



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Travis Hill
CEO, Virginia Alcoholic Beverage Control Authority

From: James M. Flaherty
Assistant Attorney General

Date: June 12, 2020

Subject: Letter of Assurance for Amended Proposed Regulations – Games of Skill found at 3VAC5-80 *et seq.*

I have reviewed the Virginia Alcoholic Beverage Control Authority's amended proposed regulations on Games of Skill found at 3VAC5-80 *et seq.* that were posted on the Virginia Regulatory Town Hall on June 11, 2020. In my view, as counsel to the Virginia Alcoholic Beverage Control Authority, these regulations may be promulgated pursuant to Title 4.2 of the Code of Virginia. These 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. Due to the amendments required by Chapter 1217 and Chapter 1277 of the 2020 Virginia Acts of Assembly and the Governor's Executive Directive 11 (2020), these regulations appear to qualify as emergency regulations under § 2.2-4011(A) 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 regulations.