



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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## MEMORANDUM

**TO:** KARIN CLARK  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Assistant Attorney General

**DATE:** April 15, 2013

**SUBJECT:** Proposed Repeal of 22 VAC 40-470-10 *et seq.*  
Exemptions Applicable to Public Assistance Programs

I have reviewed the above-referenced regulation to determine if the State Board of Social Services (“State Board”) has the statutory authority to amend it through the fast-track regulatory process.

It appears that the State Board has the authority to amend the regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 14 (2010), and has not exceeded that authority. Given the nature of this action, it appears to noncontroversial, so the fast-track regulatory process is appropriate.

It should be noted that if an objection to the use of the fast-track process is received within the public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the Department shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process set out in the APA.

If you have any questions, please feel free to call me at 786-0095.