



# 2019 Annual Conference

Lake Placid, New York

Breathalyzer Test Operation and Interpretation

September 17, 2019

Presented by:

**NYSP Trooper Joseph K. Germano**

**NYSP Sergeant Jonathan Cook**

**Mary Tanner-Richter, Esq.**

**1.0 MCLE Professional Practice**

**1.0 CJE**

This program has been approved for credit in New York State for all attorneys including those who are Newly Admitted (less than 24 months) and administered by the Onondaga County Bar Association.



### **Trooper Joseph K. Germano**

Trooper, Drug Recognition Expert (DRE) Instructor, Drug Recognition Expert (DRE), Standardized Field Sobriety Test (SFST) Instructor, Breath Test Operator (BTO) Instructor, Speed Enforcement Instructor (Radar and Lidar), Emergency Vehicle Operation and Control (EVOC) Instructor

### **Technical Sergeant Jonathan D Cook**

Technical Sergeant Jonathan David Cook is a six-year veteran of the New York State Police. He is currently assigned to Division Traffic Services where he is assigned as the Impaired Driving Program Coordinator. His responsibilities include programming, coordinating and instructing New York State Police Standardized Field Sobriety Test, Drug Recognition Expert, Advanced Roadside Impaired Driving Enforcement and drug awareness courses and trainings. In addition, he is responsible for managing grant funding for the entirety of his programming. He is an SFST Instructor and a DRE Instructor with a background in education, having worked as a high school teacher for eight years prior to his career in law enforcement. During his education career, he obtained a Bachelor's in English and Education from Colgate University, a Master's degree in Special Education and completed coursework for an advanced certificate in Educational Leadership from Stony Brook University. As a part of his DRE status and his position with the New York State Police, he regularly attends conferences and trainings to keep his knowledge current with regards to trends in his fields of study.



## **Mary Tanner-Richter**

Mary Tanner-Richter has been an Assistant District Attorney in the Office of the Albany County District Attorney since February 2001, and is currently the Chief of the Vehicular Crimes Unit. She has specialized in the area of vehicular crimes prosecution since 2004 and was instrumental in creating the Albany County District Attorney's Vehicular Crimes Unit in 2008. Ms. Tanner-Richter has completed training in At Scene Motor Vehicle Collision Investigation, and is responsible for overseeing the prosecution of all felony alcohol/drug-related vehicular crimes, vehicular assaults and vehicular homicides in Albany County. She has participated in numerous trainings of various law enforcement officials and prosecutors across the State and has spoken on numerous occasions to high school parents and students, and college students. Additionally, Ms. Tanner-Richter has been involved in providing training to Bar and Tavern Owners throughout the Capital Region. Ms. Tanner-Richter is a member of the Albany District Attorney's Office DWI Advisory Board, the Albany County STOP-DWI Program, and currently sits on the NYS GTSC Taskforce on Impaired Driving Enforcement Team.

Ms. Tanner-Richter received a Bachelor of Arts Degree in Political Science from Nazareth College in Rochester, New York, in 1994, and received her JD from Albany Law School in 1998. Prior to coming to the Albany County District Attorney's Office, Ms. Tanner-Richter was an Associate at the Buffalo Law Firm of Jaeckle, Fleischmann, & Mugel, LLP., assigned to the Litigation Department, from 1998-2000.

Ms. Tanner-Richter is the recipient of the 2011 Recognition of Excellence Award presented by NYS STOP DWI, Mothers Against Drunk Driving, in conjunction with the New York State Governor's Traffic Safety Committee. Additionally, Albany County STOP DWI presented Mary with the [Daniel S. Dwyer Memorial Award](#) in December 2012 to honor her commitment to justice for victims of DWI crimes.

In 2015, Mary Tanner-Richter was named the National Traffic Safety Prosecutor of the Year by the National Association of Prosecutor Coordinators (NAPC). Read about this accomplishment [here.](#)

In 2018, Bureau Chief Tanner-Richter was named as one of two [Traffic Safety Resource Prosecutors](#) (TSRP) for the State of New York through the Governor's Traffic Safety Committee's Highway Safety Program. The program is grant funded by the Federal Highway Safety Program under the National Highway Traffic Safety Administration (NHTSA), and addresses roadway safety through education and trainings across the State of New York, as well as nationwide. As a TSPR, Ms. Tanner-Richter is working in conjunction with members of the Governor's Traffic Safety Committee, the National Highway Traffic Safety Administration (NHTSA) and the National Traffic Law Center of the American Prosecutors Research Institute to keep New York prosecutors and police officers apprised of the latest traffic safety issues affecting the entire country.



60 A.D.3d 55  
Supreme Court, Appellate Division,  
Third Department, New York.

In the Matter of Charles C.  
VANDERMINDEN, Appellant,  
v.  
Richard P. TARANTINO, as Judge of  
the City Court of the City of Glens  
Falls, et al., Respondents.  
Jan. 15, 2009.

60 A.D.3d 55

Supreme Court, Appellate Division, Third  
Department, New York.

In the Matter of Charles C. VANDERMINDEN,  
Appellant,

v.

Richard P. TARANTINO, as Judge of the City  
Court of the City of Glens Falls, et al.,  
Respondents.

Jan. 15, 2009.

### Synopsis

**Background:** Petitioner, who was a holder of a Vermont driver's license, sought Article 78 review of city court judge's determination suspending his driver's license after arrest for driving while intoxicated. The Supreme Court, Warren County, [Aulisi, J.](#), dismissed application. Petitioner appealed.

**Holdings:** The Supreme Court, Appellate Division, [Cardona, P.J.](#), held that:

<sup>[1]</sup> petitioner was subject to prompt suspension law;

<sup>[2]</sup> court properly limited scope of petitioner's inquiry at **Pringle hearing**; and

<sup>[3]</sup> court properly suspended petitioner's license.

Affirmed.

West Headnotes (5)

<sup>[1]</sup> **Appeal and Error**

🔑 Want of Actual Controversy

Courts have discretion to review a case, otherwise moot, if the controversy or issue involved is likely to be repeated, typically evades review, and raises substantial and novel questions.

[Cases that cite this headnote](#)

<sup>[2]</sup> **Automobiles**

🔑 Intoxication; Implied Consent

Holder of out-of state driver's license was subject to prompt suspension law upon his arrest for driving while intoxicated, despite argument that law applied only to New York licensees because it did not specifically refer to an out-of-state licensee's driving privileges; role of prompt suspension provision would be undermined, and its application rendered arbitrary, if it were interpreted to allow out-of-state licensee to continue driving in New York when, under the same circumstances, New York license would be prohibited from driving. [McKinney's Vehicle and Traffic Law § 1193\(2\)\(e\)\(7\)](#).

[2 Cases that cite this headnote](#)

<sup>[3]</sup> **Automobiles**

🔑 Scope of review; discretion and fact questions

**Constitutional Law**

🔑 Alcohol and drug-related issues; testing

Court conducting **Pringle hearing** to determine whether to suspend petitioner's driver's license after arrest for driving while intoxicated properly limited scope of petitioner's inquiry, and thus petitioner's due process rights were not violated in **hearing**; while issues pertaining to the lawfulness of the police stop, probable cause for arrest, and whether the breath test device was working properly at the time of the test would have been relevant at a criminal trial, they were beyond the scope of a **Pringle hearing**. [U.S.C.A. Const.Amend. 14; McKinney's Vehicle and Traffic Law §§ 1192\(2, 3\), 1193\(2\)\(e\)\(7\)](#).

[3 Cases that cite this headnote](#)

[4] **Automobiles**

🔑 Scope of review; discretion and fact questions

While issues pertaining to the lawfulness of the police stop, probable cause for arrest, and whether the breath test device was working properly at the time of the test are relevant to the admissibility of breath test results at a criminal trial, and may ultimately bear on the determination of criminal culpability, they are beyond the scope of a **Pringle hearing** to determine whether to suspend driver's license. [U.S.C.A. Const.Amend. 4](#); [McKinney's Vehicle and Traffic Law § 1193\(2\)\(e\)\(7\)](#).

3 Cases that cite this headnote

[5] **Automobiles**

🔑 Intoxication and implied consent in general

**Automobiles**

🔑 Reliability of particular testing devices

Court properly suspended petitioner's driver's license at conclusion of **Pringle hearing** following arrest for driving while intoxicated, despite lack of documentary evidence that breath test device was in proper working order; only documented results of chemical test are required at **Pringle hearing**. [McKinney's Vehicle and Traffic Law §§ 1192\(2, 3\), 1193\(2\)\(e\)\(7\), 1194-a\(1\)](#).

2 Cases that cite this headnote

**Attorneys and Law Firms**

**\*\*761** Gerstenzang, O'Hern, Hickey & Gerstenzang, Albany ([Eric H. Sills](#) of counsel), for appellant.

[Andrew M. Cuomo](#), Attorney General, Albany (Owen Demuth of counsel), for Richard P. Tarantino, respondent.

Kathleen B. Hogan, Warren County District Attorney, Lake George (Kevin P. Donlon of counsel), for Warren County District Attorney, respondent.

**\*\*762** [James A. Murphy III](#), President, New York State District Attorneys Association, Mineola, for New York State District Attorneys Association, amicus curiae.

Before: [CARDONA](#), P.J., [LAHTINEN](#), [KANE](#) and [KAVANAGH](#), JJ.

**Opinion**

[CARDONA](#), P.J.

**\*55** Appeal from a judgment of the Supreme Court (Aulisi, J.), entered June 8, 2007 in Warren County, which dismissed petitioner's application, in a proceeding pursuant to CPLR article 78, to review a determination of respondent Judge of the City Court of the City of Glens Falls suspending petitioner's driver's license.

**\*57** Petitioner, the holder of a Vermont driver's license, was arrested in Warren County for driving while intoxicated (*see* [Vehicle and Traffic Law § 1192\(2\), \[3\]](#) ). The results of a breath test administered shortly thereafter indicated that his blood alcohol content (hereinafter BAC) was .14%. Following a **Pringle hearing** ([Pringle v. Wolfe](#), 88 N.Y.2d 426, 646 N.Y.S.2d 82, 668 N.E.2d 1376 [1996], *cert. denied* 519 U.S. 1009, 117 S.Ct. 513, 136 L.Ed.2d 402 [1996] ), respondent Judge of the City Court of the City of Glens Falls (hereinafter respondent) found reasonable cause to believe that petitioner had operated a motor vehicle while having a BAC higher than .08% and, in accordance with the mandatory provisions of [Vehicle and Traffic Law § 1193\(2\)\(e\)\(7\)](#), commonly known as the prompt suspension law, suspended petitioner's license pending prosecution.<sup>1</sup> Petitioner commenced this proceeding pursuant to CPLR article 78 seeking to reverse or vacate the suspension order. Supreme Court dismissed the petition, resulting in this appeal.

<sup>[1]</sup> Initially, although this appeal is concededly moot because the underlying criminal charge has been resolved and the suspension order is no longer in effect,<sup>2</sup> we agree with petitioner that this case falls within the exception to the mootness doctrine. Some of the legal issues of statutory interpretation presented **\*58** herein—in particular, the scope of a **Pringle hearing**—arise frequently in the courts and are likely to evade review given that pretrial suspension orders terminate when the criminal case is resolved (*see Matter of Hearst Corp. v. Clyne*, 50 N.Y.2d 707, 714–715, 431 N.Y.S.2d 400, 409 N.E.2d 876 [1980]; *Matter of Avella v. Batt*, 33 A.D.3d 77, 80, 820 N.Y.S.2d 332 [2006] ). Accordingly, we address the merits.

<sup>[2]</sup> The threshold question is whether petitioner, as the holder of a Vermont license, was subject to the prompt suspension law (*see Vehicle and Traffic Law § 1193[2][e][7]*).<sup>3</sup> Petitioner contends that **\*\*763** because the statute authorizes the suspension of a driver's *license* but does not specifically refer to an out-of-state licensee's *driving privileges*, the statute applies only to holders of New York licenses. We do not agree. As noted by the Court of Appeals, Vehicle and Traffic Law article 31, of which [section 1193](#) is a part, is "a tightly and carefully integrated statute the sole purpose of which is to address drunk driving" (*People v. Prescott*, 95 N.Y.2d 655, 659, 722 N.Y.S.2d 778, 745 N.E.2d 1000 [2001]). Within the statutory scheme, [section 1193](#) contains the exclusive criminal penalties and civil sanctions applicable to drunk driving offenses (*see id.* at 661, 722 N.Y.S.2d 778, 745 N.E.2d 1000), including the prompt suspension provision that is intended to keep potentially dangerous drivers off New York's roadways while their criminal charges are adjudicated (*see Pringle v. Wolfe*, 88 N.Y.2d at 435, 646 N.Y.S.2d 82, 668 N.E.2d 1376; Governor's Approval Mem., Bill Jacket, L. 1994, ch. 312, at 6). The role of that provision would be undermined, and its application rendered arbitrary, if it is interpreted to allow the holder of an out-of-state license to continue driving in New York when, under the same circumstances, the holder of a New York license would be prohibited from driving. Given the comprehensive nature and remedial purpose of article 31, we do not believe the Legislature intended such an anomalous result. Accordingly, we construe [Vehicle and Traffic Law § 1193\(2\)\(e\)\(7\)](#) as authorizing a court to suspend the driving privileges of an out-of-state licensee under the same circumstances as would justify suspending a New York license.

<sup>[3]</sup> **\*59** As relevant to petitioner's remaining arguments, which pertain to the scope and conduct of his [Pringle hearing](#), we begin by noting that the prompt suspension law provides that, in order for the court to issue a suspension order, it must find that (1) the accusatory instrument conforms with [CPL 100.40](#), and (2) reasonable cause exists to believe that the driver operated a motor vehicle with ".08 of one percent or more by weight of alcohol in his or her blood as was shown by chemical analysis of such person's blood, breath, urine or saliva" ([Vehicle and Traffic Law § 1193\[2\]\[e\]\[7\]\[b\]](#)). Where such an initial determination is made, [Vehicle and Traffic Law § 1193\(2\)\(e\)\(7\)](#) further provides that the driver "shall be entitled to an opportunity to make a statement regarding these two issues and to present evidence tending to rebut the court's findings" ([Vehicle and Traffic Law § 1193\[2\]\[e\]\[7\]\[b\]](#)).

In this case, respondent determined that the simplified

information complied with [CPL 100.40](#) and that, based upon the certified breath test results, as well as the arresting officer's supporting deposition, there was reasonable cause to believe that petitioner had a BAC of .08% or more while operating a motor vehicle. Therefore, respondent made the necessary preliminary findings to issue a suspension order.

In rebuttal, petitioner called three police witnesses and attempted to question them regarding the calibration of the breath test device, the administration of the test, and matters relating to probable cause for petitioner's arrest. Respondent precluded any questioning relating to the calibration and maintenance of the breath device as well as to probable cause for the arrest, concluding that such matters were outside the scope of a [Pringle hearing](#).

**\*\*764** <sup>[4]</sup> We are not persuaded by petitioner's contention that his due process rights were violated by respondent's rulings. While issues pertaining to the lawfulness of the police stop, probable cause for arrest, and whether the breath test device was working properly at the time of the test are relevant to the admissibility of breath test results at a criminal trial (*see People v. Freeland*, 68 N.Y.2d 699, 700, 506 N.Y.S.2d 306, 497 N.E.2d 673 [1986]), and may ultimately bear on the determination of criminal culpability, they are beyond the scope of a [Pringle hearing](#). Significantly, a [Pringle hearing](#) is a civil administrative proceeding (*see Matter of Schmitt v. Skovira*, 53 A.D.3d 918, 919–920, 862 N.Y.S.2d 167 [2008]) which runs parallel to the criminal proceedings. It is not a plenary [hearing](#) requiring the same level of due process protection as a criminal trial (*see \*60 Pringle v. Wolfe*, 88 N.Y.2d at 435, 646 N.Y.S.2d 82, 668 N.E.2d 1376), nor is it "an opportunity for free-wheeling discovery regarding the criminal matter" (*Matter of Broome County Dist. Attorney's Off. v. Meagher*, 8 A.D.3d 732, 734, 777 N.Y.S.2d 567 [2004], *lv. denied* 3 N.Y.3d 612, 788 N.Y.S.2d 667, 821 N.E.2d 972 [2004]). Indeed, as the Court of Appeals has observed, to "convert the license suspension proceeding into a trial on the merits of the underlying criminal charge ... would be prohibitively expensive and cumbersome, and would subvert the State's compelling interest in promoting highway safety" (*Pringle v. Wolfe*, 88 N.Y.2d at 435, 646 N.Y.S.2d 82, 668 N.E.2d 1376 [internal citation omitted]). For these reasons, we agree with Supreme Court that respondent appropriately limited petitioner's inquiry.

<sup>[5]</sup> Petitioner also claims that respondent could not properly suspend his license because respondent did not have before him documentary evidence that the breath test device was in proper working order. However, such documentation is not required at a [Pringle hearing](#).

While suspension may not be ordered unless the court has in its possession the certified, documented results of a chemical test (*see id.* at 432, 646 N.Y.S.2d 82, 668 N.E.2d 1376), neither case law nor the prompt suspension statute specifically requires more (*compare* Vehicle and Traffic Law § 1193[2][e][7], *with* Vehicle and Traffic Law § 1194-a[1]).

Petitioner's remaining contentions have been considered and found to be unpersuasive.

ORDERED that the judgment is affirmed, without costs.

#### Footnotes

- 1 The prompt suspension law provides that a court shall suspend the driver's license, pending prosecution, of any person charged with a violation of Vehicle and Traffic Law § 1192(2), (2-a), (3) or (4-a) who, at the time of arrest, is alleged to have had a BAC of .08% or higher as shown by chemical analysis (*see* Vehicle and Traffic Law § 1193[2][e][7] [a]).
- 2 Petitioner pleaded guilty to a violation of Vehicle and Traffic Law § 1192(2) and was sentenced to a one-year conditional discharge and a fine. His sentence has been served.
- 3 Although petitioner raised this issue at his **Pringle hearing**, respondents correctly note that he did not raise it in his CPLR article 78 petition. In any event, because the applicability of the statute under these circumstances "is an issue of law which appeared upon the face of the record and could not have been avoided by [respondents] if brought to [their] attention at the proper time," we find that the issue is reviewable on this appeal (*State of New York v. U.W. Marx, Inc.*, 209 A.D.2d 784, 785, 618 N.Y.S.2d 135 [1994]; *see Matter of Village of Westbury v. Straehle*, 307 A.D.2d 931, 932, 762 N.Y.S.2d 892 [2003], *appeal dismissed* 100 N.Y.2d 629, 769 N.Y.S.2d 193, 801 N.E.2d 414 [2003]; *Matter of Daubman v. Nassau County Civ. Serv. Comm.*, 195 A.D.2d 602, 603, 601 N.Y.S.2d 14 [1993]).

LAHTINEN, KANE and KAVANAGH, JJ., concur.

#### All Citations

60 A.D.3d 55, 871 N.Y.S.2d 760, 2009 N.Y. Slip Op. 00150



## The Breath Test Instrument

 **State Police**

**NYS Magistrate's Association  
Annual Conference 2019  
The Breath Test Instrument**

Trooper Joseph Germano  
SP Latham IHP

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**The Drager Alcotest 9510  
Breath Test Instrument**



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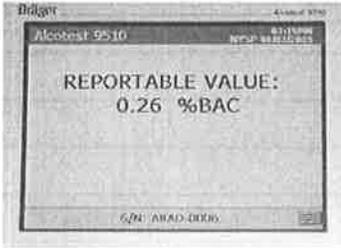
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**DRY-GAS STANDARD**

- Used to perform REFERENCE STANDARD CHECKS
- Ethanol in a Nitrogen gas mixture
- Compressed Gas – Cylinder contains 58 liters at 1,000 PSI
- Uses 20 PSI per completed test –  
approximately 50 tests per cylinder
- **0.10% ± 0.01% value**



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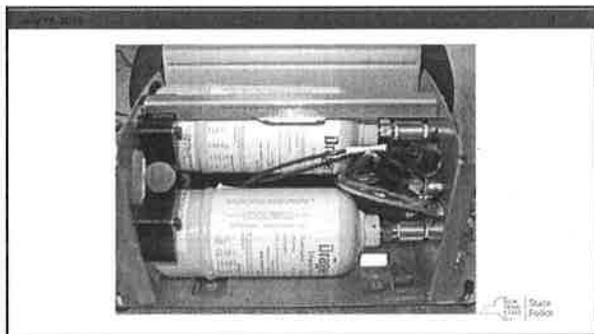
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**Operational Principles and the Physiology and Pharmacology of Alcohol**

- All breath analysis instruments employ Henry's Law and the direct elimination of alcohol.
- Infrared absorption systems within breath analysis instruments employ the Beer-Lambert Law.



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### Definition - Henry's Law

When the water solution of a somewhat volatile chemical compound is brought to equilibrium with air, there is a fixed ratio between the concentration of the compound in air and its concentration in water, and this ratio is constant for a given temperature. As the temperature rises, the ratio in the air increases.



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### Henry's Law - Discussion

- Water solution - blood
- Volatile chemical compound - alcohol
- Brought to equilibrium with air - in the deep lungs
- Fixed ratio - 2100 to 1. The blood will contain 2100 times more alcohol than air (for the same size sample)
- At a given temperature - 34° C



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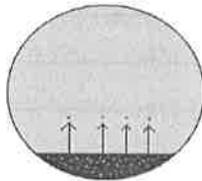
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### Alveolar air sac

Alcohol released from the blood into the alveoli is expelled when a person breathes out. A breath sample is introduced into the instrument and tested. After testing, results are simply multiplied by 2,100 for the BAC % reading.



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### Law of Absorption Beer-Lambert Law

- For a defined path length containing an absorbing system, the transmitted energy will proportionally decrease with the increase in concentration of the absorbing system.



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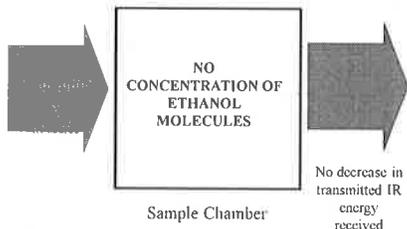
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#### BEER LAMBERT LAW APPLIED



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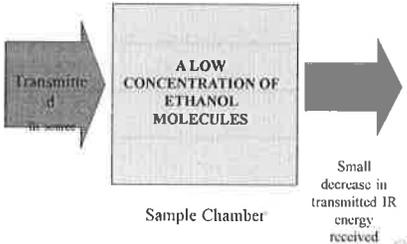
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#### BEER-LAMBERT LAW APPLIED



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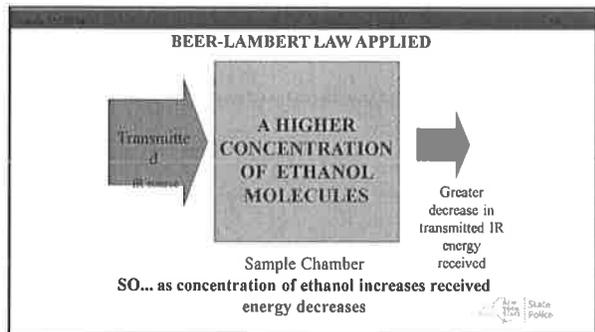
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**INFRARED ABSORPTION**

Ethanol molecules will strongly absorb Infrared energy at approximately the 3.30 to 3.60 micron wavelength, and at approximately the 9.0 to 10.0 micron wavelength.

Acetone also strongly absorbs Infrared energy between the 3.30 and 3.60 micron wavelength.

New York State Police

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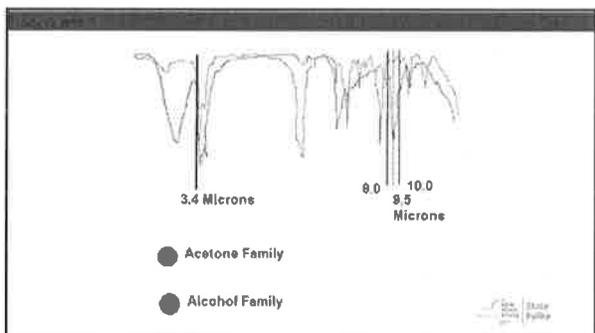
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### Requirements for a Proper Breath Sample

- Minimum flow rate - 4.5 L/min.
- Minimum blow duration - 4.5 sec.
- Minimum breath volume - 1.5 L
- Slope detection - once above are met.
  - 1) steady increase, then leveling off of alcohol concentration - IR checks every 1/4 second.
  - 2) proper breath sample - when concentration has not increased by more than 0.001% over the last 1 sec of breath.




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### Mouth Alcohol

SLOPE DETECTION detects mouth alcohol.

SLOPE DETECTION detects a sharp increase in ethanol concentration followed by a decrease in ethanol concentration.

The breath test will be invalid. The instrument will display MOUTH ALCOHOL DETECTED, print a Lab 23 and then lock-out for twenty minutes.




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### Electro-Chemical Fuel Cell

- Alcohol Specific
  - No Acetone / No Interfering Substances
- Neutral before and after test
  - Chemical reaction consumes all the alcohol introduced until fuel cell is neutral again
  - Does not need to be purged
- After chemical reaction, the by-products are acetic acid, water and carbon dioxide
  - Acetic acid absorbs the water and keeps the fuel cell moist




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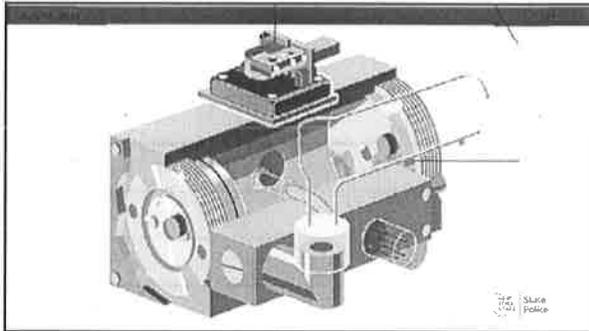
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**SAMPLING SYSTEM**

- Two highly alcohol specific systems obtain two precise and accurate readings.
- Since technologies differ, results may differ slightly. *This would be expected.*
- The lower of the two results is the reportable value.

New York State Police

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**SAMPLING SYSTEM**

- Dry Gas Check (Reference Standard Check)
- Automatically activated by communication from the Accessory Socket to the transducers.
- Draws known ethanol vapor sample - (0.10% ± 0.01%) from attached Dry-Gas Cylinder into Cuvette for analysis by IR & EC.
- Performed twice - before & after subject

New York State Police

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**SAMPLING SYSTEM**

- Instrument purges itself before and after any tests. (accepted or aborted) (4 purges per completed test)
- Pump draws ambient air in through breath hose
- Ambient air checked by IR & EC for presence of alcohol (or other absorbing substances)
- Expelled through purge outlet port to assure entire system is free of residual alcohol.



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**SAMPLING SYSTEM**

- Self-diagnostic check of all internal components 128 times per second. Any malfunction will not allow any test to be initiated.
- These three self-checks:
  - PRESET TOLERANCE
  - REFERENCE STANDARD CHECK
  - SELF-DIAGNOSTICassure the instrument is working properly during a breath test



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**Instrument Calibration & Maintenance**

- Continue to be performed annually at the NYSP Forensic Investigation Center
- Calibrated using a 0.08% simulator solution
- Calibration verified using 5 levels of dry gas reference standards
- (0.02, 0.08, 0.10, 0.18, 0.25)



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**Court Documentation  
Electronic Records**

- Compliant with ESRA – Electronic Signature & Records Act (State Technology Law §1102(3))
- "Original" exists only as an electronic record
- Provided with 4518 business record certification – *no raised seal*
- The NYSP FIC *no longer* issues paper copies of the certifications




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STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
DIVISION OF GENERAL SERVICES

1. Authority: I, Attorney General, in compliance with the provisions of the State Technology Law, hereby certify that the following information is true and correct: I have provided you with a copy of the business record certification for the following information:

The information is being provided to you in accordance with the provisions of the State Technology Law. The information is being provided to you in accordance with the provisions of the State Technology Law. The information is being provided to you in accordance with the provisions of the State Technology Law.

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
DIVISION OF GENERAL SERVICES




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STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
DIVISION OF GENERAL SERVICES

1. Authority: I, Attorney General, in compliance with the provisions of the State Technology Law, hereby certify that the following information is true and correct: I have provided you with a copy of the business record certification for the following information:

Item	Description	Quantity	Value
1	...	...	...
2	...	...	...
3	...	...	...

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
DIVISION OF GENERAL SERVICES




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**Reference Gas & Simulator Solution Certifications**

- NYSP Dry Gas 0.10% Reference Standard
- NYSP instrument 0.08% simulator solution (used for instrument calibrations)
- Continue to certify the 0.10% simulator solution used by DCJS
- Will also be electronic records with electronic signatures



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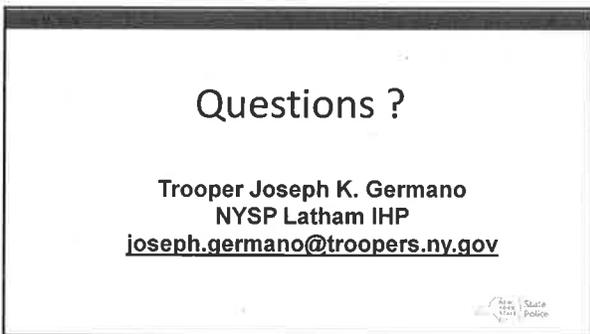
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