



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Mark R. Herring

202 North Ninth Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

TO: PETER BLAKE,
Director, State Council of Higher Education for Virginia

FROM: ALLEN T. WILSON
Senior Assistant Attorney General

DATE: November 30, 2017

SUBJECT: Public Participation Guidelines
Periodic Review 8VAC40-11

I have reviewed the above-referenced regulation, which is undergoing a periodic review, to determine if the State Council of Higher Education for Virginia (“Council”) has the statutory authority to promulgate the regulation.

Pursuant to Virginia Code § 2.2-4007.02 the Council is required to promulgate this regulation. Therefore, the Council has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 17 (2014), and has not exceeded that authority.

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