



# **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:** Travis Hill  
CEO, Virginia Alcoholic Beverage Control Authority

**From:** James M. Flaherty  
Assistant Attorney General

**Date:** January 26, 2018

**Subject:** Letter of Assurance for Amended Regulations – Amendment to Schedule of penalties for first-time offense violations found at 3VAC5-70-210

---

I have reviewed the Virginia Alcoholic Beverage Control Authority's proposed Amendment to Schedule of penalties for first-time offense violations found at 3VAC5-70-210 that was posted on the Virginia Regulatory Town Hall on January 25, 2018. In my view, as counsel to the Virginia Alcoholic Beverage Control Authority, these regulations may be promulgated pursuant to Title 4.2 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. The regulations also appear to qualify for the fast-track rulemaking process under § 2.2-4012.1 of the Code of Virginia because they are noncontroversial.

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.