



COMMONWEALTH of VIRGINIA

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To: Erin Williams, Policy and Planning Coordinator
Virginia Department of Agriculture and Consumer Services

From: Elizabeth B. Peay
Assistant Attorney General

Date: December 9, 2013

Subject: Letter of Assurance for 2 VAC 5-317

I have reviewed the Department of Agriculture and Consumer Services' Regulations for Enforcement of Noxious Weeds Law. In my view, as counsel to the Department of Agriculture and Consumer Services, the Board may promulgate these regulations pursuant to § 3.2-109 of the *Code of Virginia*. The regulations do not appear, on their face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with 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.