



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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October 2, 2018

VIA ELECTRONIC MAIL

David Lermond, Executive Secretary
Virginia Racing Commission
5707 Huntsman Road
Suite 201-B
Richmond, Virginia 23250

RE: Historical Horse Racing: 11VAC10-47

Dear Mr. Lermond:

I have reviewed the Virginia Racing Commission's emergency regulations adopted by the Virginia Racing Commission at its October 2, 2018 meeting. In my view, as counsel to the Virginia Racing Commission, these regulations may be promulgated pursuant to Chapter 29 of Title 59.1 of the Code of Virginia and 2018 Va. Act Ch. 811. 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. Further, I certify that the proposed regulation is an emergency action under the Administrative Process Act under Code of Virginia § 2.2-4011(B) because the proposed regulation is a result of a statutory change and an express delegation by the General Assembly in the enactment clause of the legislation requiring regulations to be effective within 180 days of the enactment of the legislation. See 2018 Va. Acts Ch. 811.

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.

Should you have any questions, please do not hesitate to contact me at 804-371-8329 or rdrewry@oag.state.va.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert N. Drewry".

Robert N. Drewry
Assistant Attorney General