



# **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General*

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## **MEMORANDUM**

**To:** Kelley Smith, Executive Director  
Board for Barbers and Cosmetology  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, VA 23233

**From:** Elizabeth B. Peay  
Senior Assistant Attorney General

**Date:** May 2, 2023

**Subject:** Letter of Assurance for Periodic Review of Regulations – Board for Barbers and Cosmetology  
Public Participation Guidelines[18-VAC-41-11]

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Pursuant to the Code of Virginia and Executive Order 19 (2022), a periodic review of a regulation shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Board for Barbers and Cosmetology’s Public Participation Guidelines referenced above. In my view, as counsel to the Department of Professional and Occupational Regulation, these regulations may be promulgated pursuant to § 54.1-201 of the Code of Virginia. The 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 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.