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TTY USERS CALL VIA MD RELAY

June 14, 2005

Jane Orient, M.D.
Executive Director, AAPS
1601 N. Tuscon Boulevard
Suite 9
Tuscon, Arizona 85716-3450

Dear Dr. Orient:

You have my genuine appreciation for your and others' letters, and other communications to Governor Ehrlich and myself relative to the administrative travails of Dr. Harold Eist, M.D., before the Maryland Board of Physicians. My recollection is that my most recent telephone conversation with Dr. Neal was on May 2. Whatever, all letters and other materials had my full re-review this past weekend.

Of course, you have my genuine apology for the delays that have occurred in my responses, occasioned by the press of other duties.

To "get to the bottom line," as Governor Ehrlich so often asks me to do, it appears to me from analysis I should state, upfront, that neither Governor Ehrlich, nor I on his behalf, can properly be a real assistance to you in your cause. As I understand all the information, Dr. Eist's proceeding is again before the Maryland Board of Physicians, a quasi-judicial administrative agency. Cases before that Board are handled by the constitutionally independent Office of the Attorney General (OAG), not at all by this Office or the State Prosecutor's Office. The OAG certainly preserves its independence from the Executive Branch.

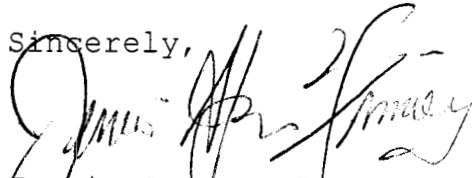
For Governor Ehrlich's part, his principles naturally respect and obey the doctrine of separation of powers. On

appeal, the case is entirely before the court. Governor Ehrlich maintains his principles, even in such difficult situations.

At the same time, you are surely correct that Governor Ehrlich directs that we provide constituent service in all instances, all the more so in such heartfelt professional instances. I earlier called the Board's administrative arm to ascertain status; Ms. Pam Genco, Executive Assistant, forwarded me the letter that is circulated. Also, I have forwarded yours and the other correspondences to her, for distribution, as appropriate.

Should you feel that this Office can be of genuine assistance to you, or if you feel my analysis is in any way in error, please feel entirely free to respond. You have my very best wishes (particularly as one whose paternal line consisted entirely of Baltimore physicians).

Sincerely,



Jervis Spencer Finney
Chief Counsel

JSF/jbe