



# **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General  
Richmond 23219*

**Mark R. Herring**  
Attorney General

202 N. Ninth Street  
Richmond, Virginia 23219  
804 - 786 - 2071  
804 - 225 - 4541 TDD

## **MEMORANDUM**

**To:** Trisha Henshaw  
Executive Director  
Virginia Department of Professional and Occupational Regulation – Board for Asbestos, Lead, and Home Inspectors

**From:** Joshua E. Laws  
Assistant Attorney General

**Date:** February 25, 2020

**Subject:** Letter of Assurance for Proposed Regulations – Amendments to Board for Asbestos, Lead, and Home Inspectors’ Regulations - Amend Trade or Fictitious Name Requirement found at 18 VAC 15-20

---

I have reviewed the Department of Professional and Occupational Regulation’s (the Department) proposed Amendments to the Board for Asbestos, Lead, and Home Inspectors’ Regulations - Amend Trade or Fictitious Name Requirement found at 18 VAC 15-20 that was posted on the Virginia Regulatory Town Hall on February 21, 2020. In my view, as counsel to the Department of Professional and Occupational Regulation and the Board for Asbestos, Lead, and Home Inspectors, these regulations may be promulgated pursuant to Title 54.1 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. Further, I certify that the proposed changes are exempt from the Administrative

Process Act under Code of Virginia § 2.2-4006(A)(4)(a) because these regulations are necessary to conform to changes in Virginia statutory law where no agency discretion is involved.

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.