



September 25, 2015

Via Email ([larry.wolk@state.co.us](mailto:larry.wolk@state.co.us))

Honorable Larry Wolk  
Executive Director and Chief Medical Officer  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

Re: Renewal of Request for Investigation of Rocky Mountain Planned Parenthood, Inc. and Colorado Open Records Act Request

Dear Dr. Wolk:

As you know, Alliance Defending Freedom, on behalf of Colorado Family Action, has requested, in letters dated July 31, 2015 and August 17, 2015, that, on the basis of disclosures in Center for Medical Progress (“CMP”) videos, all payments of Colorado state taxpayer dollars to Rocky Mountain Planned Parenthood, Inc., (“Planned Parenthood”) should be terminated and that an investigation of Planned Parenthood should be initiated immediately. We understand the Attorney General has said that any action to be taken with respect to our requests is the responsibility of your Department. In that we have not received responses to either of these two letters, copies of these letters are enclosed so that your Department may respond to them.

By letter dated August 26, 2015, Colorado Representative Dan Nordberg and twenty-nine other Members of the Colorado General Assembly directed a similar request to the Colorado Department of Public Health and Environment (“CDPHE”). By letter dated August 31, 2015, Ronald S. Hyman of CDPHE responded to Rep. Nordberg’s letter and contended that CDPHE did not have “[s]ufficient information to commence an investigation.”

Greenwood Corporate Plaza, Building No. 3  
7951 E. Maplewood Avenue, Suite 100  
Greenwood Village, CO 80111  
720-689-2410  
[mjnorton@ADFLegal.org](mailto:mjnorton@ADFLegal.org)

## ALLIANCE DEFENDING FREEDOM

Mr. Hyman's letter requested that Rep. Nordberg and these Members of the Colorado General Assembly arrange to provide "full, unedited, and raw footage" to CDPHE so it could "consider" such information and "determine whether further action is warranted."

The thirty-three members of the Colorado General Assembly listed below have authorized us to respond on their behalf to Mr. Hyman's letter by offering to provide you with a copy of the transcript and the "full, unedited, and raw footage" of the CMP video taken at the Denver Planned Parenthood facility on July 28, 2015. Please have your authorized representative contact me at 720-689-2410 to make arrangements to pick up this copy of the transcript and the video. Or, if you prefer, you could view the full, unedited video at [https://www.youtube.com/watch?v=MCiD9\\_ICt44](https://www.youtube.com/watch?v=MCiD9_ICt44) or the publicly released video at <https://www.youtube.com/watch?v=egGUEvY7CEg>.

The shorter version of this video that was released to the public by CMP on July 28, 2015 depicts Planned Parenthood vice president and medical director-abortionist Savita Ginde and other Planned Parenthood representatives haggling with CMP representatives over the prices to be paid for aborted baby organs and picking over the hearts, lungs, livers, brains, and limbs of aborted babies. I am quite sure you will conclude, after you review the transcript and the "full, unedited, and raw footage" of the CMP video, that the shorter version was not "unfairly edited" and that further investigation by CDPHE is indeed warranted. This further action should include a serious investigation of Planned Parenthood's abhorrent practices of trafficking in body parts of unborn babies, whether these practices comply with federal and Colorado laws, and the immediate suspension of all payments of State taxpayer dollars to Planned Parenthood.

In this regard and as you know, C.R.S. § 25-2-111.5, enacted in 2000, specifically prohibits the purchase of aborted baby tissue from induced terminations of pregnancies. While C.R.S. § 25-2-111.5 does provide that CDPHE may promulgate rules related to the enforcement of C.R.S. § 25-2-111.5, I am not aware that CDPHE has promulgated any rules relevant to this statute.

In addition, C.R.S. §12-34-116 provides that "a person that knowingly acquires, receives, or otherwise transfers a [body] part<sup>1</sup> for valuable consideration . . . may be liable as specified in 42 U.S.C. sec. 274e."

While we assume that the Colorado Attorney General is correct that CDPHE is responsible for the enforcement of C.R.S. § 25-2-111.5 and/or C.R.S. §12-34-116, on behalf of these members of the Colorado General Assembly who have joined in this letter and Colorado Family Action, we respectfully request that you inform us specifically of which Colorado State agency, if any, is responsible for the enforcement of these statutes if it is not CDPHE. We also respectfully request that you advise us just what evidence or other allegations are required by this State agency to initiate an investigation as has been requested. In this regard, we respectfully request that you identify the standards or criteria that are required to initiate an investigation, *i.e.*, probable cause, reasonable suspicion, etc., and if there are any such standards or criteria, how, if at all, the facts set forth in the CMP July 28, 2015 video of abhorrent

---

<sup>1</sup> C.R.S. § 12-34-102(18) defines "part" to mean an organ, an eye, or tissue of a human being. That is precisely what Planned Parenthood was depicted as doing.

## ALLIANCE DEFENDING FREEDOM

trafficking in brains, livers, hearts, lungs, and other body parts of aborted babies fall short of these standards or criteria.

In order to properly fulfill their oversight responsibilities, the members of the Colorado General Assembly listed below who have approved this letter have requested, and are entitled to, detailed explanations from State of Colorado Executive Branch agencies, including copies of any opinions of counsel, on these important issues. Flat denials will, in other words, be unacceptable.

The remainder of this letter serves as a request to CDPHE, pursuant to the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.*, to produce specified documents in the possession, custody or control of CDPHE.

Definitions and records requested are:

### I. Definitions

For the purposes of this records request:

(a) The word “document” shall mean a writing, as defined in F.R.E. 1001 and include the original or a copy of handwriting, typewriting, printing, photostating, photographing, email or other electronic communication, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(b) The words “relate to,” “related to,” “relating to,” “referring to,” “concerning,” and/or “concern” shall mean concerning, relating to, reflecting, referring to, having a relationship to, pertaining to, identifying, containing, pertinent to, compromising, setting forth, showing, disclosing, describing, explaining, summarizing, evidencing or constituting, directly or indirectly, in whole or in part, or to be otherwise factually, legally, or logically connected to the subject matter of the particular request.

(c) The word “evidencing” shall mean proving, indicating, or being probative of the existence or the nature of the thing mentioned.

(d) The words “Planned Parenthood” shall mean Planned Parenthood of the Rocky Mountains, Inc., and shall include any and all affiliates, subsidiaries, clinics, advisors, agents, consultants, contractors, partners, representatives, or employees of Planned Parenthood, including, without limitation, Planned Parenthood of the Rocky Mountains Services Corporation, a Colorado nonprofit corporation formed on August 26, 1999.

(e) The word “CDPHE” shall mean the State of Colorado’s Department of Public Health and Environment and shall include any and all advisors, agents, consultants, contractors, representatives, or employees of any of CDPHE, including, without limitation, the CDPHE Executive Director and Chief Medical Officer or any agent or employee who, directly or indirectly, reports to the CDPHE Executive Director and Chief Medical Officer.

## ALLIANCE DEFENDING FREEDOM

(f) The words "Relevant Time Period" shall mean the period from January 1, 2008, to the present date.

### II. Documents Requested

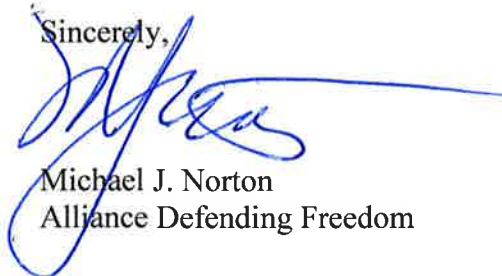
1. All CDPHE documents evidencing, concerning, and/or relating to communications to or from Planned Parenthood during the Relevant Time Period evidencing, concerning or relating to the performance of abortions.
2. All CDPHE documents evidencing, concerning, and/or relating to communications to or from Planned Parenthood during the Relevant Time Period evidencing, concerning or relating to the purchase or sale of aborted baby tissue from induced terminations of pregnancies.
3. All CDPHE documents created on or after January 1, 2000 which evidence, concern, and/or relate to C.R.S. § 25-2-111.5, including, without limitation, the investigation and/or enforcement of alleged violations of C.R.S. § 25-2-111.5.
4. All CDPHE documents created on or after January 1, 2000 which evidence, concern and/or relate to C.R.S. §12-34-116, including, without limitation, the investigation and/or enforcement of alleged violations of C.R.S. §12-34-116.

If any of the requested documents are in electronic form or can be scanned and sent by email, please send them to me at [mjnorton@ADFLegal.org](mailto:mjnorton@ADFLegal.org). If the responsive documents cannot be transmitted electronically and any anticipated charges will total less than \$250.00, please mail me the copies of the requested documents along with an itemized invoice. The invoice will be paid upon receipt. If the anticipated charges will be in excess of \$250.00, please let me know as I may elect to first inspect the requested documents and then designate specific documents to be copied.

If either of you deny this request in whole or in part, please provide me with a written statement of the reasons for the denial that cites the law or regulation that the denying party relies upon for each record withheld. If any of the requested records are in active use, in storage, or otherwise unavailable at this time, I request that you set a date and hour when the records will be available for inspection.

If you have any questions about this request or wish to discuss it with me, please do not hesitate to give me a call at 720-689-2410. I will expect your response within three business days, as required by Colorado law.

Sincerely,



Michael J. Norton  
Alliance Defending Freedom

## ALLIANCE DEFENDING FREEDOM

s/ Dan Nordberg  
Rep. Dan Nordberg (HD-14)

s/ Perry Buck  
Rep. Perry Buck (HD-49)

s/ Lori Saine  
Rep. Lori Saine (HD-63)

s/ Justin Everett  
Rep. Justin Everett (HD-22)

s/ Kevin Van Winkle  
Rep. Kevin Van Winkle (HD-43)

s/ Terri Carver  
Rep. Terri Carver (HD-20)

s/ Steve Humphrey  
Rep. Steve Humphrey (HD-48)

s/ Jack Tate  
Rep. Jack Tate (HD-37)

s/ Yeulin Willett  
Rep. Yeulin Willett (HD-54)

s/ Kevin Grantham  
Sen. Kevin Grantham (SD-2)

s/ Joann Windholz  
Rep. Joann Windholz (HD-30)

s/ Tim Neville  
Sen. Tim Neville (SD-16)

s/ Vicki Marble  
Sen. Vicki Marble (SD-23)

s/ Laura Woods  
Sen. Laura Woods (SD-19)

s/ Chris Holbert  
Sen. Chris Holbert (SD-30)

s/ Jerry Sonnenberg  
Sen. Jerry Sonnenberg (SD-1)

s/ Ray Scott  
Sen. Ray Scott (SD-7)

s/ Polly Lawrence  
Rep. Polly Lawrence (HD-39)

s/ Lois Landgraf  
Rep. Lois Landgraf (HD-21)

s/ Patrick Neville  
Rep. Patrick Neville (HD-45)

s/ Janak Joshi  
Rep. Janak Joshi (HD-16)

s/ Paul Lundeen  
Rep. Paul Lundeen (HD-19)

s/ Bob Rankin  
Rep. Bob Rankin (HD-57)

s/ Kim Ransom  
Rep. Kim Ransom (HD-44)

s/ Kevin Priola  
Rep. Kevin Priola (HD-30)

s/ Gordon Klingenschmitt  
Rep. Gordon Klingenschmitt (HD-15)

s/ Clarice Navarro  
Rep. Clarice Navarro (HD-47)

s/ Tim Dore  
Rep. Tim Dore (HD-64)

s/ Kevin Lundberg  
Sen. Kevin Lundberg (SD-15)

s/ Kent Lambert  
Sen. Kent Lambert (SD-9)

s/ Owen Hill  
Sen. Owen Hill (SD-11)

s/ John Cooke  
Sen. John Cooke (SD-13)

s/ Larry Crowder  
Sen. Larry Crowder (SD-35)