

DFA - ABC ENFORCEMENT

Enabling Laws

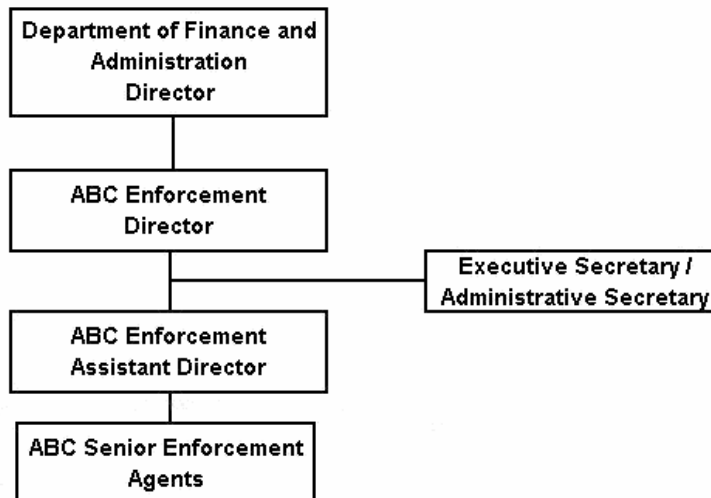
Act 1790 of 2005
AR Code §3-2-101 - §3-2-412

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. An increase over Base Level in the amount of \$90,547 for FY08 and \$58,047 for FY09 is being requested. Included in this amount is \$39,547 each year for salaries and matching to restore a currently authorized grade 20 ABC Senior Enforcement Agent position; \$5,000 each year for Capital Outlay to pay sales tax for the replacement of three vehicles; and additional Maintenance & Operation of \$46,000 for FY08 and \$13,500 for FY09. Included in the \$46,000 request for FY08 is a one time expense of \$32,500 for the purchase of weapons, body armor and emergency lighting. This equipment is needed for the agents due to being in high risk situations, working more frequently with local law enforcement and needing to replace extremely outdated weapons. The remaining \$13,500 would cover increased costs for vehicle maintenance, fuel purchases, tires and telecom wireless charges.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ALCOHOLIC BEVERAGE CONTROL – ENFORCEMENT DIVISION
FOR THE YEAR ENDED JUNE 30, 2005

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	10	3	13	76 %
Black Employees	3	0	3	18 %
Other Racial Minorities	0	1	1	6 %
Total Minorities			4	24 %
Total Employees			17	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	2005-2006		2006-2007		2006-2007		2007-2008				2008-2009			
	Actual	Pos	Budget	Pos	Authorized	Pos	Agency	Pos	Executive	Pos	Agency	Pos	Executive	Pos
1SQ ABC Enforcement - Federal	339,808	0	484,174	0	484,174	0	484,754	0	484,754	0	484,754	0	484,754	0
217 ABC Enforcement - State	1,025,763	20	1,027,933	19	1,030,749	20	1,126,444	20	1,108,944	20	1,093,944	20	1,093,944	20
Total	1,365,571	20	1,512,107	19	1,514,923	20	1,611,198	20	1,593,698	20	1,578,698	20	1,578,698	20

Funding Sources		%		%		%		%		%		%		
General Revenue 4000010	960,192	70.3	1,027,933	68.0			1,126,444	69.9	1,108,944	69.6	1,093,944	69.3	1,093,944	69.3
Federal Revenue 4000020	339,808	24.9	484,174	32.0			484,754	30.1	484,754	30.4	484,754	30.7	484,754	30.7
DFA Motor Vehicle Acquisition 4000184	65,571	4.8	0	0.0			0	0.0	0	0.0	0	0.0	0	0.0
Total Funds	1,365,571	100.0	1,512,107	100.0			1,611,198	100.0	1,593,698	100.0	1,578,698	100.0	1,578,698	100.0
Excess Appropriation/(Funding)	0		0				0		0		0		0	
Grand Total	1,365,571		1,512,107				1,611,198		1,593,698		1,578,698		1,578,698	

Agency Position Usage Report

FY2004-2005						FY2005-2006						FY2006-2007					
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	
21	18	0	18	3	14.29%	20	18	2	20	0	10.00%	20	17	2	19	1	15.00%

Analysis of Budget Request

Appropriation: 1SQ - ABC Enforcement - Federal

Funding Sources: FFC - ABC Enforcement Federal

This federally funded appropriation will provide 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 FY07 budgeted amount of \$484,174 consists of Overtime and Personal Services Matching for after hours and weekend compliance checks; Operating Expenses for law enforcement activity with regard to the sale of alcohol to minors; Conference and Travel Expenses for National Association of Alcohol Enforcement Officers meetings; and Grants and Aid to various organizations.

The Base Level for this appropriation is \$484,754 each year of the biennium. Personal Services Matching reflects an increase in Worker's Compensation and Unemployment Tax rates. Base Level represents the Agency Request.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 1SQ ABC Enforcement - Federal
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		
		2005-2006 Actual	2006-2007 Budget	2006-2007 Authorized	2007-2008			2008-2009		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Personal Services Matching	5010003	0	7,520	7,520	8,100	8,100	8,100	8,100	8,100	8,100
Overtime	5010006	0	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000
Operating Expenses	5020002	51,073	52,654	52,654	52,654	52,654	52,654	52,654	52,654	52,654
Conference & Travel Expenses	5050009	0	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	288,735	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		339,808	484,174	484,174	484,754	484,754	484,754	484,754	484,754	484,754
Funding Sources										
Federal Revenue	4000020	339,808	484,174		484,754	484,754	484,754	484,754	484,754	484,754
Total Funding		339,808	484,174		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		339,808	484,174		484,754	484,754	484,754	484,754	484,754	484,754

Analysis of Budget Request

Appropriation: 217 - ABC Enforcement - State

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.

The FY07 budgeted amount of \$1,027,933 consists of Regular Salaries and Personal Services Matching for 19 positions, Operating Expenses and Capital Outlay.

A cost of living increase is not incorporated in Base Level pending the outcome of the Classification and Compensation Study. FY07 salary levels have been held flat each year for all incumbents. Personal Services Matching may reflect increases in the Base Level due to the Social Security Tax maximum income limit and certain increases in Worker's Compensation and Unemployment Tax rates. Personal Services Matching also includes a \$30 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$350 per month.

A.C.A. §3-2-210(b) states that all duly designated enforcement agents shall have the powers, rights, and protection provided to all other law enforcement officers by the laws of this state, specifically including the power of arrest and service of warrants and the right to bear arms in the line of duty.

Currently issued weapons are outdated and cause difficulty in successfully completing firearms training. Current weapons are six shot revolvers and not easily concealed. Most agencies issue a compact model to their plain clothes officers, because the weapon is easily concealed. All law enforcement agencies issue their officers not just a weapon but some type of body armor as well. ABC Enforcement agents are issued a weapon and are expected to place themselves at risk, so the proper protection should be provided. Emergency lighting and equipment is also used for the agent's safety. This equipment enables the agents to render aid to both the public and other law enforcement officers.

The Base Level request for this appropriation is \$1,035,897 for both years of the biennium. The ABC Enforcement Division is in need of additional appropriation and general revenue funding for the 2007-2009 biennium for the following:

- Restoration of one currently authorized position, Senior Enforcement Officer, Grade 20, due to increasing compliance checks and related workload. Agents are being more proactive, covering more of their assigned areas and working with local law enforcement much more frequently.
- Operating Expenses in the amount of \$46,000 for FY08 and \$13,500 for FY09 for new weapons, body armor, and emergency lighting equipment (\$32,500 for FY08); wireless charges and the increases in maintenance, tires and fuel for vehicles (\$13,500 each year)

- Capital Outlay in the amount of \$5,000 for each year would pay for sales and use tax on the replacement of three (3) new vehicles each year

The Executive Recommendation provides for the Agency Request for additional appropriation and general revenue funding over Base Level for the following:

- Restoration of one currently authorized position, Senior Enforcement Officer, Grade 20 (\$29,394 each year for Regular Salaries and \$10,153 each year for Personal Services Matching)
- Operating Expenses in the amount of \$28,500 for FY08 and \$13,500 for FY09 (\$15,000 for FY08 for new weapons, body armor, and emergency lighting equipment and \$13,500 each year for wireless charges and the increases in maintenance, tires and fuel for vehicles)
- Capital Outlay of \$5,000 for each year for sales and use tax

Appropriation Summary

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

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2005-2006	2006-2007	2006-2007	2007-2008			2008-2009		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	681,270	723,824	726,640	723,824	753,218	753,218	723,824	753,218	753,218
#Positions		20	19	20	19	20	20	19	20	20
Personal Services Matching	5010003	189,324	213,409	213,409	226,373	236,526	236,526	226,373	236,526	236,526
Operating Expenses	5020002	85,514	85,700	85,700	85,700	131,700	114,200	85,700	99,200	99,200
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	69,655	5,000	5,000	0	5,000	5,000	0	5,000	5,000
Total		1,025,763	1,027,933	1,030,749	1,035,897	1,126,444	1,108,944	1,035,897	1,093,944	1,093,944
Funding Sources										
General Revenue	4000010	960,192	1,027,933		1,035,897	1,126,444	1,108,944	1,035,897	1,093,944	1,093,944
DFA Motor Vehicle Acquisition	4000184	65,571	0		0	0	0	0	0	0
Total Funding		1,025,763	1,027,933		1,035,897	1,126,444	1,108,944	1,035,897	1,093,944	1,093,944
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		1,025,763	1,027,933		1,035,897	1,126,444	1,108,944	1,035,897	1,093,944	1,093,944

The FY06 Actual amount in Capital Outlay exceeds authorized amount due to transfer of appropriation and funding from DFA Motor Vehicle Acquisition.

Change Level by Appropriation

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

Agency Request

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
BL	Base Level	1,035,897	19	1,035,897	100.0	1,035,897	19	1,035,897	100.0
C01	Existing Program	90,547	1	1,126,444	108.7	58,047	1	1,093,944	105.6

Executive Recommendation

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
BL	Base Level	1,035,897	19	1,035,897	100.0	1,035,897	19	1,035,897	100.0
C01	Existing Program	73,047	1	1,108,944	107.0	58,047	1	1,093,944	105.6

Justification

C01	This request includes \$39,547 each year for salaries and matching to restore a currently authorized grade 20 ABC Senior Enforcement Agent position; \$5,000 each year in Capital Outlay to pay sales tax for the replacement of 3 vehicles; and additional Maintenance & Operation of \$46,000 for FY08 and \$13,500 for FY09. Included in the \$46,000 request for FY08 is a one time expense of \$32,500 for the purchase of weapons, body armor and emergency lighting. This equipment is needed for the agents due to being in high risk situations, working more frequently with local law enforcement and needing to replace extremely outdated weapons. The remaining \$13,500 would cover increased costs for vehicle maintenance, fuel purchases, tires and telecom wireless charges.
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