



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

**Regulatory Audit  
of  
Clearance Sampling Report  
By  
Robert Woellner  
QUEST Inc.  
at an  
Identified Illegal Drug Laboratory  
(Identifying 769 Regulatory Violations)**

**Located at:  
690 S. Lincoln Street  
Denver, CO 80203**

Prepared by:

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## **EXECUTIVE SUMMARY**

Forensic Applications Consulting Technologies, Inc. (FACTs) is performing a series of regulatory audits on public domain documents regarding the sampling of methamphetamine affected properties located in Colorado.

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 personnel employed 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:

**Single Family Residence at  
690 S. Lincoln Street in Denver, CO 80203  
Methamphetamine Post-Remediation Inspection & Clearance Sampling Assessment  
January 22, 2015**

**Prepared For:  
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Landmark Brokerage  
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The purpose of this review is to document regulatory violations associated with regulatory work regarding the sampling of methamphetamine affected properties (6CCR 1014-3). The consultant in question (Robert Woellner with QUEST Inc.) has an extended history of regulatory violations.  
<sup>1,2,3,4,5,6,7,8,9</sup>

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<sup>1</sup> 131 South Benton Street Denver, CO <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

<sup>2</sup> 100 W. Spaulding Street, Lafayette, Colorado [http://forensic-applications.com/meth/Spaulding\\_Regulatory\\_audit\\_Redacted.pdf](http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf)

<sup>3</sup> 4893 S Johnson Street, Denver [http://www.forensic-applications.com/meth/Johnson\\_Critical\\_review.pdf](http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf)

<sup>4</sup> 788 W. Lois Ct., Louisville, CO 80027

<sup>5</sup> 1138 West 32nd Street, Unit 201, Denver, CO [http://www.forensic-applications.com/meth/Addendum\\_2\\_Woellner\\_1138\\_32\\_St.pdf](http://www.forensic-applications.com/meth/Addendum_2_Woellner_1138_32_St.pdf)

<sup>6</sup> 410 Garfield Avenue, Carbondale, CO 81623 [http://www.forensic-applications.com/meth/Addendum\\_4\\_Woellner\\_410\\_Garfield.pdf](http://www.forensic-applications.com/meth/Addendum_4_Woellner_410_Garfield.pdf)

<sup>7</sup> 48400 Routt County Road 56C, Steamboat Springs, CO 80487 [http://www.forensic-applications.com/meth/Addendum\\_5\\_Woellner\\_56C.pdf](http://www.forensic-applications.com/meth/Addendum_5_Woellner_56C.pdf)

<sup>8</sup> 11767 Grant Street, Northglenn, Colorado 80233 [http://www.forensic-applications.com/meth/Addendum\\_7\\_Woellner\\_11767\\_Grant.pdf](http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf)



This property can be thought of as being divided into two regulatory realms 1) Pre-revision regulatory requirements (in effect until December 14, 2014), and 2) Post-revision Regulatory requirements (effective December 15, 2014). However, since **none** of work by the Consultant performed during pre-revision period was valid, the project can actually be thought of as exclusively a post-revision Clearance project, and therefore, subject to the Post Decontamination Sampling requirements of 6 CCR 1014-3 as Revised (12/15/2014).

Ignoring for a moment that the Consultant was not even permitted to perform the work prior to receiving State approval in 2015, none of the samples met the existing regulations as claimed. For example, according to the old regulations which the Consultant claimed he was following we see:

- For any given *functional space*, at least 500 cm<sup>2</sup> of surface shall be sampled, unless the area is assumed to be non-compliant.

And yet for most of the Functional Spaces at this particular property, Mr. Woellner only collected 100cm<sup>2</sup>, and not 500cm<sup>2</sup> as claimed, and as required.

Furthermore, decontamination in the structure continued well past the effective date of the revised Regulations, and **no** areas were cleared pursuant to the Pre-revision regulatory or Post-revision regulatory requirements.

Therefore, **NO CLEARANCE SAMPLING, AS REQUIRED IN REGULATION, WAS PERFORMED AT THIS PROPERTY AT ANY TIME**, and the property remains an illegal drug laboratory, entry into which is still prohibited.

For this regulatory audit, FACTs has identified no fewer than 769 (seven hundred and sixty nine) individual regulatory violations in 27 broad regulatory categories.

## **REVIEW OF THE DOCUMENT**

During the performance of Post Decontamination Assessment of a methamphetamine affected property, the Consultant is required by regulations to perform specific mandatory tasks and provide specific mandatory documentation in their report. In reviewing the report associated with 690 S. Lincoln Street, Denver, CO 80203 (the subject property), FACTs has identified multiple deficiencies in the actual assessment of this property, and the resultant reporting process as is required by regulation..

### **Violation of Section 6.1.3**

According to the regulations:

6 CCR 1014-3 , Part 1

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.

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<sup>9</sup> 8347 S Reed Street, Unit 2, Littleton CO 80128, [http://www.forensic-applications.com/meth/Addendum\\_6\\_Woellner\\_Reed2\\_Redacted.pdf](http://www.forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf)



As delineated below, the sampling and assessment failed to meet the requirements specified in Regulations.

**Violation of Section 6.1.3.3 (12 Violations)**

According to the Regulations,

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.

For this property, there was extensive evidence of profound iodine contamination throughout the property. For example, the photograph below shows the author of this review (Connell) in the basement of the property pointing to the north wall of the basement; the “ghosting” (staining) is due to heavy iodine contamination.



**Iodine Staining Basement Living Room**



**Iodine Staining Basement Northwest Bedroom**



Since the consultant (QUEST), has no documentable training in the assessment of illegal drug laboratories, the consultant failed to recognize these stains for what they represent, and failed to identify these areas, and therefore failed to comply with Section 6.1.3.3. that required sampling of these areas for iodine.

Since Mr. Woellner similarly failed to comply with Section 8.2 of the Regulations (requiring photographic documentation of post decontamination site conditions), FACTs cannot know the actual number of violations under this section.

However, based on our firsthand knowledge of this subject property, we believe that at least 12 samples were needed to assess the iodine contamination in the property.

### **Violation of Section 6.2**

According to the Regulations,

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

None of the Post Decontamination sampling conducted at the property was performed pursuant to State regulations. All of the sampling performed prior to the effective date of 6 CCR 1014-3 (Revised) was invalid, and all of the sampling performed after the effective date of 6 CCR 1014-3 (Revised) was invalid.

According to the QUEST report, Mr. Woellner made several visits to the property for “Post Decontamination” sampling – however, nothing in the report indicates that once an area was cleaned, the remediation company made any attempt to isolate that area from other areas that failed. Therefore, once an area “passed,” it was exposed to the migration of contaminants from areas that were being cleaned and/or re-cleaned, and therefore, simply became re-contaminated. In violation of Section 8.6.1, Mr. Woellner failed to ensure that a proper description and photographs of the decontamination process were included in the final report. According to that section, Mr. Woellner’s report was supposed to include:

8.6.1 A description and photographic documentation of the decontamination procedures used and a description of each area that was decontaminated.

That information is missing from the final report.

Therefore, upon the completion of post decontamination activities, pursuant to Regulations, ALL areas would have been subject to the Clearance assessment activities required by Section 6, of Part 1 of 6 CCR 1014-3. As it is, none of the areas were subjected to the mandatory sampling.

Ultimately Clearance Samples, pursuant to Regulations, should have been collected from the following areas:

1. Foyer - Living Room
2. Upstairs Front Bedroom
3. Main Upstairs Bath



4. Upstairs Kitchen
5. Kitchen Stairs
6. North -South Internal Patio
7. Upstairs Back Bedroom
8. Attic
9. Basement Kitchen – Living room (544 ft)
10. Basement South Bedroom
11. Basement North Bedroom
12. North Garage
13. South Garage
14. Basement Grow Room
15. Basement Bathroom

No Post Decontamination sampling, meeting the requirements of 6 CCR 1014-3 Section 6 (regardless of the version), were collected for these areas. Furthermore, not only were none of the “clearance” samples collected at the property prior to December 15, 2014 valid, but even if they were valid, those samples would have been rendered invalid by virtue of the fact that the compliant areas were not isolated from the noncompliant areas as re-cleaning progressed, and those area’s samples would have been voided when those areas became re-contaminated through the cleaning process.

#### **Violation of Section 6.2.1 (65 Violations)**

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

Ultimately, QUEST would have been required by Regulations to collect no fewer than 65 individual aliquots from the property (including blanks) to clear the property following decontamination of the property.

In the photographs, we can clearly see that where Mr. Woellner collected samples, he failed to use 2 X 2 inch wipes as required.

#### **Violation of Section 6.2.2 (50 Violations)**

According to Regulations:

6.2.2 Delineate a 100 cm<sup>2</sup> 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 cm<sup>2</sup>.** Physical templates may not be re-used.

The consultant failed to collect areas that were 100 cm<sup>2</sup>, as required by regulation. Thus for example, in the photograph below, we see:







Photograph reproduced from QUEST report dated January 22, 2015

In another example:



Photograph reproduced from QUEST report dated January 22, 2015



Since the contractor failed to document their sample sizes as required by regulations, we don't know how many violations existed. Since this contractor routinely records "100 cm<sup>2</sup>" on his reports regardless of the actual sample size, we cannot use the values in the associated laboratory reports.

For example, the following are photographs reproduced from various reports for various properties, independently reviewed by FACTs, over the last couple months wherein Mr. Woellner has collected samples and then falsely claimed in the reports that the sample size was 100 cm<sup>2</sup>.





For the property being discussed, the consultant would have been required by regulation to collect a minimum of 57 surface aliquots; Mr. Woellner documented that only seven of those aliquots were actually 100cm<sup>2</sup>. Therefore, considering the very lengthy history of regulatory violations by this consultant, it is presumed the balance of the samples were not 100cm<sup>2</sup>.

### **Violation of Section 6.2.2 (48 Violations)**

According to Regulations, the Consultant is prohibited from re-using templates.

#### 6.2.2 Physical templates may not be re-used.

As documented elsewhere<sup>10,11,12,13,14,15,16</sup> (and as evidenced by the photographs above), this Contractor regularly reuses his templates in violation of State Regulation. We know for example that as late as June 4, 2015, Mr. Woellner was still re-using templates in violation of regulations. It is presumed that Mr. Woellner used his normal operating procedures at this subject property and re-used his templates – since this practice by Mr. Woellner can be demonstrated over the course of many, many properties. To the extent that, in violation of the regulations, Mr. Woellner failed to photograph 45 of his sampling locations, and therefore failed to document to the contrary, we have no reason to believe that Mr. Woellner did anything except perform his usual sampling procedure, which is prohibited by regulation .

<sup>10</sup> See for example: 8347 S Reed Street, Unit 2, Littleton CO 80128, [http://www.forensic-applications.com/meth/Addendum\\_6\\_Woellner\\_Reed2\\_Redacted.pdf](http://www.forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf)

<sup>11</sup> See for example: 11767 Grant Street, Northglenn, Colorado 80233 [http://www.forensic-applications.com/meth/Addendum\\_7\\_Woellner\\_11767\\_Grant.pdf](http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf)

<sup>12</sup> See for example: 48400 Routt County Road 56C, Steamboat Springs, CO 80487 [http://www.forensic-applications.com/meth/Addendum\\_5\\_Woellner\\_56C.pdf](http://www.forensic-applications.com/meth/Addendum_5_Woellner_56C.pdf)

<sup>13</sup> See for example: 771 Cleveland Circle Lafayette, CO 80026 [http://forensic-applications.com/meth/Woellner\\_771\\_Cleveland.pdf](http://forensic-applications.com/meth/Woellner_771_Cleveland.pdf)

<sup>14</sup> See for example: 410 Garfield Avenue, Carbondale, CO 81623 [http://www.forensic-applications.com/meth/QUEST\\_410\\_Garfield.pdf](http://www.forensic-applications.com/meth/QUEST_410_Garfield.pdf)

<sup>15</sup> See for example: 413 South Buffalo Street, Yuma, Colorado 80759 [http://forensic-applications.com/meth/Woellner\\_Buffalo\\_Yuma\\_PA.pdf](http://forensic-applications.com/meth/Woellner_Buffalo_Yuma_PA.pdf)

<sup>16</sup> See for example: 1138 32nd Street, Unit 201, Denver, Colorado 80205 [http://forensic-applications.com/meth/Addendum\\_2\\_Woellner\\_1138\\_32\\_St.pdf](http://forensic-applications.com/meth/Addendum_2_Woellner_1138_32_St.pdf)



### **Violation of Section 6.2.3 (26 violations)**

According to Regulations, the Consultant is required to:

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

For this property, Mr. Woellner claims he collected 29 samples demonstrating compliance and 12 samples indicating noncompliance. Therefore, there should be a minimum of 41 sample locations indicated on the drawings in his report. However, there are only 15 sample locations identified in the drawings. Therefore, the locations of 26 samples are missing from the drawings in his report for this subject property.

### **Violation of Section 6.2.4 (53 Violations)**

According to Regulations, the Consultant is required to:

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

For this property, the Consultant used both methanol and isopropanol. None of the samples collected prior to the post decontamination process were valid. Therefore, all of the clearance samples should have been collected after the decontamination process was completed (which occurred after the effective date of the revised Regulations); and therefore, all of the samples should have been collected using only isopropanol.

Since there should have been a total of 57 aliquots, each with isopropyl alcohol, and QUEST documented only four 100 cm<sup>2</sup> aliquots were collected using isopropanol, it follows that there are reasonably 53 violations of the Section..

### **Violation of Section 6.2.7 (57 violations)**

According to the State Regulations, the Consultant is required to wipe each area three times, following three specific patterns. The Regulations read -

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.

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.

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).



There is nothing in the report that indicates this requirement was performed. Indeed, for several of the samples pictured in the report, it would be impossible to have collected the sample in the required manner.

### **Violation of Section 6.2.11 (26 violations)**

According to the regulations, the Consultant is required to:

6.2.11 ... Place the sample media in a sample container, cap and number it, and note the number at the sample location **on the sketch**.

For this property, Mr. Woellner claims he collected 29 samples demonstrating compliance and 12 samples indicating noncompliance. Therefore, a total of 41 sample locations should be on the drawings in the report. However, there are only 15 sample locations identified on the drawings. Therefore, the locations of 26 samples are totally missing from the drawings.

### **Violation of Section 6.2.11 Times (57 violations)**

According to the regulations, 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...

For this property, Mr. Woellner failed to identify the times of any samples collected. Since there should have been a minimum of 57 aliquots, there would have been a minimum of 57 sample collection times recorded.

### **Violation of Section 6.2.11 – Photographs (26 violations)**

According to the regulations, the Consultant is required to:

6.2.11 ... Photograph each sample location.

For this property, the Consultant has provided only 11 photographs in the report. Only two of those photographs are Post Decontamination photographs (the remainder are “interim” photographs of areas while decontamination was still occurring). For this property, Mr. Woellner claims he collected 29 samples demonstrating compliance and 12 samples indicating noncompliance. Therefore, a total of 41 locations should be on the drawings in the report. However, there are only 11 sample locations identified in the drawings. Therefore, photographs of the locations of 26 samples are missing from the report.

### **Violation of Section 6.2.12 (3 violations)**

According to the Regulations in effect when Mr. Woellner performed his December 12, 2014 samples:

6 CCR 1014-3 (2005)

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



Yet on December 12, 2014, Mr. Woellner submitted eleven samples and one blank instead of the required two blanks.

On January 6, 2015, the revised Regulations were effective which state:

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:

6.2.12.4 For projects with greater than 10 samples collected, sample 11 shall be a field blank, every 10th subsequent sample shall be a field blank, and the last sample of any sample group with fewer than 10 samples shall be a field blank.

The sample collection by Mr. Woellner on January 6, 2015 contained no blank, as required by regulation.

The sample collection by Mr. Woellner on January 12, 2015 contained no blank, as required by regulation.

#### **Violation of Section 6.2.14.6 (17 violations)**

According to the regulations, the Consultant is required to:

6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. ... At a minimum, the Chain-of-Custody Record shall include the following:

6.2.14.6 number of sample aliquots;

Nowhere on the chain-of-custody are the number of aliquots identified for any of the samples. Ultimately, if the regulations had been followed, there would have been no fewer than 17 total composite samples (including blanks, but not including non-compliant samples), this would have been 65 individual aliquots. Therefore, we selected the fewer of the two and showed 17 violations of the Section of the regulation.

#### **Violation of Section 6.2.14.7 (17 violations)**

According to the regulations, the Consultant is required to:

6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. ... At a minimum, the Chain-of-Custody Record shall include the following:

6.2.14.7 number of containers for each sample;

Nowhere on the chain-of-custody are the number of containers identified for any of the samples. Ultimately, if the regulations had been followed, there would have been no fewer than 17 total composite samples (including blanks, but not including non-compliant samples), this would have been 65 individual aliquots. Therefore, we selected the fewer of the two and showed 17 violations of the Section of the regulation.

#### **Violation of Section 6.2.14.8 (17 violations)**

According to the regulations, the Consultant is required to:



6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. ... At a minimum, the Chain-of-Custody Record shall include the following:

6.2.14.8 sample collection time and date;

Nowhere on the chain-of-custody are the times of sample collection provided. Ultimately, if the regulations had been followed, there would have been no fewer than 17 total composite samples (including blanks, but not including non-compliant samples), this would have been 65 individual aliquots. Therefore, we selected the fewer of the two and showed 17 violations of the Section of the regulation.

### **Violation of Section 6.2.14.9 (17 violations)**

According to the regulations, the Consultant is required to:

6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. ... At a minimum, the Chain-of-Custody Record shall include the following:

6.2.14.9 sample matrix;

Nowhere on the chain-of-custody is the sample matrix identified. Ultimately, if the regulations had been followed, there would have been no fewer than 17 total composite samples (including blanks, but not including non-compliant samples), this would have been 65 individual aliquots. Therefore, we selected the fewer of the two and showed 17 violations of the Section of the regulation.

### **Violation of Section 6.9.1 (111 violations as follows)**

According to the regulations, the Consultant is required to:

6.9.1 Except as provided in Section 6.9.1.1, at least 400 cm<sup>2</sup> of surface area shall be sampled from every room, attic, and crawl space.

As already mentioned, the Consultant falsely claimed in a letter to the CDPHE, that he complied with State regulations as they existed prior to the effective date of the revised Regulations (12/15/2014). However, the previous regulations stated:

- For any given *functional space*, at least 500 cm<sup>2</sup> of surface shall be sampled, unless the area is assumed to be non-compliant.

And yet in his report, Mr. Woellner clearly documented that he did NOT follow the old Regulations and at no time collected 500 cm<sup>2</sup> for each Functional Space as claimed. Instead, what we see is summarized in the following table:



Room	Required cm2	Granted by Variance cm2	Actually Collected cm2	Compliance Achieved?
Basement bathroom	400	500	None	No
Basement living room	500	500	None	No
Basement SW Bedroom	400	500	100	No
Basement NE BR	400	500	100	No
Basement NW BR	400	500	100	No
Main floor central BR	400	500	100	No
Main floor east BR	400	500	100	No
Upstairs Living room	400	500	300	No
Main floor bathroom	400	500	100	No
Mud room	400	500	100	No
US kitchen	400	500	100	No
Attic	400	500	None	No
North Garage	400	500	None	No
South Garage	400	500	None	No

Summary of Passing Post Remediation Clearance Samples

In the details of the post remediation samples collected by Mr. Woellner below.

#### Basement Bathroom (4 Violations)

Only three 100cm<sup>2</sup> samples were collected from this Functional Space during the Pre-revision time period of the regulation and all three FAILED clearance:

Date	Identity	Sample ID	Area cm <sup>2</sup>	Result µg/100cm <sup>2</sup>	Status
10/16/14	Basement bathroom	89	100	3.42	FAIL
11/18/14	Basement bathroom	99	100	5.28	FAIL
12/12/14	Basement bathroom	109	100	0.592	FAIL

Therefore, for this Functional Space, Mr. Woellner never collected 500 cm<sup>2</sup> under the old Regulations as claimed, and NO samples were collected from this room under the revised Regulations.

Therefore, there are four violations, as follows

Failure to collect 500 cm<sup>2</sup> on 10/16/14

Failure to collect 500 cm<sup>2</sup> on 11/18/14

Failure to collect 500 cm<sup>2</sup> on 12/12/14

Failure to collect 400 cm<sup>2</sup> at any time under the revised Regulations.

#### Basement Living Room (4 Violations)

Only three 100cm<sup>2</sup> samples were collected from this Functional Space during the Pre-revision time period of the regulation and all three FAILED clearance:





Date	Identity	Sample ID	Area cm2	Result $\mu\text{g}/100\text{cm}^2$	Status
10/16/14	Basement living room	93	100	74.1	FAIL
11/18/14	Basement living room	103	100	25.2	FAIL
12/12/14	Basement living room	113	100	4.54	FAIL

Therefore, for this Functional Space, Mr. Woellner never collected 500 cm<sup>2</sup> under the old Regulations as claimed, and NO samples were collected from this room under the revised Regulations.

Therefore, there are four violations, as follows

Failure to collect 500 cm<sup>2</sup> on 10/16/14

Failure to collect 500 cm<sup>2</sup> on 11/18/14

Failure to collect 500 cm<sup>2</sup> on 12/12/14

Failure to collect 400 cm<sup>2</sup> at any time under the revised Regulations.

### Basement Living Room (2 Violations)

Only a single 100cm<sup>2</sup> sample was collected from this Functional Space during the Pre-revision time period of the regulation, and **not** 500 cm<sup>2</sup> as falsely claimed in Mr. Woellner's report.

Date	Identity	Sample ID	Area cm2	Result $\mu\text{g}/100\text{cm}^2$	Status
12/12/14	Basement SW Bedroom	116	100	0.142	PASS

Therefore, there are two violations, as follows

Failure to collect 500 cm<sup>2</sup> on 12/12/14

Failure to collect 400 cm<sup>2</sup> at any time under the revised Regulations

### Basement Northeast Bedroom (4 Violations)

Only three 100cm<sup>2</sup> samples were collected from this Functional Space during the Pre-revision time period of the regulation, and all three FAILED clearance:

Date	Identity	Sample ID	Area cm2	Result $\mu\text{g}/100\text{cm}^2$	Status
10/16/14	Basement NE Bedroom	88	100	8.9	FAIL
11/18/14	Basement NE Bedroom	98	100	1.72	FAIL
12/12/14	Basement NE Bedroom	108	100	0.994	FAIL

Then, following decontamination, Mr. Woellner only collected a single 100 cm<sup>2</sup> sample form the area and not 500 cm<sup>2</sup>, as falsely claimed, or 400cm<sup>2</sup>, as required by regulation:



Date	Identity	Sample ID	Area cm2	Result µg/100cm2	Status
12/29/14	Basement NE Bedroom	120	100	0.049	PASS

Therefore, there are four violations as follows:

Failure to collect 500 cm2 on 10/16/14

Failure to collect 500 cm2 on 11/18/14

Failure to collect 500 cm2 on 12/12/14

Failure to collect 400 cm2 at any time under the revised Regulations (or even 500 cm2 under the variance that had been obtained from the CDPHE under false pretenses).

#### **Basement Northwest Bedroom (4 Violations)**

Only three 100cm2 samples were collected from this Functional Space during the Pre-revision time period of the regulations; two of which failed, and therefore, there was only a single 100 cm2 clearance sample collected and not 500cm2 as falsely claimed or was then required.

Date	Identity	Sample ID	Area cm2	Result µg/100cm2	Status
10/16/14	Basement NW BR	87	100	13.1	FAIL
11/18/14	Basement NW BR	97	100	2.34	FAIL
12/12/14	Basement NW BR	107	100	0.215	PASS

Therefore, there are three violations as follows:

Failure to collect 500 cm2 on 10/16/14

Failure to collect 500 cm2 on 11/18/14

Failure to collect 500 cm2 on 12/12/14

Failure to collect 400 cm2 at any time under the revised Regulations (or even 500 cm2 under the variance that had been obtained from the CDPHE under false pretenses).

#### **Basement Northwest Bedroom (4 Violations)**

Mr. Woellner collected only three 100cm2 samples from this Functional Space during the Pre-revision time period of the regulation, and all three FAILED clearance:

Date	Identity	Sample ID	Area cm2	Result µg/100cm2	Status
10/16/14	Main floor central BR	85	100	71.2	FAIL
11/18/14	Main floor central BR	95	100	14.1	FAIL
12/12/14	Main floor central BR	105	100	1.16	FAIL

Then, following post decontamination activities, Mr. Woellner collected a single 100cm2 sample from the area and not 400cm2 as required, nor 500 cm2 under the variance that had been obtained from the CDPHE under false pretenses.



Date	Identity	Sample ID	Area cm2	Result $\mu\text{g}/100\text{cm}^2$	Status
12/29/14	Main floor central BR	117	100	0.073	PASS

Therefore, there are four violations as follows:

Failure to collect 500 cm2 on 10/16/14

Failure to collect 500 cm2 on 11/18/14

Failure to collect 500 cm2 on 12/12/14

Failure to collect 400 cm2 at any time under the revised Regulations (or even 500 cm2 under the variance that had been obtained from the CDPHE under false pretenses).

### Main Floor East Bedroom (4 Violations)

Only three 100cm2 samples were collected from this Functional Space, during the Pre-revision time period of the regulation; two of which failed. Only a single 100cm2 post decontamination sample was collected from this Functional Space, and **not** 500 cm2 as claimed.

Date	Identity	Sample ID	Area cm2	Result $\mu\text{g}/100\text{cm}^2$	Status
10/16/14	Main floor east Bedroom	86	100	2.65	FAIL
11/18/14	Main floor east Bedroom	96	100	1.31	FAIL
12/12/14	Main floor east Bedroom	106	100	0.49	PASS

Therefore, there are four violations as follows:

Failure to collect 500 cm2 on 10/16/14

Failure to collect 500 cm2 on 11/18/14

Failure to collect 500 cm2 on 12/12/14

Failure to collect 400 cm2 at any time under the revised Regulations (or even 500 cm2 under the variance that had been obtained from the CDPHE under false pretenses).

### Main Floor Bathroom (4 Violations)

Only three 100cm2 samples were collected from this Functional Space during the Pre-revision time period of the regulation; two of which failed. Only a single 100cm2 post decontamination sample was collected from this Functional Space, and **not** 500 cm2 as claimed.

Date	Identity	Sample ID	Area cm2	Result $\mu\text{g}/100\text{cm}^2$	Status
10/16/14	Main floor bathroom	90	100	10.9	FAIL
11/18/14	Main floor bathroom	100	100	1.43	FAIL
12/12/14	Main floor bathroom	110	100	0.21	PASS

Therefore, there are four violations as follows:

Failure to collect 500 cm2 on 10/16/14

Failure to collect 500 cm2 on 11/18/14



Failure to collect 500 cm<sup>2</sup> on 12/12/14

Failure to collect 400 cm<sup>2</sup> at any time under the revised Regulations (or even 500 cm<sup>2</sup> under the variance that had been obtained from the CDPHE under false pretenses).

### **Mud Room (2 violations)**

Only a single 100cm<sup>2</sup> sample was collected from this Functional Space during the Pre-revision time period of the regulation, and **not** 500 cm<sup>2</sup> as claimed.

Date	Identity	Sample ID	Area cm <sup>2</sup>	Result µg/100cm <sup>2</sup>	Status
12/12/14	Mud room	115	100	0.46	PASS

Therefore, there are two violations as follows:

Failure to collect 500 cm<sup>2</sup> on 12/12/14

Failure to collect 400 cm<sup>2</sup> at any time under the revised Regulations (or even 500 cm<sup>2</sup> under the variance that had been obtained from the CDPHE under false pretenses).

### **Upstairs Kitchen (4 violations)**

Only three 100cm<sup>2</sup> samples were collected from this Functional Space during the Pre-revision time period of the regulation; two of which failed. Therefore, only a single 100cm<sup>2</sup> post decontamination sample was collected from this Functional Space, and **not** 500 cm<sup>2</sup> as claimed.

Date	Identity	Sample ID	Area cm <sup>2</sup>	Result µg/100cm <sup>2</sup>	Status
10/16/14	US kitchen	92	100	0.65	FAIL
11/18/14	US kitchen	102	100	1.61	FAIL
12/12/14	US kitchen	112	100	0.19	PASS

Therefore, there are four violations as follows:

Failure to collect 500 cm<sup>2</sup> on 10/16/14

Failure to collect 500 cm<sup>2</sup> on 11/18/14

Failure to collect 500 cm<sup>2</sup> on 12/12/14

Failure to collect 400 cm<sup>2</sup> at any time under the revised Regulations (or even 500 cm<sup>2</sup> under the variance that had been obtained from the CDPHE under false pretenses).

### **Upstairs Living Room (7 violations)**

For this room, at no time did Mr. Woellner collect 400 cm<sup>2</sup> of post decontamination samples as required, nor did he collect 500 cm<sup>2</sup> of post decontamination samples as he falsely claimed to the CDPHE. Below are the samples collected by Mr. Woellner for this area:



Date	Identity	Sample ID	Area cm2	Result µg/100cm2	Status
10/16/2014	Main floor living room	91	100	12	FAIL
11/18/2014	Main floor living room	101	100	3	FAIL
12/12/2014	Main floor living room	111	100	0.25	PASS
12/29/2014	Main floor living room	118	100	0.69	FAIL
12/29/2014	Main floor living room	119	100	0.05	PASS
1/6/2015	Main floor living room	122	100	1.16	FAIL
1/12/2015	Main floor living room	123	100	0.05	PASS

Therefore, there are seven violations as follows:

Failure to collect 500 cm2 on 10/16/14

Failure to collect 500 cm2 on 11/18/14

Failure to collect 500 cm2 on 12/12/14

Failure to collect 500 cm2 on 12/29/14

Failure to collect 500 cm2 on 1/6/15

Failure to collect 500 cm2 on 1/12/15

Failure to collect 400 cm2 at any time under the revised Regulations (500 cm2 under the variance that had been obtained from the CDPHE under false pretenses).

### **Attic (23 Violations)**

Mr. Woellner claims to have collected five samples from the attic; however, his report is entirely devoid of any indication that proves the attic samples were actually collected resulting in the following violations:

1. No laboratory reports as required by regulations §4.17.2, and §4.17.3
2. No photographs as required by regulations
3. No computer generated figure of locations §4.17.3
4. No drawings as required by regulations
5. No chains of custody as required by regulations §4.17.2, and §6.2.14
6. Sample results shall be presented as reported by the analytical laboratory §4.17.3
7. No description of the sampling procedures used, including sample collection, handling, and QA/QC. §4.17.1
8. No documentation of the analytical methods used §4.17.1
9. No documentation of laboratory QA/QC documentation, §4.17.1
10. No Chain-of-Custody Record as required §6.2.14
11. No documentation of transfer as required, §6.2.14
12. No subject property address as required §6.2.14.2
13. No subject sampler name and contact information as required §6.2.14.2
14. No sample identification number as required §6.2.14.4
15. No sample area as required by §6.2.14.5
16. Number of sample aliquots missing; §6.2.14.6



17. Number of containers for each sample missing; §6.2.14.7
18. No sample collection time and date as required; §6.2.14.8
19. No sample matrix as required by §6.2.14.9
20. No requested analysis as required by §6.2.14.10
21. No sample preservatives, if applicable, as required by §6.2.14.11
22. No signatures and date for each person relinquishing or receiving sample custody as required by §6.2.14.12

### **North Garage (23 violations)**

Mr. Woellner claims to have collected some samples from one of the garages, although Mr. Woellner never actually specifies which garage, and in his report, Mr. Woellner falsely states:

*The property includes a detached brick and wood frame two-car garage.*

Actually, the property contained two very distinct, separate “garages” as seen below- these would be considered separate “Functional Spaces” under the old Regulations and separate “rooms” under the revised Regulations:



**Photograph Taken by FACTs, Inc.**

In his report, Mr. Woellner entirely failed to provide any documentation on the alleged samples collected from "the" garage constituting the following violations:

1. No laboratory reports as required by regulations §4.17.2, and §4.17.3
2. No photographs as required by regulations
3. No computer generated figure of locations §4.17.3
4. No drawings as required by regulations



5. No chains of custody as required by regulations §4.17.2, and §6.2.14
6. Sample results shall be presented as reported by the analytical laboratory §4.17.3
7. No description of the sampling procedures used, including sample collection, handling, and QA/QC. §4.17.1
8. No documentation of the analytical methods used §4.17.1
9. No documentation of laboratory QA/QC documentation, §4.17.1
10. No Chain-of-Custody Record as required §6.2.14
11. No documentation of transfer as required, §6.2.14
12. No subject property address as required §6.2.14.2
13. No subject sampler name and contact information as required §6.2.14.2
14. No sample identification number as required §6.2.14.4
15. No sample area as required by §6.2.14.5
16. Number of sample aliquots missing; §6.2.14.6
17. Number of containers for each sample missing; §6.2.14.7
18. No sample collection time and date as required; §6.2.14.8
19. No sample matrix as required by §6.2.14.9
20. No requested analysis as required by §6.2.14.10
21. No sample preservatives, if applicable as required by §6.2.14.11
22. No signatures and date for each person relinquishing or receiving sample custody as required by §6.2.14.12

### **South Garage (23 violations)**

In his report, Mr. Woellner entirely failed to provide any documentation on the alleged samples collected from the south garage constituting the following violations:

1. No laboratory reports as required by regulations §4.17.2, and §4.17.3
2. No photographs as required by regulations
3. No computer generated figure of locations §4.17.3
4. No drawings as required by regulations
5. No chains of custody as required by regulations §4.17.2, and §6.2.14
6. Sample results shall be presented as reported by the analytical laboratory §4.17.3
7. No description of the sampling procedures used, including sample collection, handling, and QA/QC. §4.17.1
8. No documentation of the analytical methods used §4.17.1
9. No documentation of laboratory QA/QC documentation, §4.17.1
10. No Chain-of-Custody Record as required §6.2.14
11. No documentation of transfer as required, §6.2.14
12. No subject property address as required §6.2.14.2
13. No subject sampler name and contact information as required §6.2.14.2
14. No sample identification number as required §6.2.14.4
15. No sample area as required by §6.2.14.5
16. Number of sample aliquots missing; §6.2.14.6
17. Number of containers for each sample missing; §6.2.14.7
18. No sample collection time and date as required; §6.2.14.8
19. No sample matrix as required by §6.2.14.9
20. No requested analysis as required by §6.2.14.10



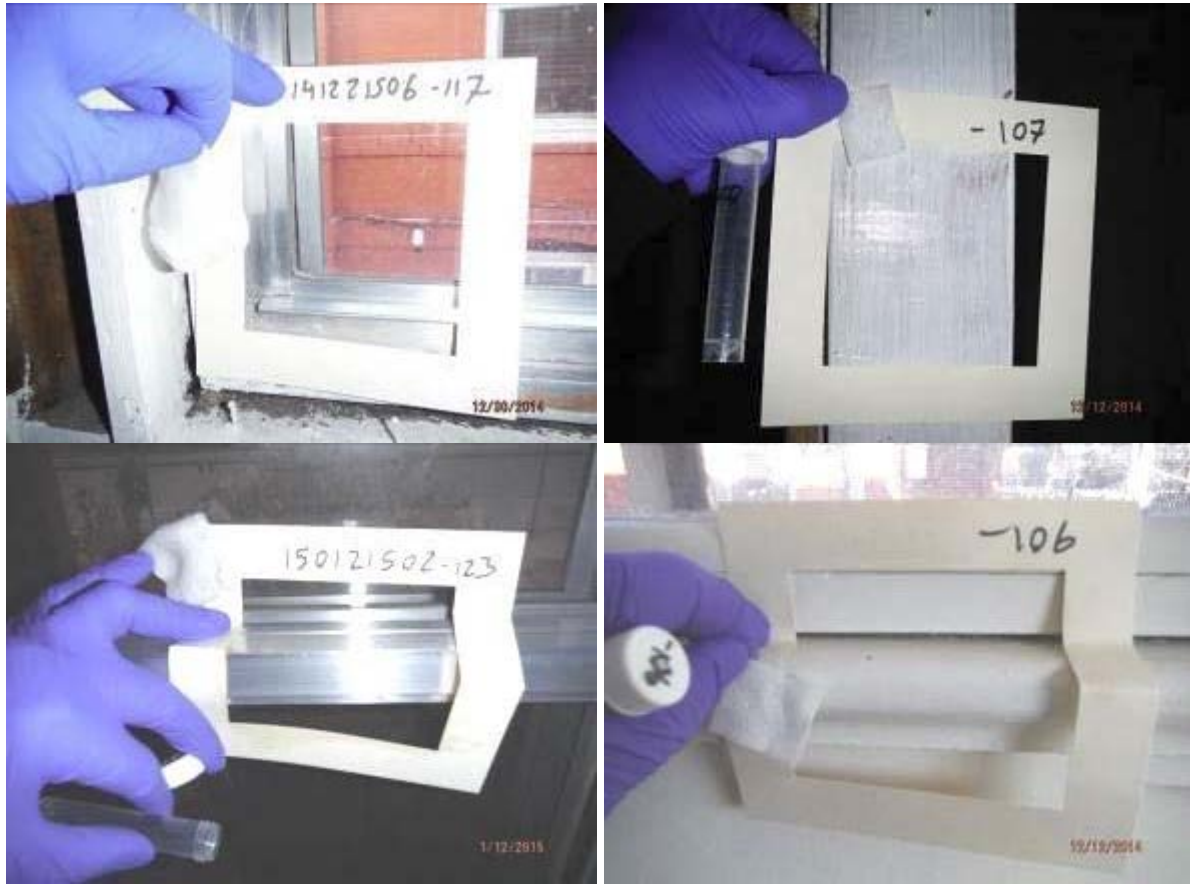
- 21. No sample preservatives, if applicable as required by §6.2.14.11
- 22. No signatures and date for each person relinquishing or receiving sample custody as required by §6.2.14.12

**Violation of Section 6.3.6 (15 violations)**

According to the regulations, the Consultant is required to collect samples in a specific, mandatory manner:

6.3.6 Collect all individual aliquots from 100 cm<sup>2</sup> sampling areas

As already discussed, in violation of the regulations, Mr. Woellner entirely failed to document virtually all of his samples, and therefore, one has no way of knowing how many of his samples were collected correctly. However, Mr. Woellner did document that several of his samples did not comply with this requirement:



So, certainly we know that of the eleven samples depicted, four were out of compliance. If we use this proportion to indicate the number of violations, we would find 15 samples similarly were not collected according to this requirement. This would be about correct for other properties where Mr. Woellner documented gross regulatory violations.<sup>17,18, 19,20,21,22,23</sup>

<sup>17</sup> See for example: 100 W. Spaulding Street, Lafayette, Colorado [http://forensic-applications.com/meth/Spaulding\\_Regulatory\\_audit\\_Redacted.pdf](http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf)





### **Violation of Section 6.9.3 (1 violation)**

According to the regulations, the Consultant is required to:

6.9.3 For rooms greater than 500 ft<sup>2</sup> of floor space an additional 100 cm<sup>2</sup> of surface area shall be sampled for each additional 500 ft<sup>2</sup> or fraction thereof.

The Basement Living Room is a 544 square foot area. Therefore, a total of 500 cm<sup>2</sup> would have been required to clear this area. Only three 100cm<sup>2</sup> samples were collected from this Functional Space during the Pre-revision time period of the regulation, and all three FAILED clearance:

Date	Identity	Sample ID	Area cm <sup>2</sup>	Result µg/100cm <sup>2</sup>	Status
10/16/14	Basement living room	93	100	74.1	FAIL
11/18/14	Basement living room	103	100	25.2	FAIL
12/12/14	Basement living room	113	100	4.54	FAIL

According to information in Mr. Woellner's report for this subject property, no further samples were collected from this area - even though they all presented a failed status.

### **Violation of 6.9.11.1 (8 violations)**

According to the regulations:

6.9.11.1 Areas expected to have the highest levels of contamination, such as cooking areas, chemical storage areas, and waste disposal areas.

It should be remembered that this consultant has never been able to document any training in the recognition or assessment of illegal drug laboratories (methamphetamine affected properties), and openly has admitted that he is not an Industrial Hygienist (and therefore, was not permitted to perform any sampling at the property, prior to receiving interim authorization from the State).

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<sup>18</sup> See for example: 4893 S Johnson Street, Denver [http://www.forensic-applications.com/meth/Johnson\\_Critical\\_review.pdf](http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf)

<sup>19</sup> 1138 West 32nd Street, Unit 201, Denver, CO [http://www.forensic-applications.com/meth/Addendum\\_2\\_Woellner\\_1138\\_32\\_St.pdf](http://www.forensic-applications.com/meth/Addendum_2_Woellner_1138_32_St.pdf)

<sup>20</sup> 410 Garfield Avenue, Carbondale, CO 81623 [http://www.forensic-applications.com/meth/Addendum\\_4\\_Woellner\\_410\\_Garfield.pdf](http://www.forensic-applications.com/meth/Addendum_4_Woellner_410_Garfield.pdf)

<sup>21</sup> 48400 Routt County Road 56C, Steamboat Springs, CO 80487 [http://www.forensic-applications.com/meth/Addendum\\_5\\_Woellner\\_56C.pdf](http://www.forensic-applications.com/meth/Addendum_5_Woellner_56C.pdf)

<sup>22</sup> 11767 Grant Street, Northglenn, Colorado 80233 [http://www.forensic-applications.com/meth/Addendum\\_7\\_Woellner\\_11767\\_Grant.pdf](http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf)

<sup>23</sup> 8347 S Reed Street, Unit 2, Littleton CO 80128, [http://www.forensic-applications.com/meth/Addendum\\_6\\_Woellner\\_Reed2\\_Redacted.pdf](http://www.forensic-applications.com/meth/Addendum_6_Woellner_Reed2_Redacted.pdf)



The gross incompetence exhibited by the consultant on this property demonstrates the problem of allowing untrained consultants to perform work under the protection of the CDPHE.

For this property, several of the samples were collected from areas that have a very low expectation of being contaminated. Although we did not perform a thorough review, a few notable examples are as follows:

Sample-103  
Sample-105  
Sample-113  
Sample-116  
Sample-117  
Sample-118  
Sample-122  
Sample-123

For brevity, we have only included these eight samples in the violation count.

### **Violation of Section 7.2**

According to the regulations, the consultant is required to perform specific sampling based on site conditions including:

7.2 If there is evidence of iodine contamination on materials or surfaces that will not be removed, surface wipe samples for iodine shall not exceed a concentration of 22 µg/100 cm<sup>2</sup>.

As documented previously in this discussion, there was significant iodine contamination at the property.

### **Violation of Section 8**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report:

**8.0 Post-Decontamination Reporting.** The Consultant **shall** prepare a Post-Decontamination Report, **in conjunction with the** Contractor, to document the decontamination process and demonstrate that the entire subject property meets the cleanup standards listed in Section 7.0 of this Part 1. The Post-Decontamination Report shall include, but not be limited to, the following, to the extent available and applicable:

### **Violation of Section 8.1 (1 Violation)**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.1 A copy of the Preliminary Assessment Report or a summary of the information and findings presented therein.



Nowhere in the Post Decontamination Report has the consultant provided a summary or reproduced the Preliminary Assessment. Instead, it would appear Mr. Woellner entirely ignored the Preliminary Assessment, and invented his own “Functional Spaces” out of thin air:

*QUEST identified five functional spaces at the residence, as follows: 1) main floor bedrooms and bathroom; 2) main floor living room, kitchen, and mud room; 3) basement; 4) attic; and 5) garage.*

In fact, if a legitimate Preliminary Assessment had ever been performed on the property, it would have found at least 15 Functional Spaces as follows:

1. Foyer - Living Room
2. Upstairs Front Bedroom
3. Main Upstairs Bath
4. Upstairs Kitchen
5. Kitchen Stairs
6. North -South Internal Patio
7. Upstairs Back Bedroom
8. Attic
9. Basement Kitchen – Living room (544 ft)
10. Basement South Bedroom
11. Basement North Bedroom
12. North Garage
13. South Garage
14. Basement Grow Room
15. Basement Bathroom

However, the findings of the Preliminary Assessment are entirely unknown since they are not included in Mr. Woellner's report (as was required), and it is not even known if a legitimate Preliminary Assessment was ever actually performed for this property.

In their report, QUEST states:

*A preliminary assessment was then conducted by A.G. Wassenaar, Inc. (AGW) on July 9, 2014. As detailed in their July 25, 2014 preliminary assessment report, AGW identified meth concentrations in the residence in the range of 2.48 to 513.50 µg/100 cm<sup>2</sup>.*

(For example, see the FACTs report on the property located at 3830 South Knox Court, Denver, CO, wherein FACTs documented no fewer than 863 (eight hundred and sixty three) regulatory violations performed by personnel with A.G. Wassenaar.<sup>24</sup> Similarly, in a recent case,<sup>25</sup> the Certified Industrial Hygienist with A.G. Wassenaar, Inc. testified that he lacked the skill set

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<sup>24</sup> A copy of that report can be found here: [http://forensic-applications.com/meth/AGW\\_Knox\\_Clearance\\_RA.pdf](http://forensic-applications.com/meth/AGW_Knox_Clearance_RA.pdf)

<sup>25</sup> See : Wyman Stacey and Patricia Stacey v. Ya Yu Wang Chan Case No. 12 -CV-890



needed to interpret standard US EPA SW846 QA/QC<sup>26</sup> associated with an illegal drug laboratory).

Additionally, in his report for this subject property, Mr. Woellner falsely states:

*...February 27, 2014 by Forensic Applications Consulting Technologies, Inc. As detailed in their report of March 4, 2014, they identified meth concentrations in the residence in the range of 754 to 1,960 µg, but no sampling areas were provided.*

In fact, the public record clearly demonstrates that FACTs provided sample locations:

the data. Table 1, below, presents the sample location information:

Sample Set 1	Sample Location	Sample Status
LM022714-02	Living room top of window frame	Exceeding Reportable Limit
LM022714-11	Basement kitchen top of cabinets	Exceeding Reportable Limit
LM022714-19	Furnace interior cold return	Exceeding Reportable Limit

**Table 1**  
**Results of Methamphetamine Samples**

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



## **Violation of Section 8.2**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report:

8.2 Photographic documentation of post-decontamination property conditions, including previously identified cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination and sample locations.

### **Site Conditions: (1 violation)**

There is no indication that any Post Decontamination photographs were taken at the site to document post-decontamination property conditions.

### **Previously Identified Cooking Areas: (1 violation)**

There is no indication that any Post Decontamination photographs were taken at the site to document previously identified cooking areas.

<sup>26</sup> The US EPA SW 846 is a standard compendium of sampling techniques, analytical methodologies and statistical considerations – generally considered to be “The Bible” for environmental sampling of all kinds.



**Chemical Storage Areas: (1 violation)**

There is no indication that any Post Decontamination photographs were taken at the site to document chemical storage areas.

**Waste Disposal Areas: (1 violation)**

There is no indication that any Post Decontamination photographs were taken at the site to document waste disposal areas.

**Areas of Obvious Contamination: (1 violation)**

There is no indication that any Post Decontamination photographs were taken at the site to document areas of obvious contamination.

**Violation of Section 8.3**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

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

In his report, Mr. Woellner simply inserted boiler plate language and entirely failed to mention that he failed to collect blanks, as required, and he also failed to mention that Blank Sample 104 was out of tolerance and how that out of tolerance result impacts the final results (in fact it demonstrates poor handling and cross contamination).

There is no description of the sampling procedures used, including sample collection, handling, and QA/QC for any of the Preliminary Assessment samples.

**Violation of Section 8.4 (84 violations)**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.4 Documentation of the analytical methods used and laboratory QA/QC documentation, including the laboratory analytical report and chain-of-custody documentation.

There is no documentation of analytical methods used for Sample Number 1 through Sample Number 84.

**Violation of Section 8.5 Results missing (18 violations)**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.5 Results of post-decontamination clearance sampling, ... Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way.

Mr. Woellner claims the following samples were Clearance samples:



<b>Main Floor Bedrooms &amp; Bathroom Functional Space (FS #1)</b>			
<b>Location</b>	<b>Date</b>	<b>Concentration</b>	<b>Final Resolution</b>
-13 Bedroom by Entryway – Wood by Door	August 7, 2014	0.47 µg/100 cm <sup>2</sup>	Meets criteria
-74 West Bedroom – Door	September 19, 2014	0.38 µg/100 cm <sup>2</sup>	Meets criteria

There is no documentation on these two samples in the report as required by Regulation.

Mr. Woellner claims the following samples were Clearance samples:

<b>Basement Functional Space (FS #3)</b>			
<b>Location</b>	<b>Date</b>	<b>Concentration</b>	<b>Final Resolution</b>
-34 Stairwell – Center Step	August 7, 2014	0.42 µg/100 cm <sup>2</sup>	Meets criteria
-37 Basement Main Room – North Wall Center	August 7, 2014	0.48 µg/100 cm <sup>2</sup>	Meets criteria

There is no documentation on these two samples in the report as required by Regulation.

Mr. Woellner claims the following samples were Clearance samples:

<b>Attic Functional Space (FS #4)</b>			
<b>Location</b>	<b>Date</b>	<b>Concentration</b>	<b>Final Resolution</b>
-68 Attic – West Window Opening	August 28, 2014	0.25 µg/100 cm <sup>2</sup>	Meets criteria
-69 Attic – Black Floor Tile	August 28, 2014	BRL	Meets criteria
-70 Attic – East Window Opening	August 28, 2014	0.27 µg/100 cm <sup>2</sup>	Meets criteria
-71 Attic – North Bench	August 28, 2014	0.22 µg/100 cm <sup>2</sup>	Meets criteria
-72 Attic – South Bench	August 28, 2014	0.09 µg/100 cm <sup>2</sup>	Meets criteria

There is no documentation that these five samples were even collected, and no documentation regarding these samples in the report as required by Regulation.

Mr. Woellner claims the following samples were Clearance samples:

<b>Garage Functional Space (FS #5)</b>			
<b>Location</b>	<b>Date</b>	<b>Concentration</b>	<b>Final Resolution</b>
-43 Garage Door – Right Side	August 7, 2014	0.13 µg/100 cm <sup>2</sup>	Meets criteria
-44 Garage Door – Left Side	August 7, 2014	BRL	Meets criteria
-46 Garage – Window Side	August 7, 2014	BRL	Meets criteria
-47 Garage – Door Leading to Yard	August 7, 2014	0.18 µg/100 cm <sup>2</sup>	Meets criteria
-67a Garage – North Side Window Sill	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67b Garage – Garage Door	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67c Garage – Door to Backyard	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67d Garage – Rear Light	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67e Garage – Interior Wall	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria

There is no documentation regarding these samples in the report as required by Regulation.

### **Violation of Section 8.5 Drawing Missing (14 violations)**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:



8.5 Results of post-decontamination clearance sampling, ... including a description of sample locations and a computer generated figure with sample locations and identification,...

Mr. Woellner claims the following samples were Clearance samples:

<b>Attic Functional Space (FS #4)</b>			
<b>Location</b>	<b>Date</b>	<b>Concentration</b>	<b>Final Resolution</b>
-68 Attic – West Window Opening	August 28, 2014	0.25 µg/100 cm <sup>2</sup>	Meets criteria
-69 Attic – Black Floor Tile	August 28, 2014	BRL	Meets criteria
-70 Attic – East Window Opening	August 28, 2014	0.27 µg/100 cm <sup>2</sup>	Meets criteria
-71 Attic – North Bench	August 28, 2014	0.22 µg/100 cm <sup>2</sup>	Meets criteria
-72 Attic – South Bench	August 28, 2014	0.09 µg/100 cm <sup>2</sup>	Meets criteria

There is no computer generated figure showing these sample locations as required by Regulation.

Mr. Woellner claims the following samples were Clearance samples:

<b>Garage Functional Space (FS #5)</b>			
<b>Location</b>	<b>Date</b>	<b>Concentration</b>	<b>Final Resolution</b>
-43 Garage Door – Right Side	August 7, 2014	0.13 µg/100 cm <sup>2</sup>	Meets criteria
-44 Garage Door – Left Side	August 7, 2014	BRL	Meets criteria
-46 Garage – Window Side	August 7, 2014	BRL	Meets criteria
-47 Garage – Door Leading to Yard	August 7, 2014	0.18 µg/100 cm <sup>2</sup>	Meets criteria
-67a Garage – North Side Window Sill	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67b Garage – Garage Door	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67c Garage – Door to Backyard	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67d Garage – Rear Light	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67e Garage – Interior Wall	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria

There is no computer generated figure showing these sample locations as required by Regulation.

**Violation of Section 8.5 Laboratory Reports Missing (18 violations)**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.5 ...a copy of each laboratory report of post-decontamination sample results.

Mr. Woellner claims the following samples were Clearance samples:

<b>Main Floor Bedrooms &amp; Bathroom Functional Space (FS #1)</b>			
<b>Location</b>	<b>Date</b>	<b>Concentration</b>	<b>Final Resolution</b>
-13 Bedroom by Entryway – Wood by Door	August 7, 2014	0.47 µg/100 cm <sup>2</sup>	Meets criteria
-74 West Bedroom – Door	September 19, 2014	0.38 µg/100 cm <sup>2</sup>	Meets criteria

There are no laboratory reports for these samples included in his report as required by Regulation.



Mr. Woellner claims the following samples were Clearance samples:

<b>Basement Functional Space (FS #3)</b>			
<b>Location</b>	<b>Date</b>	<b>Concentration</b>	<b>Final Resolution</b>
-34 Stairwell – Center Step	August 7, 2014	0.42 µg/100 cm <sup>2</sup>	Meets criteria
-37 Basement Main Room – North Wall Center	August 7, 2014	0.48 µg/100 cm <sup>2</sup>	Meets criteria

There are no laboratory reports for these samples included in his report as required by Regulation.

Mr. Woellner claims the following samples were Clearance samples:

<b>Attic Functional Space (FS #4)</b>			
<b>Location</b>	<b>Date</b>	<b>Concentration</b>	<b>Final Resolution</b>
-68 Attic – West Window Opening	August 28, 2014	0.25 µg/100 cm <sup>2</sup>	Meets criteria
-69 Attic – Black Floor Tile	August 28, 2014	BRL	Meets criteria
-70 Attic – East Window Opening	August 28, 2014	0.27 µg/100 cm <sup>2</sup>	Meets criteria
-71 Attic – North Bench	August 28, 2014	0.22 µg/100 cm <sup>2</sup>	Meets criteria
-72 Attic – South Bench	August 28, 2014	0.09 µg/100 cm <sup>2</sup>	Meets criteria

There are no laboratory reports for these samples included in his report as required by Regulation.

Mr. Woellner claims the following samples were Clearance samples:

<b>Garage Functional Space (FS #5)</b>			
<b>Location</b>	<b>Date</b>	<b>Concentration</b>	<b>Final Resolution</b>
-43 Garage Door – Right Side	August 7, 2014	0.13 µg/100 cm <sup>2</sup>	Meets criteria
-44 Garage Door – Left Side	August 7, 2014	BRL	Meets criteria
-46 Garage – Window Side	August 7, 2014	BRL	Meets criteria
-47 Garage – Door Leading to Yard	August 7, 2014	0.18 µg/100 cm <sup>2</sup>	Meets criteria
-67a Garage – North Side Window Sill	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67b Garage – Garage Door	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67c Garage – Door to Backyard	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67d Garage – Rear Light	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria
-67e Garage – Interior Wall	August 28, 2014	0.02 µg/100 cm <sup>2</sup>	Meets criteria

There are no laboratory reports for these samples included in his report as required by Regulation.

### **Violation of Section 8.6**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6 The Contractor shall provide an electronic copy of a Decontamination Summary Report, containing the following information, to the Department and to the Consultant within thirty (30) days of completion of decontamination work at the subject property for inclusion in the Post-Decontamination Report:





The mandatory information is missing from the report as described below.

### **Violation of Section 8.6.1 (Photographs Missing)**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.1 A description **and photographic documentation** of the decontamination procedures used  
...

The mandatory photographic documentation is missing from his report as required by Regulations.

### **Violation of Section 8.6.1 (Descriptions Missing)**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.1 A description and photographic documentation of the decontamination procedures used **and a description of each area that was decontaminated.**

The mandatory photographic discussions are missing from his report as required by Regulations. The report contains boiler plate information from Excel (a decontamination company), and some limited specific information from a contractor called JRA. However, there is no information on each area or the decontamination of each area – for example, was the plumbing addressed? Why were some areas isolated before clearance sampling demonstrated compliance? Why were some areas completely ignored altogether? (For example, why was decontamination discontinued in the Basement Bathroom even though there were no clearance samples demonstrating compliance?)

### **Violation of Section 8.6.2**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

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

The record is incomplete – for example, what occurred in the north Garage? What occurred in the south Garage? What occurred in the Downstairs Bathroom (where decontamination processes were discontinued before clearance sampling demonstrated compliance?) What occurred in the Upstairs Living Room (where decontamination processes were discontinued before clearance sampling demonstrated compliance?) What occurred in the Downstairs Bedrooms (where decontamination processes were discontinued before clearance sampling demonstrated compliance?) Why was decontamination discontinued before there were any areas demonstrated as being compliant?

That is, not a single area in the structure was demonstrated as being compliant with either 6 CCR 1014-3 (2005) or with 6 CCR 1014-3 (2014), and yet, apparently decontamination activities were ceased – why?



#### **Violation of Section 8.6.4**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.4 A description of the waste management procedures used, including characterization, handling and final disposition of wastes. **Copies of the waste manifests or bills of lading shall be included in the final report.**

No waste manifests are provided in the report as required by regulations.

#### **Violation of Section 8.6.5**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.5 Evidence of Contractor certifications in accordance with Part 2 of these regulations.

No evidence of Contractor certifications are included in the report as required by regulations.

#### **Violation of Section 8.6.6**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.6 Documentation of variations from standard practices.

In this discussion, FACTs has documented no fewer than 769 violations – each a variation from standard practice. Yet nowhere in the report is there documentation of variations. The report contains a Variation Approval by the CDPHE dated January 27, 2015 granting variances to different aspects of regulations.

However, the request by Mr. Woellner for the variances was based on fraudulent representations as follows:

*Thu, Jan 22, 2015 at 2:47 PM*

*QUEST hereby seeks authorization from the CDPHE to vary the below listed procedures from those prescribed in the current regulations (adopted on October 15, 2014, for utilization by December 15, 2014). In each variance listed, QUEST requests authorization to utilize the procedures prescribed in the previous version of 6 CCR 10143 (adopted on January 19, 2005), which was applicable during the preliminary assessment and a large portion of the postremediation inspections and clearance sampling surveys conducted on this project.*

This is a misrepresentation since in the request, QUEST claims that it is seeking authorization to vary from the Regulations. QUEST failed to notify the CDPHE that QUEST was already in violation of both the 2005 version of the regulations and the 2014 version of the regulations and had already executed the variations.



*Thu, Jan 22, 2015 at 2:47 PM*

*Postremediation sampling was initiated on this project by AGW, who conducted three postremediation sampling surveys on August 7, August 28, and September 19, 2014 using the procedures prescribed in the regulations in effect at that time.*

This is not supported by the public record. The reports submitted by QUEST do not contain any information that would indicate: “...postremediation sampling surveys on August 7, August 28, and September 19, 2014 using the procedures prescribed in the regulations in effect at that time.” The entire public record indicates that at no time was any sampling performed pursuant to mandatory regulations.

QUEST has an history of providing false information to the CDPHE. (see for example, the QUEST report on 131 South Benton Street Denver, CO (<http://forensic-applications.com/meth/censoredcriticalreview.pdf>). However, it must also be noted that Mr. Woellner has identified himself as a member of the “Colorado Association of Meth and Mold Professionals” - an organization that identifies Ms. Brisnehan (a regulator with the CDPHE) as a Board member. Therefore, the CDPHE has an extended history of trying to cover-up regulatory violations by Mr. Woellner,<sup>27</sup> including situations where Ms. Brisnehan has actually personally gone into properties with Mr. Woellner, and helped Mr. Woellner collect illegal samples, and then Ms. Brisnehan has lied to the building occupants, claiming the work was performed pursuant to Regulations.<sup>28</sup> This has been a long standing problem in the CDPHE where the CDPHE has covered up illegal assessments by other members of the “Colorado Association of Meth and Mold Professionals”<sup>29</sup>

Similarly, the request for variance was based on false representations to the CDPHE:

*Thu, Jan 22, 2015 at 2:47 PM*

*QUEST continued to utilize the procedures prescribed in that same version of 6 CCR 10143 (adopted on January 19, 2005) in order to maintain procedural consistency through the life of the project.*

At no time, even as indicated in this review, did QUEST ever follow 6 CCR 1014-3 (as adopted 2005) – and in fact, as documented here, QUEST has never complied with State regulation 6 CCR 1014-3. FACTs has documented thousands of regulatory violations by this consultant – however, since the consultant and the main regulator with the CDPHE (Ms. Brisnehan) are both associated with the commercial group “Colorado Association of Meth and Mold Professionals,” Ms. Brisnehan has managed to ensure that the innocent victims of the violations committed by

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<sup>27</sup> See for example: 100 W. Spaulding Street, Lafayette, Colorado [http://forensic-applications.com/meth/Spaulding\\_Regulatory\\_audit\\_Redacted.pdf](http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf)

<sup>28</sup> See for example: [http://www.forensic-applications.com/meth/Johnson\\_Critical\\_review.pdf](http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf)

<sup>29</sup> See for example: 4690 West 76th Ave., Westminster <http://forensic-applications.com/meth/DimickCriticalReview.pdf>



untrained and unethical consultants, have been satiated (including false statements made to law enforcement).<sup>30</sup>

In their request for variance, QUEST made the following false assertion –

*Thu, Jan 22, 2015 at 2:47 PM*

b. Section 6.9.1: Except as provided in Section 6.9.1.1, at least 400 cm<sup>2</sup> of surface area shall be sampled from every room, attic, and crawl space.

*For the sake of consistency, QUEST continued to use the sampling protocol of at least 500 cm<sup>2</sup> of surface area sampled per functional space, as prescribed in Appendix A of the previous version of the regulation.*

As demonstrated here, the public record contain no documentation whatsoever that at any time, in any locations on this project did QUEST ever collect 500 sm<sup>2</sup> of surface area for ANY area. Therefore, to the extent that QUEST similarly never collected 400cm<sup>2</sup> for any clearance samples and therefore was similarly in violation, there was at least that consistency.

### **Violation of Section 10**

According to State Regulations, Consultants may request permission to vary from the regulations – there is nothing in regulations that allows the consultant to intentionally and knowingly violate the regulations and then seek approval. Yet that is what has happened – even in the request for variation, QUEST was in violation of the variance request process. According to the Regulations:

10.0 Variances.

10.1 Contractors and Consultants may apply for authorization to vary their procedures from those prescribed in these regulations. Persons seeking authorization for one or more variances **must** submit requests in writing to the Department, and provide the following information:

#### *Violation of Section 10.1.2*

10.1.2 An explanation of the basis for the request for a variance.

There is nothing in the request that constitutes an explanation for the request and nowhere does QUEST inform the State that the violations have 1) already occurred and 2) no aspect of Regulations was followed anyway. For example, there is no indication that QUEST ever followed the 2005 version of the Regulations to begin with.

#### *Violation of 10.1.3*

10.1.3 Any supporting documentation (photographs, etc.)

There was no supporting documentation in the request by QUEST.

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<sup>30</sup> See for example, letter from Colleen Brisnehan, to Joan Whittemore (CSPD) and Sgt. Harrell (Colorado Spring Police Department) regarding Citizen Request #4967 (Tuesday, September 4, 2012 4:00 pm) From:, [WHITTEJO@ci.colospsgs.co.us](mailto:WHITTEJO@ci.colospsgs.co.us) to FACTs, Inc.



### *Violation of 10.1.4*

10.1.4 A description of the manner in which the person requesting the variance proposes to meet the intention of the regulatory requirement, or other justification for the proposed alternate procedure.

There is nothing in the request that constitutes any intention to meet the regulations – indeed, the violations had already occurred. There was nothing but honor and honesty to prevent the consultant from simply going back to the property and doing the job correctly. Instead, the Consultant stated:

*It is QUEST's assessment that the requested variances are appropriate and protective of exposure, and that they most reasonably navigate the transition period from the previous version of the regulation to the new version with regard to this specific project. In allowing for a consistent sampling protocol to be maintained, it is QUEST's assessment that the postdecontamination assessment conducted by QUEST meets the intention of the regulatory requirements at the relevant times.*

Yet this is coming from a contractor who has an extensive history of fabricating his credentials, experiences, and filing fraudulent property documents regarding assessments and compliance issues: and has never, to our knowledge ever performed a valid or legal assessment of a methamphetamine affected property in Colorado. However, even without evidence of intention to meet the requirements of the regulation, Ms. Brisnehan granted Mr. Woellner's request.

### **Violation of Section 8.6.7**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

8.6.7 A certification statement, signed by the Decontamination Supervisor who oversaw the work, in the following form:

The mandatory certification is missing from the documentation.

### **Violation of Section 8.7**

According to the Regulations, the Consultant is required to provide specific information in the Post Decontamination Report including:

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

Although the document contains much that is inaccurate regarding Mr. Woellner's claimed credentials, the documentation does not contain any evidence of certification as required by regulation.

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

Mr. Woellner has repeatedly held himself out to be an Industrial Hygienist, while simultaneously claiming that he is not an Industrial Hygienist. As documented in this review (and in other



historical documents referenced in this review) there is nothing in the present documentation that would indicate that Mr. Woellner is, in fact an Industrial Hygienists meeting the State definition.

The incompetence demonstrated in the QUEST report should be sufficient to demonstrate that Mr. Woellner is not an Industrial Hygienist and is not competent to perform the work and may be falsely representing herself as an Industrial Hygienist (interim authorization notwithstanding).

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 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)), Mr. Woellner 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)).

### **Colorado Criminal Code – Fraud; Offering a false instrument for recording**

One of two mental states necessarily must have been present in the performance of the QUEST work at the subject property: 1) Either Mr. Woellner knew that the work he was performing was grossly incompetent and not in compliance with State Regulations (as demonstrated above) or, 2) Mr. Woellner was unaware of the fact that his work was deviating from mandatory State requirements.

If Mr. Woellner did not know that his work was deviating from mandatory State requirements, then that is sufficient to surmise that he lacked the technical competency and therefore authority to perform the work in the first place since it was his professional obligation to conform to those regulations and perform work pursuant to those regulations.

However, since Mr. Woellner has specifically referenced 6 CCR 1014-3 and explicitly stated that he was aware of those requirements and since FACTs has identified thousands of regulatory



violations in the past, one must conclude that Mr. Woellner knowingly and willingly performed work that deviated from mandatory State requirements.

According to Colorado Revised Statute §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 “Post Decontamination Report” must be filed with the State of Colorado (indeed the report we reviewed was obtained from the State of Colorado through the Colorado Open Records Act) Therefore, we believe the facts objectively establish that Mr. Woellner was aware of such recording and was aware of the false statements made therein.

### **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.

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 18 § 6-1-105(1)(b), (c), (e) and (l), C.R.S.

The State regulations were revised in 2014 to counter the serious problem created by fraudulent and incompetent consultants who were falsely claiming to be “Industrial Hygienists” and who were performing invalid assessments under the false presentation of being an “Industrial Hygienist.”

Forensic Applications Consulting Technologies, Inc. (the author of this review), helped the State Legislature write the statutory language that eventually became codified and required the Colorado Department of Public Health and Environment (CDPHE) to revised the regulations.



Unfortunately, the task for the revision was given to the CDPHE regulator who, in violation of Colorado's criminal statutes, had helped create the problem associated with fraudulent consultants performing assessments of methamphetamine affected properties..<sup>31</sup>

The regulations required the CDPHE to restrict Interim Authorization (for the period of time between December 15, 2014 and June 15, 2015) for performing assessments under the regulations exclusively to those consultants who were A) *bona fide* Industrial Hygienists, and B) had an history of performing valid assessments under the old regulations, which had been in effect since 2005. Instead, Ms. Coleen Brisnehan with the CDPHE gave *carte blanc* Interim Authorization to anyone who applied, including the fraudulent consultants who had created the serious problems in the first place. The problem was exacerbated by the fact that the consultant in question, Mr. Woellner, associates himself with a pseudo-professional commercial group called "Colorado Association of Meth and Mold Professionals" (CAMMP) which identifies Ms. Brisnehan as a Board Member of that group.<sup>32</sup>

Although Ms. Brisnehan granted her fellow CAMMP member automatic State Interim Authorization, Mr. Woellner has, in the recent past, denied that he is an Industrial Hygienist and has never been able to provide any documentation indicating that he has received any training in illegal drug laboratories or their assessment. As such, there is no expectations that the consultant would possess the necessary skills or knowledge to fulfill the regulatory requirements.

Finally, the consultant in question has never documented any training or experience that would permit him to identify himself as an Industrial Hygienist pursuant to State statutes CRS Statute §24-30-1402. In fact, until just very recently Mr. Woellner has never identified himself as an Industrial Hygienist and never claimed to be an Industrial Hygienist.

### **Regulation 6 CCR 1014-3 Language on Knowledge**

Not only do the State regulations and pertinent standards mandate the use of the knowledge and skills possessed by a legitimate Industrial Hygienist (IH) for assessment of an identified illegal drug laboratory, the regulations repeatedly allude to the necessity of that IH being trained and knowledgeable in clandestine drug laboratory operations and contamination.

For example, the regulations explicitly refer back to the Consultant's "professional judgment," as follows, in various locations in regulation:

4.7 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, cooking areas, use areas, or the professional judgment of the Consultant. ...

5.11.1.4.2 the personal property in question was located in a room that was determined to be below the cleanup standards specified in Section 7.0 of this Part 1 after being sampled in accordance with the clearance level sampling protocols and other requirements of Section 6 of

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<sup>31</sup> See for example, the discussion here: [http://www.forensic-applications.com/meth/Addendum\\_7\\_Woellner\\_11767\\_Grant.pdf](http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf)

<sup>32</sup> Ms. Brisnehan's conflict of interest is prohibited under Colorado Revised Statutes §24-50-117 *Prohibited activities of employees*





this Part 1; and in the Consultant's judgment, the item is unlikely to have been contaminated from exposure elsewhere in the subject property,

7.5 If the composite sample result from a room is below the standard in this Section 7, personal property in the room is considered compliant if, in the Consultant's judgment, the personal property is unlikely to have been contaminated from exposure elsewhere in the subject property, given

If an individual is not an Industrial Hygienist, and if an individual has no documented training in illegal drug laboratories or their assessment, how, then, can one expect that consultant to possess the necessary skills needed to perform the professional role of an Industrial Hygienist in the assessment of illegal drug laboratories?

This becomes pertinent to this subject property since there was significant iodine contamination in the house, and that contamination went unrecognized by Mr. Woellner who failed to comply with the mandatory iodine assessment provisions of the regulations as is evidenced by the omission of this matter in his report.

In the past, Mr. Woellner has made several claims regarding his credentials and experience<sup>33</sup> that upon scrutiny, have been found to be unsupported.

## **CONCLUSION**

For this regulatory audit of a Post Decontamination Report and Clearance Sampling by Mr. Robert Woellner, for the subject property located at 690 S. Lincoln Street, Denver, CO 80203, FACTs has identified no fewer than 769 (seven hundred and sixty nine) individual regulatory violations in spud broad regulatory categories.

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<sup>33</sup> See for example, the discussion here: [http://www.forensic-applications.com/meth/Addendum\\_7\\_Woellner\\_11767\\_Grant.pdf](http://www.forensic-applications.com/meth/Addendum_7_Woellner_11767_Grant.pdf)



**Appendix A**  
**Reviewer's Statement of Qualifications**





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

FACTs project name:	Lincoln	Form # ML15
Nov. 3, 2015		

Caoimhín P. Connell, has been involved in clandestine drug lab investigations since 2002 and meets the Colorado Revised Statute §24-30-1402 definition of an "Industrial Hygienist" and is authorized under 6 CCR 1014-3 to perform assessments in illegal drug laboratories. He has been a practicing Industrial Hygienist since 1987. Mr. Connell is a recognized authority in drug-lab operations and is a Certified Instructor in Meth-Lab Safety through the Colorado Regional Community Policing Institute, CRCPI (Colorado Division of Criminal Justice) and was the lead instructor for the CRCPI providing over 260 hours of methlab training for over 45 Colorado Law Enforcement Agencies, federal agents, probation and parole officers throughout Colorado judicial districts. He has provided meth-lab lectures to the US Air Force, the National Safety Council, and the American Industrial Hygiene Association (of which he is a member and serves on the Clandestine Drug Lab Work Group and for whom he conducted the May, 2010, Clandestine Drug Lab Course, and is a coauthor of the AIHA methlab assessment publication.)

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

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

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

Mr. Connell is a current sworn law enforcement officer who has conducted clandestine laboratory investigations and performed risk, contamination, hazard and exposure assessments from both the law enforcement (criminal) perspective, and from the civil perspective in residences, apartments, motor vehicles, and condominiums. Mr. Connell has conducted over 602 assessments of illegal drug labs in CO, SD, NE, OK, and collected over 5,452 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 applicable to those original regulations.

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





# Multijurisdictional Counterdrug Task Force Training

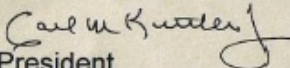


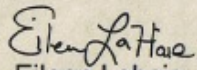
This is to certify that  
**Caoimhin P. Connell**

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



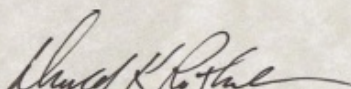
# Certificate of Training

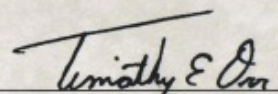
This certifies that

**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](http://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>



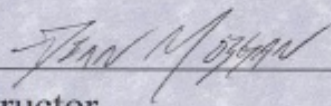
## Park County Sheriff's Office Certificate of Completion

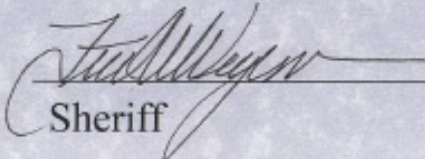
# Caoimhin Connell

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

Robert K. Toth  
IRIS Fire Investigations, President



**COLORADO**  
Department of Public  
Health & Environment

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

December 30, 2014

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

**Consultant Interim Authorization Approval**

Dear Caoimhin Connell:

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

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

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

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

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

12/30/2014





**COLORADO**  
Department of Public  
Health & Environment

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

December 30, 2014

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

**Consultant Firm Interim Authorization Approval**

Dear Forensic Applications Consulting Technologies Inc:

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

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

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

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

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

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

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

Date: 12/30/2014

