



**COMMONWEALTH of VIRGINIA**  
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***MEMORANDUM***

**To:** Thomas Kirby  
Interim CEO, Virginia Alcoholic Beverage Control Authority

**From:** James M. Flaherty  
Senior Assistant Attorney General

**Date:** January 3, 2024

**Subject:** Letter of Assurance for Amended Regulations – Amendments to Public Participation Guidelines found at 3VAC5-11

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I have reviewed the Virginia Alcoholic Beverage Control Authority's proposed Amendments to Public Participation Guidelines found at 3VAC5-11 that were posted on the Virginia Regulatory Town Hall on January December 27, 2023. 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.

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.

