



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Trisha Henshaw
Executive Director
Virginia Department of Professional and Occupational Regulation – Board for Asbestos, Lead, and Home Inspectors

From: Joshua E. Laws
Assistant Attorney General

Date: February 25, 2020

Subject: Letter of Assurance for Proposed Regulations – Amendments to Board for Asbestos, Lead, and Home Inspectors’ Regulations - Lead Firm Licensure - Amend Trade or Fictitious Name Requirement found at 18 VAC15-30

I have reviewed the Department of Professional and Occupational Regulation’s (the Department) proposed Amendments to the Board for Asbestos, Lead, and Home Inspectors’ Regulations - Lead Firm Licensure - Amend Trade or Fictitious Name Requirement found at 18 VAC15-30 that was posted on the Virginia Regulatory Town Hall on February 21, 2020. In my view, as counsel to the Department of Professional and Occupational Regulation and the Board for Asbestos, Lead, and Home Inspectors, these regulations may be promulgated pursuant to Title 54.1 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. Further, I certify that the proposed

changes are exempt from the Administrative Process Act under Code of Virginia § 2.2-4006(A)(4)(a) because these regulations are necessary to conform to changes in Virginia statutory law or the appropriations act where no agency discretion is involved.

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.