

**POLICY
MEMORANDUM**

TO: Elected Officials, Agency Directors, and Institutional Executive Officers
State Government Agencies

FROM: J.K. Stringer, Jr.
Executive Director

DATE: July 10, 2006

SUBJECT: **Delinquent Fee Collection Program**

Delinquent Fee Collection Program

I. Creation and Administration of the Delinquent Fee Collection Review Panel

1-1.01 Authorization

Pursuant to §27-104-3, MS Code of 1972, annotated, DFA is directed to provide assistance to any state agency, department, or institution in collecting a fee or other valid obligation that another agency, department, or institution has failed to pay. DFA establishes and the Office of State Auditor approves these rules and regulations to assist agencies. To determine the validity of any delinquent fee, DFA creates the **Delinquent Fee Collection Review Panel**.

1-1.02 Duties & Responsibilities

This panel is responsible for:

- The approval or denial of all requests made to DFA regarding the collection of delinquent fees.
- The adoption of regulations to govern the review, approval and/or denial, and appeal of requests.
- Quarterly Legislative Reports about the program.

1-1.03 Panel Composition

The Review Panel shall be composed of the following:

Voting Members

- The Deputy Executive Director of DFA or his/her designee
- Director of the DFA Office of Budget & Fund Management or his/her designee
- Director of the DFA Office of Fiscal Management or his/her designee

Non-voting Members

- Special Assistant Attorney General assigned to DFA

1-1.04 Review Panel Meetings

The Deputy Executive Director or his/her designee shall be chairman and shall preside over meetings of the panel. The panel shall elect a vice-chairman annually, who shall serve in the absence of the chairman. No business shall be transacted without the presence of a quorum of the panel. Two (2) members shall constitute a quorum. No action shall be valid unless approved by the Chairman and one (1) other of those members present and voting.

The Panel will meet as needed and when notified by the Chairman.

1-1.05 Administrative/Clerical Support

Necessary clerical and administrative support for the panel will be provided by the Administrative Assistant to the DFA Executive Director. All necessary and appropriate correspondence shall be prepared and transmitted upon approval of the Review Panel. Additionally, the Administrative Assistant will verify that all participants in the program process have followed all policies and guidelines set forth by DFA.

Minutes shall be kept of the proceedings of each meeting. Reports of actions will be submitted to the Chairman of Appropriations for the Senate and the House of Representatives on a quarterly basis within fifteen (15) days after the close of the quarter, with the first report submitted in October 2006.

II. Program Overview

2-1.01 Scope

This policy applies to all agency, department, board, commission, and institution requests made to the Department of Finance & Administration (DFA) for the purpose of providing assistance in the collection of delinquent fees. Pursuant to §27-104-3, these policies and procedures will serve to govern all processes related to the review and disposition of such requests.

needed to review all requests. Requests will be reviewed within thirty (30) days of submission.

3-1.02 Notice of Review Panel Meetings

The date, time and place for the review of an agency request will be forwarded to the creditor agency and the delinquent agency five (5) business days prior to the meeting of the Review Panel.

3-1.03 Review Panel Meetings

Creditor and delinquent agency representatives will have an opportunity to present additional information pertinent to the outstanding debt. See the procedures governing conduct in Review Panel Meetings. (Section 5-1.02)

3-1.04 Time for DFA's Response

Within forty-five (45) days after receipt of the request, DFA shall, in writing notify the creditor and delinquent agency of its decision. The notice shall include:

- Amount, date, and identification of fund from which the transfer of delinquent fee(s) will be made, if approved, or
- Justification for the denial of any request, and
- The deadline for the receipt of any appeal to the decision either by the creditor or delinquent agency.

A copy of the decision will be forwarded to the Office of State Auditor.

IV. Appeal Process

4-1.01 Overview

If the Review Panel approves or denies a claim for any reason, the delinquent or creditor agency has the right to appeal. The appeal must be filed in a timely manner and written notice and other requested information must be sent within the time limits set. If information is not submitted within the time limits, the appeal may be denied on that basis alone. All appeals will be reviewed and determined by the DFA Executive Director.

4-1.02 Request for an Appeal

The delinquent or creditor agency who disagrees with the decision of the Review Panel may contest such a decision. They must provide a written request for an Appeals Hearing to the DFA Executive Director within seven (7) days after notification of issuance of the Review Panel's decision.

The decision of the DFA Executive Director shall become the final ruling of DFA within seven (7) days of notification of the decision and appropriate action will be taken at that time, if applicable. A copy of the final decision will be sent to the Office of the State Auditor.

V. Forms and Procedures

- 5-1.01 Delinquent Fee Assistance Request Form**
- 5-1.02 Procedures for Conduct during Review Panel Meeting**
- 5-1.03 Procedures for Conduct during the Appeal Hearing**
- 5-1.04 Definitions**

Delinquent Fee Collection Request Form

Form 29.60.60

Creditor Agency	
Contact Person & Contact Information	
Delinquent Agency	
Contact Person & Contact Information	
Amount of Delinquent Debt	
Description of Fee Assessment	
Period of Delinquency	
<p>Please attach any and/or all documentation to verify the delinquent fee. Invoice – Printout of an Electronic invoice or a copy of the Original paper Other supporting documentation</p>	
<p>Please provide documentation of any and all recovery efforts</p>	
Identify the Fund Account(s) for Receipt of Deposit	
Agency Head Signature	Date

For DFA Use Only	
Received By	
Receipt Date	
Request Disposition	
Approved/Denied	
Appeal Date	
Approved/Denied	
Date of Transfer (If Approved)	
Transfer Approved By	

5-1.02

Conduct in Meetings of the Review Panel

(a) **Presiding officer.** The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the meeting. The presiding officer shall (i) call proceeding to order; (ii) give a brief synopsis of the request, a statement of the justification of the delinquent fee and/or the reasons provided by the Creditor Agency for making the request for assistance; (iii) call on those individuals who have contacted DFA about speaking on or against the validity of the debt; (iv) allow for rebuttal statements following all participant's comments; (v) adjourn the proceeding.

(b) **Questions.** The presiding officer where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that request, including any prior written submissions made by those participants in that meeting; but no participant shall be required to answer any question.

(c) **Physical and Documentary Submissions.** Submissions presented by participants in the meeting shall be submitted to the presiding officer. Such submissions become the property of DFA and are subject to the DFA's public records request procedure.

(d) **Recording.** DFA will record meeting by stenographic or electronic means.

Presentations and Participation

(a) At a meeting of the Review Panel, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the delinquent fee.

(b) Persons wishing to make oral presentations at such a proceeding shall notify DFA at least three (3) business days prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate who have not previously contacted DFA.

(c) At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.

(d) The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the meeting.

(e) Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.

(f) There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

5-1.03 Conduct in Meetings of the Appeals Hearing

(a) The DFA Executive Director will conduct the Appeals Hearing.

(b) **Questions.** The DFA Executive Director, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion and may question participants and permit the questioning of participants by other participants about any matter relating to that request, including any prior written submissions made by those participants in that meeting; but no participant shall be required to answer any question.

(c) **Physical and Documentary Submissions.** Submissions presented by participants in the meeting shall be submitted to the DFA Executive Director. Such submissions become the property of the DFA and are subject to the DFA's public records request procedure.

(d) **Recording.** DFA will record meeting by stenographic or electronic means.

Presentations and Participation

(a) At Appeal Hearing, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the delinquent fee.

(b) Persons wishing to make oral presentations at such a proceeding shall notify DFA at least three (3) business days prior to the proceeding and indicate the general subject of their presentations. The DFA Executive Director may allow individuals to participate who have not previously contacted DFA.

(c) At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.

(d) The DFA Executive Director may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the meeting.

(e) Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.

(f) There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the DFA Executive Director may in his or her

discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

5-1.04

Definitions

Agency, Institution, Department – As defined by §7-7-1, agency, institution, department is defined as “any state board, commission, committee, council, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, department, unit or the head thereof, is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof.”

Creditor Agency – The agency requesting assistance in collecting a delinquent fee.

Delinquent Agency – The agency that has failed to pay an outstanding fee to another agency.

Delinquent Fee Collection Review Panel (Review Panel) – The panel that is responsible for determining the disposition of all requests for assistance.