



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Paul Rogers
Chair, Virginia Board for Agriculture and Consumer Services

Matt Lohr
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: June 8, 2012

Subject: Memorandum of Authority for Proposed Regulations concerning Enforcement of the Noxious Weeds Law, 2 VAC 5-317 *et seq.*

I reviewed the proposed regulations concerning the Enforcement of the Noxious Weeds Law, 2 VAC 5-317-10 *et seq.*, by the Board of Agriculture and Consumer Services (hereinafter "Board"). In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Board may these regulations pursuant to the authority in § 3.2-802 of the *Code of Virginia*. The proposed 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.

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.