



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Kathleen Nosbisch, Executive Director
Board for Branch Pilots
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233

From: Elizabeth B. Peay
Senior Assistant Attorney General

Date: August 11, 2026

Subject: Letter of Assurance 18 VAC 45-20

I have reviewed the Board for Branch Pilots' ("Board") amendments to their Regulations. In my view, as counsel to the Board, the Board may promulgate these regulations pursuant to §54.1-201(A)(1) of the Code of Virginia. This amendment is further appropriate for exempt action pursuant to §2.2-4006(A)(4)(a). Chapter 772 of the 2026 Acts of Assembly allows regulatory boards under the Department of Professional and Occupational Regulation ("DPOR") to take disciplinary cases under advisement as provided in §54.1-201(A)(7) of the Code of Virginia. The legislation also amends the enabling statutes of the Board to reference §§54.1-201 and 54.1-202 of the Code of Virginia, which provide for (i) the general powers and duties of DPOR regulatory boards; and (ii) the power of DPOR regulatory boards to impose monetary penalties. The legislation became effective on July 1, 2026. The purpose of this regulatory change is to comply with the changes to the Code of Virginia

resulting from the passage of HB 1305 during the 2026 General Assembly Session. 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. 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.
