

# COMMONWEALTH of VIRGINIA

Office of the Attorney General  
Richmond 23219

Robert F. McDonnell  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
804-371-8947 TDD

August 31, 2006

W. Curtis Coleburn, III, Chief Operating Officer  
Alcoholic Beverage Control Board  
2901 Hermitage Road  
Richmond, Virginia 23261

Re: *Proposed Revisions to Virginia ABC Regulations 3 VAC 5-10, 3VAC 5-40, 3 VAC 5-50, 3 VAC 5-60, and 3 VAC 5-70*

Dear Mr. Coleburn:

In response to your request, I have reviewed the Alcoholic Beverage Control Board's proposal regarding proposed amendments to the above-referenced sections of the Virginia ABC Regulations.

Based on that review, I find that the Virginia Alcoholic Beverage Control Board (the Board) has the authority to promulgate the amendments to 3VAC 5-10-40, 50, 60, 130, 150, 230, 360, 400, 480; 3VAC 5-40-20, 50; 3VAC 5-50-40, 50, 80, 100, 130, 140; 3VAC 5-60-20, 40, 80, 100; and 3VAC 5-70-100, 150, 160, 230, pursuant to Sections 4.1-103 (13) and 4.1-111 A of the 1950 Code of Virginia, as amended.

I also find that the proposed amendments are consistent with the statutory grant of authority to promulgate them, are consistent with the statutes, and are internally consistent. The proposed amendments do not appear to run afoul of state or federal statutes. I further find that the proposed amendments have no Constitutional defect.

Thank you for your time and kind consideration of this matter. Please do not hesitate to call me at (804) 786-7760 if you have any questions in this regard.

Sincerely,

Michelle Welch,  
Assistant Attorney General