

To: Verniece Love
Deputy Director, Department of Small Business and Supplier Diversity (DSBSD)

From: Heather Brown
Senior Assistant Attorney General, Virginia Office of the Attorney General

Date: December 11, 2025

Subject: Legal Certification – DSBSD Public Participation Guidelines Promulgation of 7 VAC 10-10

I have reviewed the proposed regulatory action for the promulgation of new Public Participation Guidelines under 7 VAC 10-10 by the Department of Small Business and Supplier Diversity (the “Department”) that were posted on the Virginia Regulatory Town Hall internet site. In my view, as counsel to the Department, the Department may promulgate these new Department regulations.

The Department is required to adopt Public Participation Guidelines pursuant to Va. Code § 2.2-4007.02. This regulatory action effectively transfers the legacy Public Participation Guidelines of the former DMBE to the Department to reflect the Department’s current statutory responsibilities. The proposed regulation adopting the Public Participation Guidelines is subject to the Virginia Administrative Process Act (Va. Code § 2.2-4000 et seq.) and is being promulgated in compliance with those procedures. The proposed regulation does not appear to conflict with the Constitution of the United States, the Constitution of the Commonwealth of Virginia, or any federal or state laws currently in effect.

This memorandum does not address compliance or non-compliance with the procedural requirements governing the promulgation process pursuant to Va. Code § 2.2-4007. 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 regulation.