



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Angela C. Whitehead, Chairman
Board for Professional Soil Scientists and Wetland Professionals
Department of Professional and Occupational Regulation

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

From: Steven P. Jack
Assistant Attorney General

Date: June 14, 2010

Subject: Letter of Assurance for Proposed Amendments to Board for Wetland Professionals Regulations, 18 VAC 145-30

I have reviewed the Board for Professional Soil Scientists and Wetland Professionals' proposed amendment of its licensing regulations, particularly 18 VAC 145-30-90, which was listed on the Virginia Regulatory Town Hall Internet site on May 27, 2010. In my view, as counsel to the Department of Professional and Occupational Regulation, this amendment reducing licensing fees may be promulgated pursuant to §§ 54.1-201(5), 54.1-2204 and 54.1-2206.1 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, these

amendments are exempt from the requirements of the Virginia Administrative Process Act, pursuant to § 2.2 – 4006(A)(7) 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.