



# COMMONWEALTH of VIRGINIA

Office of the Attorney General  
Richmond 23219

Robert F. McDonnell  
Attorney General

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

## MEMORANDUM

**To:** Pia Trigiani, Chair  
Common Interest Community Board

Trisha Henshaw, Executive Director  
Common Interest Community Board

Mark Courtney, Deputy for Licensing and Regulation  
Virginia Department of Professional and Occupational Regulation

**From:** Steven P. Jack  
Assistant Attorney General

**Date:** September 17, 2008

**Subject:** Memorandum of Authority for Proposed Adoption of Public Participation Guidelines, 18 VAC 48-10 *et seq.*

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I reviewed the proposed Public Participation Guidelines, 18 VAC 48-10-10 *et seq.*, by the Common Interest Community Board (hereinafter "Board"). In my view, as counsel to the Virginia Department of Professional and Occupational Regulation, the Board may promulgate these regulations, pursuant to §§ 2.2-4007.02 and 54.1-201, and 54.1-2349 of the *Code of Virginia*. The proposed 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.

Adoption of the above Regulations is exempt from the provisions of the Virginia Administrative Process Act, §§ 2.2-4000, *et seq.* of the Code of Virginia, pursuant to Chapter 321 of the 2008 Virginia Acts of Assembly [HB 1167].

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.