

DFA - ABC ENFORCEMENT

Enabling Laws

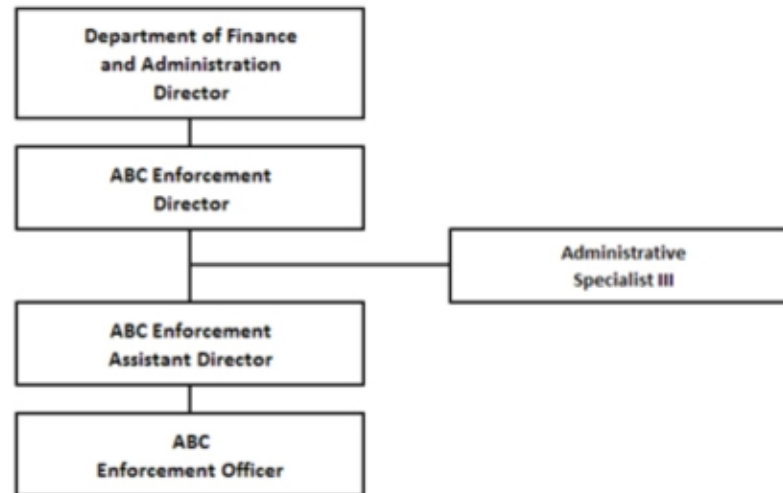
Act 113 of 2010
A.C.A. §3-2-101 - §3-2-412

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. Capital Outlay (appropriation and funding), in the amount of \$2,600 each fiscal year, is requested to pay Sales & Use Tax for the replacement of two vehicles each year.

ABC Enforcement administers the federally funded program for Combating Underage Drinking. The current budget level allows for sufficient appropriation for expenses in enforcement investigation, mileage and other investigative materials.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
DFA - ABC ENFORCEMENT

Findings

Recommendations

A separate report for this Agency was not issued. However, financial activity for the Agency was included in the audit of the State's CAFR for the year ended June 30, 2009.

Employment Summary

	Male	Female	Total	%
White Employees	12	2	14	78 %
Black Employees	3	1	4	22 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			4	22 %
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	2009-2010		2010-2011		2010-2011		2011-2012						2012-2013					
	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	183,014	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	1,087,247	19	1,176,701	20	1,219,800	20	1,183,412	20	1,186,012	20	1,186,012	20	1,183,412	20	1,186,012	20	1,186,012	20
Total	1,270,261	19	1,661,455	20	1,704,554	20	1,668,166	20	1,670,766	20	1,670,766	20	1,668,166	20	1,670,766	20	1,670,766	20

Funding Sources		%		%		%		%		%		%		%		%		%
General Revenue 4000010	1,052,412	82.9	1,176,701	70.8			1,183,412	70.9	1,186,012	71.0	1,183,412	70.9	1,183,412	70.9	1,186,012	71.0	1,183,412	70.9
Federal Revenue 4000020	183,014	14.4	484,754	29.2			484,754	29.1	484,754	29.0	484,754	29.1	484,754	29.1	484,754	29.0	484,754	29.1
DFA Motor Vehicle Acquisition 4000184	34,835	2.7	0	0.0			0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total Funds	1,270,261	100.0	1,661,455	100.0			1,668,166	100.0	1,670,766	100.0	1,668,166	100.0	1,668,166	100.0	1,670,766	100.0	1,668,166	100.0
Excess Appropriation/(Funding)	0		0				0		0		2,600		0		0		2,600	
Grand Total	1,270,261		1,661,455				1,668,166		1,670,766		1,670,766		1,668,166		1,670,766		1,670,766	

Agency Position Usage Report

FY2008 - 2009						FY2009 - 2010						FY2010 - 2011					
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	18	2	20	0	10.00 %	20	19	1	20	0	5.00 %	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 Agency is requesting Base Level of \$484,754 each year of the 2011-2013 biennium.

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		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses	5020002	42,460	100,754	100,754	100,754	100,754	100,754	100,754	100,754	100,754
Conference & Travel Expenses	5050009	2,579	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	137,975	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		183,014	484,754	484,754	484,754	484,754	484,754	484,754	484,754	484,754
Funding Sources										
Federal Revenue	4000020	183,014	484,754		484,754	484,754	484,754	484,754	484,754	484,754
Total Funding		183,014	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		183,014	484,754		484,754	484,754	484,754	484,754	484,754	484,754

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 87% of the Agency's budget is personnel related costs with the remaining 13% maintenance and operating expenses.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. Base Level is \$1,183,412 each year of the 2011-2013 biennium.

The Agency is requesting a Change Level increase in Capital Outlay of \$2,600 each year to pay sales and use tax for two replacement vehicles each year. Replacement of aging, high mileage vehicles will be determined in accordance with A.C.A. §22-8-201 et seq., Automobile and Pickup Truck Acquisition Act, which establishes guidelines for automobile replacement.

The Executive Recommendation provides for the Agency Request of additional appropriation of \$2,600 each year and no 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	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	726,899	780,833	811,996	781,071	781,071	781,071	781,071	781,071	781,071
#Positions	19	20	20	20	20	20	20	20	20
Personal Services Matching 5010003	220,814	242,068	254,004	251,141	251,141	251,141	251,141	251,141	251,141
Operating Expenses 5020002	103,382	151,200	151,200	151,200	151,200	151,200	151,200	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	36,152	2,600	2,600	0	2,600	2,600	0	2,600	2,600
Total	1,087,247	1,176,701	1,219,800	1,183,412	1,186,012	1,186,012	1,183,412	1,186,012	1,186,012
Funding Sources									
General Revenue 4000010	1,052,412	1,176,701		1,183,412	1,186,012	1,183,412	1,183,412	1,186,012	1,183,412
DFA Motor Vehicle Acquisition 4000184	34,835	0		0	0	0	0	0	0
Total Funding	1,087,247	1,176,701		1,183,412	1,186,012	1,183,412	1,183,412	1,186,012	1,183,412
Excess Appropriation/(Funding)	0	0		0	0	2,600	0	0	2,600
Grand Total	1,087,247	1,176,701		1,183,412	1,186,012	1,186,012	1,183,412	1,186,012	1,186,012

Change Level by Appropriation

Appropriation: 217 - ABC Enforcement - State Operations
Funding Sources: HUA - Miscellaneous Agencies Fund

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	1,183,412	20	1,183,412	100.0	1,183,412	20	1,183,412	100.0
C01	Existing Program	2,600	0	1,186,012	100.2	2,600	0	1,186,012	100.2

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	1,183,412	20	1,183,412	100.0	1,183,412	20	1,183,412	100.0
C01	Existing Program	2,600	0	1,186,012	100.2	2,600	0	1,186,012	100.2

Justification

C01	Capital Outlay (appropriation and funding), in the amount of \$2,600 each fiscal year, is requested to pay Sales & Use Tax for the replacement of two vehicles each year.
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