



# **COMMONWEALTH of VIRGINIA**

**Office of the Attorney General  
Richmond 23219**

**Mark R. Herring**  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804 - 786 - 2071  
804 - 225 - 4541 TDD

## **MEMORANDUM**

**To:** Jeffrey L. Painter, Chairman of the Board  
Department of Alcoholic Beverage Control

**From:** Kristina Perry Stoney  
Senior Assistant Attorney General & Section Chief

**Date:** February 2, 2016

**Subject:** Letter of Assurance for Proposed Amendment of Regulation Governing Procedures for Mixed Beverage Licensees Generally; Mixed Beverage Restaurant Licensees; Sales of Spirits in Closed Containers Found at 3 VAC 5-50-60

---

I have reviewed the Department of Alcoholic Beverage Control's (the Department) proposed amendment of the above-referenced fast-track regulation, posted to the Virginia Regulatory Town Hall on January 13, 2016. In my view as counsel to the Department and the Alcoholic Beverage Control Board, this regulatory action may be taken pursuant to Title 4.1 of the *Code of Virginia*, specifically Sections 4.1-103(13), 4.1-111(A), 4.1-111(B)(11), 4.1-111(B)(20), and 4.1-201(A)(14) of the *Code of Virginia*. The regulation does not appear to conflict with the United States Constitution or the Constitution of Virginia, nor does it appear to conflict with any federal or state law currently in effect.

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 regulation.