

EXHIBIT 5
DATE 1-24-05
HB HB 60



**White Lies
Methamphetamine**

A special section
brought to you by:
Prescott Valley Tribune

To send an email to
writer, click below



Reporter:
Art Merrill
Prescott Valley
Tribune

(Editor's note: This is the next to the last article in a Prescott Valley Tribune series about methamphetamine abuse in the community and surrounding areas. Due to careful research and to the Sept. 11 terrorism attacks, we have waited to run the final article in this series).



Drug's promises
are inevitable
problems

Meth addicts
flood courts, tax-
paid rehab

Making meth is
easy, dangerous,
and widespread

Former meth houses create "buyer beware" situation

The "American dream" turned into a health nightmare for a Prescott Valley couple who bought a home that had been a meth lab for nearly a year.

Family members said they began suffering from daily headaches and nausea soon after moving into the house. The three small children complained of dizziness, and none of them slept well. They didn't understand what was happening to them until neighbors told them a narcotics task force had twice raided the home as an active meth lab.

**HOME RAIDED
TWICE**

According to Yavapai County Attorney records, PANT (Prescott Area Narcotics Task Force) raided the Prescott Valley home on Sept. 12, 1999, and arrested the resident, then-39-year-old Joseph Leon Kroczewski. Officers immediately noted a "strong chemical smell" when they entered the residence, and saw "a number of air circulating fans located in the windows of the residence" blowing air out of the home, according to the official report of the incident. They opened the windows and evacuated the residence until a DPS Hazardous Material Unit officer and an Explosives Disposal Unit officer sampled the air and deemed it safe enough to go back inside.

Kroczewski, who told officers he had been "cooking" methamphetamine during the night, had been asleep, wearing chemical-stained clothing, and with chemical-stained hands, when PANT entered just after 6 a.m. with the search warrant. PANT asked a Central Yavapai Fire District crew to

Meth labs pose HAZMAT risk to others

Readers respond to meth series

Former meth houses create "buyer beware" situation

Disclosure laws on meth labs say both 'no' and 'yes'

Beating meth addiction is daily victory for former user

OPINION:
Meth use: A 'victimless crime' that robs us all


LINKS:
Informative links about drug use


LETTERS:
Read letters and responses


call **772-1212**
to subscribe to

"decontaminate" Kroczewski in the back yard, apparently with a cold water wash from a fire hose.

PANT confiscated from the residence a large quantity of "lab" equipment and hazardous chemicals used for making meth; much of the equipment still contained chemicals from the meth making process. PANT also found about six grams of methamphetamine, roughly 24 quarter-gram dosages.

According to the report, Kroczewski told PANT officers, "I cook for my own personal use...it is cheaper than buying it." However, other information in the report indicates Kroczewski manufactured an ounce or two of methamphetamine at a time. One ounce of meth is 114 quarter-gram dosages, according to PANT, far more than what courts consider a "user quantity."

The report also states that Kroczewski "cooked" meth "every other day except for Tuesdays and Thursdays..." and that he "claims to make the best stuff around..."

Kroczewski admitted "that he had been involved in the manufacture of methamphetamine for six to eight months."

In the police report, Kroczewski told officers he dumped his meth-making chemical waste in the back yard and down the sink. "Kroczewski stated that the chemicals were so bad that they ate through the plumbing fixtures in the master bedroom (bathroom)," the report reads. PANT confiscated a piece of the home's plumbing as evidence.

The report states Kroczewski made meth in both the kitchen and in the master bedroom bathroom, but PANT found meth manufacturing materials and related drug paraphernalia in essentially every room in the house. Officers also found three piles of "waste material" in the backyard; they removed samples for testing.

Officers cataloged 80 pieces of evidence they found in the residence, including containers for chemicals used to make methamphetamine.

PANT charged Kroczewski with manufacture, sale, and possession of dangerous drugs and possession of equipment for manufacturing dangerous drugs, and for possession of drug paraphernalia. Because they found four firearms in the home, officers also charged him with possession of weapons in the commission of a drug offense.

Kroczewski apparently used his home as bond collateral to

**the Prescott
Valley Tribune**

To return to the Prescott
Valley Tribune
click [HERE](#)

To return to White Lies;
Methamphetamine
click [HERE](#)

get out of jail while awaiting trial. Exactly 10 months later, July 12, 2000, PANT returned to execute another search warrant, on suspicion that Kroczewski was still manufacturing meth at the residence. Again police arrested Kroczewski on charges of possessing equipment and chemicals for manufacturing methamphetamine, and for possession of drug paraphernalia.

The formerly talkative Kroczewski refused to speak with PANT officers in the second arrest. On Oct. 19, 2000, a Yavapai County judge convicted Kroczewski of all charges in both arrests, and sentenced him to five years in prison and five years on probation for all offenses. He also levied a \$5,310 fine. Kroczewski remains in state prison in Yuma.

CHEMICALS STILL IN HOME

Manufacturing methamphetamine involves the mixing and discarding of a variety of toxic chemicals, including lye, acetone, muriatic acid, battery acid, white gas (Coleman fuel), red phosphorous, and crystal iodine.

The woman who now lives in the home is convinced her family's symptoms are the result of breathing toxic vapors still in the house from the meth manufacturing.

"The lawyers I talked to all told me the same thing. They said, 'You could die in that house, and the agents and the seller would be protected by state law.'"

- A woman, who along with her children, became ill after moving into a newly purchased PV home. She says real estate agents did not tell her that her home had served as a methamphetamine lab for eight months.

inhale the chemicals. I learned the crystal iodine and the red phosphorous can cause brain damage and behavior problems.

"The lawyers I talked to all told me the same thing. They said, 'You could die in that house, and the agents and the seller would be protected by state law,'" she said.

"I got on the phone to about eight different attorneys, four industrial hygienists, and an environmental laboratory," she said.

The woman said industrial hygienists told her that, especially in a home where someone allegedly made meth several days each week for six to eight months, new paint and new carpets would do little to alleviate the hazard.

"They said the wood cupboards in the house absorbed the chemical fumes and 'sweat' them back out, and we

NO DISCLOSURE LAW?

The woman said neither the real estate agents nor the seller revealed the home had been a meth lab before they moved in.

The buyer's agent for the PV home told the Tribune he didn't know about the meth lab; the seller's agent said state law prohibited him from revealing that information to the buyer. The seller did not return a phone call from the Tribune.

"There's a law, that we can't really say anything about that at this time," the seller's agent said. "The 'stigmatization law' does not allow the seller's agent to disclose anything that would stigmatize the seller's property."

He later said that, after consulting with Arizona Association of Realtors, which he described as "an attorney's office that assists realtors in legal matters," that he had done "everything according to the law" regarding disclosure. He identified that law as Arizona Revised Statute 32-2156. He declined any further comment.

Alice Martin, Executive Vice President of Arizona Association of Realtors, said the agent is "not entirely correct."

"The stigmatization law gets twisted," Martin said. "Under the law the agent CAN disclose that a felony occurred on the property, but he doesn't HAVE to, and he can't get in trouble if he decides not to."

Martin said the Association is a "trade organization" for realtors, with a code of ethics to which it requires members to conform- not a legal counsel for realtors. The agent did not violate ethics in not disclosing the home he sold had twice been a meth lab, she said.

ARS 32-2126 states, in part:

"A. No criminal, civil, or administrative action may be brought against a transferor or lessor of real property or a licensee for failing to disclose that the property being transferred or leased is or has been:

- 1. The site of a natural death, suicide or homicide or any other crime classified as a felony.**
- 2. Owned or occupied by a person exposed to the human immunodeficiency virus or diagnosed as having acquired immune deficiency syndrome or any other disease that is not known to be transmitted through**

common occupancy or real estate.

3. Located in the vicinity of a sex offender.

B. Failing to disclose any fact or suspicion asset forth in subsection A shall not be grounds for termination or rescission of any transaction in which real property has been or will be transferred or leased."

The state Department of Real Estate, however, says Arizona Administrative Code, which regulates real estate transactions and "carries the weight of law" requires real estate agents to disclose any health risks, including the manufacture of methamphetamine in a home (see accompanying report).

Yavapai County Chief Administrative Deputy County Attorney Dennis McGrane said ARS 32-2156 does not prohibit agents from revealing to a potential homebuyer the fact that a felony - such as operating a meth lab - took place in the home. The statute, rather, prohibits homebuyers from suing the real estate agent that does not disclose the fact a felony took place in the home.

"Perhaps some other statute prohibits the agent from 'stigmatizing' the seller's property, but it isn't this one," he said.

McGrane also said that, if they conflict, Arizona Revised Statutes take precedence over Arizona Administrative Codes.

"It's a progression of authority, and the state statute trumps the state code," he said. "But a judge might not find that they conflict."

RISK IS REAL _____

"I have heard of this kind of thing before, and I'm not entirely surprised," said Drug Enforcement Agency Special Agent Jim Molesa. "Should the realtor have disclosed the information that the home had been a meth lab? Absolutely. When DEA cleans a house we post a note on the property that says, 'We were here.' It advises of the dangers and that we did our best at cleaning up, but that the long term effects of the chemicals on the property are still unknown and any risk you take is your own."

PANT also posts a notice on the property when it raids meth lab homes in Yavapai County.

"We post a big orange sticker that advises we found a clan lab (clandestine laboratory) there, that we found hazardous chemicals, and provides a phone number to call with any

questions," said PANT Sergeant Pete Hodap. "I remember that particular house in Prescott Valley; we posted the sticker on the garage door."

Hodap said PANT removes all meth lab equipment during its investigation, as well as all chemicals associated with manufacturing methamphetamine.

"We take all the chemicals, even if they have legitimate uses, like acetone and Coleman fuel," he said.

Hodap said he doesn't believe PANT has any authority to order any additional cleanup.

"As far as any other cleanup, we've never ordered any," he said. "We have no way of measuring how much of the chemicals might have gotten into the walls or ceilings."

Law enforcement and health officials are clearly concerned about the health risks associated with entering scenes of methamphetamine manufacture. Science does not clearly understand yet the long-term effects of continued exposure to meth lab chemicals; for that reason, Molesa said, doctors keep close tabs on some DEA agents.

"As a classic example, everybody in DEA clandestine lab task forces must have annual physical checkups," he said. "They're especially looking at blood and respiratory ailments. I'll be getting these annual checkups until I retire from DEA."

DEA sometimes takes extreme measures in decontaminating a home, Molesa said.

"It's not uncommon for us to take out ceilings, walls, and carpets if they're contaminated," he said. "There's a lot of airborne acids in methamphetamine manufacture, and they grab onto walls and carpeting."

According to state Attorney General Director of Legislative Affairs Mike Haener, the health risk to the Prescott Valley family is very real.

EXPERT CLEANUP RENDERS HOMES SAFE

"We've had children test positive for meth chemicals in their blood after moving into houses that had meth labs in there," Haener said.

"Most people exposed to meth lab chemicals complain of

chest or throat irritations, so we're most worried about kids who are asthmatic," said Tucson medical toxicologist Dr. Jeff Burgess, who studies the effects of the chemicals on law enforcement officers who are routinely exposed to meth labs. "You have to examine each case by itself. We're all exposed to iodine, which is commonly added to table salt, and is used for purifying water. Iodine in low concentrations is not unhealthy, but in higher concentrations can be irritating and caustic."

Similarly, Burgess said, red phosphorous is "not that toxic" in very low concentrations. There is more danger, he said, in heating red phosphorous, converting it into yellow or white phosphorous, which burns in the air. The military typically uses white phosphorous in grenades, bombs, and artillery shells to destroy targets with very hot fires.

"I do believe some chemicals can remain if a meth lab is not cleaned up properly, and it's a good idea to take out anything permeable. Anything with a porous surface should be replaced; you can use a detergent cleaner to clean anything else. Replacing the carpet and drapes is a good start. Anything that is stained by direct contact with the meth making chemicals should be replaced, especially countertops where you prepare foods. Those are easily replaced, anyway."

Burgess said home sellers "absolutely" should disclose the presence of a former meth lab on the property.

"People should know so that they can check for (chemicals) themselves. Due to the fact that the state has no minimum standards for cleanup, that makes sense.

There is a potential health risk if you haven't properly cleaned up. There is no perfect way of knowing when something is contaminated," Burgess said. "I recommend a house that has been used as a meth lab be cleaned by a company experienced in chemical cleanup. You need someone who is familiar with chemical contamination to say it's clean."

(Contact Art Merrill at 772-2679 or email at amerrill@prescottaz.com)



For questions concerning this site, please contact the webmaster at webmaster@prescottaz.com
All articles © Prescott Newspapers, Inc. and may not be republished without permission.

No framing, reproduction, distribution or copying of the website, its contents or graphics is allowed. Prescott Newspapers, Inc. does not warrant the fitness or safety of any external links contained within this or any other pages within its websites. Information contained within this and any and all other Prescott Newspapers, Inc. websites are subject to verification and change. Further, Prescott Newspapers, Inc., its agents, representatives, heirs and assigns are not responsible for any errors or omissions contained herein. Use of this website constitutes agreement with the above and user agrees to hold harmless Prescott Newspapers, Inc., its heirs, representatives, agents and assigns, from any and all injury, real, perceived or otherwise, which may or may not occur as a direct or indirect result of the use of this or any other Prescott Newspapers, Inc. website or the contents contained therein.