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MEMORANDUM

TO: Rhonda Bishton
Director's Executive Administrative Assistant
Department of General Services

FROM: Leslie C. Allen
Assistant Attorney General

DATE: December 30, 2021

SUBJECT: Memorandum of Certification of Regulations to Govern the Public Participation Guidelines [1 VAC 30-11]

I have reviewed the proposed regulations to govern the "Public Participation Guidelines" [1 VAC 30-11], and that were published on the Virginia Regulatory Town Hall internet site on July 6, 2020. Specifically, 1 VAC 30-11-50 is being amended pursuant to a periodic review of these regulations. In my view, as counsel to the Department of General Services (the "Department"), the Department may promulgate these regulations pursuant to authority granted by Virginia Code § 2.2-1102 (A)(1), and may conduct periodic reviews pursuant to Virginia Code § 2.2-4007 et seq., including Virginia Code § 2.2-4017. I have also concluded the Department is subject to the Administrative Process Act (Virginia Code § 2.2-4000 et seq.), because the Department is not exempted under Virginia Code § 2.2-4002 (A)(10) with the respect to the subject matter of the

Department's regulations under periodic review. The proposed 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. This memorandum does not address compliance or non-compliance with the procedural requirements governing the statutory regulation promulgation process or periodic review process (under Virginia Code § 2.2-4007 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.