

Publication 531 Cat. No. 15059V

# Reporting Tip Income

For use in preparing 1999 Returns



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# Important Change for 1999

Photographs of missing children. The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in this publication on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling 1–800–THE–LOST (1–800–843–5678) if you recognize a child.

### Introduction

This publication is for employees who receive tips from customers. If you are self-employed and receive tip income, see Publication 334, *Tax Guide for Small Business*, for more information.

All tips you receive are income and are subject to federal income tax. You must include in gross income all tips you receive directly from customers, tips from charge customers that are paid to you by your employer, and your share of any tips you receive under a tip-splitting or tip-pooling arrangement.

The value of noncash tips, such as tickets, passes, or other items of value are also income and subject to tax

Reporting your tip income correctly is not difficult. You must do three things.

- 1) Keep a daily tip record.
- 2) Report tips to your employer.
- 3) Report all your tips on your income tax return.

This publication will show you how to do these three things, and what to do on your tax return if you have not done the first two. This publication will also show you how to treat allocated tips.

## **Keeping a Daily Tip Record**

Why keep a daily tip record? You must keep a daily tip record so you can:

- Report your tips accurately to your employer,
- · Report your tips accurately on your tax return, and
- Prove your tip income if your return is ever questioned.

**How to keep a daily tip record.** There are two ways to keep a daily tip record. You can either:

- 1) Write information about your tips in a tip diary, or
- 2) Keep copies of documents that show your tips, such as restaurant bills and credit card charge slips.

You should keep your daily tip record with your personal records.

If you keep a tip diary, you can use Form 4070A, Employee's Daily Record of Tips. To get Form 4070A, ask the Internal Revenue Service (IRS) or your employer for Publication 1244, Employee's Daily Record of Tips and Report to Employer. Publication 1244 includes a year's supply Form 4070A. Each day, write in the information asked for on the form. A filled-in Form 4070A is shown on page 2.

If you do not use Form 4070A, start your records by writing your name, your employer's name, and the name of the business if it is different from your employer's name. Then, each workday, write the date and the following information.

- Cash tips you get directly from customers or from other employees.
- Tips from credit card charge customers that your employer pays you.
- The value of any noncash tips you get, such as tickets, passes, or other items of value.
- The amount of tips you paid out to other employees through tip pools or tip splitting, or other arrangements, and the names of the employees to whom you paid the tips.



Do not write in your tip diary the amount of any service charge that your employer adds to a AUTION customer's bill and then pays to you and treats as wages. This is part of your wages, not a tip.

Electronic tip record. You may use an electronic system provided by your employer to record your daily tips. You must receive and keep a paper copy of this record.

## **Reporting Tips to Your Employer**

Why report tips to your employer? You must report tips to your employer so that:

- Your employer can withhold federal income tax and social security and Medicare taxes or railroad retirement tax,
- Your employer can report the correct amount of your earnings to the Social Security Administration or Railroad Retirement Board (which affects your benefits when you retire or if you become disabled, or your family's benefits if you die), and
- You can avoid the penalty for not reporting tips to your employer (explained later).

What tips to report. Report to your employer only cash, check, or credit card tips you receive.

If your total tips for any one month from any one job are less than \$20, do not report them to your employer.

Do not report the value of any noncash tips, such as tickets or passes, to your employer. You do not have to pay social security and Medicare taxes or railroad retirement tax on these tips.

How to report. You can use Form 4070, Employee's Report of Tips to Employer. To get a year's supply of the form, ask the IRS or your employer for Publication 1244. Fill in the information asked for on the form, sign and date the form, and give it to your employer. A sample filled-in Form 4070 is shown later.

If you do not use Form 4070, give your employer a statement with the following information.

- Your name, address, and social security number.
- Your employer's name, address, and business name (if it is different from the employer's name).
- The month (or the dates of any shorter period) in which you received tips.
- The total tips required to be reported for that period.

You must sign and date the statement. You should keep a copy with your personal records.

Your employer may require you to report your tips more than once a month. However, the statement cannot cover a period of more than one calendar month.

**Electronic tip statement.** Your employer can have you furnish your tip statements electronically.

When to report. Give your report for each month to your employer by the 10th of the next month. If the 10th falls on a Saturday, Sunday, or legal holiday, give your employer the report by the next day that is not a Saturday, Sunday, or legal holiday.

Example 1. You must report your tips received in January 2000 by February 10, 2000.

**Example 2.** You must report your tips received in May 2000 by June 12, 2000. June 10 is on a Saturday, and the 12th is the next day that is not a Saturday, Sunday, or legal holiday.

Final report. If your employment ends during the month, you can report your tips when your employment ends.

Penalty for not reporting tips. If you do not report tips to your employer as required, you may be subject to a penalty equal to 50% of the social security and Medicare taxes or railroad retirement tax you owe on the unreported tips. (For information about these taxes, see Reporting social security and Medicare taxes on tips not reported to your employer under Reporting Tips on Your Tax Return, later.) The penalty amount is in addition to the taxes you owe.

You can avoid this penalty if you can show reasonable cause for not reporting the tips to your employer. To do so, attach a statement to your return explaining why you did not report them.

Giving your employer money for taxes. Your regular pay may not be enough for your employer to withhold all the taxes you owe on your regular pay plus your reported tips. If this happens, you can give your em-

### Sample Filled-in Form 4070 from Publication 1244

Form <b>4070</b> (Rev. July 1996)	Employee's Report of Tips to Employer		OMB No. 1545-0065
Department of the Treasury Internal Revenue Service	► For Paperwork Reduction Act Notice, see back	of form.	
Employee's name and ad	JOHN W. MICH	Social secur	ity number
	117 Maple Ave. Anytown, NY 14202	987: 00	)   4321
Employer's name and ac	dress (include establishment name, if different)	1 Cash tips received	
D:	and Dasta mant		1,024.00
2.0	Diamond Restaurant		
834 Main Street			519.20
Anyt	own, NY 14203	3 Tips paid	out
			273.60
Month or shorter period	in which tips were received	4 Net tips (li	nes 1 + 2 - 3)
from October 1	, <sub>19</sub> 99 , <sub>to</sub> October 31 , <sub>19</sub> 99		1,269.60
Signature		Date	
John V	V. Allen	No	ov. 6, 1999

ployer money until the close of the calendar year to pay the rest of the taxes.

If you do not give your employer enough money, your employer will apply your regular pay and any money you give to the taxes, in the following order:

- 1) All taxes on your regular pay,
- 2) Social security and Medicare taxes or railroad retirement tax on your reported tips, and
- 3) Federal, state, and local income taxes on your reported tips.

Any taxes that remain unpaid can be collected by your employer from your next paycheck. If withholding taxes remain uncollected at the end of the year, you may be subject to a penalty for underpayment of estimated taxes. See Publication 505, Tax Withholding and Estimated Tax, for more information.



You must report on your tax return any social security and Medicare taxes or railroad retire-AUTION ment tax that remained uncollected at the end

of 1999. See Reporting uncollected social security and Medicare taxes on tips under Reporting Tips on Your Tax Return, later. These uncollected taxes will be shown in box 13 of your Form W-2 (codes A and B).

## **Reporting Tips on Your** Tax Return

How to report tips. Report your tips with your wages on line 1, Form 1040EZ, or line 7, Form 1040A or Form 1040.

What tips to report. You must report all tips you received in 1999, including both cash tips and noncash tips, on your tax return. Any tips you reported to your

employer for 1999 are included in the wages shown in box 1 of your Form W-2. Add to the amount in box 1 only the tips you did not report to your employer.



If you received \$20 or more in cash and charge tips in a month and did not report all of those CAUTION tips to your employer, see Reporting social se-

curity and Medicare taxes on tips not reported to your employer, later.



If you did not keep a daily tip record as required and an amount is shown in box 8 of your Form NUTION W-2, see Allocated Tips, later.

If you kept a daily tip record and reported tips to your employer as required under the rules explained earlier, add the following tips to the amount in box 1 of your Form W-2:

- Cash and charge tips you received that totaled less than \$20 for any month, and
- The value of noncash tips, such as tickets, passes, or other items of value.

**Example.** John Allen began working at the Diamond Restaurant (his only employer in 1999) on June 30 and received \$10,000 in wages during the year. John kept a daily tip record showing that his tips for June were \$18 and his tips for the rest of the year totaled \$7,000. He was not required to report his June tips to his employer, but he reported all of the rest of his tips to his employer as required. His daily tip record (Form 4070A) and his report to his employer (Form 4070) for October are illustrated earlier.

John's Form W-2 from Diamond Restaurant shows \$17,000 (\$10,000 wages + \$7,000 reported tips) in box 1. He adds the \$18 unreported tips to that amount and reports \$17,018 as wages on line 1 of his Form 1040EZ.

#### Sample Filled-in Form 4070A from Publication 1244

Form <b>4070A</b> (Rev. July 1996) Department of the Treasury Internal Revenue Service	This is a volunt	Employee's Daily Record of Tips  This is a voluntary form provided for your convenience. See instructions for records you must keep.				
Employee's name and address		Employer's name	Month and year			
John W. Allen		Diamond Restaurant				
1117 Maple Ave.		Establishment name (if different)	Oct.			
Anytown, NY 142	202		1999			

7 tily town, 141 14202						1999	
Date tips rec'd.	Date of entry	Tips received directly from customers and other employees	b. Credit ca receive				
1	10/3	- OFF -					
2	10/3	48.80	26.4	Ю	15.20	Jud	y Brown
3	10/3	28.00	21.6	0	8.00	Carl	Jones
4	10/5	42.00	24.0	00	10.00	Jud	y Brown
5	10/7	40.80	28.C	00	12.00	Judy Brown	& Brian Smith
=		150 ( 0	100.0		45.00		

 Subtotals
 159.60
 100.00
 45.20

 For Paperwork Reduction Act Notice, see Instructions on the back of Form 4070.
 Pag

Date tips rec'd.	Date of entry	Tips received directly from customers and other employees	<ul> <li>b. Credit card tips received</li> </ul>	c. Tips paid out to other employees	d. Names of employees to whom you paid tips
6	10/7	- OFF -			
7	10/8	37.20	22.40	8.00	Carl Jones
8	10/9	50.80	17.20	10.00	Judy Brown & Carl Jones
9	10/9	33.60	16.40	8.00	Judy Brown
10	10/11	30.40	22.00	9.20	Judy Brown
11	10/11	42.00	11.60	8.80	Carl Jones
12	10/14	35.60	16.00	7.60	Judy Brown
13	10/14	- OFF -			
14	10/14	48.40	14.40	12.40	Judy Brown & Brian Smith
15	10/16	45.20	32.00	17.20	Brian Smith
Subto	tals	323.20	152.00	81.20	

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Date tips rec'd.	Date of entry	a. Tips received directly from customers and other employees	<ul> <li>b. Credit card tips received</li> </ul>	c. Tips paid out to other employees	d. Names of employees to whom you paid tips
16	10/16	41.20	18.40	8.80	Judy Brown
17	10/18	39.20	21.20	9.60	Judy Brown
18	10/19	46.80	12.80	8.40	Carl Jones
19	10/21	34.00	19.20	10.00	Judy Brown
20	10/21	- OFF -			-
21	10/22	34.80	26.00	12.80	Judy Brown & Brian Smith
22	10/24	42.40	22.80	12.40	Carl Jones
23	10/24	48.80	17.20	13.60	Judy Brown
24	10/25	33.60	19.20	10.80	Brian Smith
25	10/26	37.20	14.80	9.20	Judy Brown
Subto	tals	358.00	171.60	95.60	

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Date tips rec'd.	Date of entry	Tips received directly from customers and other employees	<ul> <li>b. Credit card tips received</li> </ul>	c. Tips paid out to other employees	d. Names of employees to whom you paid tips
26	10/26	31.60	11.60	12.40	Judy Brown
27	10/27	- OFF -			_
28	10/29	43.20	14.00	12.80	Carl Jones
29	10/30	34.80	22.40	7.20	Carl Jones
30	10/31	46.00	27.20	12.80	Judy Brown & Brian Smith
31	11/2	27.60	20.40	6.40	Judy Brown
Subtot from p 1, 2, ar	ages	159.60 323.20 358.00	100.00 152.00 171.60	45.20 81.20 95.60	
Totals	s	1.024.00	519.20	273.60	

- 1. Report total cash tips (col. a) on Form 4070, line 1
- Report total credit card tips (col. b) on Form 4070, line 2
   Report total tips paid out (col. c) on Form 4070, line 3.

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Reporting social security and Medicare taxes on tips not reported to your employer. If you received \$20 or more in cash and charge tips in a month from any one job and did not report all of those tips to your employer, you must report the social security and Medicare taxes on the unreported tips as additional tax on your return. To report these taxes, you must file a return even if you would not otherwise have to file. You must use Form 1040. (You cannot file Form 1040EZ or Form 1040A.)

Use **Form 4137**, *Social Security and Medicare Tax on Unreported Tip Income*, to figure these taxes. Enter the tax on line 52, Form 1040, and attach the Form 4137 to your return.

Reporting uncollected social security and Medicare taxes on tips. If your employer could not collect all the social security and Medicare taxes or railroad retirement tax you owe on tips reported to your employer, the

uncollected taxes will be shown in box 13 of your Form W–2 (codes A and B). You must report these amounts as additional tax on your return. You may have uncollected taxes if your regular pay was not enough for your employer to withhold all the taxes you owe and you did not give your employer enough money to pay the rest of the taxes.

To report these uncollected taxes, you must file a return even if you would not otherwise have to file. You must use Form 1040. (You cannot file Form 1040EZ or Form 1040A.) Include the taxes in your total tax amount on line 56, and write "UT" and the total of the uncollected taxes on the dotted line next to line 56.

## **Allocated Tips**

What are allocated tips? These are tips that your employer assigned to you in addition to the tips you reported to your employer for the year. Your employer will have done this only if:

- You worked in a restaurant, cocktail lounge, or similar business that must allocate tips to employees, and
- The tips you reported to your employer were less than your share of 8% of food and drink sales.

If your employer allocated tips to you, they are shown separately in box 8 of your Form W–2. They are not included in box 1 with your wages and reported tips. If box 8 is blank, this discussion does not apply to you.

How were your allocated tips figured? The tips allocated to you are your share of an amount figured by subtracting the reported tips of all employees from 8% (or an approved lower rate) of food and drink sales (other than carryout sales and sales with a service charge of 10% or more). Your share of that amount was figured using either a method provided by an employer-employee agreement or a method provided by IRS regulations based on employees' sales or hours worked. For information about the exact allocation method used, ask your employer.

Must you report your allocated tips on your tax return? You must report allocated tips on your tax return unless either of the following exceptions applies.

- You kept a daily tip record, or other evidence that is as credible and as reliable as a daily tip record, as required under rules explained earlier.
- 2) Your tip record is incomplete, but it shows that your actual tips were more than the tips you reported to your employer plus the allocated tips.

If either exception applies, report your actual tips on your return. Do not report the allocated tips. See What tips to report under Reporting Tips on Your Tax Return, earlier.

**How to report allocated tips.** If you must report allocated tips on your return, add the amount in box 8 of your Form W–2 to the amount in box 1. Report the total

as wages on line 7 of Form 1040. (You cannot file Form 1040EZ or Form 1040A.)

Because social security and Medicare taxes were not withheld from the allocated tips, you must report those taxes as additional tax on your return. Complete Form 4137, and include the allocated tips on line 1 of the form. See Reporting social security and Medicare taxes on tips not reported to your employer under Reporting Tips on Your Tax Return, earlier.

How to request an approved lower rate. Your employer can use a tip rate lower than 8% (but not lower than 2%) to figure allocated tips only if the IRS approves the lower rate. Either the employer or the employees can request approval of a lower rate by filing a petition with the district director for the IRS district in which the business is located. The petition must include specific information about the business that will justify the lower rate. A user fee must be paid with the petition.

An employee petition can be filed only with the consent of a majority of the directly-tipped employees (waiters, bartenders, and others who receive tips directly from customers). The petition must state the total number of directly-tipped employees and the number of employees consenting to the petition. Employees filing the petition must promptly notify the employer, and the employer must promptly give the district director a copy of any **Form 8027**, *Employer's Annual Information Return of Tip Income and Allocated Tips*, filed by the employer for the previous 3 years.

For more information about how to file a petition and what information to include, see the instructions for Form 8027.

## **How To Get More Information**

You can order free publications and forms, ask tax questions, and get more information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

**Free tax services.** To find out what services are available, get Publication 910, *Guide to Free Tax Services*. It contains a list of free tax publications and an index of tax topics. It also describes other free tax information services, including tax education and assistance programs and a list of TeleTax topics.

Personal computer. With your personal computer and modem, you can access the IRS on the Internet at www.irs.gov. While visiting our web site, you can select:

- Frequently Asked Tax Questions (located under Taxpayer Help & Ed) to find answers to questions you may have.
- Forms & Pubs to download forms and publications or search for forms and publications by topic or keyword.

- Fill-in Forms (located under Forms & Pubs) to enter information while the form is displayed and then print the completed form.
- Tax Info For You to view Internal Revenue Bulletins published in the last few years.
- Tax Regs in English to search regulations and the Internal Revenue Code (under United States Code (USC)).
- Digital Dispatch and IRS Local News Net (both located under Tax Info For Business) to receive our electronic newsletters on hot tax issues and news.
- Small Business Corner (located under Tax Info For Business) to get information on starting and operating a small business.

You can also reach us with your computer using File Transfer Protocol at **ftp.irs.gov.** 



**TaxFax Service.** Using the phone attached to your fax machine, you can receive forms and instructions by calling **703–368–9694.** Follow

the directions from the prompts. When you order forms, enter the catalog number for the form you need. The items you request will be faxed to you.



**Phone.** Many services are available by phone.

- Ordering forms, instructions, and publications. Call 1–800–829–3676 to order current and prior year forms, instructions, and publications.
- Asking tax questions. Call the IRS with your tax questions at 1–800–829–1040.
- TTY/TDD equipment. If you have access to TTY/TDD equipment, call 1–800–829–4059 to ask tax questions or to order forms and publications.
- TeleTax topics. Call 1–800–829–4477 to listen to pre-recorded messages covering various tax topics.

**Evaluating the quality of our telephone services.** To ensure that IRS representatives give accurate, courteous, and professional answers, we evaluate the quality of our telephone services in several ways.

- A second IRS representative sometimes monitors live telephone calls. That person only evaluates the IRS assistor and does not keep a record of any taxpayer's name or tax identification number.
- We sometimes record telephone calls to evaluate IRS assistors objectively. We hold these recordings no longer than one week and use them only to measure the quality of assistance.
- We value our customers' opinions. Throughout this year, we will be surveying our customers for their opinions on our service.

Walk-in. You can walk in to many post offices, libraries, and IRS offices to pick up certain forms, instructions, and publications. Also, some libraries and IRS offices have:

- An extensive collection of products available to print from a CD-ROM or photocopy from reproducible proofs.
- The Internal Revenue Code, regulations, Internal Revenue Bulletins, and Cumulative Bulletins available for research purposes.

Mail. You can send your order for forms, instructions, and publications to the Distribution Center nearest to you and receive a response within 10 workdays after your request is received. Find the address that applies to your part of the country.

- Western part of U.S.: Western Area Distribution Center Rancho Cordova, CA 95743-0001
- Central part of U.S.: Central Area Distribution Center P.O. Box 8903 Bloomington, IL 61702-8903

• Eastern part of U.S. and foreign addresses: Eastern Area Distribution Center P.O. Box 85074 Richmond, VA 23261-5074



CD-ROM. You can order IRS Publication 1796, Federal Tax Products on CD-ROM, and obtain:

- Current tax forms, instructions, and publications.
- Prior-year tax forms, instructions, and publications.
- Popular tax forms which may be filled in electronically, printed out for submission, and saved for recordkeeping.
- Internal Revenue Bulletins.

The CD-ROM can be purchased from National Technical Information Service (NTIS) by calling 1-877-233-6767 or on the Internet www.irs.gov/cdorders. The first release is available in mid-December and the final release is available in late January.

IRS Publication 3207, Small Business Resource Guide, is an interactive CD-ROM that contains information important to small businesses. It is available in mid-February. You can get one free copy by calling 1-800-829-3676.

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H Help (See More information)	S Service charge	Medicare tax on tips 2

#### Tax Publications for Individual Taxpayers

See *How To Get More Information* for a variety of ways to get publications, including by computer, phone, and mail.

#### **General Guides**

- 1 Your Rights as a Taxpayer
- 17 Your Federal Income Tax (For Individuals)
- 225 Farmer's Tax Guide
- 334 Tax Guide for Small Business
- 509 Tax Calendars for 2000
- 553 Highlights of 1999 Tax Changes
- 595 Tax Highlights for Commercial Fishermen
- 910 Guide to Free Tax Services

#### **Specialized Publications**

- 3 Armed Forces' Tax Guide
- 378 Fuel Tax Credits and Refunds
- 463 Travel, Entertainment, Gift, and Car Expenses
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- 594 Understanding the Collection Process
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- **1542** Per Diem Rates
- **1544** Reporting Cash Payments of Over \$10,000
- 1546 The Taxpayer Advocate Service of the IRS

#### Spanish Language Publications

- 1SP Derechos del Contribuyente579SP Cómo Preparar la Declaración de Impuesto Federal
- 594SP Comprendiendo el Proceso de Cobro596SP Crédito por Ingreso del Trabajo
  - 850 English-Spanish Glossary of Words and Phrases Used in Publications Issued by the Internal Revenue Service
- 1544SP Informe de Pagos en Efectivo en Exceso de \$10,000 (Recibidos en una Ocupación o Negocio)

## **Commonly Used Tax Forms**

See *How To Get More Information* for a variety of ways to get forms, including by computer, fax, phone, and mail. For fax orders only, use the catalog numbers when ordering.

Form Number and Title	Catalog Number	Form Number and Title	Catalog Number
1040 U.S. Individual Income Tax Return	11320	2106 Employee Business Expenses	11700
Sch A & B Itemized Deductions & Interest and Ordinary Dividends	11330	2106-EZ Unreimbursed Employee Business Expenses	20604
Sch C Profit or Loss From Business Sch C-EZ Net Profit From Business	11334 14374	2210 Underpayment of Estimated Tax by Individuals, Estates, and Trusts	11744
Sch D Capital Gains and Losses	11338	2441 Child and Dependent Care Expenses	11862
Sch D-1 Continuation Sheet for Schedule D	10424	2848 Power of Attorney and Declaration of Representative	11980
Sch E Supplemental Income and Loss Sch EIC Earned Income Credit	11344 13339	3903 Moving Expenses	12490
Sch F Profit or Loss From Farming	11346	4562 Depreciation and Amortization	12906
Sch H Household Employment Taxes	12187	4868 Application for Automatic Extension of Time To File U.S. Individual Income Tax Return	13141
Sch J Farm Income Averaging Sch B Credit for the Elderly or the Disabled	25513 11359	4952 Investment Interest Expense Deduction	13177
Sch R Credit for the Elderly or the Disabled Sch SE Self-Employment Tax	11359	5329 Additional Taxes Attributable to IRAs, Other	13329
1040A U.S. Individual Income Tax Return	11327	Qualified Retirement Plans, Annuities, Modified Endowment Contracts, and MSAs	
Sch 1 Interest and Ordinary Dividends for Form 1040A Filers	12075	6251 Alternative Minimum Tax–Individuals	13600
Sch 2 Child and Dependent Care	10749	8283 Noncash Charitable Contributions	62299
Expenses for Form 1040A Filers		8582 Passive Activity Loss Limitations	63704
Sch 3 Credit for the Elderly or the	12064	8606 Nondeductible IRAs	63966
Disabled for Form 1040A Filers	44000	8812 Additional Child Tax Credit	10644
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1040-ES Estimated Tax for Individuals	11340	8863 Education Credits	25379
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