



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Matt Lohr
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: November 20, 2012

Subject: Memorandum of Authority for Proposed Regulations concerning Thousand Cankers Disease Quarantine, 2 VAC 5-318 *et seq.*

I reviewed the proposed regulations concerning the Thousand Cankers Disease Quarantine, 2 VAC 5-318-10 *et seq.*, by the Commissioner of the Virginia Department of Agriculture and Consumer Services (hereinafter "Commissioner"). In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Commissioner may adopt these regulations in accordance with § 3.2-703 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.

Further, the proposed regulations are exempt from the procedures required by the Virginia Administrative Process Act provided the alternative procedures set forth in § 3.2-703 of the *Code of Virginia* are followed.

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.