



# **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:** October 22, 2021

**Subject:** Letter of Assurance for Amended Regulations – Amendment to Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations found at 3VAC5-10-220

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I have reviewed the Virginia Alcoholic Beverage Control Authority's proposed Amendment to Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations found at 3VAC5-10-220 that was posted on the Virginia Regulatory Town Hall on October 8, 2021. 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. 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. The regulations also appear to qualify for the fast-track rulemaking process under § 2.2-4012.1 of the Code of Virginia because they are noncontroversial.

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.