



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-371-2815
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

To: Jeffrey Painter, Chairman
Virginia Alcoholic Beverage Control Board
Department of Alcoholic Beverage Control

Travis Hill, Chief Operating Officer
Virginia Alcoholic Beverage Control Board
Department of Alcoholic Beverage Control

From: James M. Flaherty
Assistant Attorney General

Date: May 19, 2017

Subject: Letter of Assurance for Amendment to Regulation governing Grain Alcohol, 3 VAC 5-70 *et seq.*

I have reviewed the Virginia Alcoholic Beverage Control's proposed amendments to the Regulation Governing Grain Alcohol, 3 VAC 5-70 *et seq.*, that were posted on the Virginia Regulatory Town Hall Internet site on May 18, 2017. In my view, as counsel to the Virginia Alcoholic Beverage Control Board, this regulation may be promulgated pursuant to Title 4.1, Chapters 1 and 2 of the *Code of Virginia*. The regulation 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 the proposed regulation.