



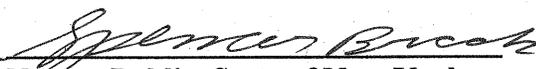
STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
4 TOWER PLACE  
ALBANY, NEW YORK 12203-3702  
<http://criminaljustice.state.ny.us>

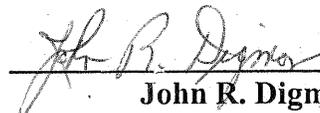
**CERTIFICATION PURSUANT TO CPLR 4518  
OF RECORDS MAINTAINED IN THE  
REGULAR COURSE OF BUSINESS**

I, John R. Digman, Assistant Director, Office of Public Safety, New York State Division of Criminal Justice Services, 4 Tower Place, Albany, New York 12203, 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 copies annexed hereto are exact photocopies of original records of the Office of Public Safety which are in my possession, custody and control.

I further certify that the original records of inspection /maintenance /calibration of NAT'L PATENT ANALYTICAL SYS, DATAMASTER DMT breath test instrument, serial number 105208, performed on May 04, 2009 by Office of Public Safety employee FRANK SGARLATA, of which the annexed are photocopies, were made in the regular course of business of the New York State Division of Criminal Justice Services, Office of Public Safety, that such records were made at the time such inspection /maintenance /calibration was performed or within a reasonable time thereafter, and further that it was the regular course of the Office of Public Safety's business to make such records at the time such inspection /maintenance /calibration was performed, or within a reasonable time thereafter, and to provide such instrument's records to the agency that requested them.

State of New York  
County of Albany  
Sworn to before me  
On May 06, 2009

  
Notary Public, State of New York  
Commission Expires 7/24/2010

  
John R. Digman  
Assistant Director  
Office of Public Safety

Spencer Brooks  
Notary Public, State of New York  
No. 01BR6150085  
Qualified in Albany County  
Commission Expires July 24, 2010

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

Name of Submitting Agency: Warren County Sheriff's Office

Manufacturer: NAT'L PATENT ANALYTICAL SYS

Model: DATAMASTER DMT

Serial Number: 105208

Date: May 04, 2009

Reference Solution Lot Number: 09070

Reference Solution Standard: 0.100 % at 34.0 degrees centigrade

| Test No | Test Result | Simulator Temperature    |
|---------|-------------|--------------------------|
| 1       | 0.099 %     | 34.00 degrees centigrade |
| 2       | 0.099 %     | 34.01 degrees centigrade |
| 3       | 0.099 %     | 34.01 degrees centigrade |
| 4       | 0.098 %     | 34.00 degrees centigrade |

Reference Solution Lot Number: 08191

Reference Solution Standard: 0.080 % at 34.0 degrees centigrade

| Test No | Test Result | Simulator Temperature    |
|---------|-------------|--------------------------|
| 1       | 0.078 %     | 34.00 degrees centigrade |
| 2       | 0.077 %     | 34.01 degrees centigrade |
| 3       | 0.077 %     | 34.00 degrees centigrade |
| 4       | 0.078 %     | 34.01 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 105208, 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 the entries made in these records of inspection /maintenance /calibration were made at the time that such inspection /maintenance /calibration of the above identified breath test instrument was performed, or within a reasonable time thereafter.

  
FRANK SGARLATA

Technician

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

**Manufacturer: NAT'L PATENT ANALYTICAL SYS**  
**Model: DATAMASTER DMT**  
**Serial Number: 105208**  
**Date: May 04, 2009**

1. **General Appearance and condition of this device -----:**  
**OK**
  
2. **Check controls and indicators -----: OK**
  
3. **Check breath flow indicator -----: 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:**  
**CALIBRATED INSTRUMENT. RAN SUBJECT, SUPERVISOR, TECHNICIAN,**  
**AND DIAGNOSTIC TESTS. CHECKED SETUP VOLTAGES, PRINT AND**  
**REMOTE OPERATION. VERIFIED CALIBRATION, OK**

  
\_\_\_\_\_  
**FRANK SGARLATA**  
**Technician**  
**Office of Public Safety**