



Division of Criminal Justice Services

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

I, Steven J. Carluccio, Highway Safety Equipment Technical Supervisor, 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 NATL PATENT ANALYTICAL SYSTEM, DATAMASTER DMT breath test instrument, serial number 105408, performed on November 29, 2023 by Office of Public Safety employee Jonathan Mascolo, 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 "Steven J. Carluccio".

Digitally signed under ESRA
by Steven J. Carluccio
on 12/07/2023 08:12 AM

Steven J. Carluccio
Highway Safety Equipment Technical Supervisor
Office of Public Safety

An Equal Opportunity/Affirmative Action Agency

Alfred E. Smith Office Bldg. 80 South Swan Street, Albany, New York 12210 <http://criminaljustice.ny.gov>

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

Name of Submitting Agency: Olean City Police Department
Manufacturer: NATL PATENT ANALYTICAL SYSTEM
Model: DATAMASTER DMT
Serial Number: 105408
Date: November 29, 2023

Reference Solution Lot Number : 23050
Reference Solution Standard : 0.10% at 34.0 degrees centigrade

Test No	Test Result	Simulator Temperature
1	0.099 %	34.00 degrees centigrade
2	0.099 %	34.00 degrees centigrade
3	0.099 %	34.00 degrees centigrade
4	0.099 %	34.00 degrees centigrade

Reference Solution Lot Number : 23100
Reference Solution Standard : 0.08% at 34.0 degrees centigrade

Test No	Test Result	Simulator Temperature
1	0.080 %	34.02 degrees centigrade
2	0.080 %	34.01 degrees centigrade
3	0.080 %	34.02 degrees centigrade
4	0.080 %	34.02 degrees centigrade

Reference Solution Lot Number : 23380
Reference Solution Standard : 0.18% at 34.0 degrees centigrade

Test No	Test Result	Simulator Temperature
1	0.178 %	34.01 degrees centigrade
2	0.179 %	34.01 degrees centigrade
3	0.180 %	34.01 degrees centigrade
4	0.180 %	34.01 degrees centigrade

I hereby certify that I have performed any necessary maintenance procedures and calibrated NATL PATENT ANALYTICAL SYSTEM breath test instrument model DATAMASTER DMT, serial number 105408, 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.

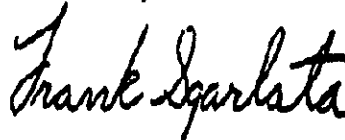
I further certify that I made the entries in these records of inspection/maintenance/calibration at the time that such inspection/maintenance/calibration of the above identified breath test instrument was performed, or within a reasonable time thereafter.

Performed by:



Digitally signed under ESRA
by Jonathan Mascolo
on 11/30/2023 12:52 PM

Reviewed by:



Digitally signed under ESRA
by Frank Sgarlata
on 11/30/2023 06:15 PM

Jonathan Mascolo
Highway Safety Equipment Technician
Breath Analysis Operator Permit #45339

Frank Sgarlata
Breath Analysis Technical Supervisor

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

Name of Submitting Agency: Olean City Police Department
Manufacturer: NATL PATENT ANALYTICAL SYSTEM
Model: DATAMASTER DMT
Serial Number: 105408
Date: November 29, 2023

1. General appearance and condition of this device -----: TOUCH SCREEN
HAS A FADED SPOT

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

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

 4. Check printer operation -----: OK

 5. System cycles through all modes -----: OK
6. Record any repairs made to this instrument and list services provided : **INSPECTED INSTRUMENT, REPLACED TOUCH SCREEN, CHECKED SETUP VOLTAGES, PRINT AND REMOTE OPERATION. PERFORMED CALIBRATION/ADJUSTMENT PROCEDURE, RAN SUBJECT, TECHNICIAN AND DIAGNOSTIC TESTS, VERIFIED CALIBRATION.**

NEW YORK STATE | Division of Criminal Justice Services

Performed by:

Jonathan Mascolo

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by Jonathan Mascolo
on 11/30/2023 12:52 PM

Reviewed by:

Frank Sgarlata

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by Frank Sgarlata
on 11/30/2023 06:15 PM

**Jonathan Mascolo
Highway Safety Equipment Technician
Breath Analysis Operator Permit #45339**

**Frank Sgarlata
Breath Analysis Technical Supervisor**

TECHNICIAN TEST

OLEAN CITY
POLICE DEPT
DATAMASTER dmt: 105408

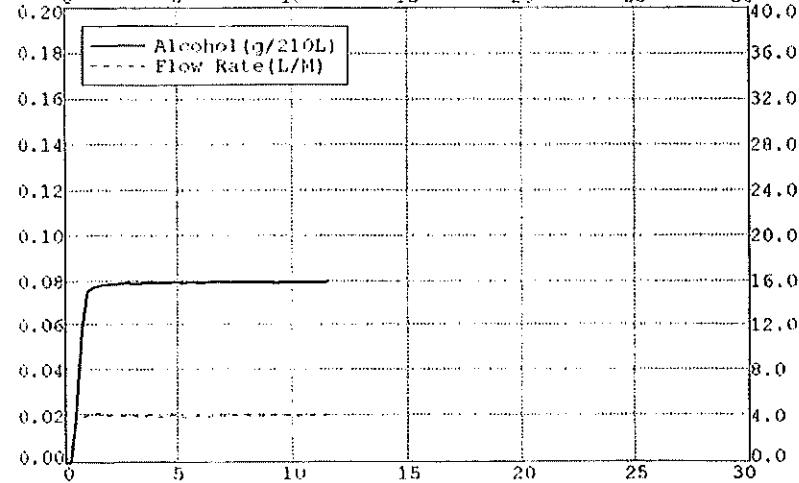
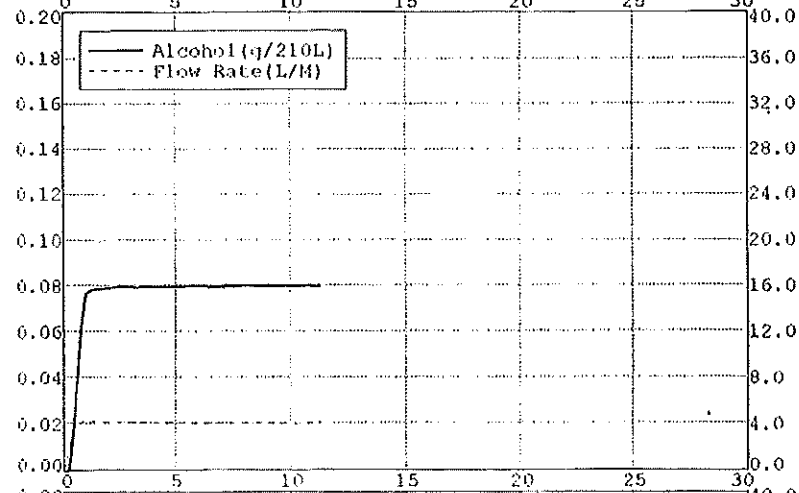
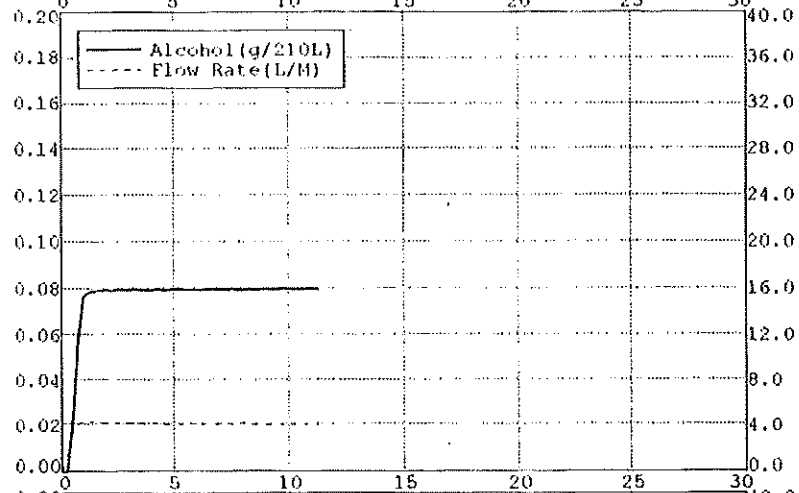
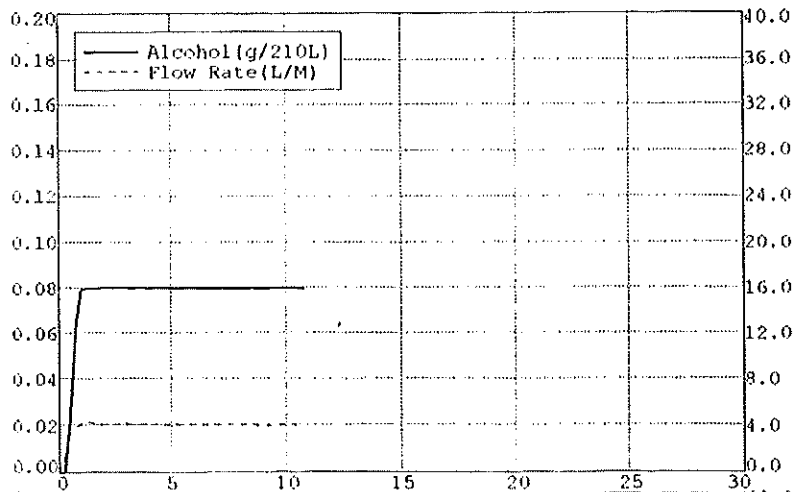
Date: 11/29/2023

OPERATOR NAME:
JONATHAN M MASCOLO
Permit #: 45339
Operator Agency/Dept: OLEAN CITY PD
Reference Standard #: 23100

Nominal = 0.080 g/210L

BLANK TEST	0.000	15:10
INTERNAL STANDARD	VERIFIED	15:11
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.080	15:11
BLANK TEST	0.000	15:12
REFERENCE STANDARD TEMP	34.01c	
REFERENCE STANDARD	0.080	15:12
BLANK TEST	0.000	15:13
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.080	15:13
BLANK TEST	0.000	15:14
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.080	15:15
BLANK TEST	0.000	15:16

Average = 0.0800
Std Dev = 0.0000



TECHNICIAN TEST

OLEAN CITY
POLICE DEPT
DATAMASTER dmt: 105408

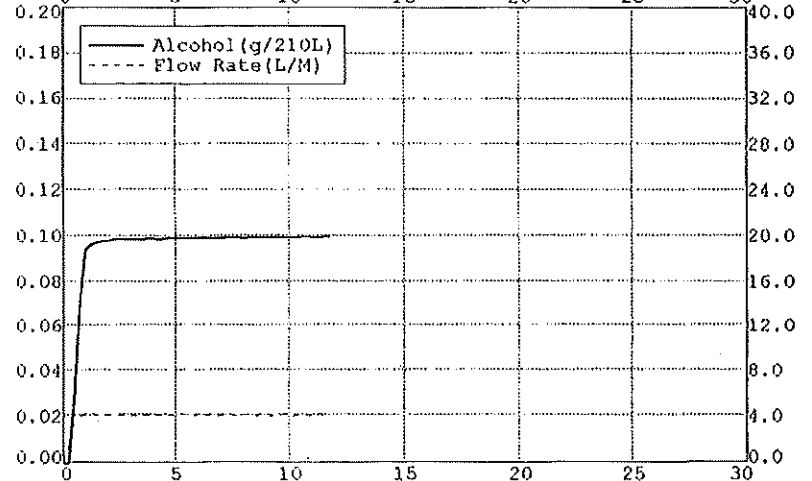
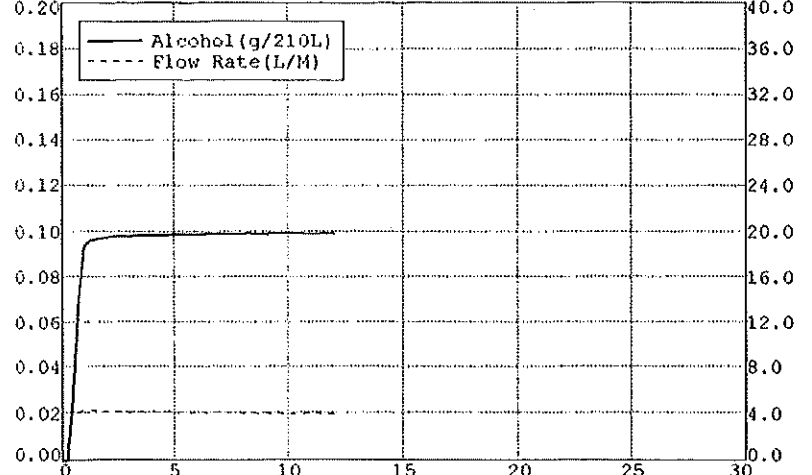
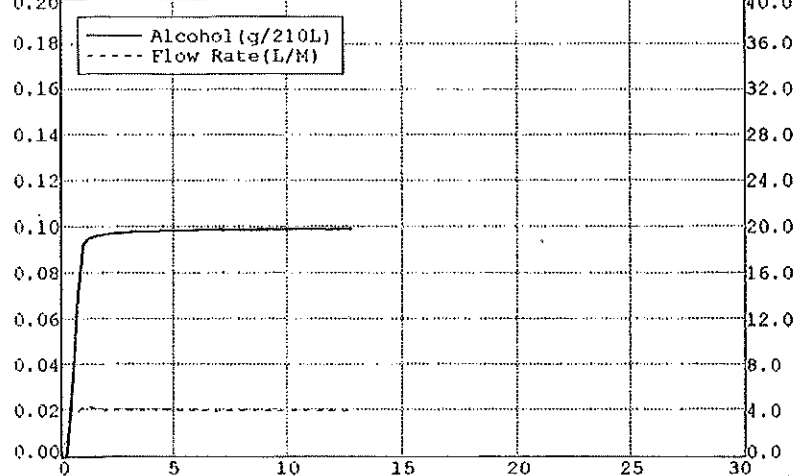
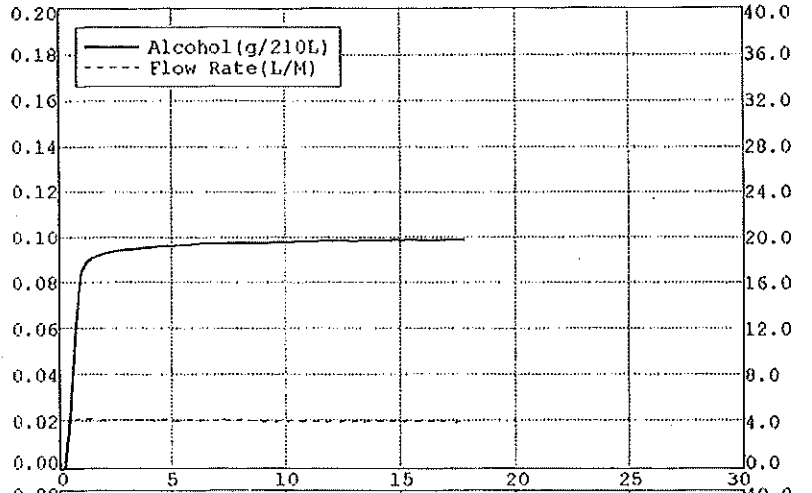
Date: 11/29/2023

OPERATOR NAME:
JONATHAN M MASCOLO
Permit #: 45339
Operator Agency/Dept: OLEAN CITY PD
Reference Standard #: 23050

Nominal = 0.100 g/210L

BLANK TEST	0.000	15:18
INTERNAL STANDARD	VERIFIED	15:18
REFERENCE STANDARD TEMP	34.00c	
REFERENCE STANDARD	0.099	15:18
BLANK TEST	0.000	15:19
REFERENCE STANDARD TEMP	34.00c	
REFERENCE STANDARD	0.099	15:20
BLANK TEST	0.000	15:21
REFERENCE STANDARD TEMP	34.00c	
REFERENCE STANDARD	0.099	15:21
BLANK TEST	0.000	15:22
REFERENCE STANDARD TEMP	34.00c	
REFERENCE STANDARD	0.099	15:22
BLANK TEST	0.000	15:23

Average = 0.0990
Std Dev = 0.0000



TECHNICIAN TEST

OLEAN CITY
POLICE DEPT
DATAMASTER dmt: 105408

Date: 11/29/2023

OPERATOR NAME:
JONATHAN M MASCOLO
Permit #: 45339
Operator Agency/Dept: OLEAN CITY PD
Reference Standard #: 23380

Nominal = 0.180 g/210L

BLANK TEST	0.000	15:26
INTERNAL STANDARD	VERIFIED	15:26
REFERENCE STANDARD TEMP	34.01c	
REFERENCE STANDARD	0.178	15:26
BLANK TEST	0.000	15:27
REFERENCE STANDARD TEMP	34.01c	
REFERENCE STANDARD	0.179	15:28
BLANK TEST	0.000	15:29
REFERENCE STANDARD TEMP	34.01c	
REFERENCE STANDARD	0.180	15:29
BLANK TEST	0.000	15:30
REFERENCE STANDARD TEMP	34.01c	
REFERENCE STANDARD	0.180	15:30
BLANK TEST	0.000	15:31

Average = 0.1792
Std Dev = 0.0010

