



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Travis Hill
CEO, Virginia Alcoholic Beverage Control Authority

From: James M. Flaherty
Assistant Attorney General

Date: July 9, 2021

Subject: Letter of Assurance for Proposed Regulation – Marketplace License Regulations found at 3VAC5-50-260

I have reviewed the Virginia Alcoholic Beverage Control Authority’s proposed regulation for a Marketplace License Regulations found at 3VAC5-50-260 that was posted on the Virginia Regulatory Town Hall on July 3, 2021. 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. Based on language in the enactment clauses of the underlying legislation, this regulation is exempted from the Administrative Process Act, Va. Code § 2.2-4000 et seq.

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.