



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: January 12, 2023

Subject: Letter of Assurance for Amended Regulation – Amendment to Industrial Permit Fees found at 3VAC5-70-60

I have reviewed the Virginia Alcoholic Beverage Control Authority's proposed Amendment to Industrial Permit Fees Regulation found at 3VAC5-70-60 that was posted on the Virginia Regulatory Town Hall on January 11, 2023. In my view, as counsel to the Virginia Alcoholic Beverage Control Authority, this regulation may be promulgated pursuant to Title 4.1 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. The regulation also appears to qualify for the fast-track rulemaking process under § 2.2-4012.1 of the Code of Virginia because it is 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 regulation.