



# COMMONWEALTH of VIRGINIA

Office of the Attorney General  
Richmond 23219

Robert F. McDonnell  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804 - 786 - 2071

## MEMORANDUM

**To:** David B. Rubinstein, Chairperson  
Fair Housing Board

Christine Martine, Executive Director  
Fair Housing Board

Mark Courtney, Deputy for Licensing and Regulation  
Department of Professional and Occupational Regulation

**From:** R. Thomas Payne II  
Assistant Attorney General

**Date:** October 17, 2008

**Subject:** Letter of Assurance for Exempt Action Revising Public Participation Guidelines

---

I have reviewed the proposed Public Participation Guidelines, 18 VAC 62-10-10 *et seq.* by the Fair Housing Board (the "Board"). In my view, as counsel to the Virginia Fair Housing Board, the Board may promulgate these regulations, pursuant to §§ 2.2-4007.02, 54.1-201, 54.1-2344, and 36-96.8 of the *Code of Virginia*. The proposed 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.

Further, adoption of the above Regulations is exempt from the provisions of the Virginia Administrative Process Act, §§ 2.2-4000, *et seq.* of the *Code of Virginia*, pursuant to Chapter 321 of the 2008 Virginia Acts of Assembly [HB 1167].

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.