

From: [Gutschow, Taylor](#)
To: [Jusino, Luis H Jr CIV \(USA\)](#)
Cc: [Soto, Israel](#); [Kirkland, Brett](#); [Pinsky, David](#)
Subject: 80-000778
Date: Tuesday, January 19, 2021 10:39:00 AM
Attachments: [DOC065.pdf](#)
[Inked.05 SOLUTION LI.jpg](#)
[Inked.05 SOLUTION\(2\) LI.jpg](#)

Sgt. Jusino,

While you may have accurately entered the lot number and expiration date of the pictured bottle into the instrument during the inspection, **that is not a Department-approved alcohol reference solution**. The 0.05 and 0.08 solutions appear to be calibration adjustment solutions, which are not for use in Agency Inspections. **Please take instrument 80-000778 immediately out of service until an Agency Inspection can be conducted with approved alcohol reference solutions**. The approved lots are posted on the Alcohol Testing Program's website.

If you have any questions, please contact your regional Department Inspector, Israel Soto. I've cc'ed him in this email and included his contact info below:

#850-274-2757

IsraelSoto@fdle.state.fl.us

Taylor Gutschow

Department Inspector Trainee for the Alcohol Testing Program
Florida Department of Law Enforcement
Fort Myers Regional Operations Center
4700 Terminal Drive, Suite 3
Fort Myers, FL 33907

Desk #239-335-7500

Cell #850-728-7022

Internal x467500

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From: Jusino, Luis H Jr CIV (USA) <luis.jusino@navy.mil>
Sent: Friday, January 15, 2021 11:04 PM
To: Gutschow, Taylor <TaylorGutschow@fdle.state.fl.us>
Cc: Pinsky, David <DavidPinsky@fdle.state.fl.us>
Subject: RE: 80-000778

Sir,

I fail to see where you are finding these discrepancies. Included, I have attached the following:

1. A copy of the ATP Form 42, and a copy of ATP Form 40. I've also taken the liberty of highlighting all pertinent information for easy comparison.
2. A couple pictures of the exact same .05 alcohol solution I used last October.

I hope this resolves all issues on the matter. Please advise if this does not satisfy your inquiry.

V/r

Sgt. Luis Jusino
Police Watch Commander
AFGE Union Steward
NAS Jax Police Dept.
(904) 542-2666/3222
Luis.jusino@navy.mil

From: Gutschow, Taylor <TaylorGutschow@fdle.state.fl.us>

Sent: Tuesday, January 5, 2021 14:14

To: Jusino, Luis H Jr CIV (USA) <luis.jusino@navy.mil>

Cc: Pinsky, David <DavidPinsky@fdle.state.fl.us>

Subject: [Non-DoD Source] 80-000778

Hi,

It looks like the wrong lot number and expiration date were entered for the 0.05 alcohol solution during the October Inspection of instrument 80-000778. Could you please correct the paperwork following the guidelines at the bottom of the attachment I've included, then scan the paperwork back to me? Thank you.

Taylor Gutschow

Department Inspector Trainee for the Alcohol Testing Program
Florida Department of Law Enforcement
Fort Myers Regional Operations Center
4700 Terminal Drive, Suite 3
Fort Myers, FL 33907

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From: [Gutschow, Taylor](#)
To: [Jusino, Luis H Jr CIV \(USA\)](#)
Subject: Instrument 778 and 2097
Date: Monday, February 8, 2021 12:43:00 PM

Hi, Sgt. Jusino,

I wanted to reach out and see if you were able to purchase the Department-approved Alcohol Reference Solutions for your upcoming Agency Inspections? It looks like both of your instruments (778 and 2097) were previously inspected using the non-approved solutions, so make sure they are **both** taken out of evidentiary use until an Agency Inspection can be performed with the approved solutions. When you've done so, please let me know so I can review the inspection data in COBRA. Thank you.

Taylor Gutschow

Department Inspector for the Alcohol Testing Program
Florida Department of Law Enforcement
Fort Myers Regional Operations Center
4700 Terminal Drive, Suite 3
Fort Myers, FL 33907

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From: [Gutschow, Taylor](#)
To: ["Jusino, Luis H Jr CIV \(USA\)"](#)
Subject: RE: Instrument 778 and 2097
Date: Friday, April 9, 2021 11:16:00 AM
Attachments: [80-000778 AI #2.pdf](#)
[80-000778 AI #1.pdf](#)

Hi, Sgt. Jusino,

I looked at the records in COBRA for both instruments and unfortunately **neither is a compliant Agency Inspection**. 778 actually had two inspection records; the first was aborted prior to the initial diagnostic check, and the second (the one you emailed about) was ended after the 0.20 Test gave you a Control Outside Tolerance exception message (it looks like you may have selected "no" when it prompted you to repeat the test), and the Dry Gas Test was not performed due to the inspection being ended. 2097 was fully completed, but it is not compliant because an expired Dry Gas was used (the inspection was performed on 4/1 and the Dry Gas expired on 3/5). **Both instruments will need to have another inspection performed, and you won't be able to use them as evidential units until they pass inspection.** For 2097, before you repeat the inspection, you will need to perform a Dry Gas Cylinder Change in the Level 2 Menu and switch out the expired dry gas for a non-expired one.

In terms of their annual inspections, 778 missed its inspection for the year of 2020 but was recently inspected in January so it is covered for this year. 2097, on the other hand, was inspected last year but has not been inspected this year, so it should eventually get sent to the Tallahassee lab for its annual inspection this year, ideally before August/September so you can avoid us reaching out to you like last year. Here is the address:

FDLE Off-Site Mail Facility
c/o Florida Department of Law Enforcement
Alcohol Testing Program
813 B Lake Bradford Road
Tallahassee, FL 32304

When a Form 40 doesn't print, you can re-print it from the Level 2 Menu by going to "R" (Recall Test) and selecting the record by using the PgUp and PgDn tabs. HOWEVER, once you upload, those records are no longer saved on the instrument because they are now in COBRA. You can also ask a Department Inspector to reprint you a Form 40 from COBRA, but the record will say "Reprinted from Database" at the bottom. A reprinted Form 40 needs the signature of the Agency Inspector added at the bottom because our records don't contain handwritten remarks. I attached a reprinted Form 40 for both records on 778... make sure you add your signature at the bottom and keep for your records.

Finally, **I will need you to send me an amendment**... find the April Form 40 for instrument 2097, mark the compliance as "No" with your initials and the date of correction next to it, write a note that the agency inspection was not compliant due to an expired dry gas being used, write AMENDED at the top, then scan to me so I can update our records.

I know I hit you with a lot of information, so if you have any follow-up questions, feel free to call or email... my cell number is #850-728-7022.

Taylor Gutschow

Department Inspector for the Alcohol Testing Program
Florida Department of Law Enforcement
Fort Myers Regional Operations Center
4700 Terminal Drive, Suite 3
Fort Myers, FL 33907

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From: Jusino, Luis H Jr CIV (USA) <luis.jusino@navy.mil>
Sent: Thursday, April 1, 2021 3:08 PM
To: Gutschow, Taylor <TaylorGutschow@fdle.state.fl.us>
Subject: RE: Instrument 778 and 2097

However, I did have a question concerning Instrument 778. While conducting the .20 solution inspection, it was out-of-compliance, but did not print out the Form 40. Is there any way I can get a Form 40 for a previous inspection? Never encountered this problem before.

Furthermore, I believe 778 is past due for its yearly calibration, so is that a reason it may be out of compliance? Also, can you verify if 778 needs to get sent out for calibration, and if so, provide the address? Thank you for your assistance.

V/r

Sgt. Luis Jusino
Police Watch Commander
AFGE Union Representative
NAS Jax Police Dept.
(904) 542-2666/3222
Luis.jusino@navy.mil

From: Gutschow, Taylor <TaylorGutschow@fdle.state.fl.us>
Sent: Thursday, April 1, 2021 12:34 PM
To: Jusino, Luis H Jr CIV (USA) <luis.jusino@navy.mil>
Subject: [Non-DoD Source] RE: Instrument 778 and 2097

Excellent, thank you

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Jusino, Luis H Jr CIV (USA)" <luis.jusino@navy.mil>
Date: 4/1/21 12:29 PM (GMT-05:00)
To: "Gutschow, Taylor" <TaylorGutschow@fdle.state.fl.us>
Cc: "Glass, Michael L CIV CPMS (USA)" <michael.l.glass@navy.mil>, "Coble, Jerry M CIV USN COMNAVREG SE (USA)" <jerry.coble@navy.mil>, "Vilanova, Wilfred CIV USN NAS JACKSONVILLE FL (USA)" <wilfred.vilanova@navy.mil>, "East, Luther E CIV USN (USA)" <Luther.East@navy.mil>
Subject: RE: Instrument 778 and 2097

Mr. Gutschow,

I apologize for the delay and appreciate your patience. We have just received our new, FDLE approved, solutions. As soon as I send out this email, I will be conducting the inspections on both of those instruments. They should be uploaded by close of business today (1600), pending there are no unforeseen issues during the upload. Thank you.

V/r

Sgt. Luis Jusino
Watch Commander
NAS JAX Police Dept.
Naval Air Station Jacksonville, FL
904-542-2666/3222
Luis.jusino@navy.mil

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From: Gutschow, Taylor <TaylorGutschow@fdle.state.fl.us>
Sent: Monday, March 8, 2021 9:27 AM
To: Jusino, Luis H Jr CIV (USA) <luis.jusino@navy.mil>
Subject: [Non-DoD Source] RE: Instrument 778 and 2097

Hi,

Have you received those new Alcohol Reference Solutions yet? If so, when are you planning on conducting the next Agency Inspection and uploading into COBRA? I'll need to take a quick look at both of those inspections once they're performed and then you should be set.

Taylor Gutschow

Department Inspector for the Alcohol Testing Program
Florida Department of Law Enforcement
Fort Myers Regional Operations Center
4700 Terminal Drive, Suite 3
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From: Jusino, Luis H Jr CIV (USA) <luis.jusino@navy.mil>
Sent: Monday, February 8, 2021 3:08 PM
To: Gutschow, Taylor <TaylorGutschow@fdle.state.fl.us>
Subject: RE: Instrument 778 and 2097

Correct.

From: Gutschow, Taylor <TaylorGutschow@fdle.state.fl.us>
Sent: Monday, February 8, 2021 14:25
To: Jusino, Luis H Jr CIV (USA) <luis.jusino@navy.mil>
Subject: [Non-DoD Source] RE: Instrument 778 and 2097

Excellent, thank you. And no breath tests in addition to the inspections, until the new inspection occurs.

Taylor Gutschow

Department Inspector for the Alcohol Testing Program
Florida Department of Law Enforcement
Fort Myers Regional Operations Center
4700 Terminal Drive, Suite 3
Fort Myers, FL 33907

Desk #239-335-7500
Cell #850-728-7022

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From: Jusino, Luis H Jr CIV (USA) <luis.jusino@navy.mil>
Sent: Monday, February 8, 2021 2:06 PM
To: Gutschow, Taylor <TaylorGutschow@fdle.state.fl.us>
Subject: RE: Instrument 778 and 2097

Mr. Gutschow,

Yes, I ordered the Department-Approved reference solution. I am just waiting for them to come in. I just received 778 back from FDLE for its annual inspection. I have also instructed the other two agency inspectors to NOT conduct any inspections until the approved solutions have come in.
V/r

Sgt. Luis Jusino
Police Watch Commander
AFGE Union Steward
NAS Jax Police Dept.
(904) 542-2666/3222
Luis.jusino@navy.mil

From: Gutschow, Taylor <TaylorGutschow@fdle.state.fl.us>
Sent: Monday, February 8, 2021 12:44
To: Jusino, Luis H Jr CIV (USA) <luis.jusino@navy.mil>

Subject: [Non-DoD Source] Instrument 778 and 2097

Hi, Sgt. Jusino,

I wanted to reach out and see if you were able to purchase the Department-approved Alcohol Reference Solutions for your upcoming Agency Inspections? It looks like both of your instruments (778 and 2097) were previously inspected using the non-approved solutions, so make sure they are **both** taken out of evidentiary use until an Agency Inspection can be performed with the approved solutions. When you've done so, please let me know so I can review the inspection data in COBRA. Thank you.

Taylor Gutschow

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From: [Gutschow, Taylor](#)
To: ["Jusino, Luis H Jr CIV \(USA\)"](#)
Subject: 778 and 2097 Amendments
Date: Friday, May 7, 2021 1:24:00 PM

Hi, Sgt. Jusino,

I need to update our records for the inspections that used the non-compliant solutions at the end of last year and the beginning of this year. In order to do that, I'll need you (or whoever did the inspections) to track down the original Form 40 Inspection paperwork and make some corrections. I'll list the affected instruments/inspection dates and the amendments that need to be added:

INSPECTION DETAILS

Instrument 80-000778: Oct - Nov 2020

Instrument 80-002097: Oct – Dec 2020 and Jan 2021

AMENDMENT DETAILS

Draw a single line strikeout through the “yes” down by compliance and add a checkmark inside “no” with your initials and the date of correction next to it

Handwrite a remark that the inspection was non-compliant due to the use of non-approved solutions

Write AMENDED at the top

Scan to me

Once your new dry gas cylinders come in, make sure to do a Cylinder Change (so the instruments change the “remembered” DGS lot and expiration date printed on breath tests), and then once you do your inspections and they pass and I've verified everything, you should be all set to place them back into evidential use.

If you have any questions, you can call either of the highlighted numbers below.

Taylor Gutschow

Department Inspector for the Alcohol Testing Program

Florida Department of Law Enforcement

Fort Myers Regional Operations Center

4700 Terminal Drive, Suite 3

Fort Myers, FL 33907

Desk #239-335-7500

Cell #850-728-7022

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