



COMMONWEALTH of VIRGINIA

Office of the Attorney General
Richmond 23219

Kenneth T. Cuccinelli II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804 - 786 - 2071
804 - 225 - 4541 TDD

MEMORANDUM

To: Paul Rogers
Chair, Virginia Board of Agriculture and Consumer Services

Matt Lohr
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: June 15, 2012

Subject: Memorandum of Authority for Proposed Regulations concerning Wild Ginseng, 2 VAC 5-321 *et seq.*

I reviewed the proposed amendments to regulations concerning the Harvest and Purchase of Wild Ginseng, 2 VAC 5-321-10 *et seq.*, by the Board of Agriculture and Consumer Services (hereinafter "Board"). In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Board may adopt these regulations, pursuant to the authority in §§ 3.2-109, 3.2-1002 and 3.2-1007 of the *Code of Virginia*. The proposed 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.

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.