



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**To:** Travis Hill  
CEO, Virginia Alcoholic Beverage Control Authority

**From:** James M. Flaherty  
Assistant Attorney General

**Date:** April 30, 2019

**Subject:** Letter of Assurance for Amended Regulations – Regulations Concerning Retail Operations [3 VAC 5-50]

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I have reviewed the Virginia Alcoholic Beverage Control Authority's proposed Amendment to Retail Operations found at 3VAC 5-50 that was posted on the Virginia Regulatory Town Hall on April 26, 2019. In my view, as counsel to the Alcoholic Beverage Control Authority, these regulations may be promulgated pursuant to Title 4.1 *et seq.* of the Code of Virginia. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect. Further, these regulations are exempt from the requirements of the Virginia Administrative Process Act, pursuant to § 2.2-4006(4)(a) of the *Code of Virginia*.

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.