



CITY of REEDSBURG

POLICE DEPARTMENT

200 SOUTH PARK STREET
REEDSBURG, WISCONSIN 53959
(608) 524-2376 FAX (608) 524-2925
www.reedsburgwi.gov

PATRICK B. CUMMINGS
CHIEF of POLICE

The Reedsburg Police Department attempts to collect all Insufficient Funds or Account Closed Checks. This is a difficult and expensive procedure, due to the various methods used in the cashing and collecting of worthless checks by various merchants.

The Reedsburg Police Department's intent is to provide a service to all merchants in the City of Reedsburg by implementation of firm guidelines to be used by all merchants. These guidelines must be followed for the Reedsburg Police Department to successfully assist the merchants with collection of Insufficient Funds or Account Closed checks. The Reedsburg Police Department will not be able to assist those individuals or businesses who choose not to use the following policy.

After an Insufficient Funds or Account Closed check has been turned into the Reedsburg Police Department for collection, the issuer will receive a letter requesting restitution and a Notice to Appear, charging them with City Ordinance 434-4 (A)(14), Issue Worthless Check.

Through the City or Reedsburg Municipal Court, the City Attorney will ask the Court for full restitution. The Court can impose penalties for bond amounts and restitutions not paid. Generally, the Court will suspend the issuer's driver's license. It is worth noting that the issuer has the option of requesting a payment plan with the Municipal Court Clerk. The Municipal Court Clerk issues restitution checks, either full or partial restitution, to the Victim Business.

In the event the issuer chooses to ignore our correspondence and their court date passes, the City Attorney will ask the Court for full restitution.

The Courts can impose penalties for bond amounts and restitutions not paid. The Courts may suspend the issuers driver's license until these amounts are paid. It is worth noting that the issuer has the option of arranging a payment plan with the Reedsburg Municipal Court Clerk. The Reedsburg Municipal Court Clerk issues restitution checks, full or partial restitution, to merchants once a month.

Although we have attached sample form letters for your use, we encourage you to contact your attorney if you have any questions.

Attachments:

1. Merchants 10 day letter (sample)
2. Merchants affidavit of mailing (sample)
3. Reedsburg Police Department's letter to check issuer (sample)

**REEDSBURG POLICE DEPARTMENT
INSUFFICIENT FUND POLICY**

Intent:

1. To provide a city wide procedure for the cashing of checks at all local merchants.
2. To assure positive identification of all persons cashing checks.
3. To use these procedures to attempt collection of all checks returned to a merchant as Non-Sufficient funds or Account Closed.
4. To distinguish between Insufficient Funds and checks dishonored for other reasons.

MERCHANT'S RESPONSIBILITY:

1. To obtain positive proof of identification of the person cashing a check at the merchant's place of business.
 - a. Obtain and write upon the face of the check the driver's license number of such person cashing the check. If the person cashing a check does not have a driver's license, obtain the person's full name and date of birth as follows: complete first name (Kathleen not Kathy) middle initial, last name (proper spelling) and complete date of birth (month/day/year).
 - b. Verify by photo identification. If a person cannot provide positive proof of identification, **DO NOT ACCEPT THEIR CHECK.**
2. Any check returned to a merchant as Insufficient Funds, must be presented to the financial institution and stamped as Insufficient Funds / Account Closed.
3. The merchant must send a 10 day notice to the issuer of the NSF or Account Closed check by regular or certified mail, at the issuer's last known address or the address on the check.
4. The merchant must provide either an affidavit of mailing or a certificate of mailing of the 10 day notice required in Number 3 above. If regular mail is used, an affidavit of mailing is required. If certified mail is used, a certificate of mailing, provided by the post office, is required.

5. The merchant must furnish the Reedsburg Police Department with the Worthless Check marked by the bank as, "Insufficient Funds", or "Account Closed", along with a processing fee set by the Chief of Police and proof of compliance of Number 4 above. The fee is \$10.00 per individual. If one person wrote more than one check, the fee is \$10.00 for up to three checks, and an additional \$10.00 for each set of three checks for that person thereafter.

REEDSBURG POLICE DEPARTMENT'S RESPONSIBILITY:

- 1) Assure that the merchant has completed his/her obligations as described.
- 2) Reedsburg Police Department will send letter, and a city script charging the issuer of the worthless check with city ordinance 434-4 (A)(14) "Issue Worthless Check", via U.S. mail

ADDENDUM TO INSUFFICIENT FUND POLICY

Reedsburg Police Department Responsibility

The City Attorney will prosecute all cases of Insufficient Funds or Account Closed checks, regardless of the amount of the check, under City Ordinance.

Officer Discretion:

If the check is \$2,500.00 or more, or an aggregate total of \$2,500.00 or more within a 90 day period, the officer may choose to prosecute criminally, through the District Attorney/s Office.

City Ordinance:

- 1) Assure that the merchant has completed his/her obligations as described.
- 2) Issue a " Notice of Apperance", city ordinance violation, 434-4 (A)(14), "Issue Worthless Check", bond \$313.00 by mail.
- 3) Provide all documentation and affidavits of mailing to the City Attorney for prosecution.

SAMPLE LETTER TO BE TYPED ON MERCHANT'S LETTERHEAD

NOTICE OF NON-SUFFICIENT FUNDS

Date: _____

To: _____

On _____ you presented _____
(Date) (Merchant's Name)

with check number _____ in the amount of \$ _____.

The check was drawn on _____,
(Bank Name)

and authorized by your signature. Your bank returned this check as either "Not Paid –
Non Sufficient Funds", or "Account Closed".

This is a violation of State Statute 943.245 which, in part, provides for the recovery of
said check amount plus pecuniary loss in an amount not to exceed \$500.00, and may
also constitute a criminal offense.

If this check is paid for in full, in the form of cash or money order, at our place of
business within the next 10 days, no further action will be taken and you may pick up
your check from our manager during normal business hours. Otherwise, we will have no
alternative but to pursue other, more formal methods of collection.

Sincerely,

SAMPLE NOTICE TO BE TYPED ON MERCHANT'S LETTERHEAD

AFFIDAVIT OF MAILING

I hereby certify that on _____ I did mail,
(Date)

by: **regular mail** **certified mail** (circle one)

the original notice of the attached Non-Sufficient Fund or Account

Closed letter to _____.

A copy is hereby attached.

(Merchant: Attach certificate of mailing, if certified mailing is used)

Signed: _____

Date: _____

REEDSBURG POLICE DEPARTMENT SAMPLE LETTER TO CHECK ISSUER

You have just received a citation for issuing a worthless check. You may avoid appearing in court by sending the restitution and bond forfeiture amount prior to the court date. If bond is posted and you do not appear in court, you will be found guilty, and the bond money will be forfeited.

If you do not send the restitution and bond forfeiture amount, you must appear in court on the date set forth in your citation. If you do not appear in court on the date in your citation and you have not posted the bond forfeiture amount, you will be found guilty and the court may impose fines, issue a warrant for your arrest, and/or suspend your driving privileges.

If you wish to plead not guilty, you may do this by mail without appearing in court on the date set forth on your citation, or you may appear in court on that date. Not Guilty pleas by mail should be sent to:

**Reedsburg Municipal Court
Reedsburg City Hall
134 South Locust St.
Reedsburg, WI 53959**

Be sure to include a photocopy of your citation, along with your current address and phone number, and mail in time to arrive before the court date set forth on your citation.

After you plead not guilty, a court date for the trial will be mailed to you. You will have to appear at trial or you will be found guilty.

****YOU ARE REQUIRED TO REPORT TO THE REEDSBURG POLICE DEPARTMENT PRIOR TO YOUR COURT DATE TO BE FINGER PRINTED. FAILURE TO DO SO MAY RESULT IN YOU BEING TAKEN INTO POLICE CUSTODY. YOU MAY COME TO THE POLICE DEPARTMENT MONDAY – FRIDAY BETWEEN 8AM – 3PM.****

If you have any questions, call this agency.