

## SAM-MISCELLANEOUS ACCOUNTING PROCEDURES

### NONEMPLOYEE ACCOUNTS RECEIVABLE

8776.6

(Revised 03/12)

Each department will develop collection procedures that will assure prompt follow-up on receivables. Following are procedures and guidelines that departments will use for the collection of amounts owed to the state from nonemployees. These procedures are in accordance with the Accounts Receivable Management Act as provided in Government Code (GC) sections 16580-16586.

#### Locating Debtor

When the address of the debtor is unknown, departments shall attempt to obtain a current address. Departments may utilize Internet search engines and/or a data research service. Departments should perform a cost benefit analysis to determine if procuring services to locate debtors would be cost beneficial. Another alternative is to request the debtor's address from the Department of Motor Vehicles by completing a Gov't Agency Request for Driver License/Identification Record Information form, INF 254. In order to use this alternative, the date of birth or driver's license/identification number of the debtor is required.

#### Collection Letters

Once the address of the debtor is known, the accounting office will send a sequence of three collection letters at 30 day intervals. If a reply or payment is not received within 30 days after sending the first letter, the accounting office will send a second letter. This follow-up letter will reference the original request for payment letter and will be stated in a stronger tone. If a response is still not received from the debtor, a third letter will be sent 30 days later. This last letter will include references to prior letters and will state what further actions, including collection fees, may be taken in the collection process.

#### Collection Fee

GC section 16583.1 allows departments to charge a reasonable fee, not to exceed the actual costs incurred by the department, to recover the department's collection costs on past due ARs.

If a department plans to recover costs pursuant to this section, departments should consider actual costs incurred, including, but not limited to, staff time to send out collection letters, postage, equipment costs, and contingency fees for private collectors.

Departments will record this fee as revenue, Source Code 162100, Delinquent Receivables – Cost Recoveries.

#### Collection Actions Review

If the three collection letters are unsuccessful, departments will prepare an analysis to determine what additional collection efforts should be made. The analysis should include a cost/benefit analysis of the collection actions listed below. Departments should initiate one or more of the following actions:

1. Offset Procedures—An offset, as the term indicates, is the interception and collection from amounts owed by other state departments to the debtor. For more offset information, see SAM sections 8790.
2. Court Settlements—There may be instances where it would be cost effective for departments to seek court judgments against debtors. Departments should consider the possibility of filing action in small claims courts. For larger sums, department counsel should be consulted for advice.

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3. Collection Agencies—Departments may consider contracting with another department that has a collection unit or with an outside collection agency.

The State Contracting Manual, the Public Contract Code section applicable to contracts for services, and GC section 19130 should be consulted when a department is considering contracting with a collection agency. Any contract made with a collection agency must specify that all funds collected on behalf of a department will be remitted to that department. The collection agency can then be paid in one of several ways for its services - by a set fee per collection, on an hourly basis, or on a percentage basis, in arrears, based on services rendered.

Prior to assigning the debt to a collection agency, departments are required by law to notify the debtor in writing at the address of record that the alleged AR debt will be turned over for private collection unless the debt is paid or appealed within a specified time period.

4. Sale of ARs—Departments are authorized to sell ARs to private persons or entities. Departments will record the net income from the sale in their accounting records. Specific accounting entries for the sale of ARs are detailed in SAM section 10536, Standard Entry No. 36.

Prior to selling the debt, departments are required by law to notify the debtor in writing, at the address of record, that the alleged AR debt will be turned over for private collection unless the debt is paid or appealed within a specified time period.

Departments will select the collection actions that are likely to generate the highest net income and do not compromise future state income collections. In addition, departments should consult with the Franchise Tax Board or any other state department that has successfully established an effective AR collection system to develop methods for improving their collection rate.

#### **Discharge From Accountability**

If all reasonable collection procedures do not result in payment, departments may request discharge from accountability of uncollectable amounts due from private entities. Departments will review their AR no less than quarterly to identify receivables for discharge. If departments have identified receivables for discharge, departments will file an Application For Discharge From Accountability form, STD. 27, with the SCO, Division of Accounting and Reporting, no less than quarterly. Applications for Discharge from Accountability of uncollectable amounts of more than \$7,500 will be filed separately from applications for amounts of \$7,500 or less. The \$7,500 amount applies to the total of all amounts owed by the debtor, not to each invoice. The application for discharge shall include:

1. Statement of the nature of the amount due
2. Name(s) of the person(s) liable
3. Estimated cost of collection
4. Any other fact(s) supporting the request, including offset attempts (See SAM section 8790.)
5. If the discharge from accountability is due to bankruptcy, the supporting documentation must include a copy of the court's final discharge of the debtor and evidence that the specific dept is included in the petition for bankruptcy.
6. Signature, phone number, printed name, and title of person completing the STD. 27
7. Signature, printed name, and title of manager authorizing the STD. 27

The individual authorizing the Application for Discharge from Accountability should be at a level at least equivalent to that of manager of the accounting office.

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GC section 13943.2 provides that upon written authorization by the California Victim Compensation and Government Claims Board (VCGCB), state departments may refrain from collecting amounts of \$500 or less. The \$500 limitation applies to the total of all amounts owed by the debtor, not to each invoice. Questions regarding this authorization should be directed to the VCGCB, Government Claims Program, at (916) 491-3700 or toll free (800) 955-0045.

Departments who do not obtain approval from the VCGCB shall apply for discharge from accountability with the SCO, as indicated above.

The California State Universities must refer to Education Code section 89750.5 for application limitations.