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April 20, 2012

Ann Hause, Director, Office Legal and Regulatory Affairs
Colorado Department of Public Health and Environment
4300 Cherry Creek Dr. South
Denver, CO 80246

Sent via Facsimile/Email: 303-692-3090
ann.hause@state.co.us

Dear Ms. Hause,

It has come to my attention that blood samples from the CDPHE Toxicology Laboratory were reported outside of the appropriate reporting range. Pursuant to the Colorado Open Records Act (CORA), C.R.S. 24-72-201, I am requesting the following information:

1. Any and all memoranda, records, electronic email, or other media concerning the Colorado CDPHE Toxicology Laboratory (hereafter referred to as the "Tox Lab") quality assurance system, to include, but not limited to, procedures, manuals, and policy for the quality assurance system and testing methods.
2. Any and all memoranda, records, electronic email, or other media concerning the Tox Lab's internal investigations or quality assurance system reviews in 2010-present, including, but not limited to, reports of inaccurate blood test results to include inter-office and intra-office communications.
3. Any and all memoranda, records, electronic email, or other media concerning any internal affairs investigation including but not limited to inaccurate blood results or blood samples reported outside of appropriate ranges from 2010-present.
4. Any and all memoranda, records, electronic email, or other media concerning communications between CDPHE, law enforcement (to include District Attorney's Offices), courts and the defense bar or individual defense counsel (pro se), concerning information of an inaccurate blood results or blood sample reported out of range from 2010-present.

5. Any and all memoranda, records, electronic email, or other media concerning any Internal Affairs investigations concerning the inaccurate blood results or blood samples out of range for 2010-present at the Tox Lab.

6. Any and all memoranda, records, electronic email, or other media concerning inaccurate blood alcohol tests at the Tox Lab from 2010-present including, but not limited to, the inaccurate tests that have been identified, to include any forensic reports or memoranda from each inaccurate blood test result.

7. Any and all memoranda, records, electronic email, or other media concerning information regarding any laboratory testing for inaccurate blood tests at the Tox Lab including, but to limited to:

- a. The name, training, experience, and certification of the person who managed the laboratory and of all persons who handled, processed, and tested material in inaccurate blood result or blood samples reported outside appropriate ranges from 2010-present at the Tox Lab.
- b. Certificates of compliance with accrediting agencies for the previous five years for the Tox Lab.
- c. Internal audits, logs, and reports concerning blood alcohol testing for the last two years for the Tox Lab.
- d. The litigation packets (as defined in 5 CCR 1005-2) of any blood samples deemed to be outside of appropriate ranges from 2010- present from the Tox Lab.

8. Pursuant to the CDPHE (Colorado Department of Public Health and Environment) regulations, provide the following information for the blood alcohol tests at the Tox Lab to include:

- a. Personnel qualifications, to include curriculum vitae's.
- b. Standard operating procedure manual for testing blood samples at the Tox Lab.
- c. Analytical process for the Tox Lab blood alcohol testing.
- d. Proficiency testing for the Tox Lab blood alcohol testing.
- e. Quality control for the Tox Lab blood alcohol testing.
- f. Security for the Tox Lab blood alcohol testing.
- g. Chain of custody procedure for blood alcohol testing for the Tox Lab.
- h. Specimen retention for blood alcohol tests at the Tox Lab.
- i. Records for any errors discovered for blood alcohol testing at the Tox Lab for the last five years.

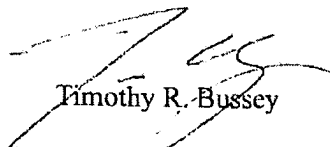
9. Any and all memoranda, records, electronic email, or other media concerning forensic analysis for ethyl alcohol used by the Tox Lab.

10. Any and all memoranda, records, electronic email, or other media concerning any lapses in the Tox Lab's certification.

11. Any and all memoranda, records, electronic email or other media concerning a corrective action taken or plans of corrective action concerning inaccurate blood testing or blood samples out of range for 2010-present at the Tox lab.
12. Any and all memoranda, records, electronic email, or other media identifying all persons who participated in the testing or signed off on test results for any inaccurate blood testing or blood samples out of range for 2010-present.
13. Any and all memoranda, records, electronic email, or other media concerning inaccuracies, misreporting, and errors in analysis of blood alcohol tests in 2010-present.
14. Any and all information concerning Mitchell Fox-Rivera including but not limited to his resume, application for employment, personal records, performance reviews, and performance reports.

This CORA request pursuant to Article 72 of Title 24, COLORADO REVISED STATUTES, seeks copies of the materials in pdf, excel or text files. For materials not maintained in electronic format, paper may be provided for inspection and scanning/digitizing. Electronic files may be compressed into a zip file or files of less than 8 mb per e-mail and sent to tim@timothybussey.com or you may give notice of the availability of the material for inspection. If the anticipated cost is for than \$50.00, please contact me in advance to discuss the expected cost.

Sincerely,



Timothy R. Bussey

TRB:js