



# **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:** Eric Olson  
Executive Director  
Virginia Department Professional and Occupational Regulation – Board for Contractors

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

**Date:** June 17, 2020

**Subject:** Letter of Assurance for Amendment of Regulations – Regulations Governing Prohibited Acts found at 18 VAC50-22-260

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I have reviewed the Department of Professional and Occupational Regulation’s (the Department) proposed amendment of regulations – Regulations Governing Prohibited Acts found at 18 VAC50-22-260 that was posted on the Virginia Regulatory Town Hall on July 15, 2020. In my view, as counsel to the Department of Professional and Occupational Regulation and the Board for Contractors, these regulations may be amended pursuant to Chapter 685 of the 2020 Acts of the General Assembly — which requires the Board to promulgate regulations that provide that any contractor who is found to have intentionally misclassified any worker is subject to sanction by the Board.

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.

Further, I certify that the proposed changes are exempt from the Administrative Process Act under Code of Virginia § 2.2-4006(A)(4) as the changes are “[n]ecessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.”

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.