

Documentation in Support of Open Letter to Governor Pence

Below is are the factual allegations from the open letter with references to the exhibits and other factual material supporting them. For copies of the Exhibits themselves, members of the press may email tomborekmc@gmail.com and Sullyatlaw@sbcglobal.net .

- Each and every one of the regular biennial inspections of the clinic conducted by the Indiana State Health Department in 2006, 2008, 2010, 2012 and 2014 revealed page after page of illegalities (See Exhibits A-E) and the only enforcement action taken was to insist that the Doctor promise to do better next time. (TLC Legal's Access to Public Records Act requests sought all documents pertaining to these inspections and to any enforcement actions against the clinic or against the doctor, and the absence of documents tells the tale.)
- When the doctor ignored two separate written demands that he plan and promise to do better after the 2014 Health Department inspection, and thus forced the Department to initiate a proceeding (Exhibit F - ACL-00003-15) to close his facility, the government lawyers entered into negotiations to drop the proceeding in return for later plans and promises to do better. (Exhibits G and U).
- Although, the Department of Health generated two additional proceedings (No. ACL: 000041-15 and No. ACL-000052-15) nominally aimed at shutting down the clinic (Exhibits H-J), these proceedings were instigated only because The Life Center (TLC) Advocates produced irrefutable evidence (including audio recordings) showing that Dr. Klopfer was regularly conducting abortions without the informed consent of his patients as required by law and thereby committing a Class A misdemeanor with each such act. (Exhibits I, K-N) For some reason, however, the Department has repeatedly refused to consider additional evidence produced by TLC Advocates showing that the violations continued from June 3 through the present.
- Despite evidence of ongoing, systematic violations of the law, including the regular commission of Class A misdemeanors, the Health Department and

the Attorney General have failed to take advantage of available legal means to close the illegal operation pending a hearing.

- Despite its administrative proceeding (No. 2014 MLB 0044) nominally aimed at revoking the Doctor's license to practice medicine, the Medical Licensing Board has ignored all evidence submitted to it by the TLC Advocates: including the evidence of ongoing, intentional, criminal abortions carried out without the informed consent of the mothers. (Exhibits T-1 et seq. and the fact that none of the TLC Advocate complainants has been contacted by the Board for interviews or otherwise, and the fact that the Board's complaint has not been amended to include the new allegations.) Furthermore, although this proceeding was filed in 2014, the state prosecutors have allowed repeated delays and recently asked the Administrative Law Judge to postpone the trial until next year. (Exhibit V)

Exhibit A – 2006 Survey of Clinic by Indiana State Department of Health – 22 pages of violations

Exhibit B – 2008 Survey of Clinic by Indiana Department of Health – 27 pages of violations

Exhibit C – 2010 Survey of Clinic by Indiana Department of Health – 54 pages of violations

Exhibit C-1 – Notice of Non-Compliance – 9/3/10

Exhibit D – 2012 Survey of Clinic by Indiana Department of Health – 13 pages of violations

Exhibit D-1 -Notice of Non-Compliance – 8/3/12

Exhibit E – 2014 Survey of Clinic by Indiana Department of Health – 48 pages of violations

Exhibit E-1 – Notice of Non-Compliance – 12/9/2014

Exhibit F – Complaint & Request for Hearing - Cause No. ACL-00003-15, 1/28/15

Exhibit G – Notice of 3rd Prehearing Conference – Cause No. ACL-00003-15, 3/30/15 (Describes the state's intention to settle without trial.)

Exhibit H – Complaint – Cause No. ACL-000041-15 – 6/26/2015

- Exhibit I -- Notice of Denial of License – 6/26/2015 – Cites June 3, 2015, survey instigated by Borek and Cox complaints as shown in Exhibits M and N.
- Exhibit J - Petition for Review of Denial of License and Stay of License Expiration Cause No. ACL-000052-15 (Appeal from Exhibit I)
- Exhibit K – Complaint of Jennifer Borek – No. IN00165426 - Testified that she twice phoned the clinic and was told that abortions could be scheduled without counseling 18 hours in advance.
- Exhibit L – Complaint of Alyson Cox – No.IN00170828 - Testified that she phoned the clinic and was told that abortions could be scheduled without counseling 18 hours in advance, and submitted audio recording of the call.
- Exhibit M – Notice that Alyson Cox’s complaint was substantiated by survey of clinic on June 3, 2015
- Exhibit N - Notice that Jennifer Borek’s complaint was substantiated by survey of clinic on June 3, 2015
- Exhibit O – Survey of Clinic – 6-3-2015 – instigated by Borek Complaint
- Exhibit P – Survey of Clinic – 6-3-2015 – Instigated by Cox Complaint
- Exhibit Q – 2nd Complaint of Ellen Master re abortions without informed consent
- Exhibit R - Complaint of Shawn Master re abortions without informed consent
- Exhibit S - Department of Health refuses to investigate complaints of Shawn and Ellen Master regarding illegal abortions in July and August of 2015.
- Exhibits T-1 et seq. - TLC Advocate Complaints directed to the Attorney General’s Office (All ignored by the Attorney General’s Office).
- Exhibit U – Order staying Cause No. ACL-00003-15 – 7/9/2015 (Notes that the parties had been negotiating the terms of an agreed order.)
- Exhibit V – Order postponing trial of No. 2014 MLB 0044 until 2016 at the state’s request – 7/9/2015.