



COMMONWEALTH of VIRGINIA

Office of the Attorney General
Richmond 23219

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804 - 786 - 2071
804 - 371 - 8946 TDD

MEMORANDUM VIA Electronic Mail

To: Todd P. Haymore
Commissioner
Department of Agriculture and Consumer Services

Roy Seward
Director - Office of Policy, Planning & Research
Department of Agriculture and Consumer Services

Colleen Calderwood, DVM
Program Manager
Division of Veterinary Affairs

From: Eric A. Gregory
Assistant Attorney General

Date: May 29, 2008

Subject: Statement of Legal Authority for proposed repeal via VAPA Fast-Track process of 2 VAC 5-100, Rules and Regulations Governing the Qualifications for Humane Investigators

I have reviewed the statutory authority of the Board and the Department of Agriculture and Consumer Services related to 2 VAC 5-100, Rules and Regulations Governing the Qualifications for Humane Investigators ("Regulations"). In my view, as counsel to the Board, the Commissioner and the Department, the underlying statutory authority (formerly § 3.1-796.106 (A) of the *Code of Virginia*) for the Regulations having been repealed by the General Assembly in 2003, and further recognizing the statutory duty and responsibility of state agencies to update those regulations for which there is a continued need and to repeal those regulations that are no longer needed or required by law, pursuant to §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*, the Board and the Department have the authority to repeal the Regulations pursuant to authority granted by § 2.2-4012.1 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, or public policy implications, of the proposed regulatory action.

