



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: David Dick, Executive Director
Board Asbestos, Lead, and Home Inspectors
Department of Professional and Occupational Regulation

From: Elizabeth B. Peay
Assistant Attorney General
Counsel to the Board Asbestos, Lead, and Home Inspectors

Date: August 15, 2008

Subject: Letter of Assurance for Exempt Action Final Regulation 18 VAC 15-11-10
through 18 VAC 15-11-110 – Public Participation Guidelines

I have reviewed the Exempt Action Final Regulation issued by the Board for Asbestos, Lead and Home Inspectors. In my view, as counsel to the Board for Asbestos, Lead and Home Inspectors, the Board may promulgate these regulations, pursuant to § 54.1-501 of the *Code of Virginia*. The regulations do not appear, on their face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with 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, is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed, regulations, and does not address, or express a position on, matters of public policy.