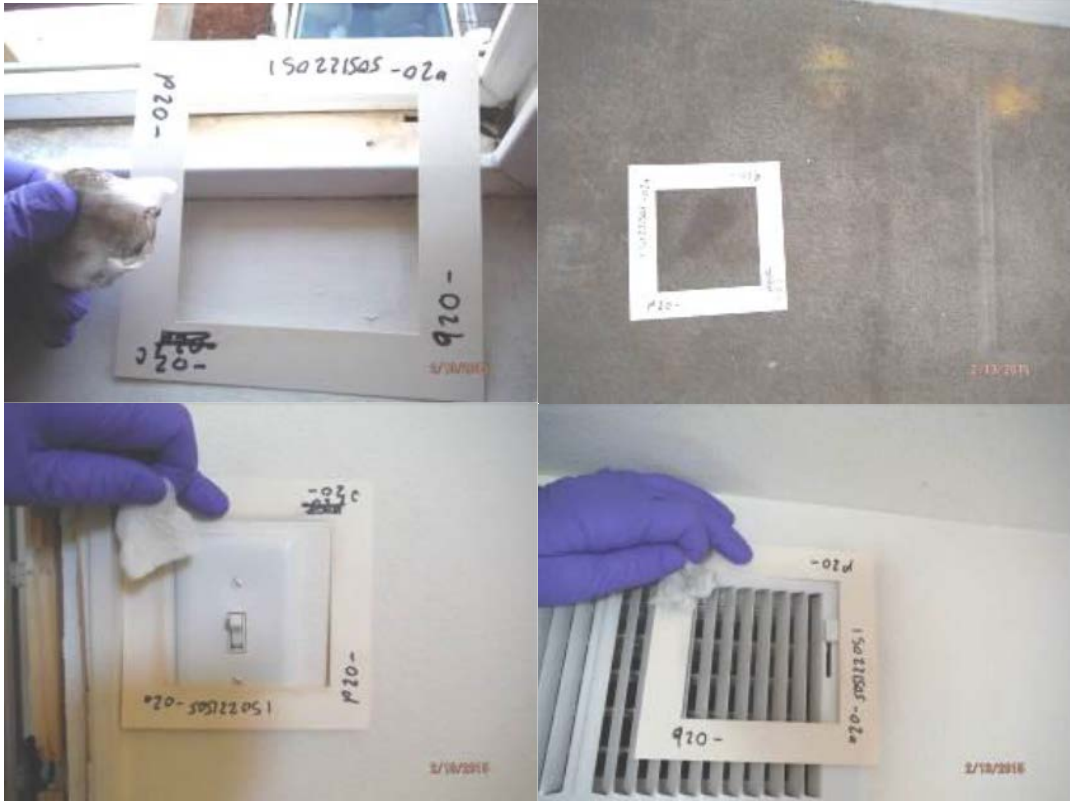
Violation of Section 6.2.2 (24 violations)

During the performance of a Preliminary Assessment, the Contractor is required by regulations to follow specific sampling protocols including:

6.2.2 Delineate a 100 cm² area on the surface to be sampled, either by attaching a physical template to the surface (being careful not to touch the area within the template), or by an equivalently reliable and accurate method. The area within the template (i.e., the sample area) shall be 100 cm². **Physical templates may not be re-used.**

Throughout the report, all available photographs documents that DSEC re-used ALL of their templates. For example, in the following four photographs, we can clearly see that the same template is re-used for each sample location.





Violation of Section 6.2.3 (4 violations)

During the performance of a Preliminary Assessment, the Contractor is required by regulations to follow specific sampling protocols including:

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

Nowhere in the report is there any indication that a sketch was prepared and nowhere in the report are four of the sample locations identified (6A, 6B, 6 and 6D).

Violation of Section 6.2.7 (24 Violations)

During the performance of a Preliminary Assessment, the Consultant is required by regulations to follow specific sampling protocols including:

6.2.7 Wipe the surface using one of the following methods:

6.2.7.1 Square method: Start at the outside edge and progress toward the center of the surface area by wiping in concentric squares of decreasing size.

6.2.7.2 "S" method: Wipe horizontally from side-to-side in an overlapping "S"- like pattern as necessary to completely cover the entire wipe area.

6.2.8 Without allowing the sample media to come into contact with any other surface, fold the sample media with the sampled side in.



Violation of Section 6.2.9 (24 Violations)

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

Violation of Section 6.2.10 (24 Violations)

6.2.10 Fold sampled side in. Using the same sample media, sample the same area a third time. The third pass shall be sampled by wiping using the method not previously used (i.e., use the square method if the “S” method was originally used).

Nowhere in his report, do we see where DSEC documented how samples were collected (as required), and therefore, there is no documentation that this sampling method was used. Indeed, it would have been a physical impossibility to use the mandatory method on several of the samples collected.

On February 19, 2015, FACTs officially requested a variance from the provisions of 6.2.7 through 6.2.10, especially where it was physically impossible to comply with this sampling requirement. In her response to our request,¹⁹ Ms. Brisnehan *explicitly rejected* this variance from the regulations:

The Regulations, as amended, merely add a third pass to increase sample recovery. The sample collection procedure included in the Regulations is based on wipe sample collection procedures developed by the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH). The sample collection procedure using the “S” method is also referenced in the NIOSH analytical methods for methamphetamine.

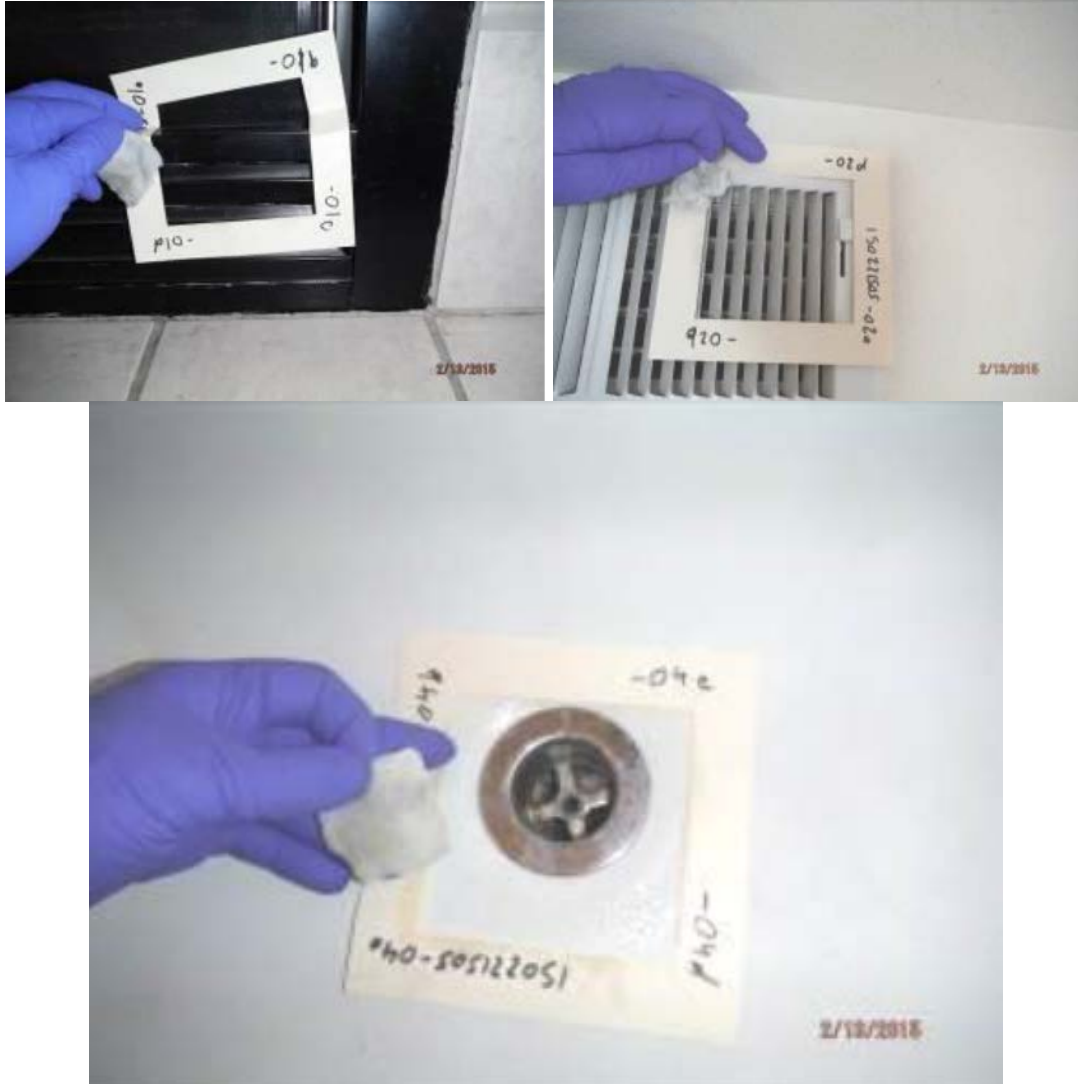
The Department does not consider the deviations proposed by FACTs to be *de minimis* variations from standard sampling requirements. The Department is not willing to provide FACTs a “blank check” to determine when it will or will not comply with the sample collection requirements. Therefore, the Department has determined that approval of this variance may result in substantial deviation from the intent of the regulatory requirement. This variance request is denied.

Based on the February 27, 2015, letter from Ms. Brisnehan (CDPHE,) the method used by DSEC at the subject property is prohibited, and therefore, ALL of the samples thus collected by DSEC at the subject property are invalid.

As already stated, reviewing the photographs, it would be a physical impossibility to perform the mandatory sampling on several of the surfaces from which DSEC collected their samples; for example:

¹⁹ February 27, 2015, letter from Colleen Brisnehan, Hazardous Waste Corrective Action Unit, Hazardous Waste Program, to Mr. Caoimhín P. Connell, Forensic Applications Consulting Technologies, Inc., 185 Bounty Hunter’s Lane, Bailey, Colorado 80421, RE: Request for Variance under 6 CCR 1014-3, 788 West Lois Court, Louisville, Colorado, cc: Mr. Dan Miller - Colorado Attorney General Office, Michael Richen - Boulder County Public Health





Violation of Section 6.2.11 (2 Violations)

During the performance of a Preliminary Assessment, the Consultant is required by regulations to follow specific sampling protocols including:

6.2.11.... Photograph each sample location.

Nowhere in the report do we find photographs of sample locations 6B and 6D.

Violation of Section 6.2.12.1

During the performance of a Preliminary Assessment, the Consultant is required by regulations to follow specific sampling protocols including:

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.



Nowhere in their report has DSEC documented that field blanks were collected in the mandatory manner.

Violation of Paragraph 6.2.14 (4 Violations)

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. ...

Nowhere in the DSEC report do we see evidence of a chain-of-custody as required.

6.2.14 ...Document sample(s) collected from a single methamphetamine-affected property on one Chain-of-Custody Record.

Nowhere in the DSEC report do we see evidence of a chain-of-custody as required.

6.2.14. ... 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.

Nowhere in the DSEC report do we see evidence of a chain-of-custody as required.

6.2.14 ...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:

Nowhere in the DSEC report do we see evidence of a chain-of-custody as required.

Violation of Paragraph 6.2.14.2

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.2 subject property address;

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required.

Violation of Paragraph 6.2.14.3 (2 violations)

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.3 sampler name and contact information;

Nowhere in the DSEC report do we see the name or the contact information provided on a chain-of-custody as required.

Violation of Paragraph 6.2.14.4 (7 Violations)

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:



6.2.14.4 sample identification number;

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required. (Seven analyses, and therefore seven unique identifiers are missing from the chain-of-custody).

Violation of Paragraph 6.2.14.5 (7 Violations)

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.5 sample area;

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required. (Seven analyses, and therefore seven surface areas are missing from the chain-of-custody).

Violation of Paragraph 6.2.14.6 (7 Violations)

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.6 number of sample aliquots;

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required. (Seven analyses, and therefore seven samples with different aliquots are missing from the chain-of-custody).

Violation of Paragraph 6.2.14.7 (7 Violations)

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.7 number of containers for each sample;

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required. (Seven analyses, and therefore – presumably- the identities of seven containers are missing from the chain-of-custody).

Violation of Paragraph 6.2.14.8 Sampling Times (28 violations)

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.8 sample collection time ...

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required. (Twenty eight unique sampling episodes, including four field blanks were identified in the DSEC report, and therefore, 28 dates of collection and 28 times of collection are missing).



Violation of Paragraph 6.2.14.8 Sampling Dates (28 violations)

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.8 sample collection ... date;

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required. (Twenty eight unique sampling episodes, including four field blanks were identified in the DSEC report, and therefore, 28 dates of collection and 28 times of collection are missing).

Violation of Paragraph 6.2.14.9

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.9 sample matrix;

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required.

Violation of Paragraph 6.2.14.10

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.10 requested analysis;

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required.

Violation of Paragraph 6.2.14.11

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

6.2.14.11 sample preservatives, if applicable; and

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required.

Violation of Paragraph 6.2.14.12

According to mandatory State regulations, the consultant is required to include specific information in the Preliminary Assessment including:

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

Nowhere in the DSEC report do we see this information provided on a chain-of-custody as required.



Violation of Section 6.3.6 (2 violations)

During the performance of a Preliminary Assessment, the Contractor is required by regulations to follow specific sampling protocols including:

6.3.6 Collect all individual aliquots from 100 cm² sampling areas.

As already documented above, DSEC failed to collect 100 cm² for several samples.

HISTORY: CDPHE and Robert Woellner

Ms. Colleen Brisnehan, with the State of Colorado, Department of Public Health and Environment (CDPHE) has a history of overtly misleading the Citizens of Colorado, and specifically engaging in unlawful acts pertaining to the clearance of methamphetamine-affected properties with Mr. Woellner and other members of a pseudo-professional, commercial group called “Colorado Association of Meth and Mold Professionals.” Ms. Brisnehan is identified as a member of the Board of Directors for the Commercial Organization while simultaneously serving as a regulator in charge of enforcing state regulations for her own commercial membership.

In the past, the CDPHE has hired untrained and unauthorized consultants who were/are members of the Commercial Organization to perform unlawful assessments of illegal drug laboratories, and then intentionally mislead the homeowners and others as to the validity of the work performed by these individuals.

The issue is significant since the dual roles held by Ms. Brisnehan is in violation of Colorado Revised Statutes (CRS §24-50-117), which states

24-50-117. Prohibited activities of employees

No employee shall engage in any employment or activity which creates a conflict of interest with his duties as a state employee. The board shall promulgate general rules on incompatible activities, conflicts of interest, and employment outside the normal course of duties of state employees.

That is, the fox is watching the henhouse.

The State of Colorado, (CDPHE) has simply ignored this violation of Colorado Revised Statutes, and provided misinformation to people who were subsequently harmed by believing his misinformation, i.e., state clearance of still contaminated methamphetamine-affected properties.

For example, in August, 2007, the office of Mr. Fonda Apostopoulos, CDPHE (proximally through Ms. Brisnehan), the State of Colorado hired an untrained and unauthorized consulting firm called Gobbell Hays Partners, Inc. (GHPI) to perform a Preliminary Assessment of an identified methamphetamine-affected property located at 4690 West 76th Ave., Westminster, Colorado.



The CDPHE hired GHPI, fully aware of the fact that the individual who would be performing the work, Mr. Peter Cappel, was a fellow board member with Ms. Brisnehan on her private, commercial group.

For that property, GHPI entirely failed to follow any aspect of the mandatory Colorado State regulations 6 CCR 1014-3 regarding the assessment of Illegal Drug Laboratories, and simply invented their own bogus “regulations.” Their work contained so many regulatory violations, that literally none of their work was valid.²⁰

In fact, GHPI was so grossly incompetent that in their report, GHPI stated they had diligently followed the regulations found in *Assembly Bill 1025, (Methamphetamine Contaminated Property Cleanup Act of 2005)*. Unfortunately, there is no such thing as *Assembly Bill 1025, (Methamphetamine Contaminated Property Cleanup Act of 2005)* in Colorado and yet in their report to the CDPHE, GHPI quoted *Assembly Bill 1025* thusly:

Methamphetamine Contamination Disclosure

Methamphetamine contamination disclosure is now required due to the passage of Assembly Bill 1025, (Methamphetamine Contaminated Property Cleanup Act of 2005). It is now required for a property owner to disclose in writing to a prospective buyer or tenant if local health officials have issued an order prohibiting the use or occupancy of a property contaminated by methamphetamine laboratory activity. The owner must also give a copy of the pending order to the buyer to acknowledge receipt in writing. The bill also establishes remediation and re-occupancy standard for determining when a property, contaminated as a result of methamphetamine activity, is safe for human occupancy. Local health officials, after conducting an investigation, are also required to issue an order prohibiting the use or occupancy and to post the order on the property, in addition to the property owner taking specific actions. Failure to comply with these, and all requirements of AB 1025, may subject an owner to, among other things, a civil penalty up to \$5000. Aside from disclosure requirements, AB 1025 also outlines procedures for local authorities to deal with methamphetamine contaminated properties, including filing of a lien against a property until the owner cleans up contamination or pays for cleanup costs.

None of this language appears anywhere in Colorado documents, and the CDPHE allowed the report to go completely unchallenged.

As it turns out, GHPI was not even quoting a governmental source, but rather appears to have plagiarized the language from the internet wherein a Home Inspector in California had placed the language on his personal web site. GHPI plagiarized the text and placed it in their report and submitted the report to Mr. Apostopoulos who ignored the inaccuracies contained in this report.

Ms. Brisnehan ignored the fact that the work was contrary to regulations and invalid and

²⁰ An entire review can be found here: <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



in violation of 6 CCR 1014-3, and in violation of Colorado Revised Statutes CRS 25-18.5-101 *et seq.* Instead of correcting the problems, the CDPHE then hired a company to unlawfully “clean” 4690 West 76th Ave., Westminster Colorado.

Knowing that GHPI had already violated State regulations and State statutes, and in violation of 6 CCR 1014-3, and in violation of Colorado Revised Statutes CRS 25-18.5-101 *et seq.*, Ms. Brisnehan (as a representative of the State of Colorado) nevertheless again hired GHPI to go back to the property and perform “post remediation verification.”

GHPI returned to the property and entirely ignored mandatory state regulations, entirely failed to perform a post remediation verification as required, and produced a February 28, 2008 document wherein GHPI falsely claimed they had complied with Colorado regulations and wherein they again referenced the non-existent *Assembly Bill 1025, (Methamphetamine Contaminated Property Cleanup Act of 2005)*.

Ms. Brisnehan, and Mr. Apostopoulos were fully aware of the flagrant violations, and aware of the fact that the work was invalid, and simply pretended that the work was legitimate, and falsely represented that the property was compliant. According to Colorado Criminal Code:

CRS 18-8-404. First degree official misconduct.

(1)A public servant commits first degree official misconduct if, with intent to obtain a benefit for the public servant or another or maliciously to cause harm to another, he or she knowingly: (a) Commits an act relating to his office but constituting an unauthorized exercise of his official function; or (b) Refrains from performing a duty imposed upon him by law; or (c) Violates any statute or lawfully adopted rule or regulation relating to his office. (2) First degree official misconduct is a class 2 misdemeanor.

It is our opinion, that the actions of Ms. Brisnehan meet the elements of the criminal act of *First degree official misconduct*. The Archibeque Family, involved with the above referenced Westminster, Colorado property, having been misled by the CDPHE moved into the property and subsequently became ill.

The Archibeques began to investigate the status of the property, and FACTs was hired to review the documentation associated with the property. FACTs prepared a detailed description of the regulatory violations²¹ and submitted that report to our client and to Mr. Apostopoulos. It was ultimately discovered that the contamination levels at 4690 West 76th Ave., Westminster Colorado, after the supposed cleaning and verification occurred, were approximately 9,000 times over the regulatory limit.

Ms. Brisnehan ignored all of these demonstrable facts, and responded with a multiple page, *ad hominem* invective communication that attacked the staff of FACTs, but otherwise entirely failed to address any of the regulatory violations. In her response, Mr. Brisnehan effectively stated she was above the law, and didn't have to follow CDPHE

²¹ <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



regulations, and CDPHE was permitted to falsify documents and mislead the Archibeque Family.

According to Colorado Revised Statutes, documents prepared by GHPI are a written instrument as defined by CRS 18-5-101(9) which states:

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

And Colorado Criminal Code reads: *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.

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.

Ms. Brisnehan, and GHPI all were fully aware that the documents thus produced were going to be filed with a public office (Tri-County Health Department), and ignored the fact that the documents submitted by GHPI to the CDPHE entirely falsified the work that was supposedly completed, and the compliance status of the Westminster property.

Ms. Brisnehan's collusion of regulatory misconduct with Mr. Woellner is not new. For example, GHPI, again in violation of State regulations, performed work at 4893 South Johnson Street,²² Denver, Colorado. On August 23, 2011, Ms. Brisnehan with the CDPHE, personally accompanied Mr. Woellner to the property and helped that unauthorized consultant unlawfully collect invalid samples at that property. Ms. Brisnehan assisted in the violation of no fewer than 65 regulatory violations conducted by two of her former CAMMP colleagues - one in Westminster and one in Denver.

²²See the review at http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



Ms. Lelani DeVine and her family moved into the contaminated property at 4893 South Johnson Street, Denver, Colorado and reportedly suffered chemical injuries as a result of those exposures. When Ms. DeVine investigated the problem by contacting the CDPHE, Ms. Brisnehan intentionally and knowingly misled Ms. DeVine, and informed Ms. DeVine that the CDPHE and Mr. Woellner had cleared the property according to State regulations.

The now ailing occupant, Ms. DeVine, stated she had caught Ms. Brisnehan lying to her, and became suspicious of what Ms. Brisnehan was telling her, and subsequently, Ms. DeVine hired FACTs to evaluate the situation.

FACTs arrived on site, and found that none of the cleaning, or the assessment work, or the sampling had been performed according to state regulations as claimed by Ms. Brisnehan. For example, although Ms. Brisnehan claimed that the ventilation system associated with the Johnson Street property had been cleaned and sampled according to state regulations, upon our site visit, FACTs determined that the ventilation system from whence samples were reportedly collected had *never* even been opened (FACTs had to scrape the paint off the screws and cut the paint from the edges of the vent in order to gain access to the ventilation system). Indeed, upon opening the ventilation system, we observed heavy debris, and even a dead rodent, in plain view inside the air handler. Below is a photograph of the ventilation system Ms. Brisnehan claimed she and Mr. Woellner had verified as being cleaned:



FACTs Photograph



Upon reaching into the duct, FACTs pulled out the following debris from the ventilation system CDPHE falsely claimed had been cleaned.



FACTs Photograph

The above photograph depicts an handful of methamphetamine contaminated filth from the ventilation system Ms. Brisnehan claimed the CDPHE had verified as being cleaned and properly assessed by Mr. Woellner.

Thus, in our regulatory audit of the documents for the property at 4893 South Johnson Street, Denver,²³ FACTs identified no fewer than 64 regulatory violations associated with the work supposedly performed by Mr. Woellner of QUEST, Inc.

During our assessment, FACTs also performed surface wipe sampling at the South Johnson Street property, and our results indicated that the property had never been cleaned as claimed, and the contamination levels in the property remain to this day at levels *at least* four times the allowable limit of surface contamination. According to Ms. Brisnehan, CDPHE, FACTs has merely “incorrectly interpreted our objective data.”

²³See the review at http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf



Ms. Brisnehan, in violation of Colorado Criminal Code CRS 18-8-404, lied to Ms. DeVine to cover up the regulatory violations of her CAMMP colleague (Mr. Woellner). Mr. Woellner, under the protection of the CDPHE, has continued making false statements on public domain documents filed with government officials, performing invalid assessments, and performing "assessments" containing hundreds of regulatory violations.

For example, in another methamphetamine-affected property located at 100 West Spaulding, Lafayette, Colorado,²⁴ Ms. Brisnehan's office, knowingly and intentionally covered up 143 regulatory violations committed by Mr. Woellner on just that one property alone (an action we believe is a violation of CRS 18-8-404 *First degree official misconduct*.)

More recently, in violation of Colorado Revised Statutes §25-18.5-107(2)(a), Ms. Brisnehan and her office have entirely failed to perform their duties on other gross and repeated violations by Mr. Woellner. For example, in the February 24, 2015 "*Methamphetamine Preliminary Assessment Inspection, Sampling & Recommended Scope of Work*" for the property located at 1138 West 32nd Street, Unit 201, in Denver, Colorado 80205, performing work for a company called Monument EH&S, Mr. Woellner committed no fewer than 39 individual regulatory violations; all of which have been ignored by Ms. Brisnehan and her office at the CDPHE.

Also, for an additional example, in the March 17, 2015 "*Methamphetamine Preliminary Assessment Inspection, Sampling & Recommended Scope of Work*" for the property located at 771 W. Cleveland Circle in Lafayette, CO 80026, prepared for Tim McWilliams, Muskrat Hat 771, 1502 S. Vona Court, Superior, CO 80027, Mr. Woellner committed no fewer than 25 individual regulatory violations; all of which have been ignored by Ms. Brisnehan and her office at the CDPHE.

Similarly, in the March 2, 2015 "*Methamphetamine Preliminary Assessment Inspection, Sampling & Recommended Scope of Work*" for the property located at 410 Garfield Avenue, Carbondale, CO 81623, prepared for Mr. Ken Olson, 410 Garfield Ave. Carbondale, CO 81623, Mr. Woellner committed no fewer than 26 individual regulatory violations; all of which have been ignored by Ms. Brisnehan and her office at the CDPHE.

Additionally, for the property located at 48400 Routt County Road 56C, Steamboat Springs, CO 80487, in the March 20, 2015 "*Methamphetamine Screening Level Assessment*" prepared for Nancy Jastatt and Carl Juergens, 4265 State Route 7 NE, Burghill, OH 44404, Mr. Woellner committed no fewer than 22 individual regulatory violations; all of which have been ignored by Ms. Brisnehan and her office at the CDPHE.

In the more recent May 29, 2015 report for 8347 S Reed Street, Unit 2, Littleton CO 80128, upon review of his report, Mr. Woellner managed to stack up no fewer than 121

²⁴See the full review at http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf



regulatory violations.²⁵ In this assessment, Mr. Woellner falsely claims that the work previously performed by FACTs at the Reed Street property was invalid, and then goes on to explain that he needed to get an official variance from the CDPHE for that property since he had violated the sampling protocols, and virtually none of his samples were valid. Naturally, Ms. Brisnehan automatically granted the variance to allow Mr. Woellner to collect invalid samples.

More recently, we have seen the same situation occur. For the property located at 11767 Grant Street, Northglenn, Colorado, 80233,²⁶ Ms. Brisnehan and Mr. Apostopoulos (CDPHE) have once again hired a consultant (Mr. Woellner), who identifies himself as a member of Ms. Brisnehan's commercial group "CAMMP" but otherwise has no documentation of any training in the assessment of illegal drug laboratories, and who has a very long history of fraudulent work, and literally hundreds of violations of state regulations and statutes. However, since he is a member of the above mentioned commercial group, it appears that that association takes precedence over legitimacy and competency.

The list goes on, and Mr. Woellner has accrued an extended list of fraudulent and grossly incompetent, invalid, assessments^{27,28} all of which are being ignored, even blatantly accepted, by Ms. Brisnehan and the CDPHE.

It is important to note that FACTs has documented many fabrications regarding Mr. Woellner's claims to his credentials. It is also important to note that Mr. Woellner has never been able to document any actual training in illegal drug laboratories, their assessment or Industrial Hygiene related issues (indeed, until recently, Mr. Woellner insisted that he was not and Industrial Hygienist.) We have discussed those issues in detail in other documents²⁹.

Suffice here to say that according to the *Colorado Department Of Regulatory Agencies, Office Of Policy And Research, Industrial Hygienists, And Safety Professionals 2001 Sunrise Review* (October 15, 2001), Mr. M. Michael Cooke, Executive Director stated:

Another avenue of redress is the Colorado Consumer Protection Act. This law prohibits individuals from misrepresenting their certification, abilities, and associations, and making false or misleading statements concerning the price of goods, services, or property. In addition, §6-1-707(1)(a)(I), C.R.S., prohibits an individual from claiming "either orally or in writing, to possess either an academic degree or an honorary degree of the title associated with said degree, unless the person has, in fact, been awarded said degree."

²⁵See http://forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf

²⁶ See http://forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf

²⁷ See 131 South Benton Street Denver, CO <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

²⁸ See for example: 788 W. Lois Ct., Louisville, CO 80027

²⁹ http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf



While this Act does not prevent individuals from performing industrial hygiene work, it does prohibit individuals from claiming that they have education or background that they do not possess. An individual who misrepresents his or her qualifications may be in violation of this Act. 18 C.R.S. § 6-1-105(1)(b), (c), (e) and (l), C.R.S.

On December 15, 2014, Colorado Regulations 6 CCR 1014-3 “*Regulations Pertaining To The Cleanup Of Methamphetamine-Affected Properties*” became effective. The regulations mandate that consultants engaged in the assessment of methamphetamine affect properties are required to perform specific activities in order for the work to be considered valid.

The new regulations were supposed to correct the problem of fraudulent consultants performing invalid assessments and place the work under the regulatory auspices of the Colorado Department of Public Health and the Environment Hazardous Materials and Waste Management Division. Unfortunately, Ms. Brisnehan of the CDPHE's Hazardous Materials and Waste Management Division was given the task of rewriting the new regulations - with the supposed input of members of a stake-holders committee.

To date, FACTs has only reviewed 40 reports prepared under the new regulations (including this review); wherein we have thus far identified no fewer than 13,104 (thirteen thousands, one hundred and four) regulatory violations.

According to Regulations 6 CCR 1014-3

3.1 Whenever the Department [CDPHE] has reason to believe that a person has violated any requirement of these regulations, the Department shall notify the person, specifying the requirement alleged to have been violated and the facts alleged to constitute the violation.

According to Colorado Revised Statutes:

CRS 18-8-404. First degree official misconduct.

(1) A public servant commits first degree official misconduct if, with intent to obtain a benefit for the public servant or another or maliciously to cause harm to another, he or she knowingly: (a) Commits an act relating to his office but constituting an unauthorized exercise of his official function; or (b) Refrains from performing a duty imposed upon him by law; or (c) Violates any statute or lawfully adopted rule or regulation relating to his office. (2) First degree official misconduct is a class 2 misdemeanor.

And yet, to our knowledge, to date, neither Ms. Brisnehan nor the CDPHE has followed the regulations as required.

Colorado Consumer Protection Act

In Colorado, consumers are protected against deceptive trade practices as delineated in the Colorado Consumer Protection Act, CRS Title 6, Article 1. According to those statutes, a person engages in a deceptive trade practice when, in the course of such person's business or occupation, that person knowingly makes a false representation as to the certification of their services, and/or knowingly makes a false representation as to the



characteristics of their services and/or represents their services are of a particular standard, quality, or grade if he knows or should know that they are not as specified.

We believe that Mr. Woellner has violated the Colorado Consumer Protection Act, and as a result, the registered owner of this subject property (and several others named above), and the general public, have been harmed.

CRS §18-5-114 Offering a false instrument for recording

We believe that one of two mental states necessarily must have been present in the performance of Mr. Woellner's work: 1) Either Mr. Woellner knew that the work he was performing was grossly deviant from mandatory State requirements or, 2) Mr. Woellner was unaware of the fact that his work was grossly deviating from mandatory State requirements.

If Mr. Woellner did not know that his work was grossly deviating from mandatory State requirements, then that is sufficient to surmise that he lacks the technical competency to perform the work in the first place since it is his professional obligation to conform to those regulations and perform work pursuant to those regulations. Indeed, on several occasions known to FACTs, Mr. Woellner has signed false statements affirming that the work he performed conformed to those regulations.

Since FACTs has, in the past, on other properties throughout the State of Colorado assessed by Mr. Woellner, repeatedly pointed out the same deficiencies in Mr. Woellner's work, (as referenced in this discussion), one must surmise that Mr. Woellner knowingly and willingly performed work that deviated grossly from mandatory State requirements.

According to Colorado Revised Statute CRS §18-5-114 (*Offering a false instrument for recording*), a person commits a class 5 felony when offering a false instrument for recording in the first degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, and with intent to defraud, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be registered, filed, or recorded or become a part of the records of that public office or public employee.

Pursuant to State statute, and state regulations, the mandatory "Preliminary Assessment" must be filed with the CDPHE and with the "Governing Body" with jurisdiction wherein a property is located. Mr. Woellner has explicitly acknowledged that fact since he has stated as much in his report.

CONCLUSION

Mr. Woellner has, for this one project alone, committed no fewer than 277 individual regulatory violations in 42 broad categories. And, the CDPHE has, in violation of their statutory requirements, once again, ignored these violations.



Appendix A

Reviewer's Statement of Qualifications





Forensic Applications Consulting Technologies, Inc. Consultant Statement of Qualifications

FACTs project name:	General Distribution	Form # ML15
January 19, 2016		

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

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

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

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

Mr. Connell is a current sworn law enforcement officer who has conducted clandestine laboratory investigations and performed risk, contamination, hazard and exposure assessments from both the law enforcement (criminal) perspective, and from the civil perspective in residences, apartments, motor vehicles, and condominiums. Mr. Connell has conducted over 613 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,565 samples during assessments (a partial detailed list of drug lab experience is available on the web at): <http://forensic-applications.com/meth/DrugLabExperience2.pdf>

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

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



Multijurisdictional Counterdrug Task Force Training

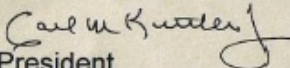


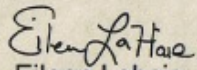
This is to certify that
Caoimhin P. Connell

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

Rural Patrol

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


President
St. Petersburg College


Eileen Lahaie
MCTFT Director

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

Midwest Counterdrug Training Center



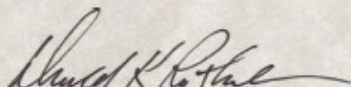
Certificate of Training

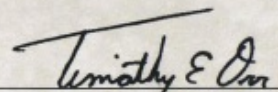
This certifies that

Caoimhin Connell

Has successfully completed the
Clandestine Laboratory Certification

Cheyenne, WY
40 Training Hours
2-6 August 2004


Network Environmental Systems, Inc.


LTC Timothy E. Orr
Commandant



Center *for* Task Force Training™

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

HAS SUCCESSFULLY COMPLETED 20 HOURS OF TRAINING IN

METHAMPHETAMINE INVESTIGATION MANAGEMENT

MARCH 20-22, 2006

DENVER, COLORADO

Domingo S. Herraiz
Director, Bureau of Justice Assistance

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



State and Local Anti-Terrorism Training

THIS IS TO CERTIFY THAT

Caoimhin P. Connell

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

June 1, 2006

Denver, Colorado

Domingo S. Herraiz
Director, Bureau of Justice Assistance



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

*Rocky Mountain
High Intensity Drug Trafficking
Area*



Certifies that



Caoimhín Connell

has attended

4 hours of

Hash Oil Extraction: The Scene and The Patient

Aurora, CO

July 25, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA



www.nesglobal.net

Certificate of Completion

Caoimhin Connell

has successfully completed training in

Advanced Clan Labs: Beyond the Basics

presented by

NES, Inc.

1141 Sibley Street Folsom, CA 95630

Instructor - Brian Escamilla

04/28/14 04/30/14

Date

Contact Hours:24

This certifies that

Caoimhin P Connell

Has met the requirements for the online course

Expert Testimony Training for the Prosecutor and Scientist



11-07-2012

Certificate Number: 1109778763

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



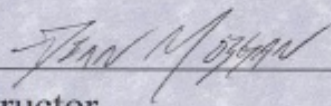
Park County Sheriff's Office Certificate of Completion

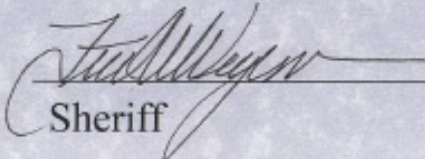
Caoimhin Connell

has completed an 8 hour course in:

Crime-scene Approach and Evidence Collection

Completed this 29th day of April, 2009


Instructor


Sheriff

***Rocky Mountain
High Intensity Drug Trafficking
Area***



Certifies that



Caoimhín P. Connell

*has attended
2 hours of
Hash Oil Explosions
Woodland Park, CO
May 31, 2014*

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

Certificate of Completion

This Will Certify That

Caoimhín P. Connell

Successfully Completed

Prescription Drug Crimes

7 Hours Completed

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

P. Ritch Wagner
Instructor



Director, Law Enforcement Liaison & Education



Certificate of Training

This is to certify that
Caoimhin Connell

(Name)

Park County Sheriff's Office

(Agency)

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

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

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



Colorado Law Enforcement Officers' Association



This is to certify that

CAOIMHIN CONNELL

Completed **ARIDE (Advanced Roadside Impaired Driving Enforcement)**

hosted by **Loveland Police Department**

on **February 28 – March 1, 2011**

Tom Finelle
Tom Finelle, CLEOA President

M. A. [Signature]
ARIDE Instructor

State of Colorado



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

CAOIMHIN PADRAIG CONNELL

August 27, 2008

Date

VIN INSP— **0952**

Number

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

Bill Ritter Jr.

Governor

John W. Suthers

Attorney General, Board Chairperson

Certificate of Completion Intoxilyzer 9000 Operator Certification Course

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

Caoimhin P Connell

User ID: **841645**

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

February 21, 2013

Certificate Date

Jeffrey A. Groff

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



David A. Butcher

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

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



Certificate of Achievement

awarded to:

Caoimhin P. Connell

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

June 1st, 2005

Date

Signed

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

CERTIFICATE OF COMPLETION

COLORADO LAW ENFORCEMENT ASSOCIATIONS TRAINING PROJECT

This Certifies That

Caoimhin Connell

Has Attended the

CLEAT 40-HOUR

Train the Trainer Course

Hosted by Breckenridge Police Department
August 14-18, 2006

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



John L. Kammerzell
Executive Director
Police Officer Standard & Training



Donald E. Christensen
Executive Director
County Sheriffs of Colorado





SINCE 1973

This is to certify that

Caoimlin P. Connell

*Has completed a 24 hour training program in Vehicle Identification Number
Inspection*

Presented this 24th day of May, 2008

CATI President

VIN Inspector Training Coordinator

State of Colorado



THE BOARD ON PEACE OFFICER STANDARDS AND TRAINING
AWARDS THIS CERTIFICATE
TO

CAOIMHIN PADRAIG CONNELL

May 6, 2004

Date

B- 10670

Number

*For fulfilling the prescribed requirements for certification. This certificate expires three years from date of
issuance unless the certificate holder meets the requirements for continued certification as established by law
and the P.O.S.T. Board.*

Governor

Attorney General, Board Chairperson

**Rocky Mountain
High Intensity Drug Trafficking
Area**



Certifies that



Caoimhín Connell

has attended

16 hours of

MCTC / RMHIDTA Indoor Marijuana Grows

Centennial, CO

August 28-29, 2014

Training Manager, Rocky Mountain HIDTA

Director, Rocky Mountain HIDTA

CERTIFICATE OF TRAINING

THIS IS TO CERTIFY THAT

Caoimhín Connell

Has completed 4 hours of successful training for

The Hazards of Hash Oil Extraction

Held at IRIS Fire Investigations in Englewood, CO

on this 7th day of November, 2014

Robert K. Toth
IRIS Fire Investigations, President



COLORADO
Department of Public
Health & Environment

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

December 30, 2014

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

Consultant Interim Authorization Approval

Dear Caoimhin Connell:

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

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

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

Approved By: _____

Date: _____

12/30/2014





COLORADO
Department of Public
Health & Environment

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

December 30, 2014

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

Consultant Firm Interim Authorization Approval

Dear Forensic Applications Consulting Technologies Inc:

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

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

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

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

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

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

Approved By: _____

Date: 12/30/2014

