



COMMONWEALTH of VIRGINIA

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MEMORANDUM

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

Paul W. Rogers, Jr., Chair
Virginia Board of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: September 13, 2011

Subject: Memorandum of Authority for Regulations Pertaining To Grape Nursery Stock, 2 VAC 5-470 *et seq.*

I reviewed the proposed repeal of the Regulations Pertaining to Grape Nursery Stock, (repealing 2 VAC 5-470-10 *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 has authority to promulgate the repeal of these regulations, pursuant to §§ 3.2-3800 *et seq.* 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.