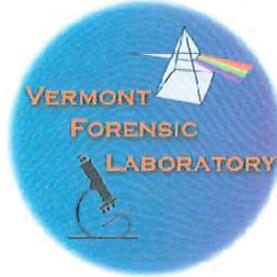


STATE OF VERMONT  
DEPARTMENT OF PUBLIC SAFETY  
VERMONT FORENSIC LABORATORY  
P.O. BOX 47  
WATERBURY, VERMONT 05676-0047



TEL: 802-244-8788  
FAX: 802-241-5557  
E-MAIL: DPS - cjs0lab@state.vt.us  
<http://www.vfl.vermont.gov/>

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## MEMORANDUM

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**TO:** GREG NAGURNEY  
**FROM:** AMANDA BOLDUC *AB*  
**SUBJECT:** DMT 100161, VSP BRATTLEBORO  
**DATE:** 11/7/2012  
**CC:** TRISHA CONTI; STEVE BROWN

---

### RPC STATUS OF DMT 100161 LOCATED AT VSP BRATTLEBORO

The DataMaster Supervisor for VSP Brattleboro (Tyson Kinney) submitted an RPC for the month of June dated June 8, 2012. The sample acceptance test on this RPC was not acceptable; it did not display an appropriate shallow breath. The supervisor was contacted (see e-mail from June 20, 2012) and a new sample acceptance test was requested. The supervisor responded by providing two tickets (dated 6/28/2012); one a check-in with a full breath sample of 6.5L of air and the second a DUI subject test which displayed the proper blowing pattern for a sample acceptance test. On the sample acceptance test from the DUI subject test ticket, there is a tiny blip in the alcohol line. According to our current procedures, this is technically not passing even though it is not a significant rise in the alcohol line. The supervisor was again contacted by e-mail on July 9, 2012 to request another sample acceptance test. By this point in time, Tyson Kinney was no longer in charge of this DataMaster and had started forwarding messages to the new supervisor, Daniel Bennett. This was unknown to the Alcohol Program staff at the VFL. Rob Driscoll again attempted to contact Tyson Kinney on October 1, 2012 to request the new test with no response. On October 29, 2012 the VFL received a passing RPC for the month of October. Upon receipt of the newest RPC, Tyson Kinney was contacted (see e-mail from October 29, 2012) and asked if he was still responsible for the DMT at VSP Brattleboro. He indicated that he was not, so the new supervisor, Daniel Bennett, was contacted. VFL requested that he submit a Breath Record History report from February 1<sup>st</sup> through the end of October. The history report was reviewed and shows one DMT error, a Calibration Check Error on 2/19/2012. This error is not related to the alcohol blip on the June RPC sample acceptance test. Had this blip been significant or indicative of a problem with the unit, there would likely have been numerous errors on the history report. Because there was only one error which was not related and not in the correct time frame, the Alcohol Program staff at the VFL determined that the VSP Brattleboro DMT (#100161) was working properly between 2/2012 and 10/2012 despite the fact that an acceptable RPC was never submitted.



## **Bolduc, Amanda**

---

**From:** Bolduc, Amanda  
**Sent:** Wednesday, June 20, 2012 2:03 PM  
**To:** Kinney, Tyson  
**Subject:** RPC

Tyson,

I received your June RPC. The sample acceptance test does not show a shallow breath sample. Would you please run a check-in test and redo the full sample acceptance test (all 4 breaths) so I can sign off on it? Thank you. If you have any questions, please call.

*Amanda Bolduc, MFS*

Alcohol Program Forensic Chemist

Vermont Forensic Laboratory

Department of Public Safety

103 South Main Street

Waterbury, VT 05676

(802) 241-5300 (ph)

(802) 585-0504 (cell)

(802) 241-5557 (fax)

[Amanda.bolduc@state.vt.us](mailto:Amanda.bolduc@state.vt.us)

Please note new contact information as of 3/1/2012\*



DUI SUBJECT TEST

STATE OF VERMONT

DataMater DMT: 100161  
Location: Brattleboro VSP  
Certification Date: 08/22/2011  
Installation Date: 09/02/2011

Date: 06/28/2012  
Time: 13:57:29

SUBJECT NAME:  
TEST SAMPLE ACCEPTANCE  
DOB: 01/01/1901 AGE: 111  
GENDER: M  
LICENSE #: 1381871UJ VT

CASE #: TEST  
TIME OF OPERATION: 05:30  
TOWN: ADDISON  
COUNTY: ADDISON

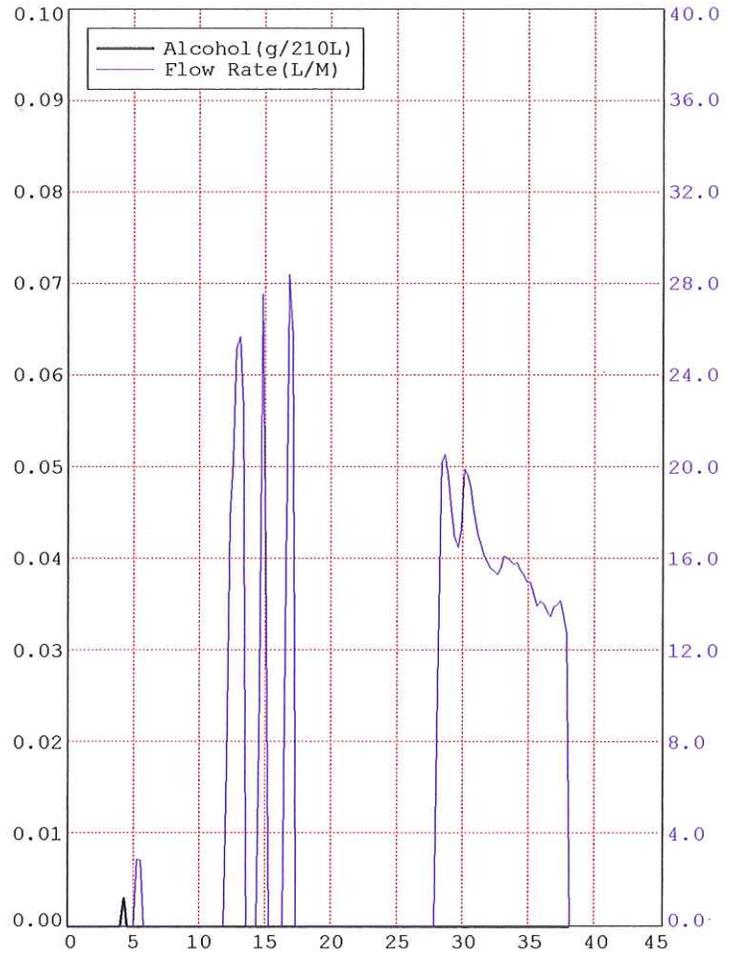
TEST OPERATOR NAME:  
DANIEL F BENNETT  
AGENCY: BRATTLEBORO VSP

Obs. Period Start: 13:42

BLANK TEST	0.000	13:58
CALIBRATION CHECK	PASSED	13:58
SIMULATOR VAPOR 34.0°C	0.100	13:58
BLANK TEST	0.000	13:59
SUBJECT SAMPLE (Vol=2.7L)	0.000	14:00

2nd TEST NOT REQUESTED

All alcohol values reported in g/210L  
Sim. Vapor Concentration 0.099  
Sim. Vapor Range 0.094 - 0.104  
Lot #: 12-77-100



RECEIVED

JUL 05 2012

Vermont Department of  
Health Laboratory



CHECK-IN CONFIRMATION TEST

STATE OF VERMONT

DataMater DMT: 100161  
Location: Brattleboro VSP  
Certification Date: 08/22/2011  
Installation Date: 09/02/2011

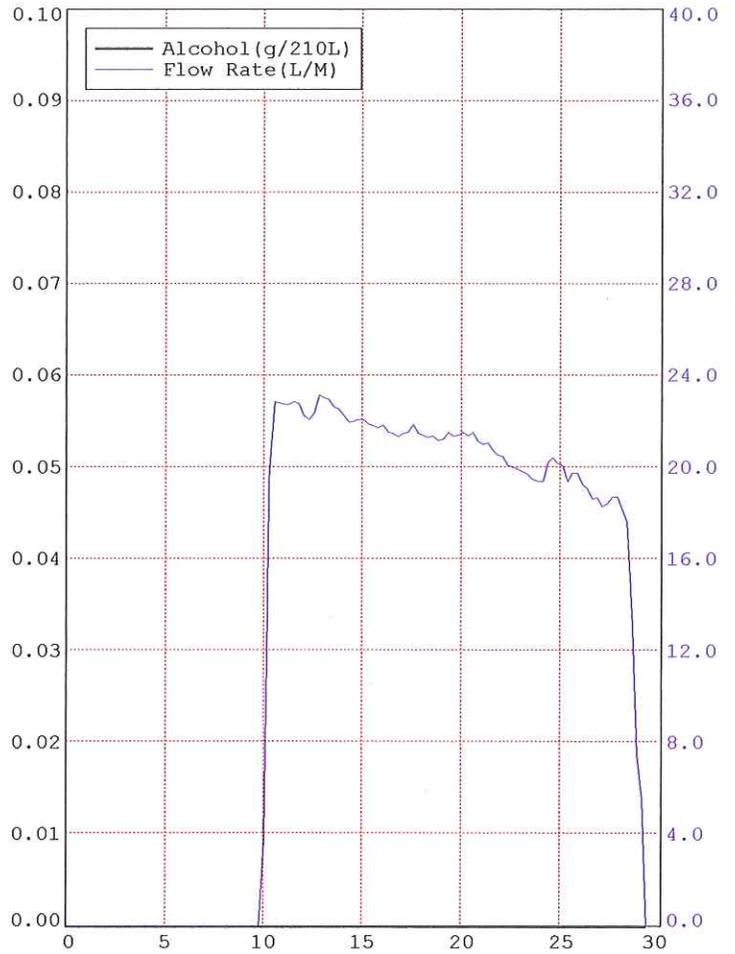
Date: 06/28/2012  
Time: 13:35:33

SUBJECT NAME:  
TEST SAMPACCEMTANCE  
DOB: 06/05/1984 AGE: 28  
GENDER: M  
LICENSE #: 3345345345 VT

TEST OPERATOR NAME:  
TYSON M KINNEY  
AGENCY: BRATTLEBORO VSP

BLANK TEST	0.000	13:36
CALIBRATION CHECK	PASSED	13:36
SIMULATOR VAPOR 33.9°C	0.099	13:36
SUBJECT SAMPLE (Vol=6.5L)	0.000	13:37
BLANK TEST	0.000	13:38

All alcohol values reported in g/210L  
Sim. Vapor Concentration 0.099  
Sim. Vapor Range 0.094 - 0.104  
Lot #: 12-77-100



RECEIVED

JUL 05 2012

Vermont Department of  
Health Laboratory

## **Bolduc, Amanda**

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**From:** Bolduc, Amanda  
**Sent:** Monday, July 09, 2012 7:37 AM  
**To:** Kinney, Tyson  
**Subject:** RE: RPC

Please don't hate me.

I received your sample acceptance test, but unfortunately it shows a blip on the alcohol line which technically doesn't pass. Can you please do another one?

Also, the alcohol program moved to DPS so please send the results to the address below.

Thank you

*Amanda Bolduc, MFS*

Alcohol Program Forensic Chemist

Vermont Forensic Laboratory

Department of Public Safety

103 South Main Street

Waterbury, VT 05676

(802) 241-5300 (ph)

(802) 585-0504 (cell)

(802) 241-5557 (fax)

[Amanda.bolduc@state.vt.us](mailto:Amanda.bolduc@state.vt.us)

Please note new contact information as of 3/1/2012\*

---

**From:** Kinney, Tyson  
**Sent:** Friday, June 29, 2012 11:29 AM  
**To:** Bolduc, Amanda  
**Subject:** RE: RPC

Amanda,

The checks have been completed and are on their way up.

On another note, we are planning on painting our processing room. The room will be well ventilated by windows and doors. The painters will need to move the DMT table to paint behind it. What kind of effect will this have on the DMT? They will need to turn it off for an extended period of time to paint, will this be a problem?

Thanks,

Tyson

---

**From:** Bolduc, Amanda  
**Sent:** Wednesday, June 20, 2012 2:03 PM  
**To:** Kinney, Tyson  
**Subject:** RPC

Tyson,

I received your June RPC. The sample acceptance test does not show a shallow breath sample. Would you please run a check-in test and redo the full sample acceptance test (all 4 breaths) so I can sign off on it? Thank you. If you have any questions, please call.

*Amanda Bolduc, MFS*

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[Amanda.bolduc@state.vt.us](mailto:Amanda.bolduc@state.vt.us)

Please note new contact information as of 3/1/2012\*

**Driscoll, Rob**

---

**From:** Driscoll, Rob  
**Sent:** Monday, October 01, 2012 9:18 AM  
**To:** Kinney, Tyson  
**Subject:** June RPC Sample Acceptance

Tyson,

I am following up for Amanda Bolduc, to see if you had completed a good sample acceptance to go with the June RPC? Amanda had asked for a "check-in" showing the four breath samples (Shallow breath, intermittent breath, suck back, and ~1.5L sample). If you have any questions please feel free to contact me via email or phone.

Regards,  
Rob

Robert Driscoll  
Electronics Technician  
Vermont Forensic Laboratory  
103 South Main Street  
Waterbury, VT 05671-2101  
(802) 241-5817 (desk)

**Bates, Karen L**

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**From:** Bennett, Daniel F  
**Sent:** Monday, October 29, 2012 1:37 PM  
**To:** Bolduc, Amanda  
**Subject:** RPC 10/25/2012  
**Attachments:** 20121029132741251[1].pdf

RPC for October, 2012.

- Dan Bennett  
Brattleboro Barracks  
802.254.2382  
[Daniel.F.Bennett@state.vt.us](mailto:Daniel.F.Bennett@state.vt.us)

**Bates, Karen L**

---

**From:** Bolduc, Amanda  
**Sent:** Monday, October 29, 2012 2:04 PM  
**To:** Kinney, Tyson  
**Subject:** RE: DMT

Thank you!

*Amanda Bolduc, MFS*  
Alcohol Program Forensic Chemist  
Vermont Forensic Laboratory  
Department of Public Safety  
103 South Main Street  
Waterbury, VT 05676  
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(802) 585-0504 (cell)  
(802) 241-5557 (fax)  
[Amanda.bolduc@state.vt.us](mailto:Amanda.bolduc@state.vt.us)

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**From:** Kinney, Tyson  
**Sent:** Monday, October 29, 2012 2:00 PM  
**To:** Bolduc, Amanda  
**Subject:** RE: DMT

No, its Dan Bennett. His email is [Daniel.F.Bennett@state.vt.us](mailto:Daniel.F.Bennett@state.vt.us). I have been forwarding him all the emails that you send.

---

**From:** Bolduc, Amanda  
**Sent:** Monday, October 29, 2012 1:54 PM  
**To:** Kinney, Tyson  
**Subject:** DMT

Are you still doing the DMT Supervisor duties for Bratt?

*Amanda Bolduc, MFS*  
Alcohol Program Forensic Chemist  
Vermont Forensic Laboratory  
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103 South Main Street  
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(802) 241-5557 (fax)  
[Amanda.bolduc@state.vt.us](mailto:Amanda.bolduc@state.vt.us)

**Bates, Karen L**

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**From:** Bolduc, Amanda  
**Sent:** Monday, October 29, 2012 2:04 PM  
**To:** Bennett, Daniel F  
**Subject:** DMT

Can you please print out and send me a Breath Record History Report for your DMT from 2/1/12 through today? Thank you

*Amanda Bolduc, MFS*  
Alcohol Program Forensic Chemist  
Vermont Forensic Laboratory  
Department of Public Safety  
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(802) 241-5557 (fax)  
[Amanda.bolduc@state.vt.us](mailto:Amanda.bolduc@state.vt.us)

## **Bolduc, Amanda**

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**From:** Bennett, Daniel F  
**Sent:** Tuesday, November 06, 2012 11:48 AM  
**To:** Bolduc, Amanda  
**Subject:** RE: 02/2012  
**Attachments:** 20121106114003354.pdf

You may,

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**From:** Bolduc, Amanda  
**Sent:** Tuesday, November 06, 2012 11:39 AM  
**To:** Bennett, Daniel F  
**Subject:** RE: 02/2012

Can I get one that goes from 2/1/2012 up through 11/1/2012? Thanks

*Amanda Bolduc, MFS*  
Alcohol Program Forensic Chemist  
Vermont Forensic Laboratory  
Department of Public Safety  
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(802) 585-0504 (cell)  
(802) 241-5557 (fax)  
[Amanda.bolduc@state.vt.us](mailto:Amanda.bolduc@state.vt.us)

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**From:** Bennett, Daniel F  
**Sent:** Tuesday, November 06, 2012 11:30 AM  
**To:** Bolduc, Amanda  
**Subject:** 02/2012

Amanda Bolduc,

Attached is the Breath Record History for February 2012.

Thank you,

- Dan

# Breath Record History

Test Date	Test Time	Agency	Operator Name	Alcohol Val. 1	Alcohol Val. 2	Sim. Conc. 1	Sim. Conc. 2	Status Message
02/03/2012	17:25:40	BRATTLEBORO VSP	ERIC J HOWLEY	0.281	0.266	0.098	0.097	
02/09/2012	00:59:55	BRATTLEBORO VSP	MAX TRENOSKI	0.131		0.097	0.095	Simulator Out of Range
02/09/2012	01:22:44	BRATTLEBORO VSP	MAX TRENOSKI	0.122		0.096		
02/18/2012	19:18:41	BRATTLEBORO PD	BENJAMIN J GATES	0.108	0.112	0.099	0.097	CALIBRATION CHECK ERROR
02/19/2012	00:24:47	BRATTLEBORO VSP	MAX TRENOSKI	0.105		0.099		
02/19/2012	00:35:37	BRATTLEBORO VSP	MAX TRENOSKI	0.090		0.099		
02/21/2012	23:42:44	BRATTLEBORO VSP	MAX TRENOSKI	0.139		0.098		
02/25/2012	01:18:43	BRATTLEBORO VSP	MICHAEL A MUDLO	0.183	0.181	0.099	0.099	RESPONSE TIMEOUT
03/18/2012	02:27:02	BRATTLEBORO VSP	CHRISTOPHER J BUCKLEY	0.179		0.098		
03/26/2012	23:55:31	BRATTLEBORO VSP	NADER A HASHIM	0.147		0.098		
03/29/2012	19:47:10	BRATTLEBORO VSP	JAMES W MATTHEWS	0.175		0.097		
04/11/2012	22:49:41	BRATTLEBORO VSP	JOHN M WALTERS	0.172		0.098		
04/25/2012	00:32:50	BRATTLEBORO VSP	MAX TRENOSKI	0.160	0.154	0.097	0.096	
05/18/2012	21:41:36	BRATTLEBORO PD	BENJAMIN J GATES	0.039	0.040	0.098	0.099	
05/23/2012	01:32:18	BRATTLEBORO VSP	MAX TRENOSKI	0.095	INVALID	0.097	0.097	
05/26/2012	19:26:03	BRATTLEBORO VSP	MAX TRENOSKI	REFUSED		0.096		
06/03/2012	01:22:31	BRATTLEBORO VSP	JOHN M WALTERS	0.180		0.096		
06/09/2012	23:57:26	BRATTLEBORO VSP	MAX TRENOSKI	0.077	0.080	0.100	0.099	
06/15/2012	16:05:57	BRATTLEBORO VSP	KURT WAGENBACH	0.101	0.097	0.099	0.097	
06/23/2012	01:08:26	VERNON PD	MATTHEW T STRAIN	0.163		0.100		
06/28/2012	13:35:33	BRATTLEBORO VSP	TYSON M KINNEY	0.000		0.099		
06/28/2012	13:57:29	BRATTLEBORO VSP	DANIEL F BENNETT	0.000		0.100		
07/01/2012	19:31:08	BRATTLEBORO VSP	RYAN P SMITH	0.128		0.099		RESPONSE TIMEOUT
07/01/2012	19:39:33	BRATTLEBORO VSP	RYAN P SMITH	REFUSED		0.098		
07/16/2012	23:08:17	BRATTLEBORO VSP	NADER A HASHIM	0.257	0.251	0.099	0.099	
07/22/2012	19:32:38	BRATTLEBORO VSP	JOHN M WALTERS	0.000		0.099		RESPONSE TIMEOUT
08/02/2012	03:00:55	BRATTLEBORO VSP	TRAVIS L VALCOURT	REFUSED		0.101		
08/02/2012	03:12:10	BRATTLEBORO VSP	TRAVIS L VALCOURT	0.135	0.151	0.101	0.100	
08/13/2012	16:17:20	BRATTLEBORO VSP	MICHAEL S STODIN	0.079		0.099		RESPONSE TIMEOUT
08/18/2012	23:03:03	BRATTLEBORO VSP	GENEVA A CUSEVAN	0.125		0.098		
08/30/2012	00:46:36	BRATTLEBORO VSP	NADER A HASHIM	0.084	0.084	0.099	0.099	
09/08/2012	00:31:25	BRATTLEBORO VSP	JOHN M WALTERS	0.141		0.099		
09/16/2012	19:49:18	BRATTLEBORO VSP	MAX TRENOSKI	INCOMPLETE	0.093	0.097	0.097	
09/19/2012	21:58:31	BRATTLEBORO VSP	JAMES W MATTHEWS	0.142		0.098		
09/24/2012	01:49:36	BRATTLEBORO VSP	NADER A HASHIM	0.177	0.175	0.098	0.098	RESPONSE TIMEOUT
09/24/2012	22:15:10	BRATTLEBORO VSP	JEFF P HUDON	0.098		0.098		
09/24/2012	22:37:26	BRATTLEBORO VSP	JEFFREY E TRUDEAU	0.095		0.098		
09/30/2012	02:11:24	BRATTLEBORO VSP	JEFFREY E TRUDEAU	0.116	0.116	0.099	0.098	
10/02/2012	18:36:51	BRATTLEBORO VSP	JEFF P HUDON	0.162	0.163	0.097	0.097	
10/02/2012	20:33:49	BRATTLEBORO VSP	TRAVIS L VALCOURT	0.129		0.098		RESPONSE TIMEOUT
10/03/2012	21:03:42	BRATTLEBORO VSP	JAMES W MATTHEWS	0.081	0.072	0.097	0.097	RESPONSE TIMEOUT
10/03/2012	21:39:43	BRATTLEBORO VSP	JAMES W MATTHEWS	REFUSED		0.098		RESPONSE TIMEOUT
10/07/2012	21:02:34	BRATTLEBORO VSP	NADER A HASHIM	0.106		0.098		
10/12/2012	22:38:42	BRATTLEBORO VSP	MAX TRENOSKI	0.106	0.105	0.098	0.098	
10/12/2012	22:59:06	BRATTLEBORO VSP	MAX TRENOSKI	0.110	0.113	0.098	0.098	
10/18/2012	19:20:08	EC VSP	ERIC S ALBRIGHT	REFUSED		0.100		
10/27/2012	07:12:21	BRATTLEBORO VSP	NADER A HASHIM	0.019		0.100		
11/03/2012	01:56:18	BRATTLEBORO VSP	TRAVIS L VALCOURT	0.019		0.100		