



# NEWSLETTER

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## In Memoriam

**Kurt M. Dubowski, Ph.D., DABFT**  
**George Lynn Cross Distinguished**  
**Professor Emeritus of Medicine**

**November 21, 1921–October 23, 2017**

by **Patrick Harding**

It is with sadness that we note the passing of Kurt M. Dubowski, one of the true pioneers in forensic alcohol toxicology who has done so much to define the science and shape the practice of forensic alcohol testing.

No one has done more to develop, improve and promote the practice of

blood and breath alcohol testing than Kurt Dubowski has during his highly productive and distinguished professional career of 65-plus years.

Dr. Dubowski was educated at New York University and The Ohio State University. His Ph.D. dissertation, a 720 page evaluation of

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ethyl alcohol methods for biological fluids, remains the longest in OSU history. His solid educational background enabled him to embark on a unique two-pronged career encompassing both clinical chemistry and forensic toxicology.

Dr. Dubowski's professional career began in Connecticut in 1950 and started his pattern of holding multiple positions in both the clinical and forensic science. He was Biochemist and Assistant Laboratory Director of Norwalk Hospital, Norwalk Police Department Chemist, Connecticut State Police consultant and Fairfield County Coroner's office scientific investigator, as well as a lecturer at Yale University. His next stop was in Des Moines, Iowa in 1953 where he held positions as Director of Chemistry at Iowa Methodist Hospital and Raymond Blank Memorial Hospital for Children, State Criminalist for the Iowa Department of Public Safety, Toxicologist and Chief Deputy Coroner for the Polk County Coroner's Office, and Director of the Iowa Poison Information Center. Then followed a period starting in 1958 at the University of Florida where Dr. Dubowski was Associate Professor of Clinical Chemistry, Director of Clinical Laboratories for UF Teaching Hospital & Clinics, Toxicologist and Scientific Director for the Florida Poison Information Center, Consultant in Clinical Chemistry and Toxicology for the Veterans Administration Hospital, and Criminalist for the Gainesville Police Department. Many of the positions held by Dr. Dubowski were the first, or among the first, of their kind. He has truly been a pioneer in both clinical chemistry and forensic science.

Arguably the most significant contributions to forensic alcohol testing made by Dr. Dubowski came during his long tenure at Oklahoma University, starting in 1961. He

was Director of Clinical Chemistry Laboratories at the University of Oklahoma Hospitals, Professor of Biochemistry and Molecular Biology, Professor of Pathology, Professor of Surgery, and for the State of Oklahoma he served as State Director of Tests for Alcohol and Drug Influence and Chairman of the State Board of Tests for Alcohol and Drug Influence. In 1981, Dr. Dubowski became the George Lynn Cross Distinguished Professor of Medicine and became Emeritus in that appointment in 1998, one of the highest honors he had achieved and one of which he was most justifiably proud.

In 2003, Dr. Dubowski retired from his various positions at the University and State of Oklahoma. But "retirement" for Kurt Dubowski meant accepting a position as Principal Research Scientist for the Bioaeronautical Sciences Research Laboratory at the FAA Civil Aerospace Medical Institute, in Oklahoma City, a unique position that he held until recently.

Dr. Dubowski's forensic science career focused on five major areas: academia, fundamental and applied research, education and training, professional practice and public service, and the advancement of the profession. He succeeded at the highest levels in all of these endeavors.

There are a number of milestones and firsts in Dr. Dubowski's career, including:

- Conceiving and publishing the *State of Alcohol Influence Chart* in 1953, most recently updated in 2012, and still the most widely used BAC interpretation table.
- Promoting the direct reporting of breath alcohol concentrations, first suggested by Morton Mason and Kurt Dubowski in 1966, published in 1976, adopted by the National Safety Council/Committee on Alcohol and Other Drugs (NSC/CAOD), incorporated

into the Uniform Vehicle Code, adopted by the National Highway Traffic Safety Administration (NHTSA), and incorporated into legislation in 48 states and the District of Columbia.

- Testimony in several significant trials where his opinions helped set precedent for the introduction and use of forensic science at the state and national levels.
- Establishing the traffic law enforcement alcohol test program in Oklahoma in 1969, using NHTSA grant funding to develop training, program policies and practices that served as a model for many other states.
- Establishing the practice of duplicate breath testing, first introduced by Dr. Dubowski in 1961 and adopted by Canada and the National Safety Council in 1986.
- Identifying the need for the National Bureau of Standards (now the National Institute of Standards and Testing) to produce an ethanol standard, and then evaluating that standard prior to it being marketed in 1985.
- Refinement of the breath alcohol control test through the evaluation and improvement of breath alcohol simulators.
- Documentation of dry gas performance, which NHTSA adopted as a standard in 1994.
- Recommendations for Federal workplace alcohol testing.
- Drafting federally regulated standards for blood alcohol analysis in 1977.
- Creation of board certification programs for clinical chemistry and forensic toxicology. The American Board of Forensic

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Toxicology is the prototype certifying body in forensic science and the promulgation of professional practice standards.

- Fifty-four years as an instructor at the Indiana University Robert F. Borkestein Course on Alcohol, with over 5,000 course graduates.
- A career-long involvement in quality assurance.
- Involvement at the highest levels in the professional organizations related to clinical chemistry and forensic science.
- Establishing peer recognition by professional organizations, including the creation and endowment of IACT's Kurt M. Dubowski Award.

Kurt M. Dubowski was born in Germany and immigrated with his parents to the U.S. in 1935 at the age of 13. Speaking no English and being immersed in a foreign culture, he credited some of his favorite teachers with encouraging him and helping him through this difficult phase. He enlisted in the U.S. Army in 1942 and served as both an enlisted man and officer in the active and reserve army until 1955. Dr. Dubowski was proud of his military service and credited his time as a military policeman and intelligence officer for his career-long interest and association with law enforcement. During his undergraduate and graduate studies, he had the opportunity to come in contact with forensic toxicologists (Alexander Gettler and Dr. Rolla Harger) and police chemists (especially Lloyd Shupe) that helped to guide him toward his forensic toxicology career path. During that period he also corresponded with and eventually met Robert Borkestein, thus beginning a long and fruitful personal relationship and professional collaboration.

That collaboration included assisting Professor Borkestein with the development of the Breathalyzer. For all of his successes Dr. Dubowski was quick to credit the contributions of his collaborators, especially those of Dr. Morton Mason and his long-time assistant, friend, and eventual wife, Natalie Essary.

What was the secret to Dr. Dubowski's success? There was no secret. Hard work and perseverance was the "Dubowski Way." Even though he possessed an obvious intellect and prodigious capacity to recall facts, figures, people and events, Dr. Dubowski, above all, worked hard at his craft. Nothing was left to chance. He said that he didn't know how much was enough, so he subscribed to the concept of overkill in everything he did — from experiments, to publications, to trial preparation, to classroom presentations, and everything in between. He also didn't like to be on the losing side of anything, which especially came into play in court. Dr. Dubowski said that although there may be people smarter than him in the courtroom, nobody would be better prepared.

Dr. Dubowski's list of publications number over 185. He co-authored two articles that were designated as citation classics, one in clinical chemistry and one in forensic toxicology. A Dubowski article is invariably well-written, well-crafted and easy to read. His publications are among the most innovative, insightful and influential in clinical chemistry and forensic alcohol toxicology, encompassing the development of methodology, human studies and the clinical and forensic application of chemistry and toxicology. In the field of forensic alcohol testing, his articles co-authored with Dr. Mason and Natalie Essary remain among the most frequently cited.

During his career Dr. Dubowski was recognized for his contributions and accomplishments many times and by many organizations. His awards

were typically the highest honor that could be bestowed by that organization. Among these awards were:

- Widmark Laureate, International Council on Alcohol, Drugs and Traffic Safety, 1980.
- Rolla Harger Award, 1983. The first recipient of this award, conferred by the American Academy of Forensic Sciences.
- Distinguished Service Award, (inaugural), American Board of Forensic Toxicology, 1986.
- Robert F. Borkestein Award, National Safety Council, 1992.
- Distinguished Service to Safety Award, National Safety Council, 1995.
- George Lynn Cross Distinguished Professor Emeritus of Medicine, 1998.
- Honorary Texas Ranger, as proclaimed by the Texas Department of Public Safety, April 2007.
- 12<sup>th</sup> R.B.H. Gradwohl Laureate and R.B.H. Gradwohl Medallion Honoree, presented in February 2011 by the American Academy of Forensic Sciences, the most prestigious honor in forensic sciences.
- Lifetime Achievement Award, International Association for Chemical Testing, 2012.

During his introduction of Dr. Dubowski for the Widmark Award in 1980, Professor Borkestein commented that Dr. Dubowski was being recognized not only for his research, which was noted for its quality and quantity, but also for his involvement in jurisprudence in impaired driving through court decisions that helped to shape the practice in the field. That is an apt description of Dr. Dubowski's contributions to

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the field of forensic alcohol testing. He possessed a unique ability to integrate his experience, training, knowledge and skills across multiple disciplines and to apply them to problems in forensic science.

Dr. Dubowski had the ability to conduct research, publish it, incorporate those findings into written policies and procedures, promulgate those policies and procedures through teaching, professional organizations and governmental bodies, and to provide expert testimony regarding those findings that established precedent and case law. Throughout his career Dr. Dubowski was a tireless advocate for forensically and scientifically sound testing protocols, underlain by a comprehensive QA/QC program, conducted by properly credentialed analysts, implemented within a carefully structured regulatory environment that places scientists in a position to make scientific decisions, and all of this in the context of effective legislation. No one has done it better — for it was the Dubowski Way.

Dr. Dubowski stated that one of his goals was to associate his name with alcohol testing in the same way that Sterling is associated with silver. It's safe to say: Mission Accomplished. His mentorship influenced many past and current toxicologists and practitioners, ensuring that the Dubowski Way will continue to influence future generations.

On a personal note, I will especially miss Dr. Dubowski's sense of humor and ability to tell a good story. He rarely finished his Borkenstein course presentations due to his numerous digressions. No one complained. I will always treasure the support and encouragement he offered me during my career, a sentiment that is shared by many others. As A.W. Jones said, "There will never be another like him, the mold no longer exists." ■

## Tribute from Natalie Essary

Thank you very much for dedicating the December 2017 IACT Newsletter to Kurt, he would be very pleased. He did love awards! As you all know Kurt dedicated his whole adult life to forensic science and in particular alcohol and drugs in law enforcement. Until about 10 days before his death he spent many hours each day at the computer mostly answering email from colleagues and looking up the latest litigation and technical advances in his field. One of his passions was martial music, a taste acquired when a small boy in Berlin when his Grandfather took him to the Armory at noon many days to watch the changing of the guard complete with military band. Many times all of a sudden our house would reverberate (like teenagers' cars) with the sound of German, Prussian, Russian, English martial music. He could barely hear but by finding this music online he could amplify it and enjoy it.

As many of you know, Kurt was the only person I worked for. When I got out of school in 1953 my first job was in his laborato-



Dr. Kurt Dubowski, Natalie Essary Shirley Ezelle

ry and we retired in 2003 — a 50 year run. Since then we were neighbors and after my first husband died we married and so I enjoyed 64 years with him.

He was socially very shy and had only a few close friends at home but he had a whole different personality when going to scientific meetings and his best friends were those people he interacted with professionally — some became very personal friends.

I just want to thank all of you in IACT for being so kind to Kurt and me and enriching our lives by being our friends.

My love to all of you, Natalie. ■

## Farewell to Dr. Dubowski — An Appreciation From Sweden

By Alan Wayne Jones, PhD, DSc.  
Professor

When I began studies for my PhD degree (October 1969), I spent the first few months tucked away in the university library, reading and reviewing the literature on my chosen subject, namely the principles and practice of forensic blood- and breath-alcohol analysis. It soon became apparent

that one of the "big names" in the field was Dr. Kurt M Dubowski from the University of Oklahoma. I immediately started a folder labelled "Dubowski KM" in which I collected all he had written on the subject of forensic alcohol testing. I later discovered that Dr. Dubowski was working on projects closely related to the work that

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I was doing for my PhD thesis, namely the role of physiological variables in breath-alcohol testing, such as breath-temperature, expired volume, breathing pattern etc. I was happy to note that Kurt's results were in good agreement with mine, as exemplified by our measurements of the temperature of end-exhaled breath. Kurt reported a mean temperature of 34.65 °C (N = 247 subjects), whereas I found a mean temperature of 34.51°C (N = 20 subjects). Likewise, we both verified that a blood-breath ratio of 2300:1 gave a more unbiased estimate of the venous BAC compared with the 2100:1 ratio incorporated into the Breathalyzer instrument.

My PhD thesis was entitled "*Equilibrium partition studies of alcohol in biological fluids*" and occupied 243 pages of text and was accepted by the University of Wales in 1974. Kurt's PhD thesis was entitled "*An evaluation of methods for the determination of ethyl alcohol in biological materials.*" The degree was awarded by The Ohio State University in 1949 and occupied 720 pages, which set a record for that University and that particular degree. Being one step ahead of Kurt in anything to do with science and/or technology was not an easy task. For example, I purchased my first digital camera in 1998 a so-called SONY Mavica, which stored the images on a 3.5 inch floppy disk. I took the camera with me to Bloomington and showed it to Kurt. He told me that he already owned two such cameras including a more recent model! However, I did manage to beat him once when I used, for the first time, a "green laser" pointer for my PowerPoint presentation

at the December alcohol course, whereas Kurt used a conventional "red laser." On the occasion of the May course, Kurt showed up with a "green laser" pointer that looked as if it might burn a hole in the PowerPoint screen — so much for my wimpy green laser pointer!

Kurt's pre-eminence in the field of forensic alcohol testing became apparent early in his career, and was established beyond doubt after the publication of a seminal review article, which was co-authored with his friend and mentor Dr. Morton Mason (1902-1985) from Dallas, Texas. Their 1974 publication appeared in *Journal of Forensic Sciences* and ran to 31 pages and should be compulsory reading for anybody entering the field of forensic breath-alcohol testing. In the Mason & Dubowski article, they advanced the notion that BrAC should be reported directly as g/210 L instead of converting the analytical result into BAC in every single case. They also showed that a 2100:1 blood-breath ratio tended to underestimate the venous BAC by about 10 percent on average when samples were taken during the post-absorptive phase of the blood-alcohol curve. In short, the Breathalyzer instrument gave results to the suspect's advantage compared with drawing a sample of venous blood for analysis in impaired driving cases.

During my first trip to North America (September 1974), I took the opportunity to visit Dr. Dubowski's laboratory in Oklahoma City. By that time Kurt had received a pre-publication copy of my PhD thesis and he was full of praise and told me that I had made some useful contributions. During my visit I also met Kurt's devoted research assistant, Natalie Essary, who later became his beloved wife. When I was leaving he followed me to the taxi, shook my hand

and advised me to write-up and publish some original papers from the work contained in my thesis. However, writing papers for publication did not come easy to me, although six articles were eventually published in peer reviewed journals about the physiological principles and practical application of breath-alcohol analysis.

After my first appearance on the Borkenstein course as a surprise guest (May 1989), Kurt and I met twice annually as part of the regular faculty on this internationally renowned course of instruction on the subject of alcohol, drugs and highway safety. Although we did not always agree about some aspects of forensic alcohol testing, such as urine/blood ratios of ethanol and their usefulness in DUI casework, back-extrapolating BAC and/or BrAC to the time of driving and the existence of a so-called "steeping effect," we remained good friends and colleagues for 43 years. The "steeping effect" is an expression coined by Kurt to explain irregularities in BAC and BrAC profiles when repetitive tests are made at short time intervals in the post-absorptive state.

Dr. Dubowski's passing, just one month shy of his 96th birthday, brings to an end a golden era in forensic toxicology and especially forensic alcohol testing. His contributions to clinical and forensic toxicology are legendary, starting with his PhD thesis from 1949, and extending to the present day; a paper he co-authored will soon appear in *Journal of Analytical Toxicology*. Dr. Dubowski was meticulous in everything he did, his clothes and the way he dressed were immaculate, his writing style was superb and his lectures were planned to perfection. Some might recall his trademark "dbd" or done

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by Dubowski, which appeared at the bottom corner of the PowerPoint slides he showed.

Kurt's talents as a visionary leader, an organizer, and dedicated scientist are reflected in the many awards and peer recognition he received over the years from the professional organizations he was affiliated with. These included the National Safety Council (NSC), Committee on Alcohol and other Drugs (chairman 1969-1971), the American Association of Clinical Chemistry (AACC, president 1985), the American Academy of Forensic Science (AAFS, president 1978-1979) and the American Board of Forensic Toxicology (ABFT, founding president), the International Council on Alcohol, Drugs and Traffic Safety (ICADTS, Widmark Laureate 1980), and the International Association for Chemical Testing (IACT, Lifetime achievement award 2012).

Kurt was an oracle of forensic alcohol research and his breadth of scientific knowledge of the literature was supreme, including articles written in German and published in *Blutalkohol*. Dr. Dubowski was a polymath and I once referred to him as a walking encyclopedia or maybe today he would be a mini-Wikipedia. He was a great storyteller and possessed a rather dry sense of humor, but he could take a joke, even when it was on him. I recall a slide I made once showing an expert witness with his hand on the Bible about to be sworn in before testimony. The caption read "*Is this really necessary, your honor? I'm an expert.*" I substituted the original caption (from the New Yorker Magazine) with "*Is this really necessary, your honor? I'm Dr. Kurt Dubowski.*" Kurt laughed and asked if he could have a copy of the slide, which he then started including in the presentations he gave on the Borkestein alcohol courses, held every May and December at Indiana University

(Bloomington campus).

With the passing of Dr. Dubowski, at the eminent age of almost 96 years, we have lost a giant in the field of forensic alcohol testing, who was a strong supporter and a good friend of the IACT organization and all it stands for. It was indeed a happy event for me when the IACT president arranged for Kurt to make a presentation, via a prerecorded video, when I was honored with the Kurt M. Dubowski award at the 30th Annual Meeting held in Colorado Springs earlier this year.

It seems appropriate and fitting to end this tribute with something that Kurt's old friend and colleague Dr. Robert Borkestein (1912-2002) might have written in a memorial, namely "*Vaya con Dios, Kurt.*"

Alan Wayne Jones, PhD, DSc.  
IACT Dubowski Laureate 2017 ■

## Reflections on a Legend in Science

By Randall Beaty

It is with a heavy heart that I reminisce about a teacher, a counsellor, a mentor, a friend and colleague, Dr. Kurt M. Dubowski. A few hours after his passing, I received word he was no longer with us. But that phrase, "no longer with us," is not accurate. Dr. Dubowski, the person, may be gone but his presence in my life and the lives of so many he touched will remain forever. Like many of you, I met Dr. Dubowski on the Bloomington campus of Indiana University at the Borkestein Alcohol Course. In my case, I was a recent college graduate embarking upon

a career in forensics. Little did I know on that December day back in 1986, I had just been introduced to a man that would have a profound impact upon my life. After that meeting, I returned home to finish training, keeping an eye out for the next Dubowski journal article to broaden my understanding and knowledge of breath alcohol toxicology. Several years later I attended meetings and became involved in a relatively new organization called IACT. Dr. Dubowski often participated in these meetings and occasionally presented at sessions to standing-room-only crowds. In 2002 I was afforded the opportunity to lead IACT as

its eighth president. About this time, Dr. Dubowski was scaling back his involvement in some of the large organizations such as AAFS, SOFT, ASCLD and ABFT. Knowing he was dabbling with semi-retirement, I approached him at the close of the Austin IACT meeting and asked if he would help lead IACT by joining the Board of Directors. Much to my surprise he accepted the invitation. I'm not sure if he knew it but he had just agreed to mentor me for the remainder of his years. Dr. Dubowski was a master mentor. He patiently watched me stumble

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along in my new role as IACT President. Just before I would falter, he would catch me, by providing words of wisdom and counsel often embedded in one of the numerous fascinating tales from his storied past. Once I corrected course, he congratulated me upon the favorable outcome, convincing me I had a firm grip on the task at hand, assuring me he was simply along for the ride, and it was my sound decision making that avoided peril. Honestly, at the time, I believed him. Now, I look back on those days knowing full well, without him, I likely would have failed. Dr. Dubowski was a gifted mentor. He understood how to teach, to guide, and provide counsel so that the student could reach levels unattainable on their own. I will always be in awe of the skill in which he subtly mentored me along the path, always with gentle persuasion, great kindness and respect. Thank you Dr. Dubowski, my heart is filled with gratitude, for your teachings, your encouragement and your advocacy, for the opportunity to walk alongside you, and most importantly, for your friendship. Given all of his contributions to science, his career achievements and awards, perhaps the grandest of his accomplishments may be the way he mentored the next generation, and the simple inspiration he provided countless forensic scientists to be inquisitive, to work hard, and strive to become the best scientist possible. Dr. Dubowski achieved, with great distinction that goal toward which so many strive; to leave this world a better place than when they arrived. IACT will miss you, I will miss you, but we will continue on, just as you taught us. ■



## Thoughts and Memories of Dr. Dubowski

By Alka B. Lohmann

It is difficult to put into words my thoughts and memories of Dr. Dubowski. Not only was he an amazing scientist who mastered the technical aspects of his field, he was an engaging, passionate and wonderful man. When I first began my career, I read the many articles and other publications he and Ms. Natalie Essary authored. I soon thereafter attended the Robert F. Borckenstein Course on Alcohol, Drugs and Highway Safety where he was an instructor, and it was there that I experienced his brilliance firsthand. Flash forward to being a member of the IACT Board of Directors with him. To

be able to learn from his insights and experiences was and continues to be invaluable. I later was elected IACT President, and was fortunate to continue to work with him, as he had agreed to continue serving on the Board. During that time, I had the honor of conferring the IACT Lifetime Achievement Award on Dr. Dubowski. What a night of celebration ... and some unexpected excitement when the Fire Department even joined us for a brief visit. Not to mention Natalie let me take the cutest picture of her and the award winner! He was genuinely supportive of my career and opened many doors for me. He was a mentor and friend, and I will miss him dearly. ■

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## Dr. Kurt M. Dubowski Memory

By Mack Cowan

I am writing this note to try to do the impossible, tell you how much Dr. Kurt M. Dubowski means to me. I could write pages and still fail in my task, so I will keep it short. He has meant everything to me. Professionally I owe him so much, everything I accomplished in the National Safety Council Alcohol, Drugs and Impairment Division was due to him. But personally he has meant much more. Getting to know and work closely with such a great man, such an intelligent man, changes you. It

makes you better; especially when you know he chose you. You do not want to let him down. I will never know what he saw in me and why he chose me, but I will be forever grateful, and I will miss him for the rest of my life.

The best advice he ever gave me was that we forensic scientists should go out of our way to be nice to each other and recognize each others accomplishments, because in our chosen profession when things go right, the outside world never gives us any credit, but when things go wrong, we always get the blame. ■



## Section I – IACT Conference



### IACT Indianapolis! Ready or Not, Here it Comes, April 29–May 4, 2018

Submitted by Samera Zavaro

Your IACT board of directors and committee members are ready to get things going for IACT 31. Are you ready to make this another great conference? I know you are. Our conference is continually one of great content because of you, the attendee and the member! If you have something to share with others in your field, this is the time. This is the place.

Our conference will be held at the Hyatt Regency Indianapolis, One South Capitol Ave, Indianapolis, Indiana, (317-632-1234). This location is in the heart of a vibrant downtown. Close to many dining options and some shopping. Please be sure to confirm you are in the IACT room block when making your reservations. This will ensure that you get the per diem room rate when checking in. The hotel does require a government ID to secure this rate, so don't forget to show it to them once you arrive.

Average temperatures for Indianapolis at this time of year are highs in the high 60s and lows in the

low 50s. Not too bad! We are within walking distance to the minor league baseball team's, Indianapolis Indians, Victory Field. Once it gets closer to time I hope to coordinate a group rate for a home game. If this works out, I will send an email blast with more details. Those of you who attended the Minneapolis meeting may recall a frigid night of fun and laughs. I'm not sure anyone made it all nine innings. Let's hope for a home game and balmy weather for 2018.

#### How do we get to the hotel from the airport, Samera?

Well, there are a number of options. You can hail a cab for an approximate fare of \$35 each way. Ride share is around \$16 each way, but reservations are suggested. There is a nonstop bus service from the Indianapolis International Airport to downtown for \$10 each way (cash only). There is a stop directly across the street from the hotel. Buses run every half-hour between 8 a.m. and



11 p.m. There's another neat electric car service called Blue Indy (<https://www.blue-indy.com/Indianapolis-airport>). You can check these cars out at the airport (or at other parts of Indianapolis) and drive them anywhere you want. Once you set up an account, there is a flat fee plus a small charge per minute: \$8/20min and \$0.40 for each additional minute. All in all, many transportation options await you once you arrive.

Please take a minute to fill out a Call for Presenters Form, submit your form to me ASAP ([samera.zavaro@tn.gov](mailto:samera.zavaro@tn.gov)) and come to Indianapolis for another informative and exciting IACT meeting. I look so forward to seeing you there!

## Section II

### Scientific Section and Presentations

### Legal Research

**State v. Longhofer, Idaho (Ct..App.2017)**

Defendant was arrested for DUI after an investigation, which included breath test results using a LifeLoc FC20. However, the 24-hour performance verification test was not done pursuant to the standard operating procedure requiring expert testimony for the breath test results to be admissible. The State’s expert explained the FC20 uses fuel cell technology which becomes less responsive to alcohol as it dries out, which produces results lower than the actual BAC, but are internally consistent with each other. Reviewing the evidence in this case, the expert testified this specific instrument was trending low, but was confident to a reasonable degree of scientific certainty the defendant’s breath test measure an alcohol content above 0.08.

The trial court found the State’s expert persuasive because “any issue with the device would cause it to produce lower, not higher readings, and would thus not prejudice Defendant.” On appeal, the Court of Appeals the State’s expert demonstrate the defendant’s breath test results were “internally consistent and reliably measured” as greater than 0.08. Of importance is the expert did not testify to the precise BAC, nor did he testify to the degree the instrument was underreporting the precise BAC. The conclusion was strictly that the evidence showed the instrument appeared to be underreporting which would not prejudice the defendant.



### Regional Report

**Submitted by Amanda Bolduc**

The Vermont Forensic Laboratory is proud to present our new Toxicology lab. We’re expanding from

Blood and Breath Alcohol testing to soon be able to provide qualitative and quantitative analysis for impairing drugs in blood. We would like to thank the Vermont Governors Highway Safety Program for their generous support of our growing program.

Citing the Idaho Supreme Court’s decision in *Elias-Cruz v. Idaho Dept of Transp.*, 153 Idaho 200 (2012), the Court of Appeals held the State is not required to establish the precise amount of alcohol in the driver’s blood in order to admit the evidence of the test results. Instead, the proper analysis is the State must show the test results reliably demonstrate the driver’s BAC was 0.08 or more. In this case, the defendant properly challenges the reliability of the breath instrument, but through expert testimony the State demonstrate the breath tests were reliable.

**SJC: OUI Suspects Can Hide Breathalyzer Refusal from Juries**

The Massachusetts State Supreme Court has removed a 15-year-old rule about whether or not judges can tell juries in drunken driving cases about the suspects’ refusal to take a Breathalyzer test.

In a 4-3 ruling, the state’s highest court said that defendants should be able to make the decision if their refusal to take the test should be introduced by the judge. The court wrote that such an instruction “introduces the idea of missing Breathalyzer evidence into the jury room, and, as a result, prompts the jury to wonder about the missing Breathalyzer evidence and do the opposite of what they have been instructed to do.”

The ruling went on to say “We conclude that typically a defendant should be able to elect whether the jury are instructed about the absence of alcohol-test evidence.”

This case was based on a 2015 OUI conviction in Marlborough, where the defendant refused a Breathalyzer test during a sobriety check after he was pulled over by police.

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The judge in that case instructed the jury that there was no evidence of the suspects blood alcohol level because he refused the test. That suspect was convicted. The SJC ruling will vacate that conviction. However, the court also said that this ruling will not be applied retroactively to other cases.

### **North Dakota Supreme Court Debates Urine Testing in DUI Cases**

*The Bismarck Tribune* June 19, 2017

**By John Hageman**

Questions about privacy and public safety hovered over arguments at the North Dakota Supreme Court on Monday, June 19, in a Cass County DUI case that may test a decision handed down by the nation's highest court last year.

The arguments came nearly a year to the day after the U.S. Supreme Court ruled in favor of warrantless breath tests in drunken driving cases but said the Fourth Amendment doesn't permit warrantless blood tests, a more invasive procedure. The ruling came out of three consolidated cases under the title *Birchfield v. North Dakota*.

That decision was cited several times during Monday's arguments before the five justices took the case under advisement. Monty Mertz, the supervising attorney at the Fargo Public Defender's Office who appeared for the defense Monday, said the *Birchfield* case didn't address urine tests.

"Eventually, the U.S. Supreme Court will have to decide it," Mertz said after the hearing. But whether that comes through Monday's case remains to be seen.

The dispute originated when a Fargo police officer stopped Steven Floyd Helm for driving with-

out headlights at night in May 2016. After three field sobriety tests, Helm was arrested — an officer believed he was under the influence of drugs — and he later refused a urine test.

The test refusal earned Helm a Class C felony charge because of his criminal record, according to court records.

In a brief, Mertz said "no exception to the warrant requirement justifies the seizure of his urine in this case," arguing that the charge violated his Fourth Amendment rights. The district court agreed, concluding that urine tests "are far closer to blood tests."

"The state's interest in performing chemical tests to combat drug-impaired driving, while strong, does not overcome a person's Fourth Amendment right to be secure in his or her bodily fluids, urine included," District Court Judge Frank Racek wrote in his order dismissing the refusal charge in January. The other two charges against Helm had previously been dismissed.

Racek said urine "contains large amounts of personal health and genetic information" that can be stored for further use, adding that urine tests cause "considerably more embarrassment for arrestees than breath tests."

The state appealed the case to the state Supreme Court and argued that urine testing is the "least intrusive means for detecting drug-impaired drivers" since breath tests only measure alcohol and blood tests are too invasive. Cass County Assistant State's Attorney Cherie Clark asked the justices Monday to reverse the district court decision.

"Put simply, urine testing is integral to deterring drug-impaired driving," the state's brief

argues. "Thus it is also integral to furthering the state's paramount interest in highway safety."

Last fall, the Minnesota Supreme Court said an alleged drunken driver there couldn't be prosecuted for refusing a warrantless urine test.

### **Random Drug and Alcohol Testing Ruling Violates Worker's Rights**

Canada NewsWire

Published September 28, 2017

Unifor says an Alberta Court of Appeal decision upholding random drug and alcohol testing of the union's members at Suncor oil sands operations in Alberta is a gross violation of worker's rights. "This ruling supports an invasive and degrading policy that violates the fundamental rights of workers," said Unifor National President Jerry Dias. "Safety is always our first priority but we know that random drug testing does not reduce accidents or improve safety."

Today's ruling comes following a long process which began in 2012, when Suncor unilaterally announced the implementation of random drug and alcohol testing in its oil sands operations. Unifor filed a grievance and in March 2014 an Arbitration Panel ruled that Suncor's proposed random testing violated workers' rights. Suncor applied for judicial review and in May, 2016 the Alberta Court of Queen's Bench quashed the Arbitration Decision and remitted the union's grievance to a new arbitration panel. The union then appealed the Queen's Bench decision to the Alberta Court of Appeal which rendered its decision today.

"We are disappointed in today's ruling and stand by the original

Continued on Page 11



Continued from Page 10

Arbitration Panel finding that our members have a right to privacy, respect, and dignity in the workplace, and that random testing is not justified,” said Joie Warnock, Unifor Western Regional Director. The union vowed to continue in its fight against random testing. “We will take all available action to

fight this abusive policy, including a potential motion to seek leave to appeal to the Supreme Court of Canada,” said Ken Smith, President of Local 707A.

A comprehensive drug and alcohol policy is already in effect at Suncor that includes post-incident and reasonable cause testing. Unifor remains committed to working with Suncor to develop effective safety programs that have a de-

monstrable impact on safety and respect the rights of employees.

Unifor is Canada’s largest union in the private sector, representing more than 315,000 workers in every major area of the economy. The union advocates for all working people and their rights, fights for equality and social justice in Canada and abroad, and strives to create progressive change for a better future.

## Training Announcements

Submitted by Carrie Kirkton

### Call for Workshop Presenters

It’s not too early to begin thinking about Workshops for Indianapolis! The 2018 Conference is slated for April 29–May 4 and all workshops will be Thursday and Friday (May 3–May 4). There is space available for half day and full day workshops.

The Training Committee is committed to bringing you quality workshops. We have been fortunate to have many workshops over the years and attendance continues to grow. This year, a *Workshop Proposal Form* was developed. The workshops will be vetted to ensure the relevance of the topic as well as the number of speakers and time frames requested.

In the past, the training chair has prepared most of the workshop materials for participants. This year, we are asking that the chairs/co-chairs assume this responsibility. Reimbursement will be given for relevant materials (e.g., powerpoint slide handouts).

Workshop chairs should be aware that time frames will be more strictly enforced to ensure materials have been reviewed prior to printing.

We look forward to hearing

from you and even more so to seeing all of you in Indiana.

Workshop Proposal Forms are due by Dec. 31 now. Follow the link to submit your proposal now. <https://goo.gl/forms/Uw0eh8xw-8WUzRMoe2>

### Call for Attendee Feedback from User Group Meetings

The Intoxilyzer Users Group Meeting occurred at the end of August and the Intoximeters Users Group Meeting will be in Little Rock, Arkansas, in 2018. I would like to extend an invitation to those attendees to share their experiences with the training committee, to be later published in a newsletter. There are many who cannot make it to these meetings and IACT should be able to facilitate getting this information to its members.

### ANAB Training Courses for Calibration (Breath Alcohol Measuring Instruments)

#### Preparation Course for Calibration Laboratories and Assessor Training – Calibration Laboratories

While there are no current offerings, dates can be arranged by contacting the ANAB office. More information can be found at <https://www.anab.org/training> or by contacting the Accreditation Program Manager for Calibration, Melissa Kennedy at [mkennedy@anab.org](mailto:mkennedy@anab.org).

### Presenters wanted for 2018 IACT Conference

The Call for Presenters form is ready and waiting for you to submit your latest and greatest alcohol presentations. Topics that would be welcome would include: accreditation of calibration labs, uncertainty of measurement, testifying as an expert in DUI proceedings, what your local breath alcohol program looks like and how it has changed.

Be creative, be bold and bring us something new, something different or something that our new attendees would find helpful as they start out their careers in forensic science. I look so forward to seeing what ideas are out there and how they will be presented in Indy come spring 2018.

### Continuing and Professional Education

There are additional training opportunities and announcements being updated regularly through RTI and West Virginia University. RTI offers online courses, while WVU offers on-site and online training opportunities. For more information on these programs visit:

- <https://www.forensiced.org/>
- <https://forensics.wvu.edu/professional-education>



### Section III IACT Business

## President's Message

Submitted by Trey Miles

I hope that you have enjoyed reading this newsletter. I want to thank all the people that took time to write something about Dr. Dubowski. I want to express my deepest sympathies to Natalie. Natalie is a true saint. As we remember Dr. Dubowski and his accomplishments, I hope that we also realize that having good people around us is just as important. In our professional careers as well as our personal life, we are only as good as the people that surround us.

I first met Kurt Dubowski at the Robert F. Borckenstein Course in Bloomington, Indiana in 2005. As someone who was new to the job, I did not know much about anything. However, I knew immediately that I better pay attention to what he was saying, if I was going to learn. He lectured with a confident air about him like he wrote the book he was lecturing from. As it turns out, he pretty much was. Since that time, every time he spoke, I made it a point to listen. He has forgotten more about alcohol testing than I currently know. I am not ashamed to say that. I was privileged to serve with Dr. Dubowski on the IACT Board from 2010 to 2014. In those board meetings, his opinion could sway the entire room. He was passionate about the things dearest to him. He never said much in those meetings. However, when he did, it was of great value to IACT and to myself.

When I became President, I made it a point to contact Dr. Dubowski via email periodically for small talk. My last correspondence was Sept. 16, and I would like to share an excerpt of a thought that

## IACT Newsletter Team

*The IACT Newsletter is published three times per year. Articles published in this newsletter may be reproduced with attribution unless otherwise noted.*

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Carly Bishop

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Robert Langille • Robert Lockwood • Cheryl Ryser • Camille Stafford

**Next Newsletter Deadline**

February 1, 2018

**Next Newsletter Published**

March 2018

**Address article, correspondence, inquiries, meeting and course announcements and other submissions to:**

Carly Bishop  
Texas Department of Public Safety  
Breath Alcohol Laboratory  
5805 North Lamar Blvd.  
Austin, Texas 78757

carly.bishop@dps.texas.gov

(512) 424-5238 (P) • (281) 460-6982 (C)

Dr. Dubowski wrote to me. During this email, Kurt was telling me about the difficulties of his daily life as it pertains to his diminished physical abilities, he ended his email with this thought:

“... As Natalie once embroidered a wall hanging for her very old mother some years ago, ‘Old Age is

Not for Sissies.’ Thanks again, and best regards — Kurt.”

Dr. Dubowski was in his nineties and was as articulate in his writings as he was in his prime. My experience with Dr. Dubowski was nothing short of incredible. I regret that the young scientists of today will never get to know him like I did.



## IACT Proposed Budget Fiscal Year 2017–2018

### Income

Dues	\$18,000
Conference	\$61,000
Vendors	\$18,000
Workshops	\$12,000

**Total \$109,000**

### Expenses

Awards/SWAG	\$6,500
Board Expenses	\$5,500
Conference	\$75,000
CPA (Audit)	\$6,600
Insurance	\$1,200
Legal and Professional	\$2,500
Newsletter/Postage	\$2,500
OIML Travel	\$2,500
Speaker Expense	\$5,000
Website	\$1,700

**Total \$109,000**

## Membership Committee Update

By Matthew Howe

To date, there have been five applications for Regular Membership and three applications for Associate Membership that meet the qualifications for IACT membership. Three applications are still pending approval and one member has been nominated for Emeritus Membership. Please encourage your co-workers and associates to consider membership in IACT as joining is beneficial to both the individual and the association.

## Treasurer's Report

Attention Members,

Membership renewal and conference registration will be available online shortly! Please use PayPal on the website at [www.iactonline.org/](http://www.iactonline.org/). On our website, you can read about how to pay your dues by logging in and clicking on the "members" tab. When you log in, click "view profile" and you will see your membership details. You can renew your membership there. From the main home page under upcoming events, you can register and pay via PayPal for the conference and workshops. Here are a few reminders. Payment must be received at time of registration! If you send a check for conference registration/workshops, please be sure to include the member name and appropriate registration form. Late registration fees will be administered as detailed on the website/registration form. Cancellation policy: No refund <14 days from the conference.

### Summary of Assets (as of 11/7/17)

1. MetLife Premium Deferred Fixed Annuity	\$ 40,671.73
2. MetLife Premium Deferred Fixed Annuity (Dubowski Endowment)	\$ 31,443.91
3. Bank of America checking account	\$ 96,991.13
Total Assets	\$169,106.77

**Notes:** 2017 IACT Conference (Orlando, FL): Income and Expenses

### 2017 Colorado Springs

#### Income

Attendees	\$63,300
Vendors	\$18,200
<b>Total</b>	<b>\$80,000</b>

#### Expenses

F & B	\$87,248.84
Drape	\$1,114.33
SWAG, gifts	\$5,926.86
Shipping/Print	\$240.48
Extras, Excursion	\$7,180.46
Speaker Reimbursement	\$3,335.06

**Income – Expenses**      **-\$25,046.03**

**Total: \$105,046.03**

In addition, we had a net gain of \$4,621 from workshops.

The 2016 audit by Edgar, Kiker & Cross, PC, is complete. The audit summary is available for your review on the website under Member's only documents.

We have an exciting meeting planned and I look forward to seeing you in Indianapolis.

Respectfully Submitted,

Curt E. Harper, Treasurer



## IACT Board of Directors Meeting

Aug. 26, 2017

The Board of Director's meeting was called to order by President Miles at 9:02 a.m. Present were President Miles, Vice President Brown, Treasurer Harper, Secretary Johnston and Directors, Harding, Beaty, Pevey and Zavaro. The meeting minutes from the April 2017 BOD and Business meeting were unanimously approved after minor edit.

### President Report: (Trey Miles)

President Miles extended his thanks to the Board of Directors for attending the meeting and continued service to IACT. President Miles announced he will run for President next term. Announcement made that Manufacturer's Liaison Sue Hackworthy has retired — Jeremy Johnston (Idaho) has been asked to fill and has accepted the position as the new Manufacturer's Liaison. Emeritus and award plaques have been updated. There has been a lot of positive feedback regarding the 30<sup>th</sup> Anniversary IACT Conference in Colorado Springs. It was a great celebration and conference.

### Treasurer Report: (Curt Harper)

Treasurer Harper provided his report which will be published separately in the December newsletter. IACT website will be updated so that new applicants will automatically get member rates if they are going to attend the upcoming conference and workshops. The practice is not new however the website needs an update. Indiana tax exemption has been approved for the upcoming conference. Consideration will be given to soliciting other bids for the audit expenses. Mark Pevey will be taking care of Biz filings for incorporation.

### Secretary Report: (Lisa Johnston)

Everything has been pretty quiet since the close of the Colorado conference. I submitted the meeting

minutes for the BOD meeting and the General meeting held in Colorado Springs, Colorado (April 2017) to President Miles. Documentation has been provided to Metlife Insurance to authorize Treas. Harper to act on IACT's behalf regarding those accounts. This is the third time (October, April-May and July) that I have sent the request. Met Life annuity access has finally been granted to Treas. Harper. Information has been provided for the account auditors regarding members paying 2017 dues in 2016 which was 137 members.

### Membership Committee

**Report (Chair Howe):** To date the Membership Committee (Matthew Howe and Steven Johnson) has 8 applications pending approval for membership in IACT for the 2018 vote - 4 Regular applicants, 3 Associate applicants and 1 Emeritus applicant. 44 Regular Members, 2 Emeritus Members and 5 Associate Members were approved by the membership at the IACT Conference in Colorado Springs, Colorado, April 2017.

### Publications Committee

**Report: (Chair Bishop):** The publications committee is expecting another great IACT newsletter. This should be available in electronic format toward the end of August. We had to work around scheduling conflicts with our publisher but the current edition is being reviewed and should move to print by the end of the week. The use of the IACT email system did lead to an increase in submissions from our manufacturers. I hope that trend continues and we start to see more submissions from our members as well. I still rely heavily on my co-editor Sarah to help me with formatting and preparing articles before they are sent to our publisher. For this edition I decided to get the entire committee involved in editing the proof. It resulted in numerous typos and grammatical errors being caught and I believe that the multi-

ple sets of eyes reviewing the newsletter really helped make a difference. We added a few new members to our committee during the April conference and so far they have all participated and have shown to be great assets to the committee.

**Training Committee (Chair Kirkton):** Thank you to those that helped with the training survey especially Michelle Billeter and Curt Harper.

Workshop ideas discussed in Colorado:

- ½ day Interlock workshop (Laura Bailey, Michelle Billeter)
- Full day Driving Impairment and Field Sobriety Tests (Bob Reckers et al)
- Full day Scientific Evidence (Curt Harper)
- User's Group for Manufacturers (Sunday?)
- Ideas for 2019 included Marijuana Legalization and Blood Analysis

Discussion at the conference included the need for making the workshop process more formalized so that we would not be in a tough situation if a person has to bow out of presenting. Workshops are important to the membership and we want to continue to provide quality material.

Carrie Kirkton will prepare a formal workshop form to solicit ideas for topics, names of speakers, length, and any fees requested and will submit to the BOD for review.

**Legal Research Committee (Chair Behrens):** No report

**Manufacturer's Liaison Committee (Chair J. Johnston):** I have been working to assess the desire of the manufacturer's to bring back the annual "user group" opportunity prior to our annual conference. NPAS used to do this quite successfully. At least one manufacturer has shown interest.

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There has been interest in possible workshop by vendors in the future (i.e., simulator calibration); also potentially short product highlights prior to the scheduled sessions.

**Ethics Committee (Chair Spino):** No inquiries for review. The ethics committee appointments will be determined at the spring Board of Director’s Meeting. Committee members are: Raegan Carter 4/2020, Kim Overton exp. 4/2019, Leeanne Spino exp. 4/2018.

**Nominating Committee (Chair Hauver):** No report. All current officers indicated their interest in running again for office. All others interested in running for an officer’s position please submit your request to President Miles to be forwarded to Chair Hauver.

**Webmaster Special Committee (Chair Lohmann):**

- Dr. Jones – The introduction by Pat and the video by Dr. Dubowski have been posted on the website (Dubowski Award page)
- Per his request, Dr. Jones’ article about Professor Erik Widmark (originally published in TIAFT bulletin) has been made available on the Members Only Document page

The 2017 Conference Presentations are also available on the Members Only Document page

- The Important Dates page has been updated. Please let me know if anything else should be added to the page.
- I would like to add the past officers as a “child” of the Leadership page
- I also would like to add a child page listing the Committee Chairs (to include mission statements)
- We have been regularly posting job opportunities and then

advertising them on IACT’s social media (LinkedIn, Twitter, Facebook).

**OIML Ad Hoc Committee Report (Chair Duffy):** I had the opportunity to present at the April conference in Colorado Springs to report on the progress made in the revision of OIML R126. The next meeting is scheduled for February 2018 in Warsaw, Poland. Dr. Wayne Jones was in the audience for this presentation and I was able to approach him afterward to ask him if he would prepare a summary of his research in regards to acetaldehyde and his opinion on whether or not it should be added back to the list. He offered to do so and stated he would have it ready for me to bring to the meeting in February. I think this statement would clarify the issue once and for all with the interfering substances subgroup. Chair Zavaro motioned for Chair Duffy to attend this 2018 meeting in Poland, PH second, all in favor.

**Conference Committee (Chair Zavaro):** The 2018 conference site will be at the Hyatt Regency in downtown Indianapolis, Indiana. Meal schedules were discussed along with the welcoming reception. See Chair Zavaro’s upcoming announcements in the Newsletter for more details. The 2019 conference site will be Coeur d’Alene Resort in Coeur d’Alene, Idaho. Various future sites were pondered.

**Unfinished business:** Vendor and member registration form will be available for the next conference for non-website payment of dues and conference registration.

President Miles will research the potential benefit of IACT becoming part of the Consortium of Forensic Science Organization. This organization was formed in 2000. CFSO is an association of forensic science professional organizations.

Guidelines for workshops were discussed. Historical data of work-

shops along with surveys will be used as guides.

**ASB (Academy Standards Board) report from VP Brown:** There was no summer meeting in June but there was a meeting combined for July/August. Documents dealing with measurement traceability, method validation and expert opinions were discussed.

To account for modern technology discussion ensued regarding conducting IACT business via email. PH motioned and SZ second BOD may conduct IACT business via email when necessary. Business via email shall be responded to within 3 business days. Proceedings from email business will be recorded at the subsequent BOD meeting. AIF

Treasurer Harper agreed to analyze membership demographics to determine best locations for future conference sites.

VP Brown motioned to adjourn this BOD meeting at 15:34.

## IACT Social Media Reminders



Follow IACT on Twitter  
**@iact\_inc**



Like IACT on Facebook  
**International Association for Chemical Testing – IACT**



Join the IACT Group  
on LinkedIn  
**International Association for Chemical Testing, Inc. (IACT)**



## Section IV IACT Miscellaneous

### Manufacturers' Corner

#### ACS Achieves ISO 17034:2016

Certified by the American Association for Laboratory Accreditation (A2LA), Alcohol Countermeasure Systems (ACS) achieved ISO 17034:2016 international accreditations.

ISO 17034:2016 is a certification that focuses on the competence and consistent operation of reference material products and is part of the quality assurance for reference material producers. The reference material produced by ACS is an Alcohol Reference Solution (ARS), used to calibrate breath alcohol testing devices.

"Alcohol Reference Solutions are widely used in forensic and toxicology applications for the determination of blood alcohol content. The outcome of blood alcohol tests can also result in legal implications so the laboratory reference calibration process must be reliable," says Felix J.E. Comeau, Chairman and CEO—Alcohol Countermeasure Systems (ACS).

The accuracy and uncertainty associated with ARS are important contributors to the accuracy and associated uncertainty of blood alcohol test results. It is imperative that the uncertainty of the reference solutions be within defined margins and that the certified concentration is accurate and completely traceable to international units of measure.

"This accreditation demonstrates that ACS has performed and passed all required tests on our certified alcohol reference solution. This also makes distribution and sales more efficient, since individual tests are no longer required," says Felix J.E. Comeau.

ACS Alcohol Reference Solutions are manufactured and certified to ISO

17034 through the ACS Metrology Laboratory and Forcon Consulting, and are traceable to SI units and to NIST SRM ethanol standards.

ISO 17034:2016 is a revision of ISO Guide 34:2009. Obtaining ISO 17034:2016 captures that ACS also complies with ISO Guide 30:2015, ISO Guide 31:2015, and ISO Guide 35:2006, ensuring the highest quality of our products and services.

Our commitment to quality sets us apart and by holding accreditations we showcase we are able to enhance customer satisfaction, and provide products and services that meet customer, statutory and regulatory requirements.

#### About ACS

Alcohol Countermeasure Systems (ACS) is an international group of companies with over 40 years of experience in the development of innovative technology to prevent impaired driving. ACS is a world class leader in the production of breath alcohol testers and ignition interlock devices. Our products are tailored to: law enforcement, automotive, industrial, public and personal safety markets.

For further information please visit [www.acs-corp.com](http://www.acs-corp.com)

#### ACS Achieves ISO/IEC 17025:2005

Certified by the American Association for Laboratory Accreditation (A2LA), ACS achieved ISO/IEC 17025:2005 international accreditation.

ISO/IEC 17025:2005 accreditation is the leading international accepted standard for laboratory management systems that applies directly to organizations producing testing and calibration results. Management systems refer to the quality, administrative and technical systems that govern the operations of a laboratory and achiev-

ing this certification ensures companies are focused on quality, efficiency and accuracy.

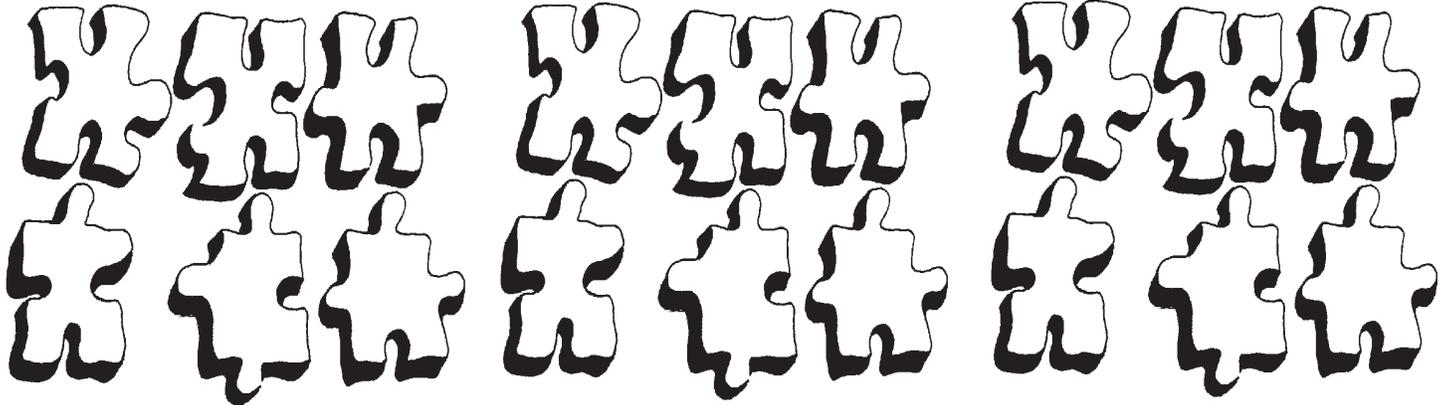
ACS attained ISO/IEC 17025:2005 accreditation through successful demonstration of technical competence along with our ability to produce precise, detailed and accurate calibration of test and measurement equipment, reference material and products such as breath alcohol testers.

A necessary prerequisite for a laboratory to become accredited is to have a documented quality management system. Through achieving ISO 17025:2005, ACS showcases that we have a strong management system and are dedicated to providing quality and continuous improvement in all aspects of our operations.

"This is a milestone for ACS as attaining the ISO/IEC 17025 laboratory management standard demonstrates our commitment to excellence and industry best practices," says Felix J.E. Comeau, Chairman and CEO—Alcohol Countermeasure Systems (ACS). ISO/IEC 17025 is the standard for which most labs must hold accreditation in order to be deemed technically competent. In many cases, suppliers and regulatory authorities will not accept test or calibration results from a lab that is not accredited, as the accreditation ensures labs are providing consistent and valid results.

The Metrology Laboratory at ACS uses ISO/IEC 17025 to implement a quality system aimed at improving our ability to consistently produce valid results, ultimately providing customer satisfaction and guaranteed accuracy.

ISO/IEC 17025 also complements the other certifications ACS has achieved, including ISO 9001, ISO 14001, ISO/TS 16949 and ISO/IEC 17034.



## Bits and Pieces

### Woman arrested for DWI after completely stopping on I-35

By Kate Winkle Published: September 27, 2017, 11:18 am  
Kxan.com

AUSTIN (KXAN) — A woman was arrested Tuesday after she allegedly slammed on her breaks in south Austin while driving on Interstate 35, causing a collision when a Travis County deputy and two others had to swerve around her.

Briana Sifuentes, 24, faces a driving while intoxicated charge. She was allegedly driving south on I-35 around 2:04 p.m. when she began to drift between the lanes without using her turn signal, then swerved multiple times to correct. At one point, she slammed on her breaks and came to a complete stop on the inside lane, according to an arrest affidavit. That's when the collision happened near Old San Antonio Road.

"Briana told me that she had pulled over because it was raining and she did not feel safe driving in the rain," the document stated. "Briana thought she pulled over onto the shoulder not fast lane."

An officer said he found an open container of Bud Light peach-rita in the front driver side door, and reported that Sifuentes told him she had a mimosa at 11 a.m.

A daily record 2.49 inches of

rain fell at Austin-Bergstrom International Airport Tuesday, making for tough driving conditions.

### DUI on a horse: Florida woman arrested after riding on busy road

By Krista Torralva, Contact Reporter  
Orlando Sentinel

A Polk County woman was arrested Thursday afternoon on a charge of drunk driving on a horse named Boduke.

Donna Byrne, 53, smelled of alcohol, staggered and had red, watery eyes when deputies pulled her over on the busy road, Polk County Sheriff's Office spokesman Brian Bruchey said.

A passer-by had called about a woman who appeared confused and was riding a horse on Combee Road near North Crystal Lake Road in Lakeland about 1:40 p.m., he said.

Byrne's breath-alcohol level was more than twice the legal limit, Bruchey said. She was arrested on charges of driving under the influence and animal neglect, a misdemeanor.

### Lou Diamond Phillips Arrested for Drunk Driving After Asking Police for Directions

Tim Kenneally | Nov. 3, 2017 1:09 pm  
The Wrap

Maybe Lou Diamond Phillips should have just used Waze instead.

"Longmire" star Phillips was arrested for drunk driving early Friday morning, after pulling up to police and asking for directions, Portland, Texas, police chief Mark Cory told TheWrap on Friday.

According to Cory, at approximately 1:35 a.m. on Friday, an officer was on an unrelated traffic stop when Phillips' vehicle pulled up to the patrol car to ask for directions, and appeared to be "highly intoxicated."

Phillips, whose demeanor was "polite and cordial" according to Cory, was arrested, and testing determined that the actor had a blood-alcohol content of .20 — more than twice the legal limit of .08. The actor has since been released on bond.

According to the Associated Press, Phillips, who was raised in Texas, was scheduled to appear Friday afternoon at a historical event in Corpus Christi, where he attended high school.

### Metairie mailman pleads guilty to delivering while intoxicated again

By Michelle Hunter NOLA.com  
The Times-Picayune Updated  
Nov. 3, 2017

A Metairie letter carrier charged

Continued from Page 16

for a second time with drunk driving in his mail truck pleaded guilty Oct. 26 to felony DWI.

Mitchell Molitor, 55, was ordered to serve a total of one year in prison and his driver's license has been suspended for three years, according to Jefferson Parish court records. Molitor pleaded guilty to third-arrest DWI, possession of an open container of alcohol and making false statements to obtain two driver's licenses.

The Jefferson Parish district attorney's office dropped an additional prescription drug possession charge against Molitor, court records said. Molitor was arrested on the afternoon of March 24 after he fell to the ground in the front yard of resident's River Ridge home while trying to get back into his postal truck to continue his route, authorities said. The homeowner and passersby realized he was intoxicated and confiscated the keys to the truck before calling in authorities.

State Police and the U.S. Postal Service Office of the Inspector General determined Molitor's blood alcohol content was 0.16 percent, twice the 0.08-percent legal limit, court records said. Authorities also discovered an empty bottle of whiskey underneath some mail in the truck. The March 24 arrest was Molitor's third for DWI since 2011.

He was still on probation when taken into custody earlier this year

for an Oct. 14, 2014 DWI arrest in Elmwood, court records said. Jefferson Parish Sheriff's Office deputies alerted by Molitor's post-office co-workers found him driving a mail truck with a bottle of whiskey in his lunch box and a blood alcohol content of 0.163 percent, court records said.

His first DWI arrest occurred Dec. 21, 2011, on West Esplanade Avenue in Metairie. Molitor was not in a mail truck at the time.

Mentz sentenced Molitor to two years in prison on Oct. 26 for his most recent DWI guilty plea. But the judge suspended one year of the sentence and ordered him to serve one year of active probation once released, court records said. He must also pay a \$2,000 fine and court costs.

Molitor was sentenced to six months in prison for the charge related to the driver's licenses, and he was ordered to pay \$100 for the open container of alcohol, court records said. Molitor will receive credit for all time served.

**Teenage Amish Buggy Driver Gets DUI Charges**

New Castle News  
By Debbie Wachter  
Published October 13, 2017

A New Wilmington Amish teen is facing charges for allegedly driving his horse-drawn buggy while under the influence of alcohol.

New Wilmington Borough police arrested John J. Byler, 19, of

220 Pine Lane, on Oct. 1 after he allegedly failed two field sobriety tests. An officer pulled over the buggy around 7:30 p.m., Oct. 1, because the buggy did not have on its flashing lights in the dark, according to a criminal complaint.

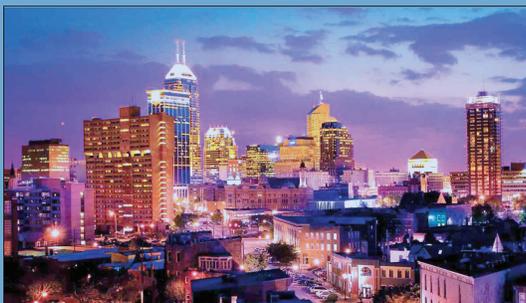
Byler was taken to Jameson Hospital where he consented to a blood alcohol test. He then was released to his parents.

The police reported that his blood test registered his blood alcohol count at 0.056 percent. The state blood alcohol count standard measurement for impaired driving in Pennsylvania is 0.08 percent. Byler is charged with driving under the influence as a minor, driving under the influence with general impairment of driving safety, and not having required lighted lamps.

He was sent a summons to appear in Central Court for a preliminary hearing on the charges.

District Attorney Joshua Lamancusa said Thursday that Byler, if found guilty, will face the same consequences as anyone else who gets a DUI conviction for the first time. He will lose his privileges of driving a motor vehicle in Pennsylvania, he will probably have to attend drug and alcohol school and would be subject to other conditions.

"He virtually would be treated no differently than anyone else," he said, adding, "We can't stop him from driving his buggy."



*See you in  
Indianapolis, Indiana  
at IACT 31  
in April 2018*

# The Expert Witness



*" Is this really necessary, Your Honor? I'm Dr. Kurt Dubowski."*

## In Memoriam

**Kurt M. Dubowski, Ph.D., DABFT**

**George Lynn Cross Distinguished  
Professor Emeritus of Medicine**

**November 21, 1921–October 23, 2017**

**INTERNATIONAL ASSOCIATION FOR CHEMICAL TESTING, INC.**  
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# MEMBERSHIP APPLICATION

(PLEASE PRINT OR TYPE)

NAME \_\_\_\_\_  
Last First Middle Title

ADDRESS \_\_\_\_\_  
Street City State Zip+4

TELEPHONE \_\_\_\_\_  
Work Number (Include Area Code) Other (Include Area Code) Fax (Include Area Code)

EMAIL \_\_\_\_\_

EMPLOYER \_\_\_\_\_

EMPLOYER ADDRESS \_\_\_\_\_  
(If different from above) Street City State Zip Code+4

POSITION \_\_\_\_\_ LENGTH OF EMPLOYMENT \_\_\_\_\_

**PLEASE INCLUDE A CURRENT CURRICULUM VITAE WITH YOUR APPLICATION**

APPLICANT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**RECOMMENDATION BY CURRENT REGULAR (NOT ASSOCIATE) MEMBER ONLY**  
I VERIFY THAT THE ABOVE AND/OR ATTACHED INFORMATION IS CURRENT AND CORRECT. I RECOMMEND THIS APPLICANT FOR MEMBERSHIP TO THE INTERNATIONAL ASSOCIATION FOR CHEMICAL TESTING

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

REGULAR MEMBER'S NAME \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
(Please print)

*Send completed application and enclose \$65.00 in the form of a check or money order payable to IACT, \$15 of which is a non-refundable processing fee. The remaining \$50.00 will be your first year's annual membership fee, contingent upon membership approval at an IACT annual meeting.*

**Mail completed application to:**

Lisa Johnston  
NH State Police Forensic Laboratory  
33 Hazen Drive  
Concord, NH 03305



# MEMBERSHIP UPDATE

(PLEASE PRINT OR TYPE)

NAME \_\_\_\_\_  
Last First Middle

TITLE \_\_\_\_\_

STREET \_\_\_\_\_ CITY \_\_\_\_\_

STATE \_\_\_\_\_ ZIP CODE+4 \_\_\_\_\_

TELEPHONE \_\_\_\_\_  
Work Number (Include Area Code) Other (Include Area Code)

EMAIL \_\_\_\_\_ FAX (Include Area Code) \_\_\_\_\_

CURRENT EMPLOYER OR PAST EMPLOYER (IF RETIRED) \_\_\_\_\_

EMPLOYER'S ADDRESS \_\_\_\_\_  
(If different from above) Street City State Zip Code+4

POSITION \_\_\_\_\_ LENGTH OF EMPLOYMENT \_\_\_\_\_

DESCRIPTION OF CURRENT DUTIES (OR PAST DUTIES IF RETIRED) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHEMICAL TEST EXPERIENCE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PUBLICATIONS OR SPECIALIZED TRAINING \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER PROFESSIONAL MEMBERSHIP(S) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets if necessary to complete. — Note: Please do not abbreviate)

MEMBER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**SEND UPDATE TO:**

Lisa Johnston  
NH State Police Forensic Laboratory  
33 Hazen Drive  
Concord, NH 03305



# 31<sup>st</sup> Annual Meeting

Week of April 29, 2018

Indianapolis, Indiana

## CALL FOR PRESENTERS

Complete this Form and submit no later than Dec. 15, 2017, with a copy of an Abstract (200 words or less), Presenter Background\*, and Presentation. Materials may be submitted electronically via email attachment or through printed hard copy. Multimedia files such as PowerPoint will be loaded on conference host equipment and posted to the members' portion of the website following the conference.

\*Presenter Background should include a brief educational and professional summary to educate conference attendees on presenter credentials. Please no CV's or resumes.

PLEASE PRINT OR TYPE

Author(s) \_\_\_\_\_

Paper Title \_\_\_\_\_

Agency \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

Province / State \_\_\_\_\_ Postal/Zip Code \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Audiovisual Equipment Required  Multi-Media Projector  Audio Support (for playing videos with sound)

Time Slots (Please check):  30 minutes  60 minutes

Please return completed form and materials by email or mail to:

Email: [Samera.Zavaro@tn.gov](mailto:Samera.Zavaro@tn.gov)

Or, mail to:  
Samera Zavaro  
Tennessee Bureau of Investigation  
Nashville Crime Laboratory  
901 R. S. Gass Blvd.  
Nashville, TN 37216