

Attorney General Quarterly Report Pursuant to Act 763 of 2013
Period 4/1/2020 to 6/30/2020

G.2

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.

- **Medical Informatics Engineering**

Multi-States v. Medical Informatics Engineering and NoMoreClipboard LLC- Counsel for the Attorney General worked with multi-state Attorneys General, to obtain a Consent Judgement for their violating provisions of the Health Insurance Portability and Accountability Act (HIPPA) as well as state claims including unfair and deceptive practice laws, notice of data breach statutes, and state personal information protection acts.

- **Santander Consumer USA, Inc.**

State of Arkansas v. Santander Consumer USA, Inc. - Counsel for the Attorney General worked with Santander Consumer USA to obtain a Settlement Agreement for their exposing subprime consumers to unnecessarily high levels of risk and placing these subprime consumers into loans with a high probability of default.

- **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.

- **Automatic Auto Finance, Inc.**

State of Arkansas v. Automatic Auto Finance, Inc. - Counsel for the Attorney General worked to obtain a Settlement Agreement for AAF and its affiliates engaging in deceptive advertising and marketing of used cars, sales of vehicles, credit approvals, financing practices, unconscionable contract and payment terms, servicing practices, repossession and collection practices, and other illegal actions.

REPORT OF CURRENT BALANCES OF ALL UNAPPROPRIATED CASH FUNDS

General Cash	\$	26,978
<small>Account is funded by monies deposited at the Attorney General's discretion. Funds are used for purchases that are not related to Appropriated funding.</small>		
Clearing Account	\$	5,267,628
<small>Account where inflows of cash are initially deposited generally through court ordered judgements against companies or assurances of voluntary compliance. Outflows of cash are mostly limited to intra-agency transfers to other cash accounts or the state treasury.</small>		
Consumer Education and Enforcement	\$	131,861
<small>Account is funded through court ordered judgements against companies or assurances of voluntary compliance. These funds are utilized for consumer education and consumer enforcement initiatives.</small>		
Consumer Protection	\$	50
<small>Account is funded through court ordered judgements against companies or assurances of voluntary compliance. Consumer restitutions/refunds should be deposited and disbursed from this account.</small>		
Petty Cash	\$	1,377

OFFICE OF THE ATTORNEY GENERAL
Cash Account Information
April 1, 2020 to June 30, 2020

Clearing - CASH RECEIPTS

CASE	AMOUNT	USES	DATE
			4/20/20 - \$40,000
			5/18/20 - \$40,000
Grand River Enterprises	\$ 120,000.00	Restricted	6/22/20 - \$40,000
Medical Informatics Engineering	\$ 42,356.30	Unrestricted to CE&E	6/25/20 - \$42,356.30
Santander Consumer USA, Inc.	\$ 30,000.00	Unrestricted to CE&E	6/05/20 - \$30,000
			4/24/20 - \$50.00
Gary Eubanks and Edgemont Marine	\$ 150.00	Restricted	6/18/20 - \$100.00
Automatic Auto Finance	\$ 29,824.12	Unrestricted to CE&E; Direct Deposit to CE&E	6/3/2020 - \$29,824.12
TOTAL RECEIPTS	\$ 222,330.42		

Consumer Education & Enforcement - DISBURSEMENTS & RECEIPTS

COST CATEGORY	AMOUNT	REASON FOR EXPENSE	CASE FUNDS
4042007000 - Dmg Settle > 1,000	\$ 29,824.12		
Regions Bank	\$ 29,824.12	Settlement Award	Automatic Auto Finance
4049003000 - Interest Earned	\$ 45.67		
Regions Bank	\$ 45.67	Interest Earned_April-June	
4050003000 - Oth Refunds/Reimb	\$ 3,401.35		
Arkansas School Nurses Association	\$ 75.00	Refund	Johnson & Johnson (Hip)
City of Little Rock	\$ 200.00	Refund	
Fleming Network & Security Services, Inc.	\$ 3,126.35	Refund	
5020002000 Telecom Wired	\$ (852.56)		
Department of Information Systems	\$ (852.56)	Northwest Office - Utilities	
5020005000 - 02 Freight	\$ (649.47)		
B&B Solutions	\$ (649.47)	Lemon Law Shipping	
5030001000 - Printing	\$ (49,333.11)		
UALR Printing Services	\$ (49,333.11)	Printing for Consumer Education Activities	
5030003000 - Advertise Clip Svc	\$ (6,327.73)		
Arkansas Business Publishing Group	\$ (5,230.00)	Advertising/Clipping Service	
Arkansas Newspaper Clipping Service	\$ (364.35)	Advertising/Clipping Service	
Arkansas Press Association	\$ (733.38)	Consumer Protection Education Media	
5030017000 - Software Mtnc	\$ (47,762.00)		
Legal Files Software, Inc.	\$ (47,762.00)	Software Maintenance	
5040003000 - Water & Sewage	\$ (69.44)		
U.S. Bank Corporate Payment Systems	\$ (69.44)	Northwest Office - Utilities	
5040011000 - Other Rent/Lease	\$ (4,851.00)		
Benton Event Center	\$ (696.00)	Booth Rental	
Puppy Creek Place	\$ (4,155.00)	Northwest Office - Office Space	
5050002000 - 09 Mileage	\$ (177.24)		
Jill Irwin	\$ (177.24)	Business Travel	
5050004100 - 09 Meals	\$ (209.25)		
Walter Mahone	\$ (209.25)	Business Travel	
5050004200 - 09 Lodging	\$ (587.66)		
Walter Mahone	\$ (587.66)	Business Travel	
5050018000 - 09 Conf/Sem Fees	\$ (2,660.98)		
Cellebrite Inc.	\$ (2,061.98)	Seminar Fee	
Katherine Donovan	\$ (599.00)	Seminar Reimbursement Fee	
5060001000 - Prof Adm Fees	\$ (62,144.00)		
Baker & Hostetler, LLP	\$ (17,845.00)	Professional Services Contravt	
Exeter Associates, Inc.	\$ (3,379.00)	Professional Services Contravt	
Lincoln Strategy Group	\$ (9,800.00)	Professional Services Contravt	
Norwood Energy Consulting	\$ (13,600.00)	Professional Services Contravt	
Rod Walker & Associates Consultancy, Inc.	\$ (17,520.00)	Professional Services Contravt	
5060003000 - Legal Fees	\$ (14,267.00)		
State of Alaska Dept. of Law	\$ (14,267.00)	Pending Litigation Expense	
5060003200 - Pending Litigation	\$ (1,004.00)		

OFFICE OF THE ATTORNEY GENERAL
Cash Account Information
April 1, 2020 to June 30, 2020

Consumer Education & Enforcement - DISBURSEMENTS & RECEIPTS

COST CATEGORY	AMOUNT	REASON FOR EXPENSE	CASE FUNDS
Craighead County Circuit Court Clerk	\$ (95.00)	Pending Litigation Expense	
Myers Attorney's Service	\$ (659.00)	Service Summons	
S.C. Department of Consumer Affairs	\$ (250.00)	Pending Litigation Expense	
5080013000 Security Services	\$ (3,049.99)		
Fleming Network & Security Services, Inc.	\$ (3,049.99)	Security Services	
5090005000 02 Gasoline Purchase	\$ (358.60)		
WEX Bank	\$ (358.60)	Auto Fuel Purchase	
5090007000 - Educ Supplies/Mat	\$ (500.00)		
Boys & Girls Club of Benton County	\$ (500.00)	Booth Rental_Drug Free Benton County	
5090011100 - 02 Audio & Visual	\$ (66,471.38)		
Conference Technologies, Inc.	\$ (66,471.38)	SID Training Room	
5090026300 - 02 Desktop, Laptop	\$ (29,606.41)		
Dell Marketing L.P.	\$ (29,606.41)	Laptops	
5090027000 - Software/Licenses	\$ (11,610.00)		
Southern Software, Inc.	\$ (11,610.00)	Software for SID	
-SPLIT-	\$ (139,226.57)		
B&B Solutions	\$ (21,544.21)	Printing for Consumer Education Activities	
Baker & Hostetler, LLP	\$ (830.50)	Professional Services Contravt	
David A.F. McCoy	\$ (348.22)	Travel Reimbursement	
Exeter Associates, Inc.	\$ (40,691.80)	Professional Services Contravt	
Fleming Network & Security Services, Inc.	\$ (7,151.54)	Security Services	
GALLS, LLC	\$ (459.13)	SID Training Equipment	
Rural Arkansas Radio Network	\$ (58,800.00)	Consumer Protection Education Radio Spots	
The Communications Group, Inc.	\$ (3,257.50)	Consumer Protection Education Media	
U.S. Bank Corporate Payment Systems	\$ (2,818.92)	Northwest Office; CDI Vehicle Lease; Registration	
US Corporate Payment Systems	\$ (2,322.90)	CDI Vehicle Lease	
WEX Bank	\$ (1,001.85)	Auto Expense	
Grand Total	\$ (408,447.25)		

2015 Cash Accounts
Custom Transaction Detail Report
January through March 2020

Type	Date	Num	Name	Memo	Split	Amount	Balance
Check	04/06/2020	3563	Puppy Creek Place	Inv. #231-May '20 Rent NWA	5040011000 - Other Rent/Lease	-1,385.00	-25.33
Check	04/06/2020	3564	Baker & Hostettler, LLP	Inv. #50741851:2020-010	5060001000 - Prof Adm Fees	-207.50	-232.83
Check	04/06/2020	3565	Walter Mahone	TR1-Conference	5050004100 - 09 Meals	-209.25	-442.08
Check	04/06/2020	3566	Fleming Network & Security Services, Inc.	Inv. #sC65454 & C65482	-SPLIT-	-6,176.34	-6,618.42
Check	04/09/2020	3567	U.S. Bank Corporate Payment Systems	ACCT. #4246-0446-0036-5179:Supplies NWA	-SPLIT-	-51.38	-6,669.80
Check	04/09/2020	3568	U.S. Bank Corporate Payment Systems	Acct. #4246-0446-2226-8369:Ellis	-SPLIT-	-500.00	-7,169.80
Check	04/09/2020	3569	Norwood Energy Consulting	Inv. #EALCR:2018-031:124700	5060001000 - Prof Adm Fees	-8,900.00	-16,069.80
Check	04/09/2020	3570	B&B Solutions	Inv. #s5177569,5178717RB,517699275179364	-SPLIT-	-19,734.66	-35,804.46
Check	04/09/2020	3571	Jill Irwin	TR1 - Mileage-Speaker LE Summit NWA	5050002000 - 09 Mileage	-177.24	-35,981.70
Check	04/14/2020	3572	The Communications Group, Inc.	Inv. #s 31411-31413: PSA	-SPLIT-	-3,257.50	-39,239.20
Check	04/20/2020	3573	Rod Walker & Associates Consultancy, Inc.	Inv. #0085:2020-016:124700	5060001000 - Prof Adm Fees	-5,040.00	-44,279.20
Check	04/20/2020	3574	Exeter Associates, Inc.	Inv. #20785:2019-016	5060001000 - Prof Adm Fees	-2,917.50	-47,196.70
Check	04/20/2020	3575	Exeter Associates, Inc.	Inv. #20785:2019-016	-SPLIT-	-27,888.60	-75,085.30
Check	04/21/2020	3576	Exeter Associates, Inc.	Inv. #20833:2019-016:124700	-SPLIT-	-6,511.70	-81,597.00
Deposit	04/30/2020		Regions Bank	Interest April 20	4049003000 - Interest Earned	28.50	-81,568.50
Check	05/04/2020	3577	Arkansas Business Publishing Group	Inv. #2020CI-1899:Advertisement:124800	5030003000 - Advertise Clip Svc	-5,230.00	-86,798.50
Check	05/04/2020	3578	Baker & Hostettler, LLP	Inv. #50751830:2020-010:124700	-SPLIT-	-830.50	-87,629.00
Check	05/04/2020	3579	UALR Printing Services	Inv. #66468:LE Pocket Guides:124900	5030001000 - Printing	-49,333.11	-136,962.11
Check	05/04/2020	3580	GALLS, LLC	Inv. #s 015159794&015223805:124650	-SPLIT-	-459.13	-137,421.24
Check	05/04/2020	3581	Arkansas Newspaper Clipping Service	Inv. #328093:124800	5030003000 - Advertise Clip Svc	-364.35	-137,785.59
Check	05/04/2020	3582	U.S. Bank Corporate Payment Systems	Acct. #4246-0446-0036-5179:NWA Expense	5040003000 - Water & Sewage	-69.44	-137,855.03
Check	05/04/2020	3583	Department of Information Systems	Inv. #5980716880:NWA Telephone	5020002000 Telecom Wired	-284.72	-138,139.75
Check	05/04/2020	3584	Dell Marketing L.P.	Inv. #1388518814:124317	5090026300 - 02 Desktop, Laptop	-29,606.41	-167,746.16
Check	05/05/2020	3585	Puppy Creek Place	Inv. #232:Rent:June 2020:NWA	5040011000 - Other Rent/Lease	-1,385.00	-169,131.16
Check	05/05/2020	3586	Legal Files Software, Inc.	Inv. #11856:124317:Maintenance & Support	5030017000 - Software Mtn	-47,762.00	-216,893.16
Deposit	05/05/2020		City of Little Rock	City of LR-Refund Exhibitor-Check # 955015:R	4050003000 - Oth Refunds/Reimb	200.00	-216,693.16
Check	05/11/2020	3587	Rod Walker & Associates Consultancy, Inc.	Inv. #0095:2020-019:124700	5060001000 - Prof Adm Fees	-12,480.00	-229,173.16
Check	05/11/2020	3588	David A.F. McCoy	TR1:Heartland Conf. 124700	-SPLIT-	-348.22	-229,521.38
Check	05/13/2020	3589	Exeter Associates, Inc.	Inv. #20921:2019-016:124700	-SPLIT-	-6,291.50	-235,812.88
Check	05/13/2020	3590	Arkansas Press Association	Inv. #307098:124900	5030003000 - Advertise Clip Svc	-733.38	-236,546.26
Check	05/13/2020	3591	B&B Solutions	Inv. #s5180445,5180447,5182560-61:124900	5020005000 - 02 Freight	-649.47	-237,195.73
Check	05/15/2020	3592	Katherine Donovan	Registration Fee:RX Drug Abuse&Heroin Sumrn	5050018000 - 09 Conf/Sem Fees	-599.00	-237,794.73
Check	05/15/2020	3593	Boys & Girls Club of Benton County	Drug Free Benton County	5090007000 - Educ Supplies/Mat	-500.00	-238,294.73
Check	05/26/2020	3594	U.S. Bank Corporate Payment Systems	VOID: Acct. #0496-00-183330-0:CDI Unit	5090005000 02 Gasoline Purchase	0.00	-238,294.73
Check	05/26/2020	3595	Conference Technologies, Inc.	Inv. #JC120283:Training Room SID	5090011100 - 02 Audio & Visual	-66,471.38	-304,766.11
Deposit	05/29/2020		Arkansas School Nurses Association	ASNA-Refund Conference-Check #1607:Receij	4050003000 - Oth Refunds/Reimb	75.00	-304,691.11
Deposit	05/29/2020		Regions Bank	Interest May 2020	4049003000 - Interest Earned	17.17	-304,673.94
Check	06/01/2020	3596	Walter Mahone	Reimbursement for lodging:124650	5050004200 - 09 Lodging	-587.66	-305,261.60
Check	06/01/2020	3597	Department of Information Systems	Inv. #6008616880:NWA Telephone	5020002000 Telecom Wired	-284.02	-305,545.62
Check	06/01/2020	3598	WEX Bank	Acct. #0496-00-183330-0:Fuel Charges:CDI Un	5090005000 02 Gasoline Purchase	-358.60	-305,904.22
Check	06/01/2020	3599	WEX Bank	Acct. #0496-00-183330-0:Fuel Charges:CDI Un	-SPLIT-	-550.16	-306,454.38
Check	06/01/2020	3600	U.S. Bank Corporate Payment Systems	Acct. #4730774555568178:Vehicle Rental:CDI	-SPLIT-	-2,171.48	-308,625.86
Check	06/01/2020	3601	U.S. Bank Corporate Payment Systems	NWA Utilities: Water & Lights	-SPLIT-	-96.06	-308,721.92
Check	06/03/2020	3602	Puppy Creek Place	Inv. #233:Rent July 2020:NWA	5040011000 - Other Rent/Lease	-1,385.00	-310,106.92
Check	06/03/2020	3603	B&B Solutions	Inv. #s 5185419,63,64,73:124900	-SPLIT-	-1,809.55	-311,916.47
Deposit	06/08/2020		Regions Bank	Settlement Monies - Automatic Auto Finance, Ir	4042007000 - Dmg Settle > 1,000	29,824.12	-282,092.35
Check	06/09/2020	3604	Fleming Network & Security Services, Inc.	Inv. #s F94530&F94588:124650	-SPLIT-	-975.20	-283,067.55
Check	06/09/2020	3605	Rural Arkansas Radio Network	Inv. #s022320,032920&042620AAG	-SPLIT-	-58,800.00	-341,867.55
Check	06/09/2020	3606	Southern Software, Inc.	Inv. #245169B:124650	5090027000 - Software/Licenses	-11,610.00	-353,477.55
Check	06/10/2020	3607	State of Alaska Dept. of Law	VOID: Cost Share Assessment::Google AD Tec	5060003000 - Legal Fees	0.00	-353,477.55
Check	06/10/2020	3608	Lincoln Strategy Group	Inv. #1004148:124200	5060001000 - Prof Adm Fees	-9,800.00	-363,277.55
Check	06/10/2020	3609	Norwood Energy Consulting	Inv. #EALCR-MAR20:124700	5060001000 - Prof Adm Fees	-4,700.00	-367,977.55
Check	06/10/2020	3610	Exeter Associates, Inc.	Inv. #20948:2019-016-124700	5060001000 - Prof Adm Fees	-461.50	-368,439.05
Check	06/10/2020	3611	Baker & Hostettler, LLP	Inv. #5076514:2020-010:124700	5060001000 - Prof Adm Fees	-17,637.50	-386,076.55
Check	06/10/2020	3612	Cellebrite Inc.	Inv. #Q-147650-1:Coleman:124650	5050018000 - 09 Conf/Sem Fees	-2,061.98	-388,138.53
Check	06/15/2020	3613	State of Alaska Dept. of Law	Cost Share Assessment:Google AD Tech	5060003000 - Legal Fees	-14,267.00	-402,405.53
Check	06/15/2020	3614	Fleming Network & Security Services, Inc.	Inv. #C65454:124650	5080013000 Security Services	-3,049.99	-405,455.52
Deposit	06/18/2020		Fleming Network & Security Services, Inc.	Refund Overpayment - Ck. #1731:Receipt #19	4050003000 - Oth Refunds/Reimb	3,126.35	-402,329.17
Check	06/22/2020	3615	S.C. Department of Consumer Affairs	Pro Hac Vice Adm.KDonoven:6:20-CV-00786	5060003200 - Pending Litigation	-250.00	-402,579.17
Check	06/22/2020	3616	Benton Event Center	Inv. #2/13/20:LE Summit:124900	5040011000 - Other Rent/Lease	-696.00	-403,275.17
Check	06/24/2020	3617	Myers Attorney's Service	Inv. #2020004228:124700	5060003200 - Pending Litigation	-115.00	-403,390.17
Check	06/24/2020	3618	Myers Attorney's Service	Inv. #2020004229:124700	5060003200 - Pending Litigation	-115.00	-403,505.17
Check	06/24/2020	3619	Craighead County Circuit Court Clerk	Registered Stipulated Judgment:124700	5060003200 - Pending Litigation	-95.00	-403,600.17
Check	06/24/2020	3620	Myers Attorney's Service	Inv. #2020004222:124700	5060003200 - Pending Litigation	-429.00	-404,029.17
Check	06/30/2020	3621	US Corporate Payment Systems	Acct. #4730 7745 5556 8178:124350	-SPLIT-	-2,124.30	-406,153.47
Check	06/30/2020	3622	US Corporate Payment Systems	Acct. #4246-0446-0036-5179:124300	-SPLIT-	-198.60	-406,352.07
Check	06/30/2020	3623	WEX Bank	Acct. #0496-00-183330-0:124350	-SPLIT-	-451.69	-406,803.76
Check	06/30/2020	3624	Department of Information Systems	Inv. #6037616880:NWA Telephone	5020002000 Telecom Wired	-283.82	-407,087.58

Row Labels	Sum of Amount
4042007000 - Dmg Settle > 1,000	\$ 29,824.12
Regions Bank	\$ 29,824.12
4049003000 - Interest Earned	\$ 45.67
Regions Bank	\$ 45.67
4050003000 - Oth Refunds/Reimb	\$ 3,401.35
Arkansas School Nurses Association	\$ 75.00

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Custom Transaction Detail Report
January through March 2020

City of Little Rock	\$	200.00
Fleming Network & Security Services, Inc.	\$	3,126.35
5020002000 Telecom Wired	\$	(852.56)
Department of Information Systems	\$	(852.56)
5020005000 - 02 Freight	\$	(649.47)
B&B Solutions	\$	(649.47)
5030001000 - Printing	\$	(49,333.11)
UALR Printing Services	\$	(49,333.11)
5030003000 - Advertise Clip Svc	\$	(6,327.73)
Arkansas Business Publishing Group	\$	(5,230.00)
Arkansas Newspaper Clipping Service	\$	(364.35)
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5030017000 - Software Mtn	\$	(47,762.00)
Legal Files Software, Inc.	\$	(47,762.00)
5040003000 - Water & Sewage	\$	(69.44)
U.S. Bank Corporate Payment Systems	\$	(69.44)
5040011000 - Other Rent/Lease	\$	(4,851.00)
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Norwood Energy Consulting	\$	(13,600.00)
Rod Walker & Associates Consultancy, Inc.	\$	(17,520.00)
5060003000 - Legal Fees	\$	(14,267.00)
State of Alaska Dept. of Law	\$	(14,267.00)
5060003200 - Pending Litigation	\$	(1,004.00)
Craighead County Circuit Court Clerk	\$	(95.00)
Myers Attorney's Service	\$	(659.00)
S.C. Department of Consumer Affairs	\$	(250.00)
5080013000 Security Services	\$	(3,049.99)
Fleming Network & Security Services, Inc.	\$	(3,049.99)
5090005000 02 Gasoline Purchase	\$	(358.60)
WEX Bank	\$	(358.60)
5090007000 - Educ Supplies/Mat	\$	(500.00)
Boys & Girls Club of Benton County	\$	(500.00)
5090011100 - 02 Audio & Visual	\$	(66,471.38)
Conference Technologies, Inc.	\$	(66,471.38)
5090026300 - 02 Desktop, Laptop	\$	(29,606.41)
Dell Marketing L.P.	\$	(29,606.41)
5090027000 - Software/Licenses	\$	(11,610.00)
Southern Software, Inc.	\$	(11,610.00)
-SPLIT-	\$	(139,226.57)
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GALLS, LLC	\$	(459.13)
Rural Arkansas Radio Network	\$	(58,800.00)
The Communications Group, Inc.	\$	(3,257.50)
U.S. Bank Corporate Payment Systems	\$	(2,818.92)
US Corporate Payment Systems	\$	(2,322.90)
WEX Bank	\$	(1,001.85)
Grand Total	\$	(408,447.25)

4-88-105. Consumer Protection Division.

Statute text

- (a) There is created within the office of the Attorney General a Consumer Protection Division.
- (b) The director of this 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 and regulations promulgated for the purpose of consumer protection, and to study the operation of such laws, rules, and regulations 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 Consumer Education and Enforcement 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 Consumer Education and Enforcement Account, as authorized by this section.

(3)(A) Funds to be distributed as described in subdivisions (f)(2)(B)-(D) 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.

(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.
- (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

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.

Annotations

A.C.R.C. Notes. This section was formerly codified as § 4-88-104. Former § 4-88-105 has been renumbered as § 4-88-106.

Amendments. The 2013 amendment rewrote (e); and added (f).

The 2015 amendment, in the introductory language of (f)(4)(C), inserted "the" preceding "Attorney General" and substituted "shall" for "must"; redesignated former (f)(4)(C)(i) as (f)(4)(C)(i)(a) ; in (f)(4)(C)(i)(a) , substituted "Whether or not" for "If" and substituted "funds" for "moneys"; redesignated former (f)(4)(C)(ii) and (iii) as (f)(4)(C)(i)(b) and (c) ; and redesignated former (f)(4)(C)(iv) as (f)(4)(C)(ii).

Research References

U. Ark. Little Rock L. Rev.

Eric B. Estes, Undercover Investigations and Government Lawyers, 37 U. Ark. Little Rock L. Rev. 285 (2015).

Case Notes

Cited: Hubbard v. Moore, 537 F. Supp. 126 (W.D. Ark. 1982).