



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*  
*Richmond 23219*

**Mark R. Herring**  
Attorney General

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

**MEMORANDUM**

**TO:** Francine C. Ecker, Director  
Department of Criminal Justice Services

**FROM:** Charles A. Quagliato  
Assistant Attorney General

**DATE:** July 14, 2015

**SUBJECT:** Regulations Relating to Private Security Services Businesses,  
Training Schools, and Registered Personnel – 6 VAC 20-172 *et*  
*seq.*,  
6 VAC 20-173 *et seq.*, and 6 VAC 20-174 *et seq.*

In response to a request from the Department of Criminal Justice Services, I have reviewed the proposed regulations, 6 VAC 20-172 *et seq.*, 6 VAC 20-173 *et seq.*, and 6 VAC 20-174 *et seq.*, relating to private security services businesses, training schools, and registered personnel. Virginia Code § 9.1-139 provides that Board may adopt regulations concerning the qualifications and duties of private security services compliance agents, the qualifications and duties of private security services training school, and the licensing and registration of those persons employed by a licensed private security services businesses and training schools. Virginia Code § 9.1-141(A) provides that Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 *et seq.*), establishing compulsory minimum, entry-level, in-service, and advanced training standards for persons employed by private security services businesses, and the regulations may include provisions delegating to the Board's staff the right to inspect the facilities and programs of persons conducting training to ensure compliance with the law and Board regulations. Virginia Code § 9.1-141(C) further provides that the Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 *et seq.*) to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses.

Virginia Code § 9.1-102(1) requires the Department, under the direction of the Board, to adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 *et seq.*), for the administration of this chapter. Upon review of the aforesaid regulations, I find the proposed regulations to be constitutional, consistent with the statutory authority granted by Virginia Code §§ 9.1-102(1), 9.1-139, 9.1-141 of the Code of Virginia, and in conformity with existing statutory provisions. These changes to the regulations are exempted from the Administrative Process Act, pursuant to § 2.2-4006(A)(3), as the changes consist only of changes in style or form or corrections of technical errors.

*Please note that this memorandum is intended to provide legal interpretations and legal advice, not policy advice. To the extent that this communication may advise you that a certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action.*