



COMMONWEALTH of VIRGINIA

*Office of the Attorney General
Richmond 23219*

Mark R. Herring
Attorney General

900 East Main Street
Richmond, Virginia 23219
804 - 786 - 2071
804 - 225 - 4541 TDD

MEMORANDUM

To: Eric Olson
Executive Director
Virginia Department Professional and Occupational Regulation – Board for Contractors

From: Joshua E. Laws
Assistant Attorney General

Date: April 30, 2015

Subject: Letter of Assurance for Proposed Regulations – Final Rule for Regulations Governing Residential Building Energy Analyst Firms found at 18 VAC 50

I have reviewed the Department of Professional and Occupational Regulation’s (“the Department”) proposed Final Rule for Regulations Governing Residential Building Energy Analyst Firms found at 18 VAC 50 that was posted on the Virginia Regulatory Town Hall on April 27, 2015. In my view, as counsel to the Department of Professional and Occupational Regulation, these regulations may be promulgated pursuant to Title 54.1 of the Code of Virginia. Further, § 54.1-201(A)(5) of the Code of Virginia states in part that regulatory boards shall promulgate regulations in accordance with the Administrative Process Act necessary to assure continued competence, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board, and the Department has done so.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.