

**OFFICE OF THE ATTORNEY GENERAL**  
**Cash Account Information**  
**January 1, 2021 to March 31, 2021**

**D.2.b**

**Clearing - CASH RECEIPTS**

CASE	AMOUNT	USES	DATE
Grand River Enterprises	\$ 120,030.00	Restricted	01/11/21 - \$40,000 02/09/21 - \$40,000 03/09/21 - \$40,030
Mystic Juice USA, LLC & Christopher Schmitz	\$ 3,750.00	Unrestricted to CE&E	01/22/21 - \$1,250 03/01/21 - \$1,250 03/17/21 - \$1,250
Apple, Inc.	\$ 4,295,115.09	Unrestricted to CE&E	01/22/21
Centurion Filing Services, LLC	\$ 5,708.83	Unrestricted to CE&E	01/29/21
The Home Depot, Inc.	\$ 149,011.03	Unrestricted to CE&E	01/19/21
Sabre Corporation	\$ 166,962.56	Unrestricted to CE&E	02/02/21
Heber Springs Wholesale Grocery	\$ 250.00	Unrestricted to CE&E	03/01/21
Boston Scientific Corporation	\$ 2,776,500.00	Unrestricted to CE&E	03/26/21
<b>TOTAL RECEIPTS</b>	<b>\$ 7,517,327.51</b>		

**Consumer Education & Enforcement - DISBURSEMENTS & RECEIPTS**

COST CATEGORY	AMOUNT	REASON FOR EXPENSE	CASE FUNDS
<b>09 - Conference Fees &amp; Seminars</b>	<b>\$ 4,275.00</b>		Premera Blue Cross; Centurion Filing Services; Nationwide Mutual & Allied Property & Casualty; Verizon Financial Services, LLC
Calibre Press	\$ 4,275.00	Seminar Fee	
<b>Advertising &amp; Clipping Svcs</b>	<b>\$ 88,221.25</b>		
Arkansas Newspaper Clipping Service	\$ 1,433.25	Advertising/Clipping Service	
IMG College, LLC	\$ 86,788.00	Consumer Protection Education Media	
<b>Audio &amp; Visual Production</b>	<b>\$ 77,852.16</b>		
Rural Arkansas Radio Network	\$ 12,740.00	Consumer Protection Education Media	
The Communications Group, Inc.	\$ 65,112.16	Consumer Protection Education Media	
<b>Film Processing</b>	<b>\$ 300.00</b>		
Danny Harris	\$ 300.00	Film Development	
<b>Food Purchases</b>	<b>\$ 3,335.40</b>		
Smokin' In Style BBQ	\$ 3,335.40	Officer of the Year Luncheon	
<b>Freight</b>	<b>\$ 428.55</b>		
B&B Solutions	\$ 428.55	Printing for Consumer Education Activities	
<b>NWA Rent</b>	<b>\$ 2,770.00</b>		
Puppy Creek Place	\$ 2,770.00	Northwest Arkansas Office	
<b>NWA - Telephone Expense</b>	<b>\$ 566.99</b>		
Bank of America	\$ 197.44	Northwest Arkansas Office	
<b>NWA Office - Water</b>	<b>\$ 99.16</b>		
Bank of America	\$ 86.07	Northwest Arkansas Office	
US Corporate Payment Systems	\$ 13.09	Northwest Arkansas Office	
<b>Office Supplies</b>	<b>\$ 2.01</b>		
US Corporate Payment Systems	\$ 2.01	Northwest Arkansas Office	
<b>Other Rent and Leases</b>	<b>\$ 3,575.00</b>		
Benton Event Center	\$ 1,590.00	Law Enforcement Summit/Never Forgotten	
County Judges Association of Arkansas	\$ 600.00	Exhibit Rental	
Puppy Creek Place	\$ 1,385.00	Northwest Arkansas Office	
<b>Pending Litigation</b>	<b>\$ 1,338.70</b>		
Myers Attorney's Service	\$ 1,125.50	Pending Litigation Service Summons	
Shannon Halijan	\$ 167.50	Filing Fee for Pending Litigation	
Wells Fargo Bank NA	\$ 45.70	Research Fee	
<b>Professional &amp; Admin Fees</b>	<b>\$ 107,269.30</b>		
Acadian Consulting Group	\$ 11,351.75	Professional Services Contract	
Baker & Hostetler, LLP	\$ 415.00	Professional Services Contract	
Brubaker & Associates, Inc.	\$ 45,329.50	Professional Services Contract	
Exeter Associates, Inc.	\$ 1,782.50	Professional Services Contract	
Norwood Energy Consulting	\$ 21,525.00	Professional Services Contract	
Peter A. Morrison & Associates, Inc.	\$ 10,725.00	Professional Services Contract	
Rod Walker & Associates Consultancy, Inc.	\$ 2,160.00	Professional Services Contract	

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**January 1, 2021 to March 31, 2021**

**Consumer Education & Enforcement - DISBURSEMENTS & RECEIPTS**

<b>COST CATEGORY</b>	<b>AMOUNT</b>	<b>REASON FOR EXPENSE</b>	<b>CASE FUNDS</b>
Roy Douglas House	\$ 8,817.21	Professional Services Contract	
M.A.D. LLC	\$ 4,333.34	Professional Services Contract	
Baker & Hostetler, LLP	\$ 830.00	Professional Services Contract	
<b>Satellite/Cable Services</b>	<b>\$ 272.96</b>		
Sirius XM Radio Inc.	\$ 272.96	Satellite Radio	
<b>Security System</b>	<b>\$ 919.78</b>		
Arkansas Security	\$ 919.78	Security System	
<b>Software Licenses</b>	<b>\$ 21,862.00</b>		
SHI International Corp.	\$ 21,862.00	Software Licenses	
<b>Software Maintenance</b>	<b>\$ 47,762.00</b>		
Legal Files Software, Inc.	\$ 47,762.00	Intra-Office Research Files	
<b>Special Purpose Supplies</b>	<b>\$ 3,912.30</b>		
B&B Solutions	\$ 972.17	Agency Supplies	
Discount Trophies of Arkansas, Inc.	\$ 197.07	Valor Tributes	
Everlast Sports MFG. Corp	\$ 2,743.06	Training Equipment for Jacksonville Police Department	
<b>Telephone Expense - NWA</b>	<b>\$ 573.19</b>		
Department of Information Systems	\$ 573.19	Northwest Arkansas Office	
<b>Grand Total</b>	<b>\$ 365,533.19</b>		

**Attorney General Quarterly Report Pursuant to Act 763 of 2013**  
**Period 1/1/2021 to 3/31/2021**

**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.

- **Mystic Juice USA, LLC & Christopher Schmitz**

*State of Arkansas v. Mystic Juice USA, LLC and Christopher Schmitz* - Defendants entered into a Consent Judgement with counsel for the Attorney General agreeing to take steps to ensure proper permits or licenses are in place and purchaser is of legal age before making future sales of covered tobacco products.

- **Apple, Inc.**

*State of Arkansas v. Apple, Inc.* - Apple entered into a Consent Judgement for deceptive trade practices by misrepresenting the true nature of software upgrades which caused performance throttling of certain iPhones.

- **Centurion Filing Services, LLC**

Centurion Filing Services mailed solicitations that looked like government documents to consumers. Centurion charged small businesses \$62.50 to obtain documents that are available for \$26.00 from the AR Secretary of State.

- **The Home Depot**

Multistate investigation of a 2014 data breach that exposed the payment card information of approximately 40,000,000 Home Depot consumers nationwide. Company has agreed to implement and maintain a series of data security practices designed to strengthen its information security program and safeguard the personal information of consumers.

- **Sabre Corporation**

Multistate investigation of a 2017 data breach of Sabre Hospitality Solutions' hotel booking system. The breach exposed the data of approximately 1,300,000 credit cards.

- **Heber Springs Wholesale Grocery**

A settlement agreement was entered between the Office of the Attorney General and Heber Springs Wholesale Grocery. Heber Springs shall refrain from selling, offering, or possessing for sale any cigarettes of a tobacco product manufacturer or brand family that are not included in the Approved-for-Sale Tobacco Products Directory maintained by the Attorney General.

- **Boston Scientific Corporation**

*State of Arkansas v. Boston Scientific Corporation* - A multistate investigation resulted in a settlement with Boston Scientific Corporation to resolve allegations it engaged in deceptive marketing of its surgical mesh products for women.

**REPORT OF CURRENT BANK BALANCES OF ALL UNAPPROPRIATED CASH FUNDS\***

<b>General Cash</b>	\$	26,954
Account is funded by monies deposited at the Attorney General's discretion. Funds are used for purchases that are not related to Appropriated funding.		
<b>Clearing Account</b>	\$	13,668,988
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.		
<b>Consumer Education and Enforcement *</b>	\$	103,367
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.		
<b>Consumer Protection</b>	\$	511
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.		
<b>Petty Cash</b>	\$	1,882
<b>Restricted Account</b>	\$	500,033
Account where cash is deposited generally through court ordered judgements against companies or an assurance of voluntary compliance. Outflows of cash are mostly limited to intra-agency transfers to other cash accounts or payments to the state treasury.		

*\* Balance according to QuickBooks*

Row Labels	Sum of Amount
<b>09 - Conference Fees &amp; Seminars</b>	<b>\$ 4,275.00</b>
Calibre Press	\$ 4,275.00
<b>Advertising &amp; Clipping Svcs</b>	<b>\$ 88,221.25</b>
Arkansas Newspaper Clipping Service	\$ 1,433.25
IMG College, LLC	\$ 86,788.00
<b>Audio &amp; Visual Production</b>	<b>\$ 77,852.16</b>
Rural Arkansas Radio Network	\$ 12,740.00
The Communications Group, Inc.	\$ 65,112.16
<b>Film Processing</b>	<b>\$ 300.00</b>
Danny Harris	\$ 300.00
<b>Food Purchases</b>	<b>\$ 3,335.40</b>
Smokin' In Style BBQ	\$ 3,335.40
<b>Freight</b>	<b>\$ 428.55</b>
B&B Solutions	\$ 428.55
<b>NWA Rent</b>	<b>\$ 2,770.00</b>
Puppy Creek Place	\$ 2,770.00
<b>NWA - Telephone Expense</b>	<b>\$ 566.99</b>
Department of Information Systems	\$ 566.99
<b>NWA Office - Electric</b>	<b>\$ 197.44</b>
Bank of America	\$ 197.44
<b>NWA Office - Water</b>	<b>\$ 99.16</b>
Bank of America	\$ 86.07
US Corporate Payment Systems	\$ 13.09
<b>Office Supplies</b>	<b>\$ 2.01</b>
US Corporate Payment Systems	\$ 2.01
<b>Other Rent and Leases</b>	<b>\$ 3,575.00</b>
Benton Event Center	\$ 1,590.00
County Judges Association of Arkansas	\$ 600.00
Puppy Creek Place	\$ 1,385.00
<b>Pending Litigation</b>	<b>\$ 5,672.04</b>
M.A.D. LLC	\$ 4,333.34
Myers Attorney's Service	\$ 1,125.50
Shannon Halijan	\$ 167.50
Wells Fargo Bank NA	\$ 45.70
<b>Professional &amp; Admin Fees</b>	<b>\$ 102,105.96</b>
Acadian Consulting Group	\$ 11,351.75
Baker & Hostetler, LLP	\$ 415.00
Brubaker & Associates, Inc.	\$ 45,329.50
Exeter Associates, Inc.	\$ 1,782.50
Norwood Energy Consulting	\$ 21,525.00
Peter A. Morrison & Associates, Inc.	\$ 10,725.00
Rod Walker & Associates Consultancy, Inc.	\$ 2,160.00
Roy Douglas House	\$ 8,817.21
<b>Publications</b>	<b>\$ 830.00</b>
Baker & Hostetler, LLP	\$ 830.00

<b>Satellite/Cable Services</b>	<b>\$</b>	<b>272.96</b>
Sirius XM Radio Inc.	\$	272.96
<b>Security System</b>	<b>\$</b>	<b>919.78</b>
Arkansas Security	\$	919.78
<b>Software Licenses</b>	<b>\$</b>	<b>21,862.00</b>
SHI International Corp.	\$	21,862.00
<b>Software Maintenance</b>	<b>\$</b>	<b>47,762.00</b>
Legal Files Software, Inc.	\$	47,762.00
<b>Special Purpose Supplies</b>	<b>\$</b>	<b>3,912.30</b>
B&B Solutions	\$	972.17
Discount Trophies of Arkansas, Inc.	\$	197.07
Everlast Sports MFG. Corp	\$	2,743.06
<b>Telephone Expense - NWA</b>	<b>\$</b>	<b>573.19</b>
Department of Information Systems	\$	573.19
<b>Grand Total</b>	<b>\$</b>	<b>365,533.19</b>

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).