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MEMORANDUM

TO: Michael C. Westfall, Acting Director
Virginia Office of the State Inspector General

FROM: Michael A. Jagels
Senior Assistant Attorney General

DATE: March 1, 2018

SUBJECT: 1 VAC42-30, *et. seq.* New Regulations concerning the Fraud and Abuse Whistle Blower Reward Fund.

In response to a request from the Virginia Office of the State Inspector General, I have reviewed the proposed regulations, "Fraud and Abuse Whistle Blower Reward Fund Regulation." The regulations set forth have been promulgated pursuant to Virginia Code §§ 2.2-309 and 2.2-3014, which allow the Virginia Office of the State Inspector General to adopt regulations governing the Fraud and Abuse Whistle Blower Reward Fund. These proposed regulations define the Fraud and Abuse Whistle Blower Reward Fund (Fund) and its administration by the Office of the State Inspector General, including eligibility requirements, amount, distribution, process for leftover moneys at the end of the fiscal year, and the Fund's establishment on the books of the Comptroller. Accordingly, upon review of the aforesaid regulations, I find the proposed regulations to be constitutional, consistent with the authority granted by Virginia Code §§ 2.2-309 and 2.2-3014, 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 certain action is lawful, the decision whether to take such action remains a policy decision with the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action.