



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Alcoholic Beverage Control Board
<b>Virginia Administrative Code (VAC) citation</b>	3 VAC5-11
<b>Regulation title</b>	Public Participation Guidelines.
<b>Document preparation date</b>	May 30, 2012

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

Sections 4.1-103 and 4.1-111 of the Code of Virginia authorize the board to promulgate reasonable regulations which it deems necessary to carry out the provisions of Title 4.1 of the Code of Virginia. Section 2.2-4007.02 of the Code of Virginia requires each agency which promulgates regulations to develop, adopt, and use public participation guidelines for soliciting the input of interested parties.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

No viable alternative to public participation guideline was identified. The regulation was adopted in 2008, exactly following the template adopted for all agencies. The regulation places no burden on any member of the public. It places requirements on the board for minimum public notice of all regulatory activity.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

Commenter	Comment	Agency response

No public comment was received following the publication of the Notice of Periodic Review. An informal advisory group was formed for purposes of assisting in the periodic review.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

The regulation is necessary for the protection of public health, safety, and welfare. It provides for notice to the public of any regulatory activity undertaken by the board. It is clearly written and easily understandable.

**Result**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

The agency is recommending that the regulation should stay in effect without change.

**Small business impact**

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency’s determination whether the*

*regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

---

The regulation continues to be needed. The board constantly reviews its regulations and promulgates amendments as necessary. The public needs to be informed of proposed changes. There have been no complaints or comments received concerning the regulation from the public. The regulation, while technical, is not particularly complex, and it does not overlap, duplicate, or conflict with federal or state law or regulation. It was adopted in 2008, and there have not been significant changes in technology, economic conditions, or other factors in the area affected by the regulation.

### Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

---

The regulation has no impact on the institution of the family and family stability.