



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: Travis Hill
CEO, Virginia Alcoholic Beverage Control Authority

From: James M. Flaherty
Assistant Attorney General

Date: December 13, 2019

Subject: Letter of Assurance for Amended Regulation – Amendment to Definitions and qualifications for retail on-premises and off-premises licenses generally; mixed beverage licensee requirements; exceptions; temporary licenses found at 3VAC5-50-110

I have reviewed the Virginia Alcoholic Beverage Control Authority's proposed Amendment to Definitions and qualifications for retail on-premises and off-premises licenses generally; mixed beverage licensee requirements; exceptions; temporary licenses found at 3VAC5-50-110 that was posted on the Virginia Regulatory Town Hall on December 13, 2019. In my view, as counsel to the Virginia Alcoholic Beverage Control Authority, this regulation may be promulgated pursuant to Title 4.2 of the Code of Virginia. 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. The regulation also appears to qualify for the fast-track rulemaking process under § 2.2-4012.1 of the Code of Virginia because it is 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 regulation.