



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Reba O'Connor
Regulatory Coordinator
Department of Small Business and Supplier Diversity

From: Keven B. Patchett
Assistant Attorney General

Date: August 15, 2017

Subject: Memorandum of Certification of Regulations to Govern the Certification of Small, Women- and Minority-Owned Businesses [7 VAC 13 - 20]

I have reviewed the proposed revisions to the Regulations to Govern the Certification of Small, Women- and Minority-Owned Businesses [7 VAC 13 - 20] that were posted on the Virginia Regulatory Town Hall internet site on June 27, 2017. In my view, as counsel to the Department of Small Business and Supplier Diversity (the "Department"), the Department may promulgate these regulations pursuant to authority granted by § 2.2-1606(8) of the *Code of Virginia*. The proposed regulations are exempt from the provisions of the Administrative Process Act (Va. Code § 2.2-4000 et seq.) pursuant to § 2.2-1606(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 currently in effect. This memorandum does not address

compliance or non-compliance with the procedural requirements governing the promulgation process pursuant to § 2.2-4007 of the *Code of Virginia*.

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 regulation.