



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: Steven W. Sturgis
President
Board of Agriculture and Consumer Services

Sandra J. Adams
Commissioner
Virginia Department of Agriculture and Consumer Services

From: James M. Flaherty
Assistant Attorney General

Date: October 3, 2014

Subject: Letter of Assurance - Periodic Review of 2VAC5-310

Pursuant to Executive Order No. 17 (2014), I have conducted a periodic review of the Board of Agriculture and Consumer Services' regulations, in particular Chapter 310, 2VAC5-310-10 through 2VAC5-310-50: Rules and Regulations-Official Standards for Enforcement of the Virginia Apples: Grading, Packing and Marking Law. In my view, as counsel to the Department of Agriculture and Consumer Services, the Board may promulgate these regulations pursuant to § 3.2-4501 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.