

June 20, 2005

Daniel J. LaVista, Ph.D., Executive Director
State Council of Higher Education for Virginia
Monroe Building
Richmond, Virginia, 23219

Re: Regulations Governing the Certification of Certain Institutions
to Confer Degrees and Certificates
8 VAC 40-31 *et seq.*

Dear Dan:

I have reviewed the above-referenced regulations. In my view, the Council has the authority to promulgate these regulations, pursuant to Title 23 of the Code of Virginia, subject to taking out the language referencing council recovery of a “monetary penalty” in 8 VAC 40-31-240. I spoke with Rick Patterson today, and he has agreed to make that modification.

Please contact me at (804) 786-7363 if you have any questions.

Sincerely,

Anthony P. Meredith
Assistant Attorney General