



COMMONWEALTH of VIRGINIA

*Office of the Attorney General
Richmond 23219*

Kenneth T. Cuccinelli, III
Attorney General

900 East Main Street
Richmond, Virginia 23219
804 - 786 - 2071
804 - 225 - 4541 TDD

MEMORANDUM

To: Bruce Richardson
Chairman
Virginia Potato Board

Matt Lohr
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: March 4, 2013

Subject: Memorandum of Authority for Proposed Amendments to Regulations for the Enforcement of the Virginia Seed Potato Inspection Law, 2 VAC 5-300 *et seq.*

I reviewed the proposed amendments to the regulations for the Enforcement of the Virginia Seed Potato Inspection Law, 2 VAC 5-300-10 *et seq.*, proposed by the Virginia Potato Board (hereinafter, "Board"). In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Board may promulgate the amendment of these regulations, pursuant to § 3.2-1804 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.

Repeal of the above Regulations is exempt from the provisions of the Virginia Administrative Process Act as stated in § 2.2-4006(A)(4)(a) of the Code of Virginia, pursuant to Chapters 803 and 835 of the 2012 Virginia Acts of Assembly [HB 1291/SB678].

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.