



**Division of Criminal
Justice Services**

**CERTIFICATION PURSUANT TO CPLR 4518 OF RECORDS
MAINTAINED IN THE REGULAR COURSE OF BUSINESS**

I, Joshua Vinehout, Supervisor of Public Safety Programs, Office of Public Safety, New York State Division of Criminal Justice Services, 80 South Swan Street, Albany, New York 12210, having been duly designated and authorized by the Commissioner of the Division of Criminal Justice Services, do hereby certify and authenticate, as provided by subdivision c of Rule 4518 of the Civil Practice Law and Rules, that the document annexed hereto is an exact copy of an electronic record of the Office of Public Safety which is in my possession, custody and control. This record, once created, is stored in an electronic format that cannot thereafter be altered or modified.

I further certify that the original electronic record of inspection/maintenance/calibration of NAT'L PATENT ANALYTICAL SYS, DATAMASTER DMT breath test instrument, serial number 107308, performed on April 03, 2020 by Office of Public Safety employee Joseph Iavarone, of which the annexed is an exact copy, was made in the regular course of business of the New York State Division of Criminal Justice Services, Office of Public Safety, that such record was made at the time such inspection/maintenance/calibration was performed or within a reasonable time thereafter, and further that it is the regular course of the Office of Public Safety's business to make such records at the time such inspection/maintenance/calibration is performed, or within a reasonable time thereafter, and to provide such instrument's records to the agency that requested them.

A handwritten signature in black ink that reads "Joshua Vinehout".

Digitally signed under ESRA
by Joshua Vinehout
on 4/8/2020 2:04 PM

**Joshua Vinehout
Supervisor of Public Safety Programs
Office of Public Safety**

An Equal Opportunity/Affirmative Action Agency

**BREATH TEST INSTRUMENT
RECORD OF INSPECTION / MAINTENANCE / CALIBRATION**

Name of Submitting Agency: Utica Police Department
Manufacturer: NAT'L PATENT ANALYTICAL SYS
Serial Number: 107308
Date: April 03, 2020

Model: DATAMASTER DMT

Reference Solution Lot Number: 20040
Reference Solution Standard: 0.10 % at 34.0 degrees centigrade

Test No	Test Result	Simulator Temperature
1	0.102 %	34.02 degrees centigrade
2	0.104 %	34.02 degrees centigrade
3	0.102 %	34.02 degrees centigrade
4	0.103 %	34.02 degrees centigrade

I hereby certify that I have performed any necessary maintenance procedures and calibrated NAT'L PATENT ANALYTICAL SYS breath test instrument model DATAMASTER DMT, serial number 107308, and have determined that it is accurate and reliable for the determination of ethyl alcohol in the blood by analysis of the breath. The instrument's test results are recorded above and this instrument satisfies all limits and standards established by the New York State Commissioner of Health as enumerated in Part 59, Subchapter D of Chapter II, TITLE 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, (10 NYCRR Part 59) as amended.

I further certify that I made the entries in these records of inspection/maintenance/calibration at the time that such inspection/maintenance/calibration of the above identified breath test instrument was performed, or within a reasonable time thereafter.

Performed by:

Joseph Iavarone

Digitally signed under
ESRA by Joseph Iavarone
on 4/3/2020 10:54 AM

Joseph Iavarone
Highway Safety Equipment Technician
Breath Analysis Operator Permit # 44106

Reviewed by:

Frank Sgarlata

Digitally signed under
ESRA by Frank Sgarlata
on 4/8/2020 12:47 PM

Frank Sgarlata
Breath Analysis Technical Supervisor

**BREATH TEST INSTRUMENT
RECORD OF INSPECTION / MAINTENANCE / CALIBRATION**

Name of Submitting Agency: Utica Police Department
Manufacturer: NAT'L PATENT ANALYTICAL SYS
Model: DATAMASTER DMT
Serial Number: 107308
Date: April 03, 2020

1. General Appearance and condition of this device -----: N/A

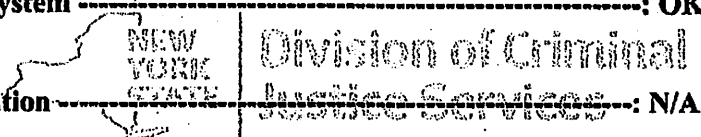
2. Check controls and indicators -----: OK

3. Check breath flow system -----: OK

4. Check printer operation -----: N/A

5. System cycles through all modes -----: OK

6. Record any repairs made to this instrument and list services provided: **CHECKED REMOTE OPERATION, RAN DIAGNOSTIC AND TECHNICIAN TESTS, VERIFIED CALIBRATION.**



Performed by:

Joseph Iavarone

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ESRA by Joseph Iavarone
on 4/3/2020 10:54 AM

Joseph Iavarone
Highway Safety Equipment Technician
Breath Analysis Operator Permit # 44106

Reviewed by:

Frank Sgarlata

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on 4/8/2020 12:47 PM

Frank Sgarlata
Breath Analysis Technical Supervisor

UTICA CITY
POLICE DEPT
DATAMASTER dmt: 107308

Date: 04/03/2020

Nominal = 0.100 g/210L

BLANK TEST	0.000	10:27
INTERNAL STANDARD	VERIFIED	10:27
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.102	10:27
BLANK TEST	0.000	10:28
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.104	10:29
BLANK TEST	0.000	10:29
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.102	10:30
BLANK TEST	0.000	10:30
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.103	10:31
BLANK TEST	0.000	10:32

Average = 0.1028
Std Dev = 0.0010

Control Test Record

Serial Number: 107308

Test Date: 04/02/2020 13:45:29

Location: 258

UTICA POLICE DEPT.

Supervisor Information

First Name: Michael J

Last Name: Clive

Permt: 35682

Agency: UTICA CITY PD

Simulator Information

Lot: 20040

Nominal: 0.100

Test Results

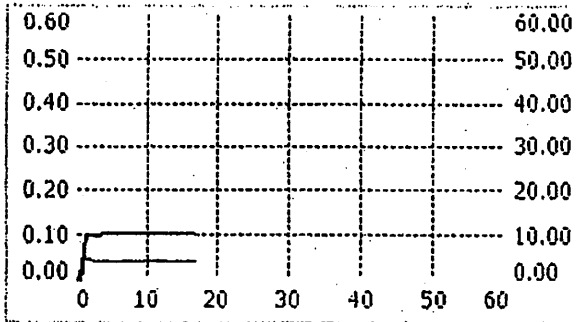
Alcohol 1: 0.10 34.02

Alcohol 2: 0.10 34.02

Alcohol 3: 0.10 34.02

Solution Change:

Plot 1 of 3



Status

Status Code:

Date Time:

Message: