



Sibley County Attorney and Sheriff's Offices

CHECK DIVERSION PROGRAM

**A RESTITUTION GUIDE FOR MERCHANTS AND
RESIDENTS**

Dear Sibley County Merchants and Residents:

As consumers and taxpayers, we all pay higher prices because of the losses associated with people issuing worthless checks. Law enforcement spends significant resources investigating and prosecuting people who issue worthless checks. The number of worthless check cases increases every year.

In response to concerns regarding worthless checks, the Sibley County Attorney and Sheriff's Office have implemented a worthless check diversion program.

The main goals of the program are:

- Restitution for victims
- Increase accountability of people who issue worthless checks
- Educate and assist Sibley County merchants and residents in reducing the number of worthless check cases
- Reduce the costs to law enforcement associated with investigating and prosecuting worthless check cases

The program is at no cost to the taxpayer or area merchants. It is solely supported by the people who issue the worthless checks.

If you have further questions after reviewing this packet, please contact the Check Diversion Program at 1-651-388-2569.

David E. Schauer
Sibley County Attorney

Bruce Ponath
Sibley County Sheriff

WORTHLESS CHECK PROGRAM REPORTING

For information on checks sent in call 1-651-388-2569

Restitution recovered will be handled as follows:

- Paid in full restitution will be deposited into a trust account and paid back monthly.
- Payment plans will be deposited into a trust account and paid back after final payment is received.

WHEN TO CONTACT THE SHERIFF'S OFFICE

Call the Sheriff's Office to report:

- Counterfeit check(s)
- Altered checks
- Forged checks of any amount
- Checking account opened using fraudulent information
- Stolen checks

When you are a victim of the above crimes, call your local Police Department or the County Sheriff's Office if you are under their jurisdiction to file a report. **You must report these crimes immediately upon knowing.**

Sheriff's Department
Phone number: 507-237-4330
Fax number: 507-237-4334

County Attorney
Phone Number: 507-647-5377
Fax Number: 507-647-5376

Always make an appointment before a visit.

SIGNAGE

The following signage is required by Minnesota law to allow merchants to enforce collection of service charges and civil penalties. This must be posted where your customers can see the service charge at the time the check is accepted by the merchant. Copy as needed.

**IT'S AGAINST THE LAW TO WRITE A BAD
CHECK IN MINNESOTA**

**Checks returned to us for nonpayment
are subject to a service charge of**

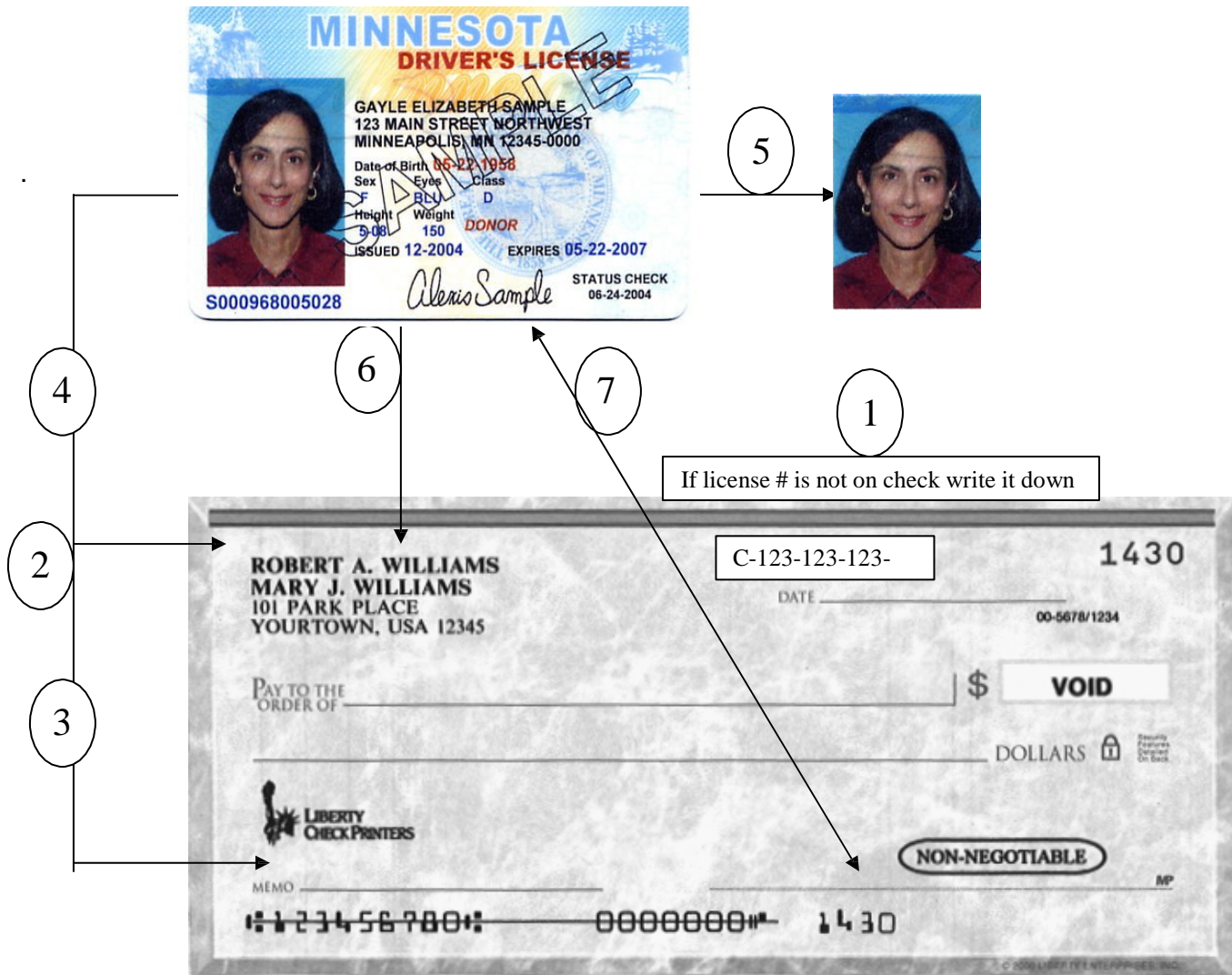
\$30

Additional civil penalty may be imposed
on checks returned for nonpayment after 30 days.

MN Statute 604.113

Minnesota Retail Merchants Association

CHECK ACCEPTANCE PROCEDURES



1. Record or circle the identification number (DL # D-123-123-123-123)
2. Have employee initial upper left corner
3. Record home or work telephone number
4. Record date of birth (i.e. DOB 1/29/72)
5. Make sure photo on identification card matches customer
6. Make sure the identification card matches name and address on the check
If time permits, write down good address as indicated by customer
7. Check the signatures on the identification card and match this signature to the signature on the check (endorsement line). If these signatures do not match, acceptance should be declined.

MEMORANDUM OF UNDERSTANDING

It is my intention to submit worthless checks to the Check Diversion Program. This is an acknowledgement to cooperate with all aspects of this program including:

To appear as witness, or have my staff appear as witnesses, as required for any prosecution of a worthless check submitted in this program.

I further agree that once a check has been submitted, I will NOT ACCEPT restitution from anyone, except from the Check Diversion Program. If restitution is accepted from anyone other than the Check Diversion Program, I could be liable for services performed and could be excluded from future service of this program for at least one year.

If I accept payment directly from the bad check writer, I will report payment within 24 hours. I understand that if payments directly to my business seem excessive, I may be assessed \$30 for each check for which I accept payment.

By this acknowledgement, when I forward a check to the Check Diversion Program, I am foregoing my right to personally recover any service charges or civil penalties. These service charges or penalties, if any, will be collected through the Check Diversion Program. I also understand that I am gifting the \$30.00 NSF fee allowed by state statute to the Check Diversion Program.

I am aware, and fully understand, that this program was established by the Sibley County Attorney's Office as a public service, and Sibley County is held harmless and has no liability for the inability to make recovery of any check(s).

I also understand that the Sibley County Law Enforcement, City Attorney and County Attorney's offices may pursue any and all legal criminal remedies for recovery of check(s) available to their offices.

I agree that in the event of a disputed check, a process for arbitration will be used to resolve the claims. I also agree to accept and abide by the decision of the mediator's judgment and make settlement of any fees, if found liable as a due course of arbitration. CDP may mediate my claims in good faith and be held harmless for any activities taken on my behalf.

I have received the copies of the restitution forms and guidelines for submitting checks to this program that I must complete. I recognize that a request for complaint form must be completed for each batch of checks being submitted.

As a merchant, I will ensure that I communicate to all my employees the proper check cashing/acceptance procedures and display our check cashing policy and Minnesota state law regarding check penalties as required by this program.

I understand that without proper photo identification such as a Minnesota driver's license or state identification card recorded or verified during the transaction, there may be limitations in pursuing the worthless check writer.

Signature of Company Representative

Title

Date

Please type or print the following information:

Business Name _____

Address _____

City/State/Zip _____

Contact Name _____ Telephone number _____

Email Address _____

PRELIMINARY WORTHLESS CHECK REPORT

AND REQUEST FOR COMPLAINT

Mail to: Sibley County Check Diversion Program
P.O. Box 29
Red Wing, MN 55066

| | | | | | |
|--|--|--|--|--|--|
| VICTIM OR FIRM NAME | ADDRESS | BANK FEE PER CHECK | | | |
| PERSON FILING COMPLAINT | CITY, STATE, ZIP CODE | BUSINESS PHONE () | | | |
| SUSPECT COMPARED WITH ID? YES NO | EMAIL ADDRESS | BUSINESS FAX () | | | |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 30%; border: none;">CAN EMPLOYEE/INDIVIDUAL WHO ACCEPTED THE CHECK IDENTIFY THE CHECK WRITER BY PHOTO LINE UP OR IN PERSON? (Please check yes or no)</td> <td style="width: 40%; border: none; text-align: center;">YES (ATTACH THE SINGLE CHECK WITH THIS FORM)</td> <td style="width: 30%; border: none; text-align: center;">NO (ATTACH AS MANY CHECKS AS YOU WOULD LIKE)</td> </tr> </table> | | | CAN EMPLOYEE/INDIVIDUAL WHO ACCEPTED THE CHECK IDENTIFY THE CHECK WRITER BY PHOTO LINE UP OR IN PERSON? (Please check yes or no) | YES (ATTACH THE SINGLE CHECK WITH THIS FORM) | NO (ATTACH AS MANY CHECKS AS YOU WOULD LIKE) |
| CAN EMPLOYEE/INDIVIDUAL WHO ACCEPTED THE CHECK IDENTIFY THE CHECK WRITER BY PHOTO LINE UP OR IN PERSON? (Please check yes or no) | YES (ATTACH THE SINGLE CHECK WITH THIS FORM) | NO (ATTACH AS MANY CHECKS AS YOU WOULD LIKE) | | | |
| NAME OF EMPLOYEE/CHECK ACCEPTOR PHONE NUMBER ADDRESS DOB | NAME OF ADDITIONAL WITNESS PHONE NUMBER ADDRESS DOB | | | | |
| DO YOU HAVE VIDEO RECORDING OF CUSTOMER? YES (if it is still available, please make still images and attach to form) NO | | | | | |
| PHONE CALL DATES: | | | | | |
| COMMENTS: | | | | | |

The check(s) in question is (are) submitted for criminal prosecution. By submitting this check(s) for prosecution, I agree NOT to accept restitution from the suspect or his/her agent. I certify that this report is true, accurate and complete to the best of my knowledge.

Date Victim Signature and Title Company