



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Michael Menefee
Program Manager
Charitable and Regulatory Programs
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: January 30, 2023

Subject: Letter of Assurance for the Promulgation of regulations for Texas Hold'em Poker Tournaments by the Department of Agriculture and Consumer Services 11 VAC 20-30

I have reviewed the Virginia Department of Agriculture and Consumer Services's (the Department) proposed promulgation of regulations for Texas Hold'em Poker Tournaments by the Department of Agriculture and Consumer Services, 11 VAC 20-30. In my view, as counsel to the Department, these regulations may be promulgated pursuant to § 18.2-340.19 of the *Code of Virginia* and Chapters 554 and 609 of the 2022 Acts of Assembly.

Further, the promulgation of these regulations is exempt from the requirements of the Administrative Process Act pursuant to the third enactment clause of Chapters 554 and 609 of the 2022 Acts of Assembly. I note that the third enactment clause of Chapters 554 and 609 of the 2022 Acts of Assembly mandate that the

Department take this regulatory action. The regulatory action does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it appear to conflict with any federal or state law currently in effect.

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 this regulatory action.