



**NATIONAL ASSOCIATION OF SURETY BOND PRODUCERS**

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*FOR IMMEDIATE ATTENTION*

Sent via e-mail at [Anita.Tierney@loudoun.gov](mailto:Anita.Tierney@loudoun.gov) and U.S. mail.

June 16, 2011

Anita Tierney  
Senior Engineer/Project Manager  
Loudoun County Government  
Department of Building and Development  
1 Harrison Street, S.E.  
Mailstop #60  
Leesburg, VA 20175

Re: Virginia Resident Agent Countersignature Requirement in Loudoun County Performance Bond

Dear Ms. Tierney:

On behalf of the National Association of Surety Bond Producers (NASBP), a national trade association representing firms employing surety bond producers, including licensed resident and licensed non-resident agents placing contract surety bonds in the Commonwealth of Virginia, I am contacting you to express concerns about a "Virginia Resident Agent" countersignature requirement contained in the "County of Loudoun Performance Bond." You may not be aware that resident agent countersignature requirements have been held as unconstitutional by federal courts throughout the U.S., since such requirements impermissibly favor licensed resident agents over licensed non-resident agents. You also should note that resident agent countersignature statutes have been repealed in Virginia. Such disparate treatment between licensed resident producers and licensed non-resident producers cannot be permitted to stand, and we urge that the requirement be eliminated from the bond form.

For these reasons, NASBP respectfully requests that you bring this matter to the attention of legal counsel for immediate evaluation and direction. We appreciate your prompt consideration of our comments, and we request that you keep us apprised of the actions taken to address this important matter.

Yours sincerely,

Mark H. McCallum  
Chief Executive Officer

cc: Martha Perkins, Esq., Whiteford, Taylor & Preston, LLP