



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**TO:** L. RICHARD MARTIN, JR.  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Assistant Attorney General

**DATE:** November 19, 2007

**SUBJECT:** Final Regulation 22 VAC 40-470-10 et seq.  
Exemptions Applicable to Public Assistance Programs

I have reviewed the above-referenced final regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the final regulation and if this action by the State Board is exempt from the Administrative Process Act (APA).

It appears that the State Board has the authority to promulgate the final regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. The change to the regulation is necessary to reflect the changes in Code by the adoption of Chapter 747 of the 2002 Acts of Assembly, which re-codified the welfare title of the Code. Pursuant to § 2.2-4006 of the Virginia Code, this action by the Board is exempt from the requirements of the APA.

If you have any questions, please feel free to call me at 786-0095.