



# **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General*

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## **MEMORANDUM**

**To:** Kathleen R. Nosbisch, Executive Director  
Board for Professional Soil Scientists, Wetland Professionals, and Geologists  
Department of Professional and Occupational Regulation

**From:** Joshua E. Laws  
Senior Assistant Attorney General

**Date:** July 22, 2024

**Subject:** Letter of Assurance for Proposed Regulations – Proposed Amendments to Regulations for the Geology Certification Program found at 18 VAC 145-40

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I have reviewed the Board for Professional Soil Scientists, Wetland Professionals, and Geologists' (the Board) Proposed Amendments to Regulations for the Geology Certification Program found at 18 VAC 145-40 that were posted on the Virginia Regulatory Town Hall on July 21, 2024. In my view, as counsel to the Board, these regulations may be promulgated pursuant to Titles 2.2 and 54.1 of the Code of Virginia. 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 changes are exempt from the Administrative Process Act under Code of Virginia §§ 2.2-4006(A)(4) as the changes are “[n]ecessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.”

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.