

December 11, 2008

Suzanne Scourby
Secretary of the Commission/Director of NDOW
1100 Valley Rd., Reno, NV 89512

By Facsimile & Overnight Mail

Dear Ms. Scourby:

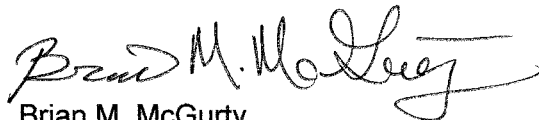
Pursuant to the regulations in Sec. 501 of the Nevada Administrative Code, I hereby submit the designated form for a Request for Hearing before the Nevada Board of Wildlife Commissioners to appeal a decision by the Nevada Department of Wildlife (NDOW) that denied my application to continue scientific permit activities.

When I receive notice as to where and when my appeal is scheduled to be heard, I will then submit to you a detailed statement supporting my position, the names of witnesses, and the evidence supporting my appeal, at least 14 days before the date of the hearing (per regulations).

In the meantime, in order for me to prepare a proper appeal, please send me a copy of my entire file, including all internal NDOW communications on my behalf, all communications between the NDOW and the California Department of Fish and Game, including communications pertaining to the seizure of the specimens formerly in my possession, and any other NDOW communications with others on my behalf. If necessary, I am willing to pay for the costs of copying and mailing.

Thanks in advance for your assistance.

Sincerely,



Brian M. McGurty
24419 Top Ct.
Diamond Bar, CA 91765

NEVADA BOARD OF WILDLIFE COMMISSIONERS
Request for Hearing

(To be completed by person requesting hearing, and returned to Secretary of the
Commission/Director of NDOW, 1100 Valley Road, Reno, NV 89512.)

Name: - Brian M. McGurty _____

Address: 24419 Top Ct., Diamond Bar, CA 91765 _____

Reason license or permit was denied, revoked, or suspended: _____

- My application for renewal of Scientific Permit No. S28164 was denied because, as
alleged in NDOW denial notification dated 11/12/08, four (4) live offspring of a Nevada
Gila monster in my possession, born in 2005 (2) and 2007 (2), were transferred to Cal
Poly University without NDOW authorization.

Brief statement supporting position of party requesting hearing: _____

- The alleged violation is factually and categorically wrong, resulting from a mistaken
interpretation of my permit requirements, with disregard of prior communications in the
file, and in defiance of due process (see attached).

Department Use Only

Hearing Date:

Hearing Time:

Hearing Place:

Nature of Hearing:

Legal Authority and Jurisdiction:

Statute and Regulation Citations:

Statement of the Matters Asserted:

Findings of Fact and Conclusions of Law:

Attachment to Request for Hearing dated 12/11/08
Brian M. McGurty

Supporting Statement (Cont'd)...

The alleged violation is factually wrong, and is an incorrect interpretation of my permit requirements, because:

(i) there is no stipulation in my last permit, nor in any preceding permits issued to me dating back to 3/19/02, that puts any restrictions on the distribution of offspring;

(ii) the alleged violation, as stated, relies on the deceptive omission of the word "collected" in the term "wildlife collected" (defined as "taken" in the wild per NDOW regulations), which in its proper context (as used within my permit) does not apply to the offspring in question, which instead were propagated in captivity as byproducts of a laboratory research project;

(iii) by status report dated 2/5/06, as part of my application for renewal of permit activities at that time, I fully advised NDOW that two offspring had been donated to Cal Poly University in 2005 as part of an agreement pertaining to the breeding loan of one of their male specimens, which I used to father the offspring in question, upon which NDOW in fact subsequently renewed my permit status for the years 2006 and 2007 without taking any exception whatsoever to the declared disposition of those offspring, and therefore provided de facto approval of my subsequent donation of two more offspring to that same institution in 2007, for precisely the same reason; and

(iv) a superseded stipulation made in permits issued to me prior to 2002 relevant to the disposition of offspring, intended to cover unmixed offspring from Nevada Gila monsters, was subsequently removed because of the necessity for me to breed a non-native non-Nevada male specimen to a native Nevada female specimen because a Nevada male was not otherwise available for breeding, thereby resulting in mixed genetic offspring.

In addition, in blatant defiance of the due process requirements in NAC and NRS regulations, I was never provided an opportunity to show or otherwise clarify my compliance, nor was I offered any chance to meet with NDOW personnel to correct any perceived problems or discrepancies (despite numerous repeated requests to do so), and furthermore the associated specimens were improperly seized from me in violation of due process procedures provided in NDOW regulations and by state and federal laws.