

**REPORT
OF THE
SUBCOMMITTEE ON PERFORMANCE EVALUATION AND EXPENDITURE
REVIEW (PEER)
OF THE ARKANSAS LEGISLATIVE COUNCIL**

May 15, 2020

Dear Co-Chairs:

Your Subcommittee on Performance Evaluation and Expenditure Review (PEER) met on Wednesday, May 13, 2020, and after having reviewed the following items, reports that the Subcommittee's review and/or approval is complete unless otherwise noted.

A. Cash Fund Appropriation Increase Requests – FY20

- a. Administrative Office of the Courts - \$25,000

B. Items for Approval

- 1. Various Temporary Appropriation Request(s)
Department of Veterans Affairs - \$50,000
- 2. CARES Appropriation Request
Department of Finance and Administration - \$1,000,000

C. Appropriation and/or Fund Transfer Requests

- 1. Department of Higher Education – \$100,000 Appropriation Transfer from Higher Education Opportunities Grant to Military Dependents
- 2. Department of Transformation and Shared Services – Division of Building Authority - \$1,000,000

D. Budget Classification Transfer Requests – FY20

- 1. Department of Education – Division of Higher Education - \$72,000 to Capital Outlay from Operating Expenses in the amount of \$34,000; from Conference and Travel Expenses in the amount of \$32,000; and from Professional Fees in the amount of \$6,000
- 2. Department of Commerce – Division of Workforce Services - \$2,600,000 to Capital Outlay from Operating Expenses in the amount of \$2,010,000 and from Conference and Travel Expenses in the amount of \$590,000

E. Miscellaneous Federal Grant Appropriation Requests – FY20

- 1. Department of Public Safety – Arkansas Crime Information Center - \$140,793
- 2. Department of Education – Division of Higher Education - \$2,000,000
- 3. Department of Finance and Administration - \$6,926,980
- 4. Department of Health – Office of Rural Health and Primary Care - \$2,866,778
- 5. Department of Health – Epidemiology and Laboratory Capacity - \$6,894,830
- 6. Department of Education – Arkansas State Library - \$210,500
- 7. Department of Human Services - \$20,000,000

F. Performance Fund/Pay Plan Holding Account Transfer Requests – FY20

1. Administrative Office of the Courts – \$233,700
 2. Office of the Prosecutor Coordinator – \$49,000
 3. Arkansas Supreme Court -\$180,000
 4. Department of Labor and Licensing – Arkansas State Board of Public Accountancy - \$2,000
 5. Department of Labor and Licensing – State Board of Licensure for Professional Engineers and Professional Surveyors - \$10,000
 6. Department of Labor and Licensing – Arkansas Manufactured Home Commission - \$500
 7. Department of Labor and Licensing – Arkansas Home Inspector Registration Board - \$1,500
 8. Department of Labor and Licensing – Arkansas Towing and Recovery Board - \$9,500
 9. Department of Labor and Licensing – Professional Bail Bonds Company and Professional Bail Bondsman Licensing Board - \$4,000
 10. Department of Education – Division of Elementary and Secondary Education - \$4,000
 11. Department of Education – Arkansas School for the Blind - \$10,000
 12. Department of Education – Division of Career and Technical Education - \$5,500
 13. Department of Education – Division of Higher Education - \$75,500
 14. Department of Commerce – Arkansas Development Finance Authority - \$12,150
 15. Judicial Discipline and Disability Commission - \$19,500
 16. Department of Public Safety – Arkansas Division of Emergency Management - \$5,000
 17. Department of Public Safety – Arkansas Commission on Law Enforcement Standards and Training - \$3,300
 18. Department of Health – State Board of Optometry - \$2,000
 19. Department of Health – Arkansas State Board of Physical Therapy - \$1,000
 20. Department of Parks, Heritage, and Tourism – State Parks and Tourism Divisions - \$3,374,302
- Performance Fund**
21. Department of Public Safety – Arkansas State Police - \$2,951,674
 22. Department of Public Safety – State Crime Laboratory - \$320,875

G. Items Approved on an Emergency Basis

1. Items from March PEER agenda not reported due to cancellation of March meeting. (See **Attachment 1**)
 - a. Pay Plan Holding Account Appropriation Request on March 6, 2020 - Arkansas Public Defender Commission - \$2,500
 - b. Miscellaneous Federal Grant Appropriation Request on March 12, 2020 - Arkansas Department of Health - \$6,205,000

H. Certification of Adequate funds and Appropriations

Institutions of Higher Education

I. Quarterly Reports – Third Quarter SFY2020

1. Department of Human Services Inter Agency/Inter Divisional Match Fund Transfers for Third Quarter FY2020
2. Office of Attorney General Cash Settlement Fund for January-March, 2020 [**To be placed on the Legislative Council agenda for Friday, May 15, 2020**]
3. Arkansas State Police Asset Forfeiture Expenditures as of March 31, 2020
4. Federal Grant Applications Report for January-March, 2020
5. Federal Grant Awards Report for January-March, 2020
6. Division of Environmental Quality Hazardous Waste Removal in Bella Vista, AR Status Report

J. Monthly Reports

1. Rainy Day Fund Income and Distribution as of April 30, 2020
2. Budget Stabilization Trust Fund as of April 30, 2020
3. Tobacco Settlement Report as of February 29, 2020
4. State Central Services Fund Report as of April 30, 2020

Respectfully submitted by Subcommittee Co-Chairs, Senator Bruce Maloch and Representative DeAnn Vaught

**ALC Report
For Emergency Review of
Pay Plan Request**

Attachment 1

March 6, 2020

On March 6, 2020, Senator Cecile Bledsoe and Representative Jeff Wardlaw, Co-Chairs of the Legislative Council, and Senator Bruce Maloch and Representative DeAnn Vaught, Co-Chairs of the PEER Subcommittee, received written notification from Larry Walther, the Chief Fiscal Officer of the State, requesting Emergency Review of a Pay Plan Appropriation Request.

Under Rule 16 of the Rules of the Arkansas Legislative Council, on March 6, 2020 the Co-Chairs of the Legislative Council and PEER Subcommittee unanimously determined that emergency review of the Pay Plan request was necessary to enable the agency to perform essential services. As such, the Co-Chairs of the Legislative Council and the Co-Chairs of the PEER Subcommittee may act on behalf of the Legislative Council in regard to this request, and state herein that this request shall be filed as reviewed and reported to the Legislative Council at its next regularly scheduled meeting in accordance with Rule 16.

Below is a summary of the Pay Plan request that was given emergency review.


Pay Plan Appropriation Request – FY20

Arkansas Public Defender Commission - \$2,500

Respectfully Submitted,



Senator Cecile Bledsoe, Co-Chair
Arkansas Legislative Council



Representative Jeff Wardlaw, Co-Chair
Arkansas Legislative Council



Senator Bruce Maloch, Co-Chair
ALC PEER Subcommittee



Representative DeAnn Vaught, Co-Chair
ALC PEER Subcommittee



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF THE SECRETARY
1509 West Seventh Street, Suite 401
Post Office Box 3278
Little Rock, Arkansas 72203-3278
Phone: (501) 682-2242
Fax: (501) 682-1029
www.arkansas.gov/dfa

March 5, 2020

Senator Cecile Bledsoe, Chair
Representative Jeff Wardlaw, Chair
Arkansas Legislative Council
State Capitol
Little Rock, AR 72201

RE: Request for Emergency Approval

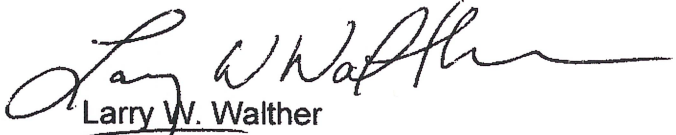
Dear Co-Chairs:

This is to inform you that there is an item for Legislative Council review that requires your immediate attention. Because of the time-sensitive nature of this item, the Arkansas Public Defender Commission requests an expedited review.

This item is a request for Personal Service Match appropriation. The request is needed to meet the March 13, 2020 payroll for the Arkansas Public Defender Commission.

I ask that you please institute emergency action procedures for consideration of these matters and sign them out of Committee per Rule 16 of the Rules of the Arkansas Legislative Council.

Sincerely,


Larry W. Walther
Secretary

LWW:cas

**REQUEST FOR SALARY and/or
PERSONAL SERVICES MATCHING APPROPRIATION
Fiscal Year 2020**

Agency Arkansas Public Defender Commission

<u>Fund</u>	<u>Funds Center</u>	<u>Commitment Item</u>	<u>Additional Appropriation</u>
HSC3766	X66	501:00:03	\$2,500

TOTAL \$2,500

Reason for requested increase:

Personal Services Matching appropriation is requested due to an increase in extra help appropriation during the biennium.

Agency # 0324

**ALC Report
For Emergency Review of
Miscellaneous Federal Grant Request**

March 12, 2020


On March 12, 2020, Senator Cecile Bledsoe and Representative Jeff Wardlaw, Co-Chairs of the Legislative Council, and Senator Bruce Maloch and Representative DeAnn Vaught, Co-Chairs of the PEER Subcommittee, received written notification from Larry Walther, the Chief Fiscal Officer of the State, requesting Emergency Review of a Miscellaneous Federal Grant Appropriation Request.

Under Rule 16 of the Rules of the Arkansas Legislative Council, on March 12, 2020 the Co-Chairs of the Legislative Council and PEER Subcommittee unanimously determined that emergency review of the Miscellaneous Federal Grant Appropriation Request was necessary to enable the agency to perform essential services. As such, the Co-Chairs of the Legislative Council and the Co-Chairs of the PEER Subcommittee may act on behalf of the Legislative Council in regard to this request, and state herein that this request shall be filed as reviewed and reported to the Legislative Council at its next regularly scheduled meeting in accordance with Rule 16.


Below is a summary of the Pay Plan request that was given emergency review.

Miscellaneous Federal Grant Appropriation Request – FY20
Arkansas Department of Health - \$6,205,000

Respectfully Submitted,



Senator Cecile Bledsoe, Co-Chair
Arkansas Legislative Council



Senator Bruce Maloch, Co-Chair
ALC PEER Subcommittee



Representative Jeff Wardlaw, Co-Chair
Arkansas Legislative Council

 by: B.P.

Representative DeAnn Vaught, Co-Chair
ALC PEER Subcommittee



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF THE SECRETARY
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Post Office Box 3278
Little Rock, Arkansas 72203-3278
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March 12, 2020

Senator Cecile Bledsoe, Chair
Representative Jeff Wardlaw, Chair
Arkansas Legislative Council
State Capitol
Little Rock, AR 72201

RE: Emergency Action Procedures Request

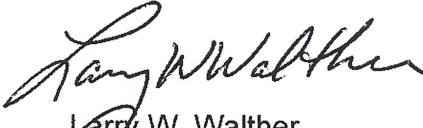
Dear Co-Chairs:

This is to inform you that there is an item for Legislative Council review that requires your immediate attention. Because of the time-sensitive nature of this item, the Department of Finance and Administration respectfully requests an expedited review.

This item is a Miscellaneous Federal Grant request. The request is required to allow the Arkansas Department of Health to access additional federal funds to support response efforts to COVID-19.

I ask that you please institute emergency action procedures for consideration of these matters and sign them out of Committee per Rule 16 of the Rules of the Arkansas Legislative Council.

Sincerely,


Larry W. Walther
Secretary

LWW:car

Project-Grant Funding

Business Area Code: 0645
 Funds Center Code: 34P
 Fund Code: PHD0000
 Functional Area Code: HHS

Continuation of Existing Program: ☐
 Change in Existing Program: ☐
 New Program: ☒

	New Federal Funds	State Matching Funds	Other Matching Funds	Project Total
Regular Salaries				
Extra Help				
Operating Expenses				
Personal Services Matching				
Conference & Travel Expense				
Professional Fees				
Capital Outlay				
Data Processing				
American Recovery and Reinvestment Act of 2009				
Other: Miscellaneous Commit	6,205,347			6,205,347
Total	\$ 6,205,347	\$	\$	\$ 6,205,347

Add

Remove

Funding Percentages

Type of Federal Grant

	Federal	State	Other	Total
FY 20	100 %	%	%	100 %
FY 21	%	%	%	%
FY 22	%	%	%	%
FY 23	%	%	%	%
FY 24	%	%	%	%

WIA ☐

Non-WIA ☐

ARRA ☐

Anticipated Duration of Federal Funds _____

DFA-Technology Planning Unit _____ Date _____

Items requested for information technology must be in compliance with Technology Plans as submitted to DFA-Technology Planning Unit.

Positions to be established: (list each position separately)

* unclassified positions only


Personnel Area	Position Number	Cost Center	Commitment Item	Position Title	Class Code	Grade	Line Item Maximum*

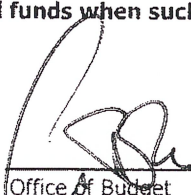
Add

Remove

State funds will not be used to replace federal funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

Approved by:

 03/12/20
 Agency Director Date

 3/12/20
 Office of Budget Date

Office of Personnel Mgmt Date

Attorney General Quarterly Report Pursuant to Act 763 of 2013
Period 1/1/2020 to 3/31/2020

COURT ORDER/SETTLEMENT AGREEMENT/CASH FUNDS RECEIVED DURING QUARTER

- **Grand River Enterprises**

State of Arkansas v. Grand River Enterprises - Counsel for the Attorney General worked with Grand River to obtain a Settlement Agreement for Arkansas Assurance of Voluntary Compliance for their not complying with Arkansas's tobacco statutes.

- **Locomotors Auto Sales, Inc.**

State of Arkansas v. Locomotors Auto Sales, Inc. - Counsel for the Attorney General worked with Locomotor Auto Sales, Inc., to obtain a Settlement Agreement for Arkansas Assurance of Voluntary Compliance for their failing to post a Buyer's Guide.

- **Tobacco Superstore**

State of Arkansas v. Tobacco Superstore, Inc. - Counsel for the Attorney General worked with Tobacco Superstore, Inc., to obtain a Settlement Agreement for Arkansas Assurance of Voluntary Compliance for not complying with Arkansas's tobacco statutes.

- **Gary Eubanks and Edgemont Marine**

State of Arkansas v. Gary Eubanks and Edgemont Marine - Counsel for the Attorney General worked with Mr. Eubanks to obtain a Settlement Agreement for violations of the Arkansas Deceptive Trade Practices Act.

- **Hot Springs Biofeedback, LLC & Phillip Burbutes**

State of Arkansas v. Hot Springs Biofeedback, LLC, and Phillip Burbutes - Counsel for the Attorney General worked with Phillip Burbutes to obtain a Settlement Agreement for engaging in the practice of medicine without complying with the provisions of the Arkansas Medical Practices Act.

REPORT OF CURRENT BALANCES OF ALL UNAPPROPRIATED CASH FUNDS

General Cash	\$ 26,976
Clearing Account	\$ 7,168,976
Consumer Education and Enforcement	\$ 539,513
Consumer Protection	\$ 507
Petty Cash	\$ 1,377

OFFICE OF THE ATTORNEY GENERAL
Cash Account Information
January 1, 2020 to March 31, 2020

Clearing - CASH RECEIPTS

CASE	AMOUNT	USES	DATE
Grand River Enterprises	\$ 120,000.00	Restricted	1/10/20 - \$40,000 2/10/20 - \$40,000 3/10/20 - \$40,000
Locomotors Auto Sales	\$ 1,500.00	Consumer Education and Enforcement	1/07/20 - \$500 2/06/20 - \$500
Automatic Auto Finance	\$ 29,824.12	Consumer Education and Enforcement	3/04/20 - \$500 3/11/20 - \$29,824.12
Gary Eubanks and Edgemont Marine	\$ 100.00	Restricted	2/03/20 - \$50.00 3/10/20 - \$50.00
Hot Springs Biofeedback, LLC & Phillip Burbutes	\$ 20,000.00	Consumer Education and Enforcement	1/07/20 - \$20,000
Tobacco Superstore	\$ 5,500.00	Consumer Education and Enforcement	2/05/20 - \$5,500
TOTAL RECEIPTS	\$ 176,924.12		

Consumer Education & Enforcement - DISBURSEMENTS & RECEIPTS

COST CATEGORY	AMOUNT	REASON FOR EXPENSE	CASE FUNDS
4042007000 - Dmg Settle > 1,000	\$ 29,824.12		
Automatic Auto Finance, Inc.	\$ 29,824.12	Settlement Award	
4049003000 - Interest Earned	\$ 20.94		
Regions Bank	\$ 20.94	Interest Earned_January-March	
4050003000 - Oth Refunds/Reimb	\$ 705.54		
University of AR Division of Agriculture	\$ 705.54	Refund	
5020002000 Telecom Wired	\$ (1,186.41)		Johnson & Johnson (Hip)
Department of Information Systems	\$ (1,186.41)	Northwest Office - Utilities	
5020004000 Network Services	\$ (1,400.00)		
GWL Digital, LLC	\$ (1,400.00)	Web Site Updates/Forms	
5020005000 - 02 Freight	\$ (8.58)		
Federal Express	\$ (8.58)	Miscellaneous Shipping	
5030001000 - Printing	\$ (14,998.16)		
Arkansas State University	\$ (8,834.90)	Printing for Consumer Education Activities	
B&B Solutions	\$ (2,697.76)	Printing for Consumer Education Activities	
UALR Printing Services	\$ (62.00)	Printing for Consumer Education Activities	
Uof A Cooperative Extension Service	\$ (3,403.50)	Printing for Consumer Education Activities	
5030003000 - Advertise Clip Svc	\$ (44,919.18)		
Arkansas Newspaper Clipping Service	\$ (1,060.65)	Advertising/Clipping Service	
Arkansas Press Association	\$ (34,058.53)	LE Officer of the Year/Rutledge Resource Days	
Rural Arkansas Radio Network	\$ (9,800.00)	Consumer Protection Education Radio Spots	
5030004000 - Film Processing	\$ (16.57)		
Tim Johnson	\$ (16.57)	VA Project Film Development	
5030017000 - Software Mtn	\$ (97.46)		
Arkansas Security	\$ (97.46)	Software Maintenance	
5040001000 - Electricity	\$ (221.81)		
Southwestern Electric Power Company	\$ (221.81)	Northwest Office - Utilities	
5040003000 - Water & Sewage	\$ (93.37)		
Springdale Water Utilities	\$ (93.37)	Northwest Office - Utilities	
5040011000 - Other Rent/Lease	\$ (8,570.00)		
ACIC - DPS Fiscal	\$ (600.00)	Booth Rental	
AR Assn of Educational Administrators	\$ (250.00)	Booth Rental	
AR Economic Development Commission	\$ (500.00)	Booth Rental	
Arkansas Prevention Network	\$ (250.00)	Booth Rental	
Arkansas Sheriff's Association	\$ (750.00)	Booth Rental	
Arkansas Women in Agriculture	\$ (225.00)	Booth Rental	
Benton Event Center	\$ (390.00)	Booth Rental	
Hendrix College	\$ (50.00)	Booth Rental	
Little Rock NUSA	\$ (200.00)	Booth Rental	
NGAA	\$ (500.00)	Booth Rental	
Puppy Creek Place	\$ (4,155.00)	Booth Rental	
Rogers Adult Wellness Center	\$ (100.00)	Booth Rental	
SALT Washington County AR	\$ (25.00)	Booth Rental	
State Financial Officers Foundation	\$ (500.00)	Booth Rental	
U.S. Bank Corporate Payment Systems	\$ (75.00)	Booth Rental	
5040013000 - Satellite/Cable Se	\$ (137.08)		
Sirius XM Radio Inc.	\$ (137.08)	Radio Service	
5050001000 - 02 Mileage	\$ (1,586.28)		
Dianne Bufford	\$ (88.07)	Official Business Travel	
Drake Moudy	\$ (301.14)	Official Business Travel	
Drew Evans	\$ (170.52)	Official Business Travel	
Joshua Robinson	\$ (164.64)	Official Business Travel	
Kendra Weifenbach	\$ (75.67)	Official Business Travel	
Marcus Hatley	\$ (491.40)	Official Business Travel	
Robin Mizell	\$ (294.84)	Official Business Travel	
5050003100 - 02 Meals	\$ (25.00)		
Rachel Ellis	\$ (25.00)	Official Business Travel	

OFFICE OF THE ATTORNEY GENERAL
Cash Account Information
January 1, 2020 to March 31, 2020

Consumer Education & Enforcement - DISBURSEMENTS & RECEIPTS

COST CATEGORY	AMOUNT	REASON FOR EXPENSE	CASE FUNDS
5050004200 - 09 Lodging	\$ (102.36)		
U.S. Bank Corporate Payment Systems	\$ (102.36)	RX Summit	
5050017000 - 02 Conf/Sem Fees	\$ (70.00)		
Knights of Columbus	\$ (70.00)	Registration Fee	
5060001000 - Prof Adm Fees	\$ (128,997.25)		
Acadian Consulting Group	\$ (24,404.25)	Professional Services Contract	
Baker & Hostetler, LLP	\$ (518.75)	Professional Services Contract	
Brubaker & Associates	\$ (4,990.50)	Professional Services Contract	
Exeter Associates, Inc.	\$ (4,965.00)	Professional Services Contract	
Henning Schultzinne	\$ (5,200.00)	Professional Services Contract	
Mark David Hall	\$ (10,725.00)	Professional Services Contract	
MCPM Economics	\$ (1,068.75)	Professional Services Contract	
Norwood Energy Consulting	\$ (46,945.00)	Professional Services Contract	
Rod Walker & Associates Consultancy, Inc.	\$ (7,680.00)	Professional Services Contract	
Woodruff Expert Services	\$ (22,500.00)	Professional Services Contract	
5060003200 - Pending Litigation	\$ (13,135.43)		
Bushman Court Reporting	\$ (2,175.85)	Legal Fees - Depositions	
Charles A. Kelley	\$ (60.00)	Service Summons	
Clerk, USDC, District of South Carolina	\$ (500.00)	Pro Hac Vice Admission	
Commonwealth of PA, Office of AG	\$ (10,000.00)	Purdue Debtors_Cost Share Agreement	
First National Bank of Izard County	\$ (207.80)	Subpoena	
Myers Attorney's Service	\$ (52.28)	Service Summons	
Searchers Investigations, LLC	\$ (120.00)	Service Summons	
USDC, Eastern District of Arkansas	\$ (19.50)	Certified Copy of Judgment	
5080019000 - 02 Vehicle License	\$ (7,132.83)		
DFA-Revenue Service Division	\$ (7,132.83)	Sales Tax on Vehicles	
5080034000 - Audio & Visual Pro	\$ (40,832.50)		
Conference Technologies, Inc.	\$ (832.50)	Vape Summit	
The Communications Group, Inc.	\$ (40,000.00)	Consumer Protection Education Media	
5090003000 - Special Purpose Su	\$ (5,098.46)		
GALLS, LLC	\$ (1,452.79)	Training Equipment	
KWA Performance Industries, Inc.	\$ (3,557.15)	Training Room Supplies	
Luke Smith	\$ (88.52)	Training Room Supplies	
5090006000 - Office Supplies	\$ (242.59)		
Intuit Supplies Group	\$ (151.49)	Reordered Checks	
Jerry Keefer	\$ (14.17)	Office Supplies	
U.S. Bank Corporate Payment Systems	\$ (76.93)	Northwest Office - Supplies	
5090006100 - 02 Furnishing/Acc	\$ (46,817.07)		
La Harpe's	\$ (46,817.07)	Training Room Furnishings	
5090007000 - Educ Supplies/Mat	\$ (765.00)		
Project Right Choice of NWA	\$ (765.00)	Northwest Office - Supplies	
5090018000 - Subscriptions/Pub	\$ (6,100.00)		
TVeyes Inc.	\$ (6,100.00)	Media Monitoring Service	
5090019000 - Food Purchases	\$ (1,053.40)		
BCD Investments	\$ (665.82)	Northwest LE Training	
The Oasis Coffee Shop	\$ (237.58)	Northwest LE Training	
U.S. Bank Corporate Payment Systems	\$ (150.00)	Northwest LE Training	
5090027000 - Software/Licenses	\$ (56,054.00)		
SHI International Corp.	\$ (44,444.00)	Software/Licenses	
Southern Software, Inc.	\$ (11,610.00)	Records Management Software	
5090030000 - Other Comm Mat Supp	\$ (44,374.56)		
Dell Marketing L.P.	\$ (38,118.56)	Computer Replacements	
Silicon Forensics	\$ (6,256.00)	Training Room Equipment	
5130014000 - 11 Capital Outlay	\$ (24,150.00)		
The Tower Building	\$ (24,150.00)	Training Room Renovation	
5130015000 - 11 Capital Outlay	\$ (161,391.63)		
Dell Marketing L.P.	\$ (56,519.76)	Training Room Equipment	
Red River Dodge Chrysler Jeep	\$ (104,871.87)	Vehicles for SID	
6060002000 - IntraAgency In	\$ 6,120,000.00		
Office of the Attorney General-Clearing	\$ 6,120,000.00	Deposit_Replenish CE&E Fund	
6061003000 - InterAgency Out	\$ (4,000,000.00)		
AR Dept of Finance & Administration	\$ (1,000,000.00)	Purchase of Personal Protective Equipment for UAMS	
AR Economic Development Commission	\$ (3,000,000.00)	Quick Action Loan Program	
-SPLIT-	\$ (1,142,278.99)		
B&B Solutions	\$ (10,665.05)	Printing for Consumer Education Activities	
Chuck Harder	\$ (777.58)	Conference/Training	
David A.F. McCoy	\$ (348.22)	Conference/Training	
Exeter Associates, Inc.	\$ (9,081.80)	Professional Services Contract	
Shamikhah Johnson	\$ (182.10)	Conference/Training	
Shannon Halijan	\$ (280.80)	Conference/Training	
The Communications Group, Inc.	\$ (1,120,943.44)	Consumer Protection Education Media	

2015 Cash Accounts
Custom Transaction Detail Report
January through March 2020

Type	Date	Num	Name	Memo	Account	Split	Amount	Balance
Check	01/27/2020	3456	The Communications Group, Inc.	Inv. #'s31267-31269	Consumer Education Enforcement	-SPLIT-	-3,742.50	162,227.23
Check	01/27/2020	3457	The Communications Group, Inc.	Inv. #'s 31334-31335	Consumer Education Enforcement	-SPLIT-	-3,032.50	159,194.73
Check	03/27/2020	3552	The Communications Group, Inc.	VOID: Invoice Number: 31457 - PSA - Price Gouging	Consumer Education Enforcement	-SPLIT-	0.00	2,559,213.07
Check	03/27/2020	3553	The Communications Group, Inc.	VOID: Invoice Number: 31458 - PSA - Price Gouging	Consumer Education Enforcement	5080034000 - Audio & Visual Pro	0.00	2,559,213.07
Check	03/27/2020	3555	The Communications Group, Inc.	VOID: Invoice: 31457- PSA - Price Gouging	Consumer Education Enforcement	-SPLIT-	0.00	2,559,213.07
Check	03/27/2020	3556	The Communications Group, Inc.	VOID: Invoice: 31458 - PSA - Price Gouging GJE, RGJE created on 03/31/2020	Consumer Education Enforcement	5080034000 - Audio & Visual Pro	0.00	2,559,213.07
Check	03/31/2020	3558	The Communications Group, Inc.	Inv. #'s 31457-58 :Price Gouging & Medicaid Fraud	Consumer Education Enforcement	-SPLIT-	-873,539.00	1,679,574.07
Check	03/31/2020	3559	The Communications Group, Inc.	Inv. #'s31459-62:Price Goughing	Consumer Education Enforcement	-SPLIT-	-240,629.44	1,438,944.63
Check	03/31/2020	3561	The Communications Group, Inc.	Inv. #31414:PSA Child Abuse	Consumer Education Enforcement	5080034000 - Audio & Visual Pro	-40,000.00	398,944.63

4-88-105. Consumer Protection Division.

(a) There is created within the office of the Attorney General a Consumer Protection Division.

(b) The director of the division shall be known as the "Consumer Counsel of Arkansas" and shall be appointed by the Attorney General who may also appoint such assistants, investigators, and professional and clerical staff as are necessary for the efficient operation of the division.

(c) The division shall represent and protect the state, its subdivisions, the legitimate business community, and the general public as consumers.

(d) The division shall have the following functions, powers, and duties:

(1) To serve as a central coordinating agency and clearinghouse for receiving complaints of illegal, fraudulent, or deceptive practices;

(2) To assist, advise, and cooperate with federal, state, and local agencies and officials to protect and promote the interests of the consumer public;

(3) To conduct investigations, research, studies, and analyses of matters, to issue reports, and take appropriate action affecting the interests of consumers, which may include the referral of complaints to state and local departments or agencies charged with enforcement of consumer laws, or to private organizations and agencies; however, the division may retain jurisdiction over such matters until resolved;

(4) To promote consumer education and to undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, advertisement, and sale of consumer goods and services, encouraging and supporting activities directed toward these objectives by the Better Business Bureau, consumer organizations, and other associations of like nature;

(5) To investigate violations of laws enacted and rules promulgated for the purpose of consumer protection, and to study the operation of such laws and rules and to recommend to the General Assembly needed changes in law in the consumer's interest; and

(6) To enforce the provisions of this chapter and to perform such other functions as may be incidental to the powers and duties set forth in this chapter.

(e) The expenses of the division shall be paid from funds provided for that purpose by law, including without limitation:

(1) Funds made available by the state, a state agency, or a state political subdivision;

(2) Funds made available by the United States Government or a federal agency; or

(3)

(A) Funds deposited into a Consumer Education and Enforcement Account, managed by the division, from settlements or judgments in favor of the state related to a lawsuit or assurance of voluntary compliance in which the state was a party.

(B) The account shall not carry a balance greater than one million dollars (\$1,000,000), and the funds in the account shall be used in a manner determined by the office of the Attorney General, including without limitation:

- (i)** Litigation support;
- (ii)** Expert witness fees;
- (iii)** Court filing fees;
- (iv)** Process server fees;
- (v)** Witness fees;
- (vi)** Court costs;
- (vii)** Court reporter fees;
- (viii)** Attorney and staff training;
- (ix)** Travel expenses;
- (x)** Consumer education;
- (xi)** Office expenses and improvements; and
- (xii)** Investigation expenses.

(f)

(1) As used in this section, "state agency" includes without limitation:

- (A)** A state agency, office, or department;
- (B)** A board or commission; and
- (C)** A public college or university.

(2) When a settlement is agreed to or a judgment is entered in a lawsuit in which the state is a party receiving all or part of the settlement or judgment, the Attorney General shall distribute the funds in the following manner:

- (A)** Restitution to Arkansas consumers or state agencies, or for other purposes, as designated by the court order or settlement agreement;
- (B)** Designation of cash funds to a state agency having a nexus to the underlying litigation;
- (C)** Payment of attorney's fees or civil penalties under § 4-88-113(a)(1), § 4-88-113(c), or § 4-88-113(e); or
- (D)** Payment into the account, as authorized by this section.

(3)

(A) Funds to be distributed as described in subdivisions (f)(2)(B)-(D) of this section shall be distributed in the manner prescribed by this section within one hundred twenty (120) days of the receipt of the funds.

(B) Restitution funds shall be distributed to Arkansas consumers as soon as is practicable and in accordance with any applicable court order.

(4)

(A) The office of the Attorney General shall on a quarterly basis provide to the Legislative Council or Joint Budget Committee a report of all cash funds received from court orders or settlement agreements.

(B) The report shall include:

(i) The case name of the court order or settlement agreement;

(ii) The amount of funds received by the office of the Attorney General for each court order or settlement agreement; and

(iii)

(a) A plan for disbursement of the funds.

(b) If cash funds received from a court order or settlement agreement are expended for any purpose, including consumer education and enforcement activities, the report must itemize specific activities subject to the exclusions provided in § 4-88-111 and § 25-1-403(1)(B).

(c) The report shall also itemize the specific consumer education and enforcement activities funded for the office of the Attorney General.

(C) If funds received from a court order or settlement agreement are given to a specific entity by the office of the Attorney General, the report shall include:

(i)

(a) Whether or not the court order or settlement agreement directed funds to be given to a specific entity.

(b) If the court order or settlement agreement directs funds to a specific entity, the office of the Attorney General shall provide a summary of input regarding the drafting of the court order or settlement agreement.

(c) If the office of the Attorney General receives funds from a court order or settlement agreement that does not require disbursement of funds to a specific entity, the office of the Attorney General shall report a rationale for disbursing funds to a specific entity; and

(ii) A report of current balances of all unappropriated cash fund holdings received by court order or settlement agreement by the office of the Attorney General.

(D) The quarterly reports shall be provided no later than the fifteenth day of the month immediately following the end of each quarter.

History

Acts 1971, No. 92, §§ 1, 2, 12; A.S.A. 1947, §§ 70-901, 70-902, 70-912; Acts 1991, No. 1177, § 3; 2013, No. 763, §§ 1, 2; 2015, No. 1160, § 2; 2019, No. 315, § 129.

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