



COMMONWEALTH of VIRGINIA

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MEMORANDUM

VIA Electronic Mail

To: Samuel Hayes II
Director
Department of Minority Business Enterprise

From: Eric A. Gregory
Assistant Attorney General
Counsel to the Department of Minority Business Enterprise

Date: May 2, 2008

Subject: Statement of Legal Authority for Amendments to DMBE Regulations (7 VAC 10)

I have reviewed the Department of Minority Business Enterprises' proposed amendments to the Regulations to Govern the Certification of Small, Women- and Minority-Owned Businesses (7 VAC 10 et seq.).

In my view, as counsel to the Department of Minority Business Enterprise, the regulations and amendments thereto may be promulgated by the Director pursuant to authority granted by subdivision 8 of § 2.2-1403 of the *Code of Virginia*. The regulations and amendments thereto are exempt from requirements of the Administrative Process Act, pursuant to subdivision B 2 of §2.2-4002 of the *Code of Virginia*.

The proposed regulations and amendments thereto do not appear to conflict with state or federal law and shall become final upon filing with the Registrar of Regulations, pursuant to subdivision A of § 2.2-4002 of the *Code of Virginia* and statutory provisions referenced therein. 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, or public policy implications, of the proposed regulations.