



COMMONWEALTH of VIRGINIA

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To: Wendy Inge, Director
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From: Elizabeth B. Peay
Assistant Attorney General

Date: September 23, 2008

Subject: Letter of Assurance for 16 VAC 15-11, Regulation Amending the Public Participation Guidelines

I have reviewed the Department of Labor and Industry's regulation amending the Public Participation Guidelines. In my view, as counsel to the Department of Labor and Industry, the Department may promulgate these regulations pursuant to its authority to promulgate regulations under §40.1-6 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. In addition, these regulatory changes are exempt from the requirements of Virginia's Administrative Process Act (APA), Code of Virginia §2.2-4006 A.4.a because this regulatory change is necessary to conform to changes in Virginia statutory law 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.

