

VERMONT FORENSIC LABORATORY

Quality Review Form

Date 8/19/15

Discipline or Category of Testing Breath Alcohol

Completed by A. Borden

Occurrence of Nonconformity or Significant Deviation from Laboratory Policy/ or Recommendations for Laboratory Improvements-Preventive Actions

Routine Performance Check report not reviewed appropriately or in a timely manner. See attached timeline and remedial action recommendation. Agency DMT supervisor no longer approved by VFL DMT Tech Services, new supervisor appointed by agency

Review by Section Supervisor and/or Technical Lead (initials/date) AS 8/20/15

Breakdown by VFT DMT Tech Services and Agency DataMaster supervisor lead to the generation of invalid breath tests when required dismissal by SA

Evaluation of the Significance (level of nonconformance) & Review by Quality Manager /or designee (initials/date) 8/20/2015 TN

CAR 15-25 - level 1

Moves Forward to Corrective Action Report Procedure  
Moves Forward for Preventive Actions Measures

Yes No  
Yes No  
TN 8/20/2015

Justification of Decision/Improvement Measures Implemented

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Plot 39  
TN

**VERMONT FORENSIC LABORATORY**

**Corrective Action Report  
CAR # 15-25**

**Description of NONCONFORMITY or INCONSISTENCY**

**ROOT CAUSE ANALYSIS** Consider all possible sources of nonconformity or inconsistency to include an evaluation of the methods, procedures, equipment, supplies, training, personnel, work environment, etc.

Review by Tara Tighe Date 08/20/2015

**INCONSISTENCY RATING (Check one of the circles below)**

- Class I** The nature and cause of the nonconformance directly affects and has fundamental impact on the work product of the laboratory and/ or the integrity of the evidence and raises immediate concern regarding the quality of the lab's work product and/or the integrity of the evidence
- Class II** The nature and cause of the nonconformance is due to a problem which may affect the quality of the work, but is not persistent or serious enough to cause immediate concern for the overall quality of the laboratory's work product
- Quality Concern** The deficiency is determined to have only a minimal effect or significance, be unlikely to occur, is not systemic, and does not significantly affect the fundamental reliability of the laboratory's work.

Quality Manager Tara Tighe Date 08/20/2015

**CORRECTIVE ACTION PLAN**

Corrective actions shall be relevant for the level of the nonconformity and shall be monitored for effectiveness. It is strongly recommended that the corrective action plan list after-action monitoring requirements and timelines for monitoring.

Endorsed and Approved by the following:

Section Supervisor and/or Technical Lead		Date	<u>8/31/15</u>
Quality Manager		Date	<u>8/28/2015</u>
Laboratory Director		Date	<u>8/28/2015</u>

**CORRECTIVE ACTION REVIEW**

Signature \_\_\_\_\_ Date \_\_\_\_\_

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**VERMONT FORENSIC LABORATORY**

**Corrective Action Report    Initiated Date: 08/20/2015**

**CAR #: 15-25**

**Quality Issue:**

Refer to packet regarding information on DMT routine performance check timely review and follow up communication with & from the agency's DMT Supervisor. (Attached documents; time line of events, memo from Alcohol Supervisor, DMT Host Log, email communications with VFL and agency).

**Analysis of Quality Issue (Root Cause Analysis):**

Timeliness with completing the review of the DMT routine performance check and that the VFL did not have a mechanism in place to document communication as well as the review of outstanding communications with agencies regarding concerns, questions, and/or follow-up requests related to DMT instruments. A communication review mechanism should help to reduce the closure time of outstanding questions and/or follow-up requests with agencies.

**Corrective Action Plan:**

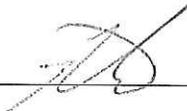
The VFL DMT Technician has been made aware that the routine performance check needs to be completely reviewed in a timely manner and that communication with the agency DMT Supervisors regarding concerns, questions, and/or follow-up requests need to be documented contemporaneously. The section has created a DMT Host Log and will utilize an email group account to collect communications with agencies. This will allow for reviews by the Alcohol Section Supervisor (or section designee).

**Corrective Action Follow-up (if deemed necessary):**

Documentation of Car review with section

**Review:**

Name & Date

\_\_\_\_\_  8/31/15  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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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: QA PROGRAM  
FROM: ALCOHOL PROGRAM SUPERVISOR *AB*  
SUBJECT: DATAMASTER HOST DATA REVIEW  
DATE: 8/20/15

VFL is in the process of networking all DataMaster units. VFL is now implementing the practice that a DataMaster Technician will log into the HOST computer each work-day and will review all new reports and breath tickets. The Technician will date and initial the HOST Log and make an entry for each new Simulator Solution Change (SSC) or Routine Performance Check (RPC) report and for each breath ticket that contains a functional error (i.e blank error, pump error, etc).

Simulator Solution Change reports will be printed out and technically reviewed by a trained DataMaster Technician. After review, the report will be scanned into the instrument's maintenance folder on the F:/ drive and a copy will be added to the DataMaster Discovery website. Routine Performance Check reports will be printed out and technically reviewed per the procedure listed in P-ALC-206 (DataMaster DMT Routine Performance Check and Review Instructions) and will be admin/director reviewed by the Alcohol Program Supervisor or their designee. After review, the report will be scanned into the instrument's maintenance folder on the F:/ drive and a copy will be added to the DataMaster Discovery website.

Any SSC or RPC report requiring correction at the instrument level will result in the instrument being removed from service until such time as a correction can be made. The Alcohol Program Supervisor and affected agency's DataMaster Supervisor will be notified immediately. If the affected agency's DataMaster Supervisor is not immediately available to fix the problem, DataMaster Technical Services will remove the instrument from service. If an instrument is removed from service by VFL DataMaster Technical Services, it will not be returned to service until approved by the Alcohol Program Supervisor or their designee.

All breath tickets will be reviewed. Any breath ticket that contains a functional error will be documented in the HOST Log. Any breath ticket which contains an error requiring instrument maintenance will result in the instrument being removed from service until such time as a correction can be made.

All phone calls between DataMaster Technical Services and DataMaster agencies in which a specific request or instruction was given to a DataMaster Supervisor will be documented by the technician contemporaneously. An email will be sent from the Technician to the email address [dps.dmt@state.vt.us](mailto:dps.dmt@state.vt.us) with the subject line: CALL LOG. The body of the email will contain the date and time of the call, the DMT agency and serial number, the name of the person spoken to, and a brief synopsis of the conversation.

*Rem 8/21/15*

*JSD 8/31/15*

*DA 8/21/15*

*RCW 8/24/15*

*CHP 15-25*  
*PH*  
*10*

STATE OF VERMONT  
DEPARTMENT OF PUBLIC SAFETY  
VERMONT FORENSIC LABORATORY  
P.O. BOX 47  
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MEMORANDUM

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**TO:** QA PROGRAM  
**FROM:** ALCOHOL PROGRAM *[Signature]*  
**SUBJECT:** ROUTINE PERFORMANCE CHECK REVIEW PREVENTATIVE ACTION MEASURES  
**DATE:** 8/20/15

A Quality Review Form was begun on 8/19/15 in response to a breakdown in the review process for Routine Performance Check reports by the breath alcohol section. The following are preventative action measures that are being put in place to prevent the issue from reoccurring.

- VFL is in the process of networking all DataMaster units. Once networked, all data from each instrument is captured by the HOST computer. A DataMaster Technician will log into the HOST computer each work-day and will review all new reports and breath tickets. The technician will date and initial the HOST Log and make an entry for each new Simulator Solution Change (SSC) or Routine Performance Check (RPC) report and for each breath ticket that contains a functional error.
- Simulator Solution Change reports will be printed out and technically reviewed by a trained DataMaster Technician. Routine Performance Check reports will be printed out and technically reviewed per the procedure listed in P-ALC-206 (DataMaster DMT Routine Performance Check and Review Instructions) and will be admin/director reviewed by the Alcohol Program Supervisor or their designee.
- Any SSC or RPC report requiring correction will result in the instrument being removed from service until such time as a correction can be made. The Alcohol Program Supervisor and affected agency's DataMaster Supervisor will be notified immediately. If the affected agency's DataMaster Supervisor is not immediately available to fix the problem, DataMaster Technical Services will remove the instrument from service. If an instrument is removed from service by VFL DataMaster Technical Services, it will not be returned to service until approved by the Alcohol Program Supervisor or their designee.
- All phone calls between DataMaster Technical Services and DataMaster agencies in which a specific request or instruction was given to a DataMaster Supervisor will be documented by the technician contemporaneously. An email will be sent from the Technician to the email address [dps.dmt@state.vt.us](mailto:dps.dmt@state.vt.us) with the subject line: CALL LOG. The body of the email will contain the date and time of the call, the DMT agency and serial number, the name of the person spoken to, and a brief synopsis of the conversation.

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5/28/15	Trooper Shelp completes RPC and submits it to VFL. DataMaster Technician Driscoll notices problem with sample acceptance test, but fails to review the entire RPC at this time.	VFL DataMaster Technical Services at this point should have identified the incorrect lot number in addition to other issues with RPC
6/4/15	DMT Tech Driscoll emails Trooper Shelp regarding unacceptable sample acceptance test	
6/4/15	Trooper Shelp emails Tech Driscoll clarifying whether or not a simulator solution change is needed and informs Driscoll of need for more solution	
6/4/15	Tech Driscoll confirms based on the initial error identified that a simulator solution change report is not needed and agrees to send more solution	VFL sent 2 bottles of Sim solution on 6/4/15
6/4/15	Shelp acknowledges via email and completes check-in test as requested	
6/8/15	Email from Driscoll to Shelp indicates that the check-in report was received in black and white, not color as required and requests new copy	
6/8/15	Shelp agrees to resend in color	
6/25/15	Driscoll checks again for color copy of ticket	VFL DataMaster Technical Services should have followed up much sooner.
7/13/15	Driscoll checks again for color copy of ticket	VFL DataMaster Technical Services should have followed up much sooner.
7/13/15	Driscoll received color copy of ticket from Shelp. Driscoll does complete review of RPC and identifies target concentration error. Driscoll calls Shelp and informs him of problem, requests Shelp to perform Simulator Solution change protocol to correct error and requested copies of breath tickets for affected dates. Driscoll explained via telephone that the solution change protocol needed to be done to correct target concentration.	Driscoll assumed that Shelp understood based on him providing all tickets as requested.
7/13/15	Shelp emails picture of simulator solution bottles with statement about the range on the bottle (.094-.104") and acknowledges two new bottles of simulator solution having been delivered	
7/13/15	Reply email from Driscoll to Shelp states "Amanda would like those tickets as soon as possible as well" referring to the breath tickets generated over timeframe indicated	
7/13/15	Shelp email reply "on the way"	

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7/13/15	Alcohol Program Supervisor Amanda Bolduc reviews copies of all DMT tickets from 5/28/15 – 7/13/15 and contacts State's Attorney Jennifer Barrett to inform her of the issue. Affidavits of reliability are created for each case.	7/16/15 2 more bottles of Sim Solution are sent to VSP Derby
7/21/15	Driscoll email to Shelp requesting "copy of the simulator solution change report that should have been completed to fix the wrong concentration entered"	VFL DataMaster Technical Services should have followed up much sooner.
8/10/15	Driscoll sends a second request for report	VFL DataMaster Technical Services should have followed up much sooner.
8/10/15	Shelp emails Driscoll "Im in Quantico VA at training. Ill reach out to Greg."	
8/11/15	Driscoll thanks Shelp	
8/18/15	Shelp performs Simulator Solution Change and protocol on DMT	
8/19/15	Driscoll received email with Simulator Solution Change Report attached	
8/19/15	Driscoll emails Shelp questioning whether the solution was changed previously as instructed to correct the RPC	
8/19/15	Shelp replies "We were out of solution at the time and I forgot to complete it when the solution arrived so I did the change yesterday"	Per the email on 7/13, Shelp did have solution at the time the correction of the target value was requested
8/19/15	Email from Driscoll to Shelp requesting every ticket ran on this DMT from 5/28 – current and explaining the magnitude of the problem	
8/19/15	Bolduc contact Lt. Walt Smith and SA Barrett to inform them of the problem and to request a different Trooper be assigned the duties of DataMaster Supervisor for this agency.	
8/19/15	Driscoll travels to Derby VSP and performs a software upgrade, networks the DMT, performs an Annual Preventative Maintenance, downloads copies of tickets, generates a history report of all breath tests 5/28/15 – 8/19/15 and submits all to Bolduc.	
8/19/15		VFL is in the process of networking all DataMaster units. Derby VSP DataMaster 100138 is now on the network. VFL has now implemented the policy that a DataMaster Technician will log into the HOST computer each work-day and will review all new Simulator Solution Change and Routine Performance Check reports. VFL will review

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		<p>all breath tickets and reports in which an error status is identified. Any report requiring correction will result in the instrument being removed from service until such time as a correction can be made. Follow-up by DataMaster Technical Services will be tracked with a call-log and/or email trail.</p>
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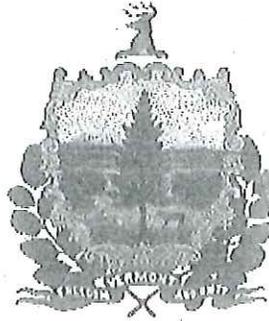
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# Breath Record History

Test Date	Test Time	Agency	Operator Name	Alcohol Val. 1	Alcohol Val. 2	Sim. Conc. 1	Sim. Conc. 2	Status Message
05/22/2015	00:25:02	DERBY VSP	DEBRA MUNSCH	0.138		0.094	0.092	
06/04/2015	14:35:21	DERBY VSP	BENJAMIN D SHELPS	0.080		0.038		Simulator Out of Range
06/17/2015	08:25:54	DERBY VSP	ROBERT HELM	0.109	0.106	0.095	0.095	
06/17/2015	09:44:08	DERBY VSP	JEFF FERRIER	0.077	0.074	0.096	0.095	
06/18/2015	00:05:08	DERBY VSP	ASTSAIL DREW	0.048		0.095		
06/18/2015	18:53:54	vsp-derby	CALLIE R FIELD	0.138		0.095		
06/20/2015	01:57:21	DERBY VSP	STEVEN FAUTEUX	0.175		0.095		
06/23/2015	22:11:42	DERBY VSP	ROBERT HELM	0.262	0.314	0.095	0.094	
07/04/2015	02:43:13	DERBY VSP	STEVEN FAUTEUX	REFUSED		0.093		
07/10/2015	11:46:51	vsp-derby	CALLIE FIELD	0.113		0.094		Blank Error
07/10/2015	11:52:13	vsp-derby	CALLIE FIELD					Ambient Fall
07/10/2015	11:53:58	vsp-derby	CALLIE FIELD	0.113	0.105	0.093	0.094	
07/16/2015	22:38:55	DERBY VSP	STEVEN FAUTEUX	0.085	0.085	0.092	0.093	
08/02/2015	00:17:04	DERBY VSP	JEFF FERRIER	REFUSED		0.090		
08/11/2015	02:06:57	DERBY VSP	ROBERT HELM	0.082		0.090		

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# ROUTINE PERFORMANCE CHECK REPORT



DataMaster DMT: 100138  
Location: Derby VSP  
Calibration Date: 10/07/2011  
Certification Date: 10/11/2011  
Installation Date: 10/25/2011  
RPC Date: 05/28/2015  
Supervisor Name: BENJAMIN D SHELP

JUNE

## Diagnostic Results

VERSIONS  
DMT: 1.01  
PIC: 2.05  
Modem: 2.4  
Questions: 2.1

### TEMPERATURES

Sample Chamber = 48.9°C  
Breath Tube = 48.1°C  
Digital Sim = 34.0°C

### SETTINGS

Lamp Voltage = 1.69 V  
Cooler Voltage = 1.72 V  
Bias Voltage = 80 V  
Chopper Freq = 553 Hz

### PUMP INFO

Flow Rate = 5.558 L/M

### DETECTOR INFO

PUMP	ON	OFF
MAX (V)	0.3579	0.3618
MIN (V)	0.3563	0.3606

### FILTER INFO

Filter	Value	Zero
Filter 1	0.361	Zero = true
Filter 2	0.526	Zero = true
Filter 3	0.883	Zero = true

### CALIBRATION CHECK

Xq = 0.091 0.29%

## Accuracy and Precision Check

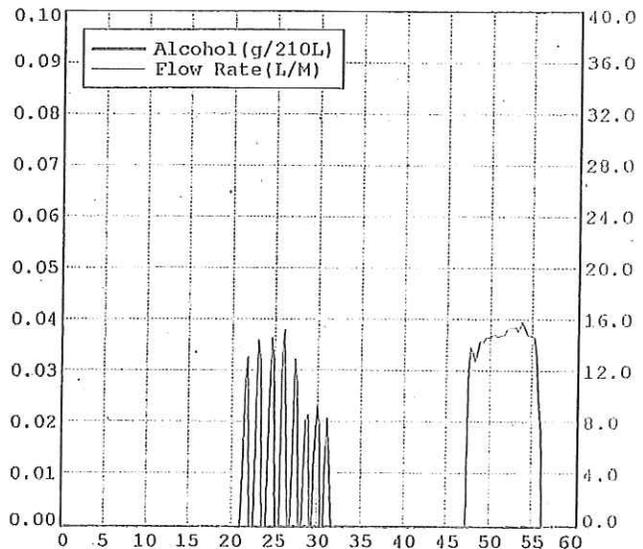
Concentration	= 0.094 g/210L
Lot #	= 14-15-100
Range	= 0.089 - 0.099
Average	= 0.099 g/210L
Std Dev	= 0.0000

## RF Detection Test

Passed

## Sample Acceptance Test

Passed



Routine Performance Check Passed

Performed by BA

Date 05/28/2015

Reviewed by \_\_\_\_\_

Date \_\_\_\_\_

DMT Serial Number #100138

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05/28/2015 1:58 PM

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**Driscoll, Rob**

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**From:** Shelp, Benjamin  
**Sent:** Thursday, June 04, 2015 8:04 AM  
**To:** Driscoll, Rob  
**Subject:** RE: June RPC

I appreciate it.

S/T Ben Shelp  
Vermont State Police  
Derby Barracks  
[Benjamin.Shelp@state.vt.us](mailto:Benjamin.Shelp@state.vt.us)  
802-334-8881  
Fax 802-334-4739

**From:** Driscoll, Rob  
**Sent:** Thursday, June 04, 2015 8:04 AM  
**To:** Shelp, Benjamin  
**Subject:** RE: June RPC

No solution required. Just hit "Run" on the home screen, and instead of a "DUI", you select "Check in". I will ask Marcella to send you a couple of bottles of solution.

Thanks,  
Rob

---

**From:** Shelp, Benjamin  
**Sent:** Thursday, June 04, 2015 8:02 AM  
**To:** Driscoll, Rob  
**Subject:** RE: June RPC

Hi Rob,

We are out of solution here at B2. Does this "Check-in" require a solution change? I assume not, however wanted to ask.

Thanks,  
Ben

S/T Ben Shelp  
Vermont State Police  
Derby Barracks  
[Benjamin.Shelp@state.vt.us](mailto:Benjamin.Shelp@state.vt.us)  
802-334-8881  
Fax 802-334-4739

**From:** Driscoll, Rob  
**Sent:** Thursday, June 04, 2015 8:01 AM

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**To:** Shelp, Benjamin  
**Subject:** June RPC

Benjamin,

In reviewing your June RPC, I noticed that you did not provide the shallow breath during the sample acceptance test. Please perform a "Check-in" using Test,Test for the subject name. Please perform all 4 breath types (shallow, intermittent, very gentle suck-back, and 1.5L alcohol free sample) as seen on page 19 of the DMT Supervisor Manual. If you have any questions please contact me.

Regards,  
Rob

Robert Driscoll  
Vermont Forensics Laboratory  
103 South Main Street  
Waterbury, VT 05671  
Electronics Technician  
[Rob.Driscoll@state.vt.us](mailto:Rob.Driscoll@state.vt.us)  
Desk: (802) 241-5817  
Cell: (802) 585-0123

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P13  
AP

## Driscoll, Rob

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**From:** Shelp, Benjamin  
**Sent:** Monday, June 08, 2015 11:13 AM  
**To:** Driscoll, Rob  
**Subject:** RE: Color Copy..

Ok Rob Ill resend in color

S/T Ben Shelp  
Vermont State Police  
Derby Barracks  
[Benjamin.Shelp@state.vt.us](mailto:Benjamin.Shelp@state.vt.us)  
802-334-8881  
Fax 802-334-4739

**From:** Driscoll, Rob  
**Sent:** Monday, June 08, 2015 7:44 AM  
**To:** Shelp, Benjamin  
**Subject:** Color Copy..

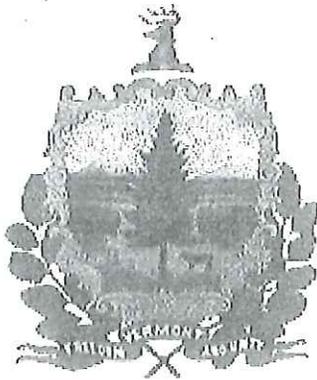
Ben,

I hate to be a pain, but I need a color copy of the Check-In. The one I received from your scanner was black & white.

Thanks,  
Rob

Robert Driscoll  
Vermont Forensics Laboratory  
103 South Main Street  
Waterbury, VT 05671  
Electronics Technician  
[Rob.Driscoll@state.vt.us](mailto:Rob.Driscoll@state.vt.us)  
Desk: (802) 241-5817  
Cell: (802) 585-0123

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CHECK-IN CONFIRMATION TEST

STATE OF VERMONT

DataMeter DMT: 100138  
Location: Derby VSP  
Certification Date: 10/11/2011  
Installation Date: 10/25/2011

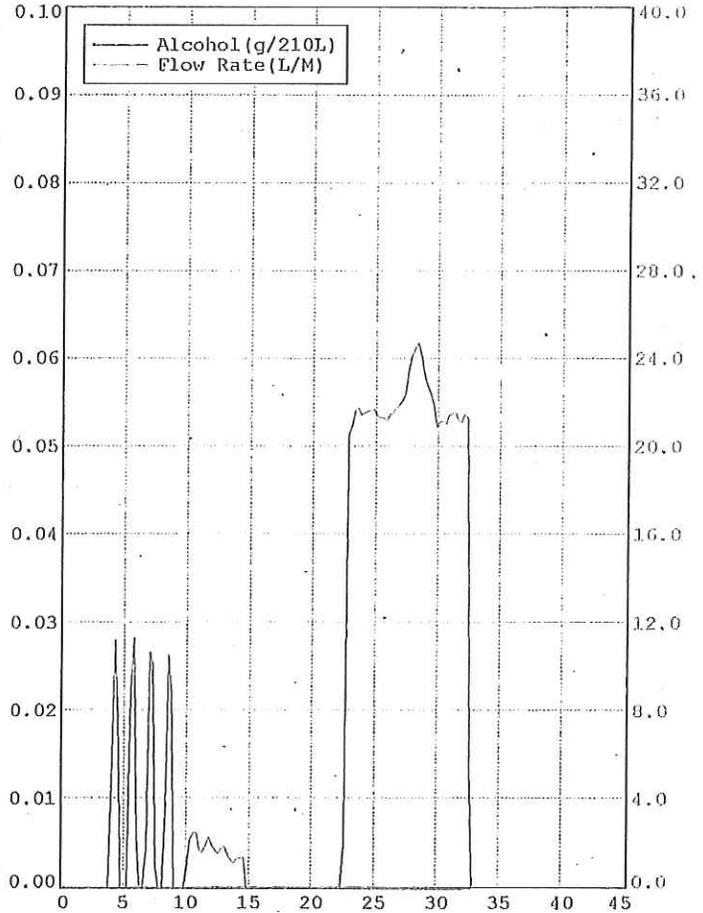
Date: 06/04/2015  
Time: 14:15:21

SUBJECT NAME:  
BENJAMIN D SHELP  
DOB: 04/30/1982 AGE: 33  
GENDER: M

TEST OPERATOR NAME:  
BENJAMIN D SHELP  
AGENCY: DERBY VSP

BLANK TEST	0.000	14:16
CALIBRATION CHECK	PASSED	14:16
SIMULATOR VAPOR 34.0°C	0.098	14:16
SUBJECT SAMPLE (Vol=3.6L)	0.000	14:17
BLANK TEST	0.000	14:18

All alcohol values reported in g/210L  
Sim. Vapor Concentration 0.094  
Sim. Vapor Range 0.089 - 0.099  
Lot #: 14-15-100



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P/S TT

## Driscoll, Rob

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**From:** Shelp, Benjamin  
**Sent:** Monday, July 13, 2015 3:06 PM  
**To:** Driscoll, Rob  
**Subject:** RE: [Samsung Smart Camera] sent you files!

On the way

S/T Ben Shelp  
Vermont State Police  
Derby Barracks  
[Benjamin.Shelp@state.vt.us](mailto:Benjamin.Shelp@state.vt.us)  
802-334-8881  
Fax 802-334-4739

**From:** Driscoll, Rob  
**Sent:** Monday, July 13, 2015 2:53 PM  
**To:** Shelp, Benjamin  
**Subject:** RE: [Samsung Smart Camera] sent you files!

Amanda would appreciate those tickets as soon as possible as well.

Thanks,  
Rob

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**From:** Shelp, Benjamin  
**Sent:** Monday, July 13, 2015 2:47 PM  
**To:** Driscoll, Rob  
**Subject:** FW: [Samsung Smart Camera] sent you files!

Hi Rob,

Here is the pic of the solution bottle. Says .094-.104. I do have two bottles that must have been delivered

S/T Ben Shelp  
Vermont State Police  
Derby Barracks  
[Benjamin.Shelp@state.vt.us](mailto:Benjamin.Shelp@state.vt.us)  
802-334-8881  
Fax 802-334-4739

**From:** [camera@samsungcamera.com](mailto:camera@samsungcamera.com) [<mailto:camera@samsungcamera.com>]  
**Sent:** Monday, July 13, 2015 2:44 PM  
**To:** Shelp, Benjamin  
**Subject:** [Samsung Smart Camera] sent you files!

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Sent from Samsung Camera.

CHR-15-25  
P1711

**Giammanco, Marcella**

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**From:** Driscoll, Rob  
**Sent:** Thursday, July 16, 2015 7:10 AM  
**To:** Giammanco, Marcella  
**Subject:** Simulator Solution Delivery

Hi Marcella,

The following agencies are all in need of 2 bottles of sim. solution:

- Derby VSP
- Winhall PD
- ✓ Bristol PD
- ✓ New Haven VSP
- Middlesex VSP

Thanks,  
Rob

Robert Driscoll  
Vermont Forensics Laboratory  
103 South Main Street  
Waterbury, VT 05671  
Electronics Technician  
[Rob.Driscoll@state.vt.us](mailto:Rob.Driscoll@state.vt.us)  
Desk: (802) 241-5817  
Cell: (802) 585-0123

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TJ  
8/21/15

**Bolduc, Amanda**

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**From:** Driscoll, Rob  
**Sent:** Wednesday, August 19, 2015 7:23 AM  
**To:** Bolduc, Amanda  
**Subject:** FW: Solution Change Report

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**From:** Driscoll, Rob  
**Sent:** Tuesday, August 11, 2015 7:04 AM  
**To:** Shelp, Benjamin  
**Subject:** RE: Solution Change Report

Thanks for your help!

Rob

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**From:** Shelp, Benjamin  
**Sent:** Monday, August 10, 2015 6:15 PM  
**To:** Driscoll, Rob  
**Subject:** RE: Solution Change Report

Im in Quantico VA at training. Ill reach out to Greg.

S/T Ben Shelp  
Vermont State Police  
Derby Barracks  
[Benjamin.shelp@vermont.gov](mailto:Benjamin.shelp@vermont.gov)  
802-334-8881  
Fax 802-334-4739

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**From:** Driscoll, Rob  
**Sent:** Monday, August 10, 2015 9:38 AM  
**To:** Shelp, Benjamin  
**Subject:** Solution Change Report  
**Importance:** High

Ben,

I have yet to receive the solution change report from when you entered the incorrect simulator solution concentration. Please send me the report as soon as possible as I need to review this to sign off on your June RPC!!!!

Thanks,  
Rob

Robert Driscoll  
Vermont Forensics Laboratory  
103 South Main Street

CAR-15-25  
TR  
R19

Waterbury, VT 05671  
Electronics Technician  
[Rob.Driscoll@state.vt.us](mailto:Rob.Driscoll@state.vt.us)  
Desk: (802) 241-5817  
Cell: (802) 585-0123

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**From:** Driscoll, Rob  
**Sent:** Tuesday, July 21, 2015 1:18 PM  
**To:** Shelp, Benjamin  
**Subject:** Solution Change Report

Ben,

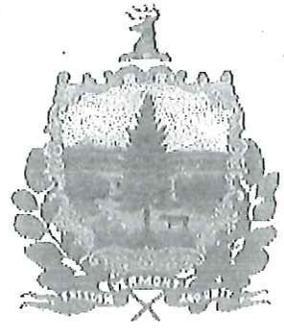
Can you please send me a copy of the solution change report that should have been completed to fix the wrong concentration entered?

Thanks,  
Rob

Robert Driscoll  
Vermont Forensics Laboratory  
103 South Main Street  
Waterbury, VT 05671  
Electronics Technician  
[Rob.Driscoll@state.vt.us](mailto:Rob.Driscoll@state.vt.us)  
Desk: (802) 241-5817  
Cell: (802) 585-0123

CAR 15-25  
11  
P20

SOLUTION CHANGE



DataMaster DMT: 100138  
Location: Derby VSP  
Date: 08/18/2015  
Performed by: BENJAMIN D SHELPS

Accuracy and Precision Check

Concentration = 0.100 g/210L  
Lot # = 15-06-100  
Range = 0.095 - 0.105  
Average = 0.099 g/210L  
Std Dev = 0.0000

Simulator Temperature: 34°C

Performed by BD

Date 08/18/2015

CAR 15-25  
TR  
P21

**Bolduc, Amanda**

---

**From:** Driscoll, Rob  
**Sent:** Wednesday, August 19, 2015 7:22 AM  
**To:** Bolduc, Amanda  
**Subject:** FW: DataMaster Solution Change Question

---

**From:** Driscoll, Rob  
**Sent:** Wednesday, August 19, 2015 7:10 AM  
**To:** Shelp, Benjamin  
**Subject:** RE: DataMaster Solution Change Question

I need to know every ticket that ran on that instrument since May 28<sup>th</sup> then. Every DUI or Check-in had the wrong concentration on it...the instrument could have ran several tests with the solution out of range, but it would have still run because you entered the wrong concentration. This is why it was very important for you to run a solution change protocol immediately when I had asked...at that time you did not even need to change the physical solution, just run the protocol in the software to correct your error (the solution was new from the RPC...it was just a corrective measure to fix the wrongly entered concentration).

Regards,  
Rob

---

**From:** Shelp, Benjamin  
**Sent:** Wednesday, August 19, 2015 7:07 AM  
**To:** Driscoll, Rob  
**Subject:** RE: DataMaster Solution Change Question

We were out of solution at the time and I forgot to complete it when the solution arrived so I did the changed yesterday.

S/T Ben Shelp  
Vermont State Police  
Derby Barracks  
[Benjamin.shelp@vermont.gov](mailto:Benjamin.shelp@vermont.gov)  
802-334-8881  
Fax 802-334-4739

---

**From:** Driscoll, Rob  
**Sent:** Wednesday, August 19, 2015 7:05 AM  
**To:** Shelp, Benjamin  
**Subject:** DataMaster Solution Change Question

Ben,

I wasn't asking for you to physically change the solution. I still need the report showing that you changed the solution after the June RPC. You had entered the wrong solution concentration on 5/28/15..and I had asked you to perform a solution change to correct the concentration. Did you ever complete that?

CHARIS-25  
TT  
P22

Thanks,  
Rob

Robert Driscoll  
Vermont Forensics Laboratory  
103 South Main Street  
Waterbury, VT 05671  
Electronics Technician  
[Rob.Driscoll@state.vt.us](mailto:Rob.Driscoll@state.vt.us)  
Desk: (802) 241-5817  
Cell: (802) 585-0123

CARIS-25  
1/18  
R23

## Bolduc, Amanda

---

**From:** Smith, Walter  
**Sent:** Wednesday, August 19, 2015 9:28 AM  
**To:** Bolduc, Amanda; Marsh, Gregory; Selby, Sean; Lacourse, Michael; Jensen, Andrew  
**Cc:** Conti, Trisha; Barrett, Jennifer  
**Subject:** RE: DataMaster Supervisor

Amanda,

I just spoke with Greg Marsh and he is taking over responsibilities of the DataMaster. Please go direct with Greg with all DataMaster related issues, (thanks Greg).

PC's, please see the email below from Amanda, this is unacceptable, please address this issue with Ben.

Thanks,

Walt

---

**From:** Bolduc, Amanda  
**Sent:** Wednesday, August 19, 2015 8:21 AM  
**To:** Smith, Walter  
**Cc:** Conti, Trisha; Barrett, Jennifer  
**Subject:** DataMaster Supervisor

Good Morning Lt. Smith,

I am writing you today regarding issues with the care and maintenance of the DataMaster DMT located at your agency. Our DataMaster Technical Service's group has been having communication issues with the individual tasked with supervising the DataMaster at your agency. Specifically, Trooper Shelp is not responding to our requests for information and performing requested (and required) maintenance in a timely manner. I am respectfully requesting that the supervision of the DataMaster at your agency be reassigned to another individual. According to our records, Kerry Skochin and Gregory Marsh are both trained as DataMaster Supervisors. Additionally, there are two upcoming Supervisor Training classes being held here at the Forensic Lab on October 8<sup>th</sup>, one in the morning and one in the afternoon. Sign up is available on the VCJTC website.

I am happy to speak with you if you have questions or would like more information. The VFL DataMaster Technician (Rob Driscoll) is currently en route to your agency to correct the issue that has been ongoing since May. Rob would also be able to answer questions while he's there.

*Amanda Bolduc, MFS*  
Alcohol Program Supervisor  
Vermont Forensic Laboratory  
Department of Public Safety  
45 State Drive  
Waterbury, VT 05671  
(802) 241-5300 (ph)  
(802) 585-0504 (cell)  
(802) 241-5557 (fax)

[Amanda.bolduc@vermont.gov](mailto:Amanda.bolduc@vermont.gov) \*\* PLEASE NOTE NEW EMAIL ADDRESS AS OF 7/27/15

The information transmitted by the following e-mail is intended only for the addressee and may contain confidential and/or privileged material. Any interception, review, retransmission, dissemination, or other use of, or taking of any action upon this information by persons or entities other than the intended recipient is prohibited by law and may subject them to criminal or civil liability. If you received this communication in error, please contact us immediately at 802-244-8788 and delete the communication from any computer or network system.

CAR 15-25  
TT  
P24

**Bolduc, Amanda**

---

**From:** Bolduc, Amanda  
**Sent:** Wednesday, August 19, 2015 11:54 AM  
**To:** Barrett, Jennifer  
**Subject:** RE: Message from "RNP0026732950A4"

I am waiting on Rob to return from Derby. I will confirm with him when he gets here. I was intentionally vague on that until I have the facts.

Amanda Bolduc, MFS  
Alcohol Program Supervisor  
Vermont Forensic Laboratory  
(802) 241-5300 (ph)  
(802) 585-0504 (cell)

-----Original Message-----

**From:** Barrett, Jennifer  
**Sent:** Wednesday, August 19, 2015 11:26 AM  
**To:** Bolduc, Amanda  
**Subject:** RE: Message from "RNP0026732950A4"

Amanda,

Thank you for the detailed summary. When we spoke, you indicated that Trooper Shelp had indicated that the fix had taken place when in fact it had not. From your e-mail it just sounds like he didn't respond so it was assumed that it was fixed. This is an important distinction in terms of prosecution of Trooper Shelp's cases and his credibility on other cases. Could you please clarify which it was.

Thank you,

Jenn

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Jennifer Barrett, Esq.  
Orleans County State's Attorney  
217 Main Street, Suite 2  
Newport, VT 05855  
Telephone: 802-334-2037  
Fax: 802-334-3319  
[Jennifer.Barrett@Vermont.gov](mailto:Jennifer.Barrett@Vermont.gov)  
\*\*PLEASE NOTE NEW E-MAIL ADDRESS\*\*

-----Original Message-----

**From:** Bolduc, Amanda  
**Sent:** Wednesday, August 19, 2015 11:19 AM  
**To:** Barrett, Jennifer

CH 15-25  
TT  
P 25

Subject: FW: Message from "RNP0026732950A4"

Jennifer,

As a follow-up to our phone conversation, attached please find a summary report from the Derby VSP DataMaster 100138 for tests dated 5/28/15 - today. There are two test in which a subject sample were provided when the DataMaster should not have allowed them. They are 7/16/15 15B202345 Trevor Coderre, and 8/11/15 15B202667 Desmond Durivage. Due to the incorrect target concentration for the simulator solution being entered, this instrument reported a valid simulator result when in fact it was not. Neither of these tickets should have been allowed to be generated if the DataMaster Supervisor had correctly entered the target concentration. Further, Trooper Shelp was contacted by DataMaster Technical Services on July 17 and made aware of the problem. We had requested at that point that he perform a simulator solution change protocol to reassign the target value to the correct number. A follow up email was sent on July 21 and again on August 10th. We heard back from Trooper Shelp on August 11th stating he was away at training and would reach out to another person at the barracks. At this point, the lab was under the impression that the correction had been made and we were only waiting on the report confirming it. We were made aware today that the correction did not happen until 8/18 thus all tickets generated over this timeframe contain the wrong target value and the two aforementioned tickets are not valid.

There were also two instances of refusals in which the simulator solution was out of range, but I have not included them because they were refusals. I'm happy to provide that information as well, if needed. Let me know if you have any further questions.

Amanda Bolduc, MFS  
Alcohol Program Supervisor  
Vermont Forensic Laboratory  
(802) 241-5300 (ph)  
(802) 585-0504 (cell)

-----Original Message-----

From: [Derby\\_Admin\\_Copier@dps.state.vt.us](mailto:Derby_Admin_Copier@dps.state.vt.us) [mailto:Derby\_Admin\_Copier@dps.state.vt.us]  
Sent: Wednesday, August 19, 2015 10:32 AM  
To: Bolduc, Amanda  
Subject: Message from "RNP0026732950A4"

This E-mail was sent from "RNP0026732950A4" (Aficio MP C4501).

Scan Date: 08.19.2015 10:31:44 (-0400)

Queries to: [Derby\\_Admin\\_Copier@dps.state.vt.us](mailto:Derby_Admin_Copier@dps.state.vt.us)

CHAR 15-25  
TIT  
P216

**Bolduc, Amanda**

---

**From:** Bolduc, Amanda  
**Sent:** Wednesday, August 19, 2015 12:25 PM  
**To:** Barrett, Jennifer  
**Subject:** RE: Message from "RNP0026732950A4"

Jen,  
The more I dig, the more I'm finding. I'm putting together as thorough as I can of a root-cause analysis and timeline of information. If you give me a day or two, I'll have that ready for you. I can say right now that we have identified steps that the lab can take in preventing this problem in the future. Those details will be included in my report.

Amanda Bolduc, MFS  
Alcohol Program Supervisor  
Vermont Forensic Laboratory  
(802) 241-5300 (ph)  
(802) 585-0504 (cell)

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**Sent:** Wednesday, August 19, 2015 11:26 AM  
**To:** Bolduc, Amanda  
**Subject:** RE: Message from "RNP0026732950A4"

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Thank you,

Jenn

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Fax: 802-334-3319  
[Jennifer.Barrett@Vermont.gov](mailto:Jennifer.Barrett@Vermont.gov)  
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-----Original Message-----  
**From:** Bolduc, Amanda

CAR 15-25  
A  
P 27

Sent: Wednesday, August 19, 2015 11:19 AM  
To: Barrett, Jennifer  
Subject: FW: Message from "RNP0026732950A4"

Jennifer,

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Vermont Forensic Laboratory  
(802) 241-5300 (ph)  
(802) 585-0504 (cell)

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Queries to: [Derby\\_Admin\\_Copier@dps.state.vt.us](mailto:Derby_Admin_Copier@dps.state.vt.us)

CAR-15-25  
7/28

**Bolduc, Amanda**

---

**From:** Smith, Walter  
**Sent:** Wednesday, August 19, 2015 9:28 AM  
**To:** Bolduc, Amanda; Marsh, Gregory; Selby, Sean; Lacourse, Michael; Jensen, Andrew  
**Cc:** Conti, Trisha; Barrett, Jennifer  
**Subject:** RE: DataMaster Supervisor

Amanda,

I just spoke with Greg Marsh and he is taking over responsibilities of the DataMaster. Please go direct with Greg with all DataMaster related issues, (thanks Greg).

PC's, please see the email below from Amanda, this is unacceptable, please address this issue with Ben.

Thanks,

Walt

---

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**Sent:** Wednesday, August 19, 2015 8:21 AM  
**To:** Smith, Walter  
**Cc:** Conti, Trisha; Barrett, Jennifer  
**Subject:** DataMaster Supervisor

Good Morning Lt. Smith,

I am writing you today regarding issues with the care and maintenance of the DataMaster DMT located at your agency. Our DataMaster Technical Service's group has been having communication issues with the individual tasked with supervising the DataMaster at your agency. Specifically, Trooper Shelp is not responding to our requests for information and performing requested (and required) maintenance in a timely manner. I am respectfully requesting that the supervision of the DataMaster at your agency be reassigned to another individual. According to our records, Kerry Skochin and Gregory Marsh are both trained as DataMaster Supervisors. Additionally, there are two upcoming Supervisor Training classes being held here at the Forensic Lab on October 8<sup>th</sup>, one in the morning and one in the afternoon. Sign up is available on the VCJTC website.

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(802) 241-5557 (fax)

[Amanda.bolduc@vermont.gov](mailto:Amanda.bolduc@vermont.gov) \*\* PLEASE NOTE NEW EMAIL ADDRESS AS OF 7/27/15

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CLAR 15-25  
P 29

**Bolduc, Amanda**

---

**From:** Barrett, Jennifer  
**Sent:** Wednesday, August 19, 2015 11:26 AM  
**To:** Bolduc, Amanda  
**Subject:** RE: Message from "RNP0026732950A4"

Amanda,

Thank you for the detailed summary. When we spoke, you indicated that Trooper Shelp had indicated that the fix had taken place when in fact it had not. From your e-mail it just sounds like he didn't respond so it was assumed that it was fixed. This is an important distinction in terms of prosecution of Trooper Shelp's cases and his credibility on other cases. Could you please clarify which it was.

Thank you,

Jenn

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[Jennifer.Barrett@Vermont.gov](mailto:Jennifer.Barrett@Vermont.gov)  
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Subject: FW: Message from "RNP0026732950A4"

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CAR 15-25  
11/11  
P 30

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Let me know if you have any further questions.

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(802) 585-0504 (cell)

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Queries to: [Derby\\_Admin\\_Copier@dps.state.vt.us](mailto:Derby_Admin_Copier@dps.state.vt.us)

CAR 15-25  
VT  
RBI

**Bolduc, Amanda**

---

**From:** Barrett, Jennifer  
**Sent:** Wednesday, August 19, 2015 1:03 PM  
**To:** Bolduc, Amanda  
**Subject:** RE: Message from "RNP0026732950A4"

Thank you.

--  
Jennifer Barrett, Esq.  
Orleans County State's Attorney  
217 Main Street, Suite 2  
Newport, VT 05855  
Telephone: 802-334-2037  
Fax: 802-334-3319  
[Jennifer.Barrett@Vermont.gov](mailto:Jennifer.Barrett@Vermont.gov)

\*\*PLEASE NOTE NEW E-MAIL ADDRESS\*\*

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**From:** Bolduc, Amanda  
**Sent:** Wednesday, August 19, 2015 12:25 PM  
**To:** Barrett, Jennifer  
**Subject:** RE: Message from "RNP0026732950A4"

Jen,  
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**To:** Bolduc, Amanda  
**Subject:** RE: Message from "RNP0026732950A4"

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CAR 15-25  
VT  
P32

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Jenn

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Newport, VT 05855

Telephone: 802-334-2037

Fax: 802-334-3319

[Jennifer.Barrett@Vermont.gov](mailto:Jennifer.Barrett@Vermont.gov)

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To: Barrett, Jennifer

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-----Original Message-----

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Sent: Wednesday, August 19, 2015 10:32 AM

CAR 15-25  
10/15  
P 33

To: Bolduc, Amanda  
Subject: Message from "RNP0026732950A4"

This E-mail was sent from "RNP0026732950A4" (Aficio MP C4501).

Scan Date: 08.19.2015 10:31:44 (-0400)

Queries to: [Derby\\_Admin\\_Copier@dps.state.vt.us](mailto:Derby_Admin_Copier@dps.state.vt.us)

CAR 15-25  
17  
P34

**Bolduc, Amanda**

---

**From:** Driscoll, Rob  
**Sent:** Wednesday, August 19, 2015 3:06 PM  
**To:** Bolduc, Amanda  
**Subject:** Fwd: [Samsung Smart Camera] sent you files!

Sent from my iPhone

Begin forwarded message:

**From:** "Shelp, Benjamin" <[Benjamin.Shelp@vermont.gov](mailto:Benjamin.Shelp@vermont.gov)>  
**Date:** July 13, 2015 at 2:46:48 PM EDT  
**To:** "Driscoll, Rob" <[Rob.Driscoll@vermont.gov](mailto:Rob.Driscoll@vermont.gov)>  
**Subject:** FW: [Samsung Smart Camera] sent you files!

Hi Rob,

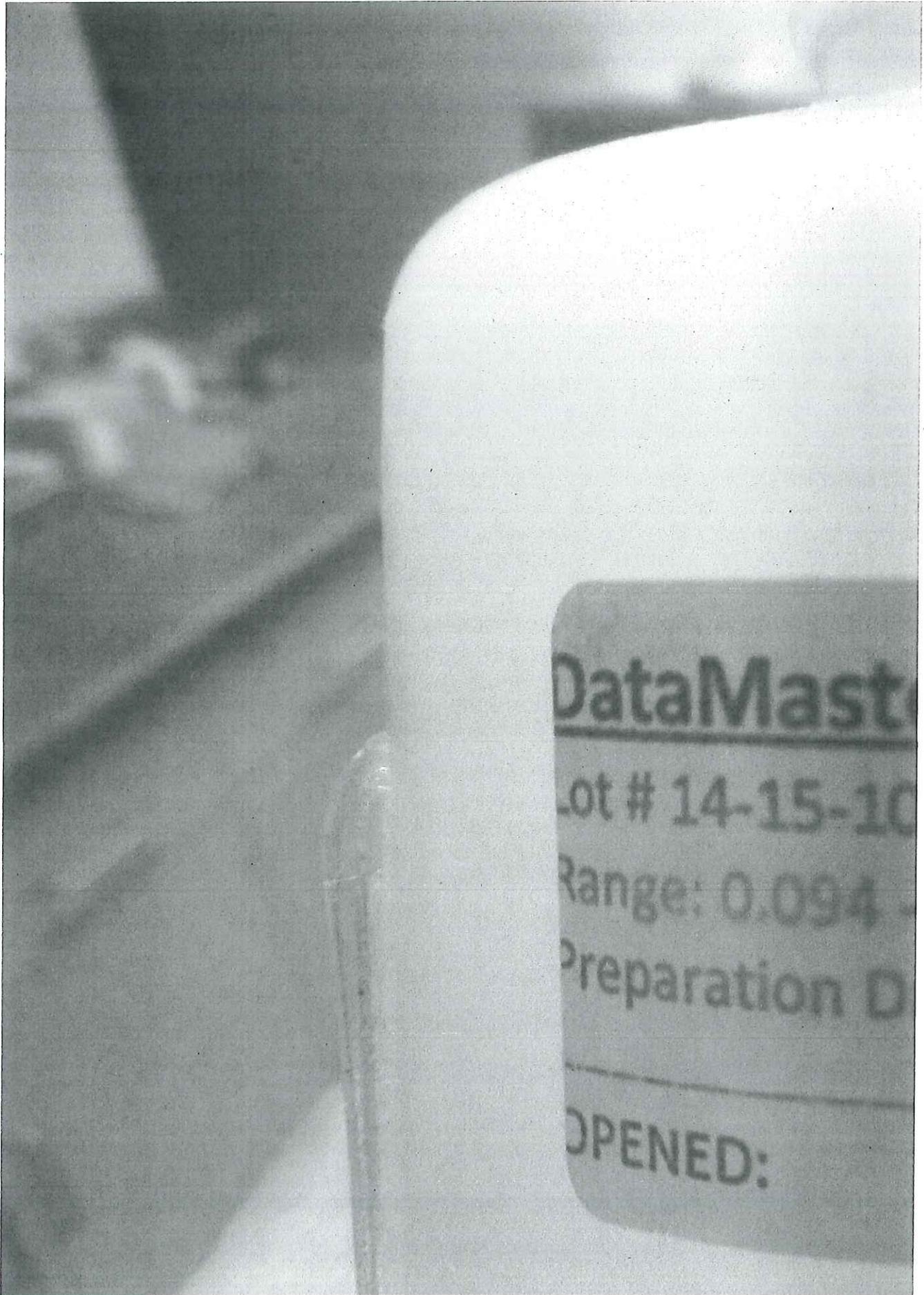
Here is the pic of the solution bottle. Says .094-.104. I do have two bottles that must have been delivered

S/T Ben Shelp  
Vermont State Police  
Derby Barracks  
[Benjamin.Shelp@state.vt.us](mailto:Benjamin.Shelp@state.vt.us)  
802-334-8881  
Fax 802-334-4739

**From:** [camera@samsungcamera.com](mailto:camera@samsungcamera.com) [<mailto:camera@samsungcamera.com>]  
**Sent:** Monday, July 13, 2015 2:44 PM  
**To:** Shelp, Benjamin  
**Subject:** [Samsung Smart Camera] sent you files!

Sent from Samsung Camera.

CARIS-25  
TT  
P35



**DataMast**

Lot # 14-15-10

Range: 0.094

Preparation D

**OPENED:**

**Bolduc, Amanda**

---

**From:** Driscoll, Rob  
**Sent:** Wednesday, August 19, 2015 3:05 PM  
**To:** Bolduc, Amanda  
**Subject:** Fwd: Color Copy of Check-IN

Sent from my iPhone

Begin forwarded message:

**From:** "Driscoll, Rob" <[Rob.Driscoll@vermont.gov](mailto:Rob.Driscoll@vermont.gov)>  
**Date:** July 13, 2015 at 7:30:51 AM EDT  
**To:** "Shelp, Benjamin" <[Benjamin.Shelp@vermont.gov](mailto:Benjamin.Shelp@vermont.gov)>  
**Subject:** **Color Copy of Check-IN**

Ben,

Did you have a chance to send me a color copy of the Check-In yet? I need to add this to your RPC so that I can sign it off as a passing sample acceptance.

Thanks,  
Rob

Robert Driscoll  
Vermont Forensics Laboratory  
103 South Main Street  
Waterbury, VT 05671  
Electronics Technician  
[Rob.Driscoll@state.vt.us](mailto:Rob.Driscoll@state.vt.us)  
Desk: (802) 241-5817  
Cell: (802) 585-0123

## Bolduc, Amanda

---

**From:** Driscoll, Rob  
**Sent:** Wednesday, August 19, 2015 3:04 PM  
**To:** Bolduc, Amanda  
**Subject:** Fwd: Color Copy..

Sent from my iPhone

Begin forwarded message:

**From:** "Driscoll, Rob" <[Rob.Driscoll@vermont.gov](mailto:Rob.Driscoll@vermont.gov)>  
**Date:** June 25, 2015 at 8:04:24 AM EDT  
**To:** "Shelp, Benjamin" <[Benjamin.Shelp@vermont.gov](mailto:Benjamin.Shelp@vermont.gov)>  
**Subject:** RE: Color Copy..

Ben,

Did you have a chance to send me the color copy of the "check-in" yet? I was out of town at a training and have not seen it yet.

Thanks,  
Rob

Robert Driscoll  
Vermont Forensics Laboratory  
103 South Main Street  
Waterbury, VT 05671  
Electronics Technician  
[Rob.Driscoll@state.vt.us](mailto:Rob.Driscoll@state.vt.us)  
Desk: (802) 241-5817  
Cell: (802) 585-0123

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**From:** Shelp, Benjamin  
**Sent:** Monday, June 08, 2015 11:13 AM  
**To:** Driscoll, Rob  
**Subject:** RE: Color Copy..

Ok Rob Ill resend in color

S/T Ben Shelp  
Vermont State Police  
Derby Barracks  
[Benjamin.Shelp@state.vt.us](mailto:Benjamin.Shelp@state.vt.us)  
802-334-8881  
Fax 802-334-4739

**From:** Driscoll, Rob  
**Sent:** Monday, June 08, 2015 7:44 AM  
**To:** Shelp, Benjamin  
**Subject:** Color Copy..

Ben,

I hate to be a pain, but I need a color copy of the Check-In. The one I received from your scanner was black & white.

Thanks,  
Rob

Robert Driscoll  
Vermont Forensics Laboratory  
103 South Main Street  
Waterbury, VT 05671  
Electronics Technician  
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