

DFA - ABC ENFORCEMENT

Enabling Laws

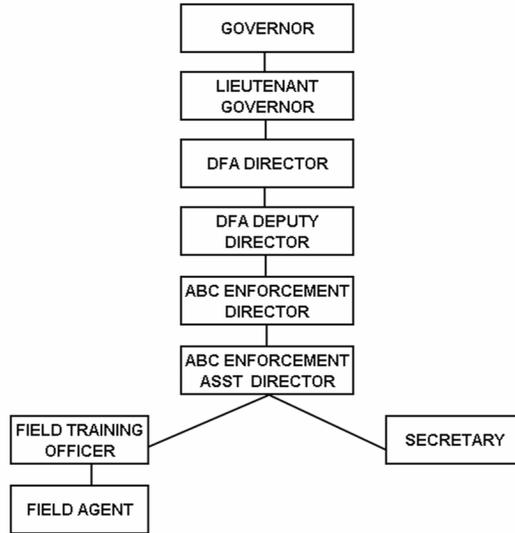
Act 230 of 2003
Act 1312 of 2003 Section 5
AR Code §3-2-101 - §3-2-412

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. Due to the increase in fuel costs, additional Maintenance and Operation in the amount of \$5,700 each year of the biennium is requested. Capital Outlay in the amount of \$5,000 each year is needed to pay sales tax for the replacement of 4 vehicles each year. To fulfill the mission of the agency, restoration of 2 currently authorized grade 20 Sr. Enforcement Officer positions is requested. Reclassification of one (1) Secretary II position to an Executive Secretary/Administrative Secretary due to increased workload for compliance check paperwork is requested.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
 AUDIT OF :
 ALCOHOLIC BEVERAGE CONTROL – ENFORCEMENT DIVISION
 FOR THE YEAR ENDED JUNE 30, 2003

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	12	3	15	83 %
Black Employees	3	0	3	17 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			3	17%
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 / Program Summary

Historical Data						Agency Request and Executive Recommendation								
Appropriation / Program	2003-2004		2004-2005		2004-2005		2005-2006				2006-2007			
	Actual	Pos	Budget	Pos	Authorized	Pos	Agency	Pos	Executive	Pos	Agency	Pos	Executive	Pos
1SQ Combat Underage Drinking - Fed	309,886	0	483,738	0	483,738	0	484,174	0	484,174	0	484,174	0	484,174	0
217 ABC Enforcement-State Operation	891,156	19	888,039	18	887,965	21	1,005,722	20	1,005,722	20	1,030,749	20	1,030,749	20
Total	1,201,042	19	1,371,777	18	1,371,703	21	1,489,896	20	1,489,896	20	1,514,923	20	1,514,923	20

Funding Sources			%		%		%		%		%		%		
General Revenue	4000010	847,194	70.5	839,024	61.2			1,005,722	67.5	1,005,722	67.5	1,030,749	68.0	1,030,749	68.0
Federal Revenue	4000020	309,886	25.8	483,738	35.3			484,174	32.5	484,174	32.5	484,174	32.0	484,174	32.0
Merit Adjustment Fund	4000055	10,943	0.9	49,015	3.5			0	0.0	0	0.0	0	0.0	0	0.0
DFA Motor Vehicle Aquisition	4000184	32,878	2.7	0	0.0			0	0.0	0	0.0	0	0.0	0	0.0
M & R Sales	4000340	141	0.0	0	0.0			0	0.0	0	0.0	0	0.0	0	0.0
Total Funds		1,201,042	100.0	1,371,777	100.0			1,489,896	100.0	1,489,896	100.0	1,514,923	100.0	1,514,923	100.0
Excess Appropriation/(Funding)		0		0				0		0		0		0	
Grand Total		1,201,042		1,371,777				1,489,896		1,489,896		1,514,923		1,514,923	

The FY05 Budgeted exceeds the authorized amount due to matching rate adjustments during the 2003-2005 biennium.

Analysis of Budget Request

Appropriation / Program: 1SQ - Combat Underage Drinking - Fed

Funding Sources: FFC - ABC Enforcement Federal

This Federal 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 FY05 budgeted amount of \$483,738 consists of Operating Expenses for law enforcement activity with regard to the sale of alcohol to minors; Overtime and Personal Services Matching due to after hours and weekend compliance checks; Conference Fees and Travel for National Association of Alcohol Enforcement Officers meetings; Professional Fees for contract with Arkansas Drug Free Youth; and Capital Outlay for surveillance and computer equipment to assist enforcement officers.

The Base Level for this appropriation is \$484,174 each year of the biennium and represents the Agency Request. Due to a recommendation from the Division of Legislative Audit and review of the Department of Finance and Administration, \$374,000 in grant awards are being reclassified from Professional Fees and Services to Grants and Aid.

The Executive Recommendation provides for the Agency Request.

Appropriation / Program Summary

Appropriation / Program: 1SQ Combat Underage Drinking - Fed
Funding Sources: FFC - ABC Enforcement Federal

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2003-2004	2004-2005	2004-2005	2005-2006			2006-2007		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Personal Services Matching 5010003	0	7,084	7,084	7,520	7,520	7,520	7,520	7,520	7,520
Overtime 5010006	0	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000
Operating Expenses 5020002	11,923	52,654	52,654	52,654	52,654	52,654	52,654	52,654	52,654
Travel-Conference Fees 5050009	909	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Professional Fees and Services 5060010	297,054	374,000	374,000	374,000	0	0	374,000	0	0
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Grants and Aid 5100004	0	0	0	0	374,000	374,000	0	374,000	374,000
Capital Outlay 5120011	0	0	0	0	0	0	0	0	0
Total	309,886	483,738	483,738	484,174	484,174	484,174	484,174	484,174	484,174
Funding Sources									
Federal Revenue 4000020	309,886	483,738		484,174	484,174	484,174	484,174	484,174	484,174
Total Funding	309,886	483,738		484,174	484,174	484,174	484,174	484,174	484,174
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	309,886	483,738		484,174	484,174	484,174	484,174	484,174	484,174

Change Level by Appropriation

Appropriation / Program: 1SQ-Combat Underage Drinking - Fed

Funding Sources: FFC - ABC Enforcement Federal

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	484,174	0	484,174	100.0	484,174	0	484,174	100.0
C01	Existing Program	374,000	0	858,174	177.2	374,000	0	858,174	177.2
C03	Discontinue Program	(374,000)	0	484,174	100.0	(374,000)	0	484,174	100.0

Executive Recommendation

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	484,174	0	484,174	100.0	484,174	0	484,174	100.0
C01	Existing Program	374,000	0	858,174	177.2	374,000	0	858,174	177.2
C03	Discontinue Program	(374,000)	0	484,174	100.0	(374,000)	0	484,174	100.0

Justification

C01	Grant awards are being reclassified from Professional Service Contracts (commitment item 10) to Grants and Aid (commitment item 04). This is being done at the suggestion of Division of Legislative Audit auditors and review of Department of Finance and Administration personnel.
C03	Grant awards are being reclassified from Professional Service Contracts (commitment item 10) to Grants and Aid (commitment item 04). This is being done at the suggestion of Division of Legislative Audit auditors and review of Department of Finance and Administration personnel.

Analysis of Budget Request

Appropriation / Program: 217 - ABC Enforcement-State Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

This General Revenue funded appropriation provides for operations of the Department of Finance and Administration - Alcoholic Beverage Control (ABC) Enforcement Division. This division is responsible for enforcement of alcoholic beverage control laws and regulations within the State. ABC Enforcement agents are certified law enforcement officers.

Base Level request of \$918,153 for FY06 and \$941,102 for FY07 includes graduated salary increases of 3% to 1.5% each year over FY05 salary levels, along with related Personal Services Matching costs for eighteen (18) Base Level positions. This includes a \$600 minimum increase for employees earning \$20,000 or below. Included in Personal Services Matching is a \$40 increase in the monthly contribution for State employee's health insurance for a total State match of \$320 per month.

Restoration of two (2) currently authorized positions, Sr. Enforcement Officer, Grade 20, is requested due to increasing compliance checks and related workload. The reclassification request of the Secretary II position to an Executive Secretary/Administrative Secretary is due to increasing workload for compliance check paperwork. The Agency did not request restoration of one (1) authorized Accounting Technician I position.

The ABC Enforcement Division is in need of additional appropriation and funding for the 2005-2007 biennium in Maintenance and Operation line items. The change over base level for Operating Expenses in the amount of \$5,700 for both years of the biennium is needed for increase in fuel costs. Capital Outlay in the amount of \$5,000 for each year would pay for Sales and Use Tax on the replacement of four (4) new vehicles each year.

Change Level 1	2006	2007
Restore 2 Positions	\$ 75,486	\$ 77,521
Fuel Purchases	5,700	5,700
Sales Tax (4) Vehicles	<u>5,000</u>	<u>5,000</u>
	\$ 86,186	\$ 88,221
Change Level 10		
Reclass Position	\$ 1,383	\$ 1,426
Total of all Change Levels	\$ 87,569	\$ 89,647

The Executive Recommendation provides for the Agency Request for appropriation and additional General Revenue funding.

Appropriation / Program Summary

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

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2003-2004	2004-2005	2004-2005	2005-2006			2006-2007		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	626,610	627,813	630,734	647,335	705,576	705,576	666,651	726,640	726,640
#Positions	19	18	21	18	20	20	18	20	20
Personal Services Matching 5010003	162,142	180,226	168,031	190,818	209,446	209,446	194,451	213,409	213,409
Operating Expenses 5020002	67,478	80,000	85,700	80,000	85,700	85,700	80,000	85,700	85,700
Travel-Conference Fees 5050009	0	0	0	0	0	0	0	0	0
Professional Fees and Services 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	34,926	0	3,500	0	5,000	5,000	0	5,000	5,000
Total	891,156	888,039	887,965	918,153	1,005,722	1,005,722	941,102	1,030,749	1,030,749
Funding Sources									
General Revenue 4000010	847,194	839,024		918,153	1,005,722	1,005,722	941,102	1,030,749	1,030,749
Merit Adjustment Fund 4000055	10,943	49,015		0	0	0	0	0	0
DFA Motor Vehicle Aquisition 4000184	32,878	0		0	0	0	0	0	0
M & R Sales 4000340	141	0		0	0	0	0	0	0
Total Funding	891,156	888,039		918,153	1,005,722	1,005,722	941,102	1,030,749	1,030,749
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	891,156	888,039		918,153	1,005,722	1,005,722	941,102	1,030,749	1,030,749

The FY05 Budgeted amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2003-2005 biennium.
The FY04 Actual amount in Capital Outlay exceeds authorized amount due to transfer of appropriation and funding from DFA Motor Vehicle Aquisition.

Change Level by Appropriation

Appropriation / Program: 217-ABC Enforcement-State Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	918,153	18	918,153	100.0	941,102	18	941,102	100.0
C01	Existing Program	86,186	2	1,004,339	109.3	88,221	2	1,029,323	109.3
C10	Reclass	1,383	0	1,005,722	109.5	1,426	0	1,030,749	109.5

Executive Recommendation

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	918,153	18	918,153	100.0	941,102	18	941,102	100.0
C01	Existing Program	86,186	2	1,004,339	109.3	88,221	2	1,029,323	109.3
C10	Reclass	1,383	0	1,005,722	109.5	1,426	0	1,030,749	109.5

Justification

C01	Due to the increase in fuel costs additional Maintenance and Operation is needed. Capital Outlay is requested to pay sales tax for the replacement of 4 vehicles each year. To fulfill the mission of the agency, restoration of 2 currently authorized grade 20 Sr. Enforcement Officer positions is requested.
C10	Reclassification of one (1) Secretary II position to an Executive Secretary/Administrative Secretary due to increased workload for compliance check paperwork is requested.