



COMMONWEALTH of VIRGINIA

Office of the Attorney General

William C. Mims
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

To: Kathleen R. Nosbisch, Executive Director
Board for Professional Soil Scientists and Wetland Professionals
Department of Professional and Occupational Regulation

From: Elizabeth B. Peay
Assistant Attorney General
Counsel to the Board for Professional Soil Scientists and Wetland Professionals Board

Date: August 11, 2009

Subject: Letter of Assurance for Exempt Action Final Regulation 18 VAC 145-20-111

I have reviewed the Exempt Action Final Regulation issued by the Board for Professional Soil Scientists and Wetland Professionals. In my view, as counsel to the Board, the Board may promulgate these regulations, pursuant to § 54.1-2200 of the *Code of Virginia*. The regulations do not appear, on their face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with federal or state law currently in effect. In addition, these regulatory changes are exempt from the requirements of Virginia's Administrative Process Act (APA), Code of Virginia §2.2-4006 A.4.a because this regulatory change is necessary to conform to changes in Virginia statutory law where no agency discretion is involved.

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