



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Carol F. Clarke, Chairperson
Real Estate Board
Department of Professional and Occupational Regulation

Christine Martine, Executive Director
Real Estate Board
Department of Professional and Occupational Regulation

From: Steven P. Jack
Assistant Attorney General

Date: October 7, 2009

Subject: Letter of Assurance for Repeal of Board Regulations 18 VAC 135-40

I have reviewed the Real Estate Board's proposed repeal of its regulations, particularly 18 VAC 135-40 *et seq.*, that were listed on the Virginia Regulatory Town Hall Internet site on October 5, 2009. In my view, as counsel to the Real Estate Board, these regulations may be repealed pursuant to §§ 54.1-113, 54.1-201(5), 54.1-2105 and 55-396 of the *Code of Virginia*. The repeal of the regulations does 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, the repeal of these regulations is exempt from the requirements of the Administrative Process Act pursuant to § 2.2 – 4006.A.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.