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January 16, 2008

Brenda Erdoes, Legislative Counsel  
Legal Division  
Legislative Counsel Bureau  
401 S. Carson Street  
Carson City, NV 89701

Re: Pharmacy Board Counsel Activities

Dear Brenda:

I have provided your office, under separate cover, the materials relating to Mary Lau's attempt to serve as the public member of the Nevada Pharmacy Board. I'd appreciate it if you would look at the applicable statute and confirm that Governor Gibbons was within the letter and spirit of the law when he appointed Ms. Lau, who also serves as the Executive Director of the Nevada Retail Association, to the subject Pharmacy Board position. Assuming that the Governor was entitled to make such an appointment, I'd like you to contact Keith Munro in the Attorney General's Office and Patty Cafferata at the Ethics Commission and conduct an analysis of the propriety of Mr. Ling's attempt to cancel the Governor's appointment to the subject Pharmacy Board position.

My concern, which unfortunately appears to be a continuing one, is with yet another instance of this particular Board private counsel exploring the bounds of subjective ax grinding under the guise of an official Board of the State of Nevada. You may recall the agendizing of the Pharmacy Board's due process and private counsel practices before the Senate Judiciary Committee on several occasions in the last few sessions. It appears that the practices that have given many of the committee members concerns in the past, are alive and continue to proliferate in the present.

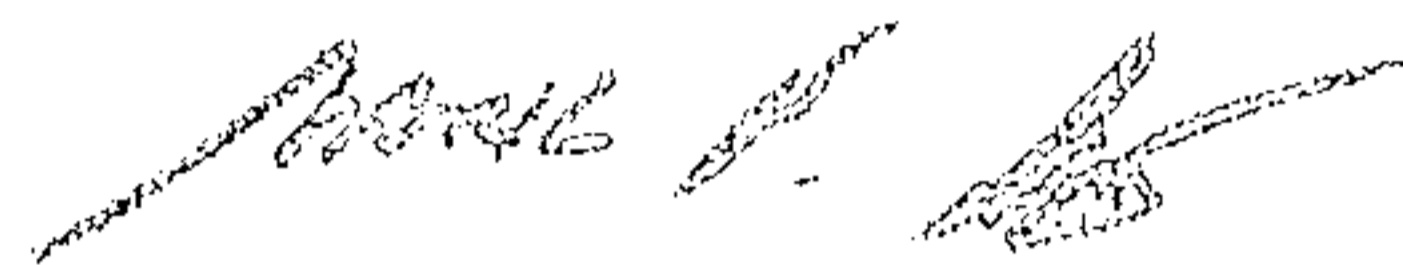
I have no appetite to review a record like Mr. Ling has already set about creating with statements regarding who he does not represent in the context of yet another legal expense fest to make a completely unnecessary mess go away because someone did not exercise control over a Board employee. This concern is heightened when one examines the legislative and regulatory animosity which appears in many legislative and regulatory workshop histories between Mr.

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Ling and the Retail Association. The present attempt to headhunt an appointment, which is clearly not in favor with Mr. Ling, represents what I think is an overt and continuous pattern of conduct aimed at cloaking the Pharmacy Board Counsel's personal bias in some fabricated self serving ethical analysis which in effect cancels a Gubernatorial appointment.

I would appreciate your efforts to shed some objective and unbiased light on this matter and provide my committee members with your thoughts and recommendations for the next Legislative session, so that future Board appointments in Nevada are not subject to the advice and consent of private Board counsel for the particular Board. Additionally, I would like to request that the Research Division retrieve the minutes of Mr. Ling and the Pharmacy Board's appearances before the Senate and Assembly Judiciary Committees from the 2003 and 2005 sessions, so that this latest episode can be reviewed in the appropriate context.

Cordially,



Mark E. Amodei,  
Nevada State Senator  
President Pro Tem

MEA/la

cc: Pharmacy Board Members  
Louis Ling, Esq.  
Honorable Randolph Townsend  
Honorable John Ocegüera  
Patty Cafferata, Esq.  
Keith Munro, Esq.  
Josh Hicks, Esq.