

DFA - ABC ENFORCEMENT

Enabling Laws

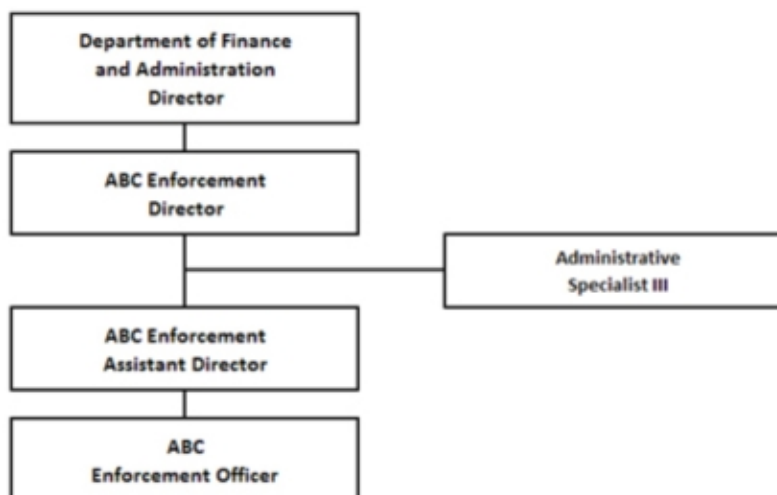
Act 579 of 2007
A.C.A. §3-2-101 - §3-2-412

History and Organization

The mission of the Alcoholic Beverage Control Enforcement Division is to enforce all Arkansas Code Annotated Laws of the State Control Act, cigarette, sales, Rules and Regulations adopted by the Alcoholic Beverage Control Board, and the training and assistance for all law enforcement agencies as well as other organizations regarding alcoholic beverages.

Alcoholic Beverage Control Enforcement Division was established with the creation of the Alcoholic Beverage Control Department of 1935. The head of the Alcoholic Beverage Control Enforcement Division is appointed by the Director of the Department of Finance and Administration with the approval of the Governor.

In addition to enforcement, the Alcoholic Beverage Control Enforcement Division conducts background investigations of those persons, businesses and organizations who apply for licenses under the Alcoholic Beverage Control Act. The Alcoholic Beverage Control agents conduct inspections and report on permit applications in addition to the investigations of violations and apprehensions of violators. The agents also investigate and inspect the damaged shipments of any controlled beverages which have been involved in a fire, wreck, or other casualty to certify the extent and the amount of damage for the purpose of returning any taxes which have been paid to the State. The agents also answer complaints, confiscate moonshine and perform other special assignments; such as food stamp fraud when used to purchase alcoholic beverages. All Alcoholic Beverage Control Enforcement agents must be certified law enforcement officers.



Agency Commentary

The Alcoholic Beverage Control Enforcement Division is responsible for enforcement of alcoholic beverage control laws and regulations within the State. ABC Enforcement agents are certified law enforcement officers.

The ABC Enforcement Division is funded from general revenue. The current budget for ABC Enforcement is insufficient to cover the rising cost of fuel and vehicle maintenance. An increase of \$49,000 for FY10 and \$52,000 for FY11 is being requested for Maintenance & Operation to help cover these expenses. Capital Outlay in the amount of \$2,600 each fiscal year is requested to pay Sales & Use Tax for the replacement of 2 vehicles each year. The total request over Base Level is \$51,600 for FY10 and \$54,600 for FY11.

ABC Enforcement administers the federally funded program for Combating Underage Drinking. A reallocation of Overtime & related Personal Services Matching to Operating Expenses of \$48,100 each fiscal year is being requested to allow for sufficient appropriation for expenses in enforcement investigation, mileage and other investigative materials.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
DEPARTMENT OF FINANCE AND ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL – ENFORCEMENT DIVISION

FOR THE YEAR ENDED JUNE 30, 2007

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	12	1	13	72 %
Black Employees	3	1	4	22 %
Other Racial Minorities	0	1	1	6 %
Total Minorities			5	28 %
Total Employees			18	100 %

Publications

A.C.A. 25-1-204

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution
		Governor	General Assembly		
None	N/A	N	N	0	N/A

Department Appropriation Summary

Historical Data

Agency Request and Executive Recommendation

Appropriation	2007-2008		2008-2009		2008-2009		2009-2010						2010-2011					
	Actual	Pos	Budget	Pos	Authorized	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	Base Level	Pos	Agency	Pos	Executive	Pos
1SQ ABC Enforcement - Federal Operations	282,598	0	484,754	0	484,754	0	484,754	0	484,754	0	484,754	0	484,754	0	484,754	0	484,754	0
217 ABC Enforcement - State Operations	1,014,525	20	1,129,794	20	1,129,794	20	1,143,030	20	1,194,630	20	1,194,630	20	1,165,200	20	1,219,800	20	1,219,800	20
Total	1,297,123	20	1,614,548	20	1,614,548	20	1,627,784	20	1,679,384	20	1,679,384	20	1,649,954	20	1,704,554	20	1,704,554	20

Funding Sources		%		%		%		%		%		%		%		%		%
General Revenue 4000010	1,000,700	77.1	1,129,794	70.0			1,143,030	70.2	1,194,630	71.1	1,143,030	70.2	1,165,200	70.6	1,219,800	71.6	1,165,200	70.6
Federal Revenue 4000020	282,598	21.8	484,754	30.0			484,754	29.8	484,754	28.9	484,754	29.8	484,754	29.4	484,754	28.4	484,754	29.4
DFA Motor Vehicle Acquisition 4000184	12,571	1.0	0	0.0			0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
M & R Sales 4000340	1,254	0.1	0	0.0			0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total Funds	1,297,123	100.0	1,614,548	100.0			1,627,784	100.0	1,679,384	100.0	1,627,784	100.0	1,649,954	100.0	1,704,554	100.0	1,649,954	100.0
Excess Appropriation/(Funding)	0		0				0		0		51,600		0		0		54,600	
Grand Total	1,297,123		1,614,548				1,627,784		1,679,384		1,679,384		1,649,954		1,704,554		1,704,554	

Agency Position Usage Report

FY2006 - 2007						FY2007 - 2008						FY2008 - 2009					
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total	
20	17	2	19	1	15.00 %	20	20	0	20	0	0.00 %	20	18	2	20	0	10.00 %

Analysis of Budget Request

Appropriation: 1SQ - ABC Enforcement - Federal Operations

Funding Sources: FFC - ABC Enforcement Federal

This federally funded appropriation provides operations for the Department of Finance and Administration - Alcoholic Beverage Control (ABC) Enforcement Division, Combating Underage Drinking Program. The Program helps to reduce the availability of alcoholic beverages to minors and the consumption of alcoholic beverages by minors. Activities of the program include targeting establishments suspected of a pattern of violations of State laws governing the sale and consumption of alcohol by minors, public advertising programs to educate establishments about prohibitions and sanctions, and innovative programs to prevent and combat underage drinking.

The Base Level for this appropriation is \$484,754 each year of the biennium.

The Agency is requesting a reallocation of Overtime & related Personal Services Matching in the amount of \$48,100 each year to Operating Expenses. Grant restrictions have limited the Overtime reimbursement but have adjusted the reimbursable amounts allowed for enforcement investigation, mileage and other investigative materials.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 1SQ - ABC Enforcement - Federal Operations

Funding Sources: FFC - ABC Enforcement Federal

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Personal Services Matching	5010003	0	8,100	8,100	8,100	0	0	8,100	0	0
Overtime	5010006	0	40,000	40,000	40,000	0	0	40,000	0	0
Operating Expenses	5020002	52,635	52,654	52,654	52,654	100,754	100,754	52,654	100,754	100,754
Conference & Travel Expenses	5050009	1,571	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Grants and Aid	5100004	228,392	374,000	374,000	374,000	374,000	374,000	374,000	374,000	374,000
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		282,598	484,754	484,754	484,754	484,754	484,754	484,754	484,754	484,754
Funding Sources										
Federal Revenue	4000020	282,598	484,754		484,754	484,754	484,754	484,754	484,754	484,754
Total Funding		282,598	484,754		484,754	484,754	484,754	484,754	484,754	484,754
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		282,598	484,754		484,754	484,754	484,754	484,754	484,754	484,754

Change Level by Appropriation

Appropriation: 1SQ - ABC Enforcement - Federal Operations

Funding Sources: FFC - ABC Enforcement Federal

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	484,754	0	484,754	100.0	484,754	0	484,754	100.0
C04	Reallocation	0	0	484,754	100.0	0	0	484,754	100.0

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	484,754	0	484,754	100.0	484,754	0	484,754	100.0
C04	Reallocation	0	0	484,754	100.0	0	0	484,754	100.0

Justification

C01	A reallocation of Overtime & related Personal Services Matching to Operating Expenses of \$48,100 each fiscal year is being requested to allow for sufficient appropriation for expenses in enforcement investigation, mileage and other investigative materials.
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Analysis of Budget Request

Appropriation: 217 - ABC Enforcement - State Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

The Department of Finance and Administration - Alcoholic Beverage Control (ABC) Enforcement Division is responsible for enforcement of alcoholic beverage control laws and regulations within the State. All ABC Enforcement agents are certified law enforcement officers and cover approximately 5,000 permitted outlets.

General revenue funds 100% of the Alcoholic Beverage Control Enforcement's operating budget. Currently 91% of the Agency's budget is personnel related costs with the remaining 9% maintenance and operating expenses.

The FY09 budget amount of \$1,129,794 consists of Regular Salaries and Personal Services Matching for 20 positions, Operating Expenses and Capital Outlay.

Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study as well as the recommendation for the ABC Enforcement Director transition from an unclassified to a classified position. Salaries are adjusted accordingly. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency is requesting additional appropriation and general revenue funding over Base Level for the following:

- Additional Operating Expenses in the amount of \$49,000 for FY2010 and \$52,000 for FY2011;
 - \$7,000 each year is needed for rising costs of vehicle maintenance;
 - \$42,000 in FY2010 and \$45,000 in FY2011 for rising fuel costs;
- Additional Capital Outlay of \$2,600 each year to pay sales tax on (2) two replacement vehicles each year

The Executive Recommendation provides for the Agency Request of additional appropriation over Base Level of \$51,600 for FY2010 and \$54,600 for FY2011 without additional general revenue funding.

Appropriation Summary

Appropriation: 217 - ABC Enforcement - State Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	680,833	783,028	783,028	793,320	793,320	793,320	811,996	811,996	811,996
#Positions	20	20	20	20	20	20	20	20	20
Personal Services Matching 5010003	207,645	242,566	242,566	250,510	250,510	250,510	254,004	254,004	254,004
Operating Expenses 5020002	112,662	99,200	99,200	99,200	148,200	148,200	99,200	151,200	151,200
Conference & Travel Expenses 5050009	0	0	0	0	0	0	0	0	0
Professional Fees 5060010	0	0	0	0	0	0	0	0	0
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	13,385	5,000	5,000	0	2,600	2,600	0	2,600	2,600
Total	1,014,525	1,129,794	1,129,794	1,143,030	1,194,630	1,194,630	1,165,200	1,219,800	1,219,800
Funding Sources									
General Revenue 4000010	1,000,700	1,129,794		1,143,030	1,194,630	1,143,030	1,165,200	1,219,800	1,165,200
DFA Motor Vehicle Acquisition 4000184	12,571	0		0	0	0	0	0	0
M & R Sales 4000340	1,254	0		0	0	0	0	0	0
Total Funding	1,014,525	1,129,794		1,143,030	1,194,630	1,143,030	1,165,200	1,219,800	1,165,200
Excess Appropriation/(Funding)	0	0		0	0	51,600	0	0	54,600
Grand Total	1,014,525	1,129,794		1,143,030	1,194,630	1,194,630	1,165,200	1,219,800	1,219,800

Operating Expenses include M&R expenditures in the amount of \$645.24.

FY08 Actual amount in Operating Expenses exceeds Authorized due to FY08 Authorized was \$114,200.

FY08 Actual amount in Capital Outlay exceeds authorized amount due to transfer of appropriation and funding from DFA Motor Vehicle Acquisition.

Change Level by Appropriation

Appropriation: 217 - ABC Enforcement - State Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	1,143,030	20	1,143,030	100.0	1,165,200	20	1,165,200	100.0
C01	Existing Program	51,600	0	1,194,630	104.5	54,600	0	1,219,800	104.7

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	1,143,030	20	1,143,030	100.0	1,165,200	20	1,165,200	100.0
C01	Existing Program	51,600	0	1,194,630	104.5	54,600	0	1,219,800	104.7

Justification

C01	Current budget for ABC Enforcement is insufficient to cover the rising costs of fuel and vehicle maintenance. An increase of \$49,000 for FY10 and \$52,000 for FY11 is being requested for Maintenance & Operation to help cover these expenses. Capital Outlay in the amount of \$2,600 each fiscal year is requested to pay Sales & Use Tax for the replacement of 2 vehicles each year.
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