



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

**Jason S. Miyares**  
Attorney General

202 North 9th Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120

***MEMORANDUM***

**To:** Travis Hill  
CEO, Virginia Alcoholic Beverage Control Authority

**From:** James M. Flaherty  
Assistant Attorney General

**Date:** September 13, 2022

**Subject:** Letter of Assurance for Amended Regulation – Amendment to Mixed Beverage Casino Licensee Food Exceptions found at 3VAC5-50-110

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I have reviewed the Virginia Alcoholic Beverage Control Authority's proposed Amendment to Mixed Beverage Casino Licensee Food Exceptions found at 3VAC5-50-110 that was posted on the Virginia Regulatory Town Hall on September 13, 2022. In my view, as counsel to the Virginia Alcoholic Beverage Control Authority, this regulation may be promulgated pursuant to Title 4.2 of the Code of Virginia. The regulation does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it appear to conflict with any federal or state law currently in effect. The regulation also appears to qualify for the fast-track rulemaking process under § 2.2-

4006(A)(4)(a) of the Code of Virginia because it is necessary to conform to changes in Virginia statutory 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 regulation.