



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 October 02, 2018 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.

Digitally signed under
ESRA by Joshua Vinehout
on 10/9/2018 12:21 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

Model: DATAMASTER DMT

Date: October 02, 2018

Serial Number: 107308

Reference Solution Lot Number: 18010

Reference Solution Standard: 0.10 % at 34.0 degrees centigrade

Test No	Test Result	Simulator Temperature
1	0.101 %	34.01 degrees centigrade
2	0.101 %	34.01 degrees centigrade
3	0.101 %	34.01 degrees centigrade
4	0.101 %	34.01 degrees centigrade

Reference Solution Lot Number: 18161

Reference Solution Standard: 0.08 % at 34.0 degrees centigrade

Test No	Test Result	Simulator Temperature
1	0.080 %	34.01 degrees centigrade
2	0.081 %	34.01 degrees centigrade
3	0.082 %	34.01 degrees centigrade
4	0.082 %	34.01 degrees centigrade

Reference Solution Lot Number: 17330

Reference Solution Standard: 0.180 % at 34.0 degrees centigrade

Test No	Test Result	Simulator Temperature
1	0.181 %	34.00 degrees centigrade
2	0.182 %	34.00 degrees centigrade
3	0.182 %	34.00 degrees centigrade
4	0.181 %	34.00 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:

Jonathan Mascolo

Digitally signed under
ESRA by Jonathan Mascolo
on 10/2/2018 1:34 PM

Reviewed by:

Frank Sgarlata

Digitally signed under
ESRA by Frank Sgarlata
on 10/4/2018 8:52 AM

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: Utica Police Department
Manufacturer: NAT'L PATENT ANALYTICAL SYS
Model: DATAMASTER DMT
Serial Number: 107308
Date: October 02, 2018**

1. General Appearance and condition of this device _____: OK

2. Check controls and indicators _____: OK

3. Check breath flow system _____: OK

4. Check printer operation _____: OK



**Division of Criminal
Justice Services**

5. System cycles through all modes _____: OK

6. Record any repairs made to this instrument and list services provided: PIC. 2.08, SOFTWARE 2.0-5 GUTH, INSPECTED INSTRUMENT, CHECKED SETUP VOLTAGES PRINT AND REMOTE OPERATION. PERFORMED CALIBRATION/ADJUSTMENT PROCEDURE, RAN SUBJECT, TECHNICIAN AND DIAGNOSTIC TESTS, VERIFIED CALIBRATION.

Performed by:

Handwritten signature of Jonathan Mascolo.

Digitally signed under
ESRA by Jonathan Mascolo
on 10/2/2018 1:34 PM

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

Reviewed by:

Handwritten signature of Frank Sgarlata.

Digitally signed under
ESRA by Frank Sgarlata
on 10/4/2018 8:52 AM

**Frank Sgarlata
Breath Analysis Technical Supervisor**