



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Travis Hill
CEO, Virginia Alcoholic Beverage Control Authority

From: James M. Flaherty
Assistant Attorney General

Date: July 13, 2021

Subject: Letter of Assurance for Proposed Amended Regulations – License reform regulations found at 3VAC5-30-50; 3VAC5-50-60; 3VAC5-50-100; 3VAC5-50-110; 3VAC5-50-150; 3VAC5-50-170; 3VAC5-50-180; 3VAC5-50-190; 3VAC5-50-200; 3VAC5-50-230; 3VAC5-60-25; 3VAC5-60-30; 3VAC5-60-50; 3VAC5-60-60; 3VAC5-60-80; 3VAC5-70-30; 3VAC5- 70-70; 3VAC5-70-90; 3VAC5-70-100; 3VAC5-70-130; 3VAC5-70- 180; 3VAC5-70-220; 3VAC5-70-225; 3VAC5-70-240

I have reviewed the Virginia Alcoholic Beverage Control Authority’s proposed amended regulations for a license reform found at 3VAC5-30-50; 3VAC5-50-60; 3VAC5-50-100; 3VAC5-50-110; 3VAC5-50-150; 3VAC5-50-170; 3VAC5-50-180; 3VAC5-50-190; 3VAC5-50-200; 3VAC5-50-230; 3VAC5-60-25; 3VAC5-60-30; 3VAC5-60-50; 3VAC5-60-60; 3VAC5-60-80; 3VAC5-70-30; 3VAC5- 70-70; 3VAC5-70-90; 3VAC5-70-100; 3VAC5-70-130; 3VAC5-70- 180; 3VAC5-70-220; 3VAC5-70-225; and 3VAC5-70-240 that were posted on the Virginia Regulatory Town Hall on July 3, 2021. In my view, as counsel to the Virginia Alcoholic Beverage Control Authority, these amended regulations may be promulgated pursuant to Title 4.2 of the Code of Virginia. The 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. Based on language in the enactment clauses of the underlying legislation, these amended regulations are exempted from the Administrative Process Act, Va. Code § 2.2-4000 et seq.

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.