



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Paul Rogers
Chair, Virginia Board for Agriculture and Consumer Services

Matthew Lohr
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: June 8, 2012

Subject: Memorandum of Authority for Proposed Repeal of Regulations concerning the Petroleum Products Franchise Act, 2 VAC 5-460 *et seq.*

I reviewed the proposed repeal of the regulations concerning the Petroleum Products Franchise Act, 2 VAC 5-460 *et seq.*, by the Board of Agriculture and Consumer Services (hereinafter “Board”). In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Board has authority to promulgate these regulations, pursuant to § 59.1-21.16:2 of the *Code of Virginia* and Chapter 351 of the 2012 Virginia Acts of Assembly. The proposed 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.

Further, that repeal of these regulations is exempt from the requirements of the Virginia Administrative Process Act pursuant to § 2.2-4006(A)(4)(a) of the Code of Virginia.

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.