



COMMONWEALTH of VIRGINIA
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May 3, 2010

VIA ELECTRONIC TRANSMISSION

David S. Lermond, Jr.
Director of Pari-mutuels
Virginia Racing Commission
10700 Horsemen's Road
New Kent, Virginia 23124

Re: 11 VAC10-180-35 (Prohibited practices)
11 VAC10-180-60 (Medications and prohibited substances)
11 VAC10-180-75 (Androgenic and anabolic steroids)
11 VAC10-180-90 (Bicarbonate testing)
11 VAC10-180-100 (Collection of samples)
11 VAC10-180-110 (Laboratory findings and reports)

Dear Mr. Lermond:

Pursuant to your request, I have reviewed the above-captioned regulations, which the Virginia Racing Commission voted to adopt at its April 27, 2010, meeting. I find that they are supported by statutory authority and that the Commission's actions relating to them are exempted from the Virginia Administrative Process Act pursuant to *Virginia Code* § 2.2-4002(B)(23) as they relate to the administration of medication or other substances foreign to the natural horse.

If I may be of further assistance, please do not hesitate to contact me at (804) 692-7902.

Very truly yours,

/s/ Amy K. Dilworth

Amy K. Dilworth
Assistant Attorney General

cc: Donald Ferguson
Acting Section Chief