



COMMONWEALTH of VIRGINIA

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May 19, 2019

Virginia Motor Vehicle Dealer Board
2201 West Broad Street, Suite 104
Richmond Virginia 23220

Re: Public Participation Guidelines

Dear Mr. Childress:

I have reviewed the Motor Vehicle Dealer Board's (MVDB) posting for periodic review of the Public Participation Guidelines (24 VAC 22-11-10 through 24 VAC 22-11-110) pursuant to § 2.2-4007.1 of the *Code of Virginia* and Executive Order 14 (2018). This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.

With regard to the MVDB's review, it is my legal opinion that the MVDB has both the statutory authority and implied authority to enact, amend, revise, and review the existing regulations governing public participation in the development, amendment or appeal of regulations of the MVDB.

Virginia Code § 46.2-1503.4 provides that the MVDB may do all things necessary to and convenient for carrying into effect Article 2, 3.1, 4, 8 and 9 of Chapter 15 under Title 46.2 of the Virginia Code or as enumerated in regulations promulgated by the Board. In addition, Va. Code § 46.2-1506 provides general statutory authority for the MVDB to promulgate regulations "necessary for the effective administration and enforcement of this chapter." Such authority, by implication, includes the authority to modify, amend, and review such regulations as have been promulgated thereunder as is necessary to carry out MVDB duties under Chapter 15 of Title 46.2 of the Virginia Code.

Finally, I have reviewed the current regulations and confirm that the current regulations pose no current conflict to existing laws.

Sincerely,

Christian A. Parrish

Christian A. Parrish
Assistant Attorney General