



COMMONWEALTH of VIRGINIA

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To: Ms. Anika Coleman, Executive Director
Real Estate Board
Virginia Department of Professional and Occupational Regulation
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From: James M. Flaherty
Senior Assistant Attorney General

Date: August 21, 2026

Subject: Letter of Assurance for Amended Regulations - amendments to Real Estate Board Regulations found at 18 VAC 135-20 et al.

I have reviewed the Real Estate Board's amendments to Real Estate Board Regulations found at 18 VAC 135-20 et al. that were posted on the Virginia Regulatory Town Hall on August 20, 2026. In my view, as counsel to the Real Estate Board, the Board has the authority to promulgate these amended regulations pursuant to §54.1-2105 of the Code of Virginia. These 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 amended regulations. Further, these amended regulations are exempt from the requirements of the Virginia Administrative Process Act, pursuant to § 2.2-4006(a)(4)(a) of the Code of Virginia.
