

COMMONWEALTH of VIRGINIA
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Richmond 23219

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November 9, 2010

W. Curtis Coleburn, III, Chief Operating Officer
Alcoholic Beverage Control Board
2901 Hermitage Road
Richmond, Virginia 23261

Re: *Proposed Revisions to Virginia ABC Regulations 3 VAC 5-70-240*

Dear Mr. Coleburn:

In response to your request, I have reviewed the Alcoholic Beverage Control Board's proposal regarding proposed language to the above-referenced section of the Virginia ABC Regulations.

Based on that review, I find that the Virginia Alcoholic Beverage Control Board (the Board) has the authority to promulgate 3 VAC 5-70-240.

I also find that the proposed language of this section is consistent with the statutory grant of authority to promulgate them, is consistent with the statutes, and is internally consistent. The proposed language does not appear to run afoul of state or federal statutes. I further find that the proposed language has no Constitutional defect.

Thank you for your time and kind consideration of this matter. Please do not hesitate to call me at (804) 225-4776 if you have any questions in this regard.

Sincerely,

Michelle Welch,
Assistant Attorney General