



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

To: Kathleen R. Nosbisch, Executive Director
Board for Professional Soil Scientists, Wetland Professionals, and Geologists
Department of Professional and Occupational Regulation

From: Joshua E. Laws
Assistant Attorney General
Counsel to the Board for Professional Soil Scientists, Wetland Professionals, and Geologists

Date: November 12, 2019

Subject: Letter of Assurance for Periodic Review of Regulations – Public Participation Guidelines [18 VAC 145-11]

Pursuant to the Code of Virginia and Executive Order 17 (2014), a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Professional Soil Scientists, Wetland Professionals, and Geologists regulation referenced above. In my view, as counsel to the Board for Professional Soil Scientists, Wetland Professionals, and Geologists, these regulations may be promulgated pursuant to Titles 54.1 and 2.2-4007.02 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.