



# **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General  
Richmond 23219*

**Mark R. Herring**  
Attorney General

202 N. Ninth Street  
Richmond, Virginia 23219  
804 - 786 - 2071  
804 - 225 - 4541 TDD

## **MEMORANDUM**

**To:** C. Ray Davenport  
Commissioner  
Virginia Department of Labor and Industry

**From:** Joshua E. Laws  
Assistant Attorney General

**Date:** December 6, 2016

**Subject:** Letter of Assurance for Amended Regulations – Amendment to Public Participation Guidelines found at 16VAC15-11-50

---

I have reviewed the Department of Labor and Industry's proposed Amendment to Public Participation Guidelines found at 16VAC15-11-50 that was posted on the Virginia Regulatory Town Hall on November 28, 2016. In my view, as counsel to the Department of Labor and Industry, these regulations may be promulgated pursuant to Titles 2.2-4007.02 and 40.1 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. The regulations also appear to qualify for the fast-track rulemaking process under § 2.2-4012.1 of the Code of Virginia because they are noncontroversial.

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.