



COMMONWEALTH of VIRGINIA
Office of the Attorney General
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MEMORANDUM

TO: June W. Jennings
State Inspector General
Office of the State Inspector General

FROM: Charles A. Quagliato
Assistant Attorney General

DATE: September 30, 2015

SUBJECT: Regulations for the Fraud and Abuse Whistle Blower Reward Fund – 1 VAC 42-30-10 *et seq.*

In response to a request from the Office of the State Inspector General, I have reviewed the proposed emergency regulations, 1 VAC 42-30-10 *et seq.*, relating to the Fraud and Abuse Whistle Blower Reward Fund. Virginia Code § 2.2-3014(E) requires the Office of the State Inspector General to promulgate regulations for the proper administration of the Fraud and Abuse Whistle Blower Reward Fund including eligibility requirements and procedures for filing a claim, and requires the Office of the State Inspector General to submit an annual report to the General Assembly summarizing the activities of the Fund. Virginia Code § 2.2-4011(A) provides that an agency may adopt regulations necessitated by an emergency situation. Without having regulations that establish the proper administration of the Fraud and Abuse Whistle Blower Reward Fund, persons who witness, have evidence of, or suspect fraud, waste and abuse in state agencies and institutions may be reluctant and unable to report the wrongdoing or abuse. Such reluctance and inability to report a wrongdoing or abuse creates an emergency situation.

Upon review of the aforesaid regulations, I find the proposed emergency regulations to be constitutional, consistent with the statutory authority granted by Virginia Code §§ 2.2-3014(E) and 2.2-4011(A) of the Code of Virginia, and in conformity with existing statutory provisions.

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.

