



# ***COMMONWEALTH of VIRGINIA***

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## ***MEMORANDUM***

**To:** Eric Olson  
Executive Director  
Virginia Department Professional and Occupational Regulation – Board for Contractors

**From:** Joshua E. Laws  
Assistant Attorney General

**Date:** January 27, 2020

**Subject:** Letter of Assurance for Proposed Regulations – Amendments to Board for Contractors Regulations - Mandatory Certification of Automatic Fire Sprinkler Inspectors found at 18 VAC 50-30

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I have reviewed the Department of Professional and Occupational Regulation’s (“the Department”) proposed Amendments to Board for Contractors Regulations - Mandatory Certification of Automatic Fire Sprinkler Inspectors found at 18 VAC 50-30 that was posted on the Virginia Regulatory Town Hall on January 10, 2020. In my view, as counsel to the Department of Professional and Occupational Regulation and the Board for Contractors, these regulations may be promulgated pursuant to Title 54.1 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. Further, I certify that the proposed changes are exempt from the Administrative Process Act — except for

public comment — under Chapter 726 of the 2019 Acts of Assembly, which states, “The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 *et seq.* of the *Code of Virginia*), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.”

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.