



COMMONWEALTH of VIRGINIA
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TO: Rhonda Bishton
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FROM: Robin A.R. McVoy
Assistant Attorney General

DATE: April 20, 2022

SUBJECT: Memorandum of Certification of Repeal Regulations for Public Use of Robert E. Lee Monument [1 VAC 30-150]

I have reviewed the proposed repeal of the "Regulations for Public Use of Robert E. Lee Monument, Richmond, VA" [1 VAC 30-150] pursuant to the process set forth in § 2.2-4012.1 of the *Code of Virginia*, "Fast-track rulemaking process." 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 repeal.

As counsel to the Department of General Services (the "Department"), it is my legal opinion that the Department may repeal the regulation pursuant to authority granted by § 2.2-1102 (A)(1) of the *Code of Virginia*. I have also concluded that the Department is subject to the Administrative Process Act (Va. Code § 2.2-4000 *et seq.*), because the Department is not exempted under § 2.2-4002 of the *Code of Virginia* with the respect to the subject matter of the regulation, and the agency action is

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not exempted under § 2.2-4006 of the *Code of Virginia*. Further, the proposed repeal of 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. This memorandum does not address compliance or non-compliance with the procedural requirements governing the statutory regulation promulgation and repeal processes set forth in § 2.2-4007 or § 2.2-4012.1 of the *Code of Virginia*.