



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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May 4, 2015

Mr. Rob Blizard  
Executive Director, Norfolk SPCA  
916 Ballentine Boulevard  
Norfolk, Virginia 23504

Re: Your letter of April 16, 2015

Dear Mr. Blizard:

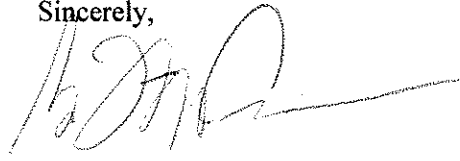
I received your letter dated April 16, 2015 (attached) forwarding a November 14, 2013 letter ("the Thomas letter") (attached) from the Opinions Counsel to Attorney General Cuccinelli, Mr. Norman Thomas, stating that the Norfolk SPCA's operation of a Trap, Neuter, Return ("TNR") program subjects the SPCA to criminal prosecution under Virginia Code § 3.2-6504 (Abandonment of animals). The Thomas letter relies upon language in a 2013 official Attorney General's Opinion, 2013 Op. Va. Att'y Gen. No. 12-100 ("the 2013 Opinion"), in reaching its conclusion. You have requested that this office retract and correct the Thomas letter because that letter is based upon an incorrect reading of the 2013 Opinion.

Upon review of the Thomas letter, the 2013 Opinion, and relevant law, I concur that the Thomas letter's conclusion is based upon an inaccurate reading of the 2013 Opinion. The language in the 2013 Opinion relied upon by the Thomas letter has limited applicability to the release of cats under certain circumstances *by a locality*. The Norfolk SPCA is a private, independent, non-profit organization. It conducts its neutering program with private funding in order to better its community by humanely reducing the number of homeless cats and vaccinating as many cats against rabies as possible. You have also represented that while the Norfolk SPCA does neuter cats that are brought to it by citizens, it neither traps nor releases them. For those reasons, the 2013 Opinion is not applicable to the Norfolk SPCA, nor is it applicable any private entity conducting TNR programs. By this letter, the Thomas letter is retracted.

Thank you for calling my attention to this matter, and for the compassionate good work that the Norfolk SPCA continues to do. Please do not hesitate to contact me in the future if I may be of additional assistance.

Mr. Rob Blizard  
May 4, 2015  
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Sincerely,

A handwritten signature in black ink, appearing to read 'G. Timothy Oksman', with a long horizontal flourish extending to the right.

G. Timothy Oksman  
Opinions Counsel

Cc: Gregory D. Underwood, Esq., Norfolk Commonwealth's Attorney  
800 E. City Hall Avenue, Suite 600, Norfolk, VA 23510

Bernard A. Pishko, Esq., Norfolk City Attorney  
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