Report on Liquidated and Delinquent Accounts Receivable June 30, 2001



LEGISLATIVE FISCAL OFFICE

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STATE OF OREGON LEGISLATIVE FISCAL OFFICE

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December 20, 2001

To the Members of the Seventy-First Oregon Legislative Assembly:

Enclosed is our compilation of the reports on liquidated and delinquent accounts receivable that were submitted to the Legislative Fiscal Office in accordance with ORS 293.229(1). The statute requires state agencies to report on the status of their liquidated and delinquent accounts each fiscal year. The same statute requires the Legislative Fiscal Office to compile those reports into one summary for the Legislative Assembly. This is the second report issued under the statute.

This is the first year that all agencies are required to report, and we are pleased to note that all agencies were able to meet the reporting requirements. In addition, this is the first year the Judicial Department is required to report. This report provides the foundation for evaluating state agency collection efforts.

We believe that this report can be of assistance to the Legislature – we hope you find it useful.

Sincerely,

Ken Rocco Legislative Fiscal Officer

Report on Liquidated and Delinquent Accounts Receivable June 30, 2001

Table of Contents

	Page
Introduction and Background	
Introduction	1
Reporting under the statutes	1
Implementation of the new statutes	1
Acknowledgements	2
Results of Reporting	
Summary of reporting results	3
Judicial Department is now reporting	3
Summary of liquidated and delinquent accounts receivable	3
Liquidated and delinquent accounts receivable by fund type	4
Agencies exempt from reporting	5
Collections by Department of Revenue	5
Collections by private collection agencies	6
Some accounts are exempt from requirement to be sent	
out for collection	6
Appendix 1 – Agencies reporting accounts	9
Appendix 2 – Agencies reporting no accounts	11
Appendix 3 – Agencies exempt from reporting	13
Appendix 4 – Definitions used in the reporting process	15
Appendix 5 – Instructions for reporting	17

Introduction and Background

Introduction

During the 1999 legislative session, House Bill 3509 was introduced to provide statutory guidance to state agencies on the collection of past due accounts. The bill amended Chapter 293, Oregon Revised Statutes, *Administration of Public Funds*. The statutes now require state agencies (with some identified exceptions) to turn over to the Department of Revenue, or to private collection agencies, liquidated and delinquent accounts for which no payment had been received within a year.

Further, the statutes now require annual reporting of liquidated and delinquent accounts to the Legislative Fiscal Office. The Legislative Fiscal Office is required to compile the information and issue one report to the Legislative Assembly. This is the second report under the new statute.

Reporting under the statutes

Each state agency must submit to the Legislative Fiscal Office by October 1 of each fiscal year "a report that describes the status of that agency's liquidated and delinquent accounts and efforts made by that agency to collect liquidated and delinquent accounts during the previous fiscal year" [ORS 293.229(1)]. The reporting is an annual requirement. Definitions used and instructions for reporting are included as Appendix 4 and Appendix 5, respectively.

The statutes allow for a transition period. Agencies that were unable to report the required information for the fiscal year ending June 30, 2000 were required to report to the Legislative Fiscal Office on the status of progress toward meeting the reporting requirements. However, all agencies must submit reports "for the fiscal year ending June 30, 2001, and for every fiscal year thereafter." All agencies required by law to report have reported.

Implementation of the new statutes

The State Controller's Division of the Department of Administrative Services took the lead to implement the new statutes. It formed a task force known as the Accounts Receivable Core Committee to bring together state agencies to develop policies and procedures. Updated policies and procedures are incorporated in the Oregon Accounting Manual. The committee also provides a forum for consensus building and serves as a means of communicating progress throughout state government.

The Division has developed a Web site to provide updated information on collection of receivables by state agencies. It

also uses the information provided by agencies (and included in this report) to analyze state collection data. Its analysis is included in the State Controller's Division Accounts Receivable Core Committee Strategic Plan.

Acknowledgements

The Legislative Fiscal Office would like to acknowledge the following contributions to this effort:

- the State Controller's Division of the Department of Administrative Services for providing staff support for this effort;
- members of the Accounts Receivable Core Committee for help in updating instructions for reporting;
- the Information Systems staff of the Legislative Administration Committee who made it possible for the information to be submitted via the Internet; and
- the Information Resources Management Division of the Department of Administrative Services for providing a secure host for input of the required information.

Results of Reporting

Summary of reporting results

We accounted for 150 separate state agencies and programs. Agencies were notified of reporting requirements via the Accounts Receivable Core Committee and statewide e-mail. The State Controller's Division of the Department of Administrative Services also maintained a Web site for this project. The reporting instruction manual was updated and a training session was conducted. Summarized below are the reporting results:

Total	150	100.0%
Agencies reporting accounts	65	43.3%
Exempt agencies not reporting	14	9.3%
Agencies reporting no accounts	71	47.3%

Judicial Department is now reporting

HB 3509 exempted the Judicial Department from liquidated and delinquent accounts receivable collection and reporting requirements imposed on most other state agencies. The Judicial Department's accounts were not included in the June 30, 2000 report. During the 2001 legislative session, SB 70 (Chapter 823, Oregon Laws 2001) made the Judicial Department subject to the same collection and reporting requirements as the other state agencies.

The Judicial Department was prepared for this legislation, and its information on liquidated and delinquent accounts is included in this report. The Department reported \$310 million of liquidated and delinquent accounts as of June 30, 2001.

Summary of liquidated and delinquent accounts receivable

Presented on the following page is the summary of liquidated and delinquent accounts that agencies reported to the Legislative Fiscal Office. A number of agencies reported that they had no such accounts. A list of the agencies that reported liquidated and delinquent accounts and their outstanding balances is included as Appendix 1 to this report. A list of agencies reporting no liquidated and delinquent accounts is included as Appendix 2.

Liquidated and Delinquent Accounts June 30, 2001		
	Number of Accounts	Dollar Value of Accounts
Beginning Balance	925,048	\$1,085,854,277
2. Additions	382,820	\$432,052,941
3. Collections		(\$222,141,647)
4. Accounts Closed	(222,402)	
5. Write-Offs	(39,835)	(\$50,206,466)
6. Adjustments		(\$98,629,819)
7. Reversals	(51,941)	(\$52,395,486)
8. Ending Balance	993,690	\$1,094,533,800

Because collections and adjustments (lines 3 and 5 above) could have been made on accounts that are still open, on accounts that were closed, and on accounts that were subsequently written off, only the dollar amounts of collections and adjustments were reported. Similarly, only number of accounts closed are reported on line 4 above. Reversals are accounts previously reported as liquidated and delinquent, but now have changed status. The instructions for reporting provided descriptions of information to be included on each reporting line. For additional information, please see instructions provided in Appendix 5.

A breakdown of the reported balances outstanding by fund type is presented below.

Liquidated and delinquent accounts receivable by fund type

Total	\$1,094,533,800	100.0%
Lottery Funds	\$1,928,274	0.2%
Federal Funds	\$290,431,775	26.5%
General Fund	\$320,610,411	29.3%
Other Funds	\$481,563,340	44.0%

The Department of Revenue reported the largest General Fund balances outstanding. The Adult and Family Services Division of the Department of Human Services, the Oregon Student Assistance Commission, and the Employment Department accounted for most of the Federal Funds outstanding. The Judicial Department reported \$310 million of Other Funds receivables outstanding. The Adult and Family Services Division of the Department of Human Services and the Department of Consumer and Business Services also reported significant Other Funds receivables outstanding. The Economic and Community Development Department and the Oregon State Lottery reported the Lottery Funds receivables.

Agencies exempt from reporting

Certain state agencies are exempt from ORS Chapter 293. The State Accident Insurance Fund Corporation is exempt from Chapter 293, except for ORS 293.240, which establishes the process for writing off uncollectible accounts. Oregon Health and Science University is exempt, as its enabling legislation states that the university "shall not be considered...a state agency for purposes of state statutes."

Many commissions and boards also claim exemption from the reporting requirement because of the placement of HB 3509 in Oregon Revised Statutes. Since the reporting requirement was codified in ORS 293.229, any state agency whose enabling legislation exempts it from sections of ORS 293 that include ORS 293.229 would be exempt from reporting their liquidated and delinquent accounts receivable.

The State Controller's Division of the Department of Administrative Services reviewed applicable statutes to determine whether agencies properly claimed statutory exemption from reporting. A list of agencies that did not report because they are exempt is included as Appendix 3.

Collections by Department of Revenue

The statutes require that accounts be turned over to the Department of Revenue or private collection agencies for collection. Presented below is summary information on accounts turned over to the Department of Revenue by agencies that reported. Information presented is for the year ended June 30, 2001.

	Number of Accounts	Dollar Value of Accounts
Beginning Balance	6,125	\$162,243,677
Additions		\$37,918,048
Collections		(\$16,043,455)
Returned		(\$10,453,155)
Accounts Outstanding	6,940	\$173,665,115

The Department of Revenue has a statutory Collections Unit that can be used by state agencies to assist in collection efforts. The Department of Revenue collected a total of \$25.4 million.

During the year, the Department of Revenue reports that it collected \$11.8 million. Additionally, the Department of Revenue may collect, on behalf of agencies, from "any refunds or sums due to the debtor from the Department of Revenue or any other state agency." During the fiscal year ended June 30, 2001, the Department collected \$13.6 million by offsetting 102,000 different accounts.

Collections by private collection agencies

Prior to the new statutes, the use of private collection agencies was allowed, but not mandatory. Now agencies must turn liquidated and delinquent accounts over to the Department of Revenue or to private collection agencies. Statutes now also require agencies to report on the accounts turned over to private collection agencies. Presented below is a summary of accounts turned over to private collection agencies for the year ended June 30, 2001.

	Number of Accounts	Dollar Value of Accounts
Beginning Balance	32,066	\$122,113,363
Additions		\$68,879,522
Collections		(\$2,720,223)
Returned		(\$79,797,652)
Accounts Outstanding	38,470	\$108,475,010

Some accounts are exempt from requirement to be sent out for collection

Not all accounts can be transferred to the Department of Revenue or to private collection agencies. There may be federal or state statutory or regulatory prohibitions. HB 3509 also provided certain exemptions that are now codified in ORS 293.231(6). The statute (ORS 293.233) also allow exemptions to be established administratively. Presented on the next page is summary information on accounts reported as exempt from transfer for collection.

Of the total \$1.09 billion liquidated and delinquent accounts reported, 41% (\$451 million) were classified as exempt from the statutory requirement to be turned over for collection. Of the \$451 million exempt, \$320 million or 71% were reported as administratively exempt.

Accounts Reported as Exempt From Requirement to Turn Over for Collection June 30, 2001

		Number of Accounts	Dollar Value of Accounts
	Statutorily exempt:		
a)	consensual security interest	714	14,498,356
b)	court ordered judgement	537	16,413,506
c)	litigation, bankruptcy, mediation, etc.	7,150	48,617,106
d)	student loan of a student attending school	0	0
e1)	state agency receivables	263	418,900
e2)	federal or local government receivables	498	1,408,340
f)	hospitalized debtor	9,836	11,515,266
g)	imprisoned debtor	49	126,520
h)	account less than \$25	17,988	1,035,597
i)	loss of federal funds or federal program funds	12,350	35,803,208
	Exempted by Law [ORS 293.231(5)]	1,027	1,831,697
	Subtotal statutorily exempt	50,412	\$ 131,668,496
	Administratively exempt:		
j)	debtor hardship	187	2,000,767
k)	non-consensual lien	328	19,033,202
I)	secured by bond	691	2,627,370
m)	payment on multiple accounts within one year	1,219	7,890,338
n)	DAS petition approved exemptions	10,617	94,356,919
o)	ORS Ch 825 or 826 related to motor carrier	133	105,003
p)	wage garnishment or order prevents	2,285	17,680,905
q)	spousal or child support	26,616	171,046,441
r)	not income-producing and no assets	967	5,485,523
	Subtotal administratively exempt	43,043	\$ 320,226,468
	Total exemptions June 30,2001	93,455	\$ 451,894,964

See applicable statute for detail of statutory exemptions.

See Oregon Accounting Manual for administrative exemptions.

Appendix 1 Agencies reporting accounts

Agency	Total Accounts	Total Dollars
Accountancy, State Board of	51	\$ 386,425
Administrative Services, Dept of	620	1,650,150
Agriculture, Dept of	51	89,979
Aviation, Dept of	12	3,153
Blueberry Commission, Oregon	1	169
Chiropractic Examiners, Board of	5	22,518
Clover Commission, Oregon	2	2,336
Construction Contractors Board	1,593	3,059,178
Consumer and Business Services, Dept of	20,966	48,373,416
Corrections, Dept of	44	65,672
DHS - Adult and Family Services Division	66,275	216,422,413
DHS - Director's Office	18	437,159
DHS - Health Division	40	3,194
DHS - Mental Health/Dev. Disability Srvcs.	172	939,291
DHS - Office for Srvcs. to Children/Families	80	138,367
DHS - Senior and Disabled Services Division	573	4,774,264
DHS - Vocational Rehabilitation Division	1	671
Economic and Community Development Dept	61	1,464,713
Employment Department	33,487	48,567,191
Energy, Office of	2	11,249
Environmental Quality, Dept of	957	1,656,356
Fish and Wildlife, Dept of	4	2,796
Forestry, Dept of	116	274,257
Gov't Standards and Practices Commission	6	14,219
Hazelnut Commission, Oregon	1	7,208
Health Licensing Office	168	77,290
Highland Bentgrass Commission, Oregon	1	676
Housing and Community Services Department	79	485,149
Insurance Pool Governing Board	6	1,219
Judicial Department	706,030	310,737,993
Justice, Dept of	559	17,321,443
Labor and Industries, Bureau of	167	3,308,897
Landscape Contractors Board	107	95,845

TOTAL	993,690	\$ 1,094,533,800
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Water Resources Loan Program	1	24,664
Water Resources Department	16	40,499
Veterans' Affairs, Dept of	9	17,572
Transportation, Dept of	19,432	16,508,295
Teachers Standards and Practices Commission	7	808
Tax Service Examiners, State Board of	36	197,263
Student Assistance Commission, Oregon	10,980	87,183,915
Secretary of State	178	85,540
Ryegrass Growers Seed Commission, Oregon	1	16,853
Revenue, Dept of	101,572	299,248,895
Real Estate Agency	31	286,105
Radiologic Technicians, Board of	2	1,200
Racing Commission	12	1,850
Public Utility Commission	31	6,113
Public Employees Retirement System	121	546,628
Prof. Counselors and Therapists, Board of	1	1,000
Processed Vegetable Commission, Oregon	1	78,477
Police, Oregon State	278	238,463
Parks and Recreation Department	1,877	58,239
Oregon Youth Authority	12	3,792
Oregon University System	26,493	29,025,407
Orchardgrass Seed Producers Commission	2	6,377
Nursing, Board of	44	13,090
Mortuary and Cemetary Board	36	2,611
Military Department, State of Oregon	9	4,502
Medical Examiners, Board of	6	45,032
Marine Board, Oregon State	89	2,338
Lottery, Oregon State	59	463,561
Liquor Control Commission, Oregon	63	9,667
Legislative Assembly	2	427
Legislative Administration Committee	18	915
Lane Co. Local Gov't Boundary Commission	16	18,846

Appendix 2 Agencies reporting no accounts

Albacore Commission, Oregon
Alfalfa Seed Commission
Asian Affairs, Commission on
Bartlett Pear Commission, Oregon
Beef Council, Oregon
Black Affairs, Commission on
Blind, Commission for the
Capitol Planning Commission
Chewings Fescue and Creeping Red Fescue Commission
Children and Families, Oregon Commission on
Clinical Social Workers, Board of
Columbia River Gorge Commission
Community Colleges and Workforce Development, Dept of
Court Procedures, Council on
Criminal Justice Commission
Dairy Products Commission, Oregon
Dentistry, Oregon Board of
Disabilities Commission, Oregon
Dispute Resolution Commission
District Attorneys and their Deputies
Dungeness Crab Commission, Oregon
Education, Dept of
Employment Relations Board
Fair and Exposition Center, Oregon State
Forest Resources Institute, Oregon
Fryer Commission, Oregon
Geology and Mineral Industries, Dept of
Governor, Office of the
Grains Commission, Oregon
Hispanic Affairs, Commission on
Hops Commission, Oregon
Investigators, Oregon Board of
Judicial Fitness and Disability, Commission on
Land Conservation and Development, Dept of

Land Use Board of Appeals
Legislative Commission on Indian Services
Legislative Counsel Committee
Legislative Fiscal Office
Legislative Revenue Officer
Library, Oregon State
Licensed Dieticians, Board of
Long-Term Care Ombudsman
Mint Commission, Oregon
Naturopathic Examiners, Board of
Nursing Home Administrators, Board of
Occupational Therapy Licensing Board
Onion Commission, Western Oregon
Oregon Watershed Enhancement Board
Parole and Post-Prison Supervision, Board of
Pharmacy, Board of
Potato Commission, Oregon
Processed Prune and Plum Growers Commission
Psychiatric Security Review Board
Psychologist Examiners, Board of
Public Defender
Public Safety Standards and Training, Dept of
Raspberry and Blackberry Commission, Oregon
Resources and Technology Development Account, Oregon
Salmon Commission, Oregon
Sheep Commission, Oregon
Speech-Language Pathology and Audiology, Board of Examiners for
Spinal Cord Injury Research Board
State Lands, Division of
Strawberry Commission, Oregon
Sweet Cherry Commission, Oregon
Tall Fescue Commission, Oregon
Treasury, Oregon State
Trawl Commission, Oregon
Veterinary Medical Examiners Board
Wheat Commission
Women, Commission for

Appendix 3 Agencies exempt from reporting

Agency	Exempting statute	
Architect Examiners, Board of	ORS 182.460	
Children's Trust Fund, Board of	ORS 182.460	
Examiners for Engineering and Land Survey, Board of	ORS 182.460	
Film and Video Office, Oregon	ORS 284.375	
Geologist Examiners, Board of	ORS 182.460	
Inside Oregon Enterprises	ORS 421.352	
Landscape Architect Board	ORS 182.460	
Massage Technicians, Board of	ORS 182.460	
Optometry, Oregon Board of	ORS 182.460	
Oregon Health and Science University	ORS 353.020	
Physical Therapists, Board of	ORS 182.460	
State Accident Insurance Fund	ORS 656.753	
Travel Information Council	ORS 388.836	
Utility Notification Center, Oregon	ORS 757.552(3)	

Appendix 4 Definitions used in the reporting process

<u>State agency</u> – ORS 293 defines a state agency as "...any officer, board, commission, department, division or institution in the executive or administrative branch of state government."

Account – the debt relationship between a state agency and an individual or entity. Agencies may define "account" differently in their systems. For the purposes of this reporting requirement, a legal entity may have multiple debts with that agency. If treated in the agency's system as the same account, it should be reported as one account in this report. If an agency treats each debt as a separate account and collects them separately, they may report them as separate accounts.

<u>Delinquent</u> – a delinquent account is defined as a receivable account for which payment has not been received by the due date. Most receivables have a specific due date. If any part of that debt is not paid by the due date, the account needs to be reported. Some debts do not have an obvious due date, such as overpayments. The due date for this debt may be determined by the agency. For example, the date on which the agency may start assessing interest or enforcing collection may be the best date to use. Accounts that are not yet due are not included in the report.

<u>Liquidated accounts</u> – are defined in the Oregon Accounting Manual. In general, a liquidated account is one where the exact past due amount is known, proper notification of the debt has been made to the debtor, and there has been a judgment, or a distraint warrant for taxes, or an administrative proceeding has established the debt, etc.

The definition provided in the Oregon Accounting Manual follows.

For purposes of ORS 293.229 - .233 and ORS 293.250, a liquidated debt is one for which:

- a. An agency has determined an exact past due amount owing; and
- b. An agency has made a reasonable attempt to notify the debtor in writing of the amount owing and nature of the debt, and has requested payment; and
- c. The debt meets one of the following conditions: (See Note 1)
- 1. Judgment has been entered on the debt.
- 2. The debt is a tax debt for which a distraint warrant has been issued or the prerequisites of issuance have been met.
- 3. Liability for, and the amount of, the debt have been established through an administrative proceeding.
- 4. A non-complying employer's debt for claim and administrative costs eligible for referral under criteria identified by the Department of Justice.
- 5. (See Note 1) The debt arises from a promissory note.
- 6. (See Note 2) The debt is an account stated under a preexisting written agreement between the agency and the debtor. A statement of account has been mailed or delivered to the debtor, and the debtor has not objected within a reasonable time, which should be specified by the agency. Example: A student signs a revolving

- account agreement with the university, an invoice for a laboratory fee is mailed to the student and he does not object.
- 7. The debtor has, in writing, unconditionally acknowledged the debt, both as to liability and amount, or an agreement has been reached in writing between the agency and the debtor regarding the debt, both as to liability and amount. Once acknowledged, a debtor's claim of inability to pay does not, by itself, affect whether the debt is liquidated.
- 8. The amount due is derived by an arithmetical calculation of fees (including renewal fees), collection costs, charges, penalties, or the like, from a report or an application for a permit or license submitted by the debtor in accordance with a regulatory system administered by the agency, and the debtor has not disputed liability or the amount.
- 9. (See Note 2) Liability for a debt, but not its amount, has been established by an administrative or judicial proceeding, or by written acknowledgement of the debtor. The amount of the debt is determined by arithmetical calculation. The calculation has been mailed or delivered to the debtor in the manner of an account stated and the debtor has not objected within a reasonable time, which should be specified by the agency. Example: Balances due the Department of Consumer and Business Services for a non-complying employer as a result of an injury to a subject worker.

NOTE 1: For each delinquent account referred to the Collections Unit, the agency must specify which subsection .103 c. condition has been met. For c. 1-4 debts, the Collections Unit is authorized to utilize all potential collection tools, including warrants. For c. 5-9 debts, warrants cannot be issued. If warrant authority is necessary for effective collection, the debt must be returned to the agency for appropriate action to qualify the debt under subsections c. 1-4. In addition, if the debtor disputes whether a c. 5-9 debt is owing or liquidated, the debt will no longer be considered liquidated.

NOTE 2: Expiration of the time specified by an agency for objection to a billing, such as a c. 6 or 9 debt, does not necessarily extinguish the debtor's right to object. It means that the agency can act on the assumption the debtor does not dispute the debt. If the debtor thereafter disputes the debt, the debt will no longer be considered liquidated.

1. Beginning Balance

- 1A Enter the total number of liquidated and delinquent accounts as of July 1 of the reporting fiscal year. This number should equal the ending number of accounts (7A) from the previous year (unless this is the first report your agency is making).
- 1B Enter the dollar value of liquidated and delinquent accounts as of July 1 of the accounts reported in 1A. This includes the total debt that is liquidated and delinquent for the account. Debts include fees or any fines assessed. Include any penalties and interest that have been assessed on the principal debt. This number should equal the ending balance dollar value (7B) from the previous year (unless this is the first report your agency is making).

2. Additions

- 2A Enter the total number of accounts that became liquidated and delinquent since July 1 of the reporting fiscal year. Only include accounts that had not been included as liquidated and delinquent in the beginning balance. If an account became liquidated and delinquent after July 1 and the amount was also collected prior to June 30 of the fiscal year, **include that account**.
- Enter the total dollar value of liquidated and delinquent <u>amounts</u> added during the fiscal year. Note the total number of accounts may not increase but the dollar value may. For example, a small agency may have 50 liquidated and delinquent accounts valued at \$5000 at the beginning of the year. They may not add any new accounts. However, an account may incur additional debt, such as interest, which would increase the total dollar value.

3. Collections

B Enter any amounts collected on any of the accounts included in the beginning balance or the additions during the fiscal year. Include amounts that were collected on accounts that became liquidated and delinquent (additions) during the period. Do not use a minus (-) sign or brackets; collections defaults to a negative number.

4. Accounts Closed

4A Enter the number of accounts from the beginning balance or additions that were collected or resolved in some manner. Include only accounts that no longer have a liquidated and delinquent balance. This would include accounts that became liquidated and delinquent during the period and then were closed because they were fully collected. They would also include accounts that were closed because a portion was collected and a portion was compromised or adjusted. The amount

written off or adjusted would be included in 6B below. **Do not use a minus (-) sign or brackets; accounts closed defaults to a negative number.**

5. Write-Offs

- 5A Enter the number of accounts that had been liquidated and delinquent and then were written off during the fiscal year to close the accounts. **Do not use a minus** (-) sign or brackets; the number of accounts defaults to a negative number.
- 5B Enter the dollar value of liquidated and delinquent accounts that were written off during the fiscal year. **Do not use a minus (-) sign or brackets; the amount of write-offs defaults to a negative number.**

6. Adjustments

Adjustments can either increase or decrease debt. Enter any amounts that had been designated liquidated and delinquent that were later adjusted. Adjustments include accounts or amounts that were set up in error or abated (were determined not to be owed). You must enter a minus (-) sign if adjustments reduce the amount of liquidated and delinquent account balances.

7. Reversals

- 7A Enter the number of accounts reported as liquidated and delinquent on a prior report that need to be removed from liquidated and delinquent status. These can be accounts that were erroneously reported or that for some reason are again open for appeal. Note: You should never have an entry in this field if this is the first report being made for this type of account.
- 7B Enter the dollar value of the accounts being removed from liquidated and delinquent status. **Note: You should never have an entry in this field if this is the first report being made for this type of account.**

8. Ending Balance

- 8A No entry is required because this number is computed. Use this as a check against your total to ensure all data has been entered properly.
- No entry is required because this number is computed. Use this as a check against your total to ensure all data has been entered properly.