St. Paul Park
City Attorney
Police Department
CHECK DIVERSION PROGRAM
A RESTITUTION GUIDE FOR MERCHANTS AND RESIDENTS
Dear St. Paul Park Merchants and Residents:

As consumers and taxpayers, we all pay higher prices due to 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 St. Paul Park Police Department has implemented a worthless check diversion program.

The main goals of the program are:

- Restitution for victims
- Increase the accountability for people who issue worthless checks
- Educate and assist St. Paul Park merchants and residents in reducing the number of worthless check cases
- Reduce the investigation and prosecution costs associated with worthless check cases

This program is at no cost to the taxpayer or merchants. It is funded solely by fees from the people who issue the worthless checks.

If you have further questions after reviewing this packet, please contact the Check Diversion Program at 1-800-880-5420.

St. Paul Park Chief of Police
Michael J. Monahan
PROGRAM SUMMARY

A. Check writer pays the Check Diversion Program - 100% of the face value of the check is returned to the merchant plus bank fees, if paid.

B. Offender completes a financial counseling program offered by the Check Diversion Program.

C. Check writer fails to pay – the check is sent for prosecution review and proceedings.

CHECKS ELIGIBLE FOR THE PROGRAM

- NSF, Account Closed, Refer to Maker, Stop Payment, and Electronic Checks received within city limits that do not exceed $1500.00.

   If your check exceeds $1500.00, please bring directly to your law enforcement center.

- Worthless checks submitted LESS THAN 120 DAYS from the date issued by the check writer. (Exception: first time program users can send checks up to 2 years old)

CHECKS NOT ELIGIBLE FOR THE PROGRAM

- Promissory notes and/or arrangement to hold the check for deposit or credit extensions

- Second party checks

- Checks that are currently in collections by a collection agency or attorney (law firm) (checks can be forwarded to check diversion program after agency has sent them back)

STEPS TO FILING A COMPLAINT FORM

The two documents below must be completed before any checks can be processed in the program.

1. The “Memorandum of Understanding.” Send this with your first checks. You need to send this in one time only.

2. A completed “Preliminary Worthless Check Report” form must accompany each batch of check(s) submitted.

   You must submit the original check(s) stamped by the bank with the reason it was returned to you.

   Mail checks to: St. Paul Park Check Diversion Program
   P.O. Box 29
   Red Wing, MN  55066

WORTHLESS CHECK PROGRAM REPORTING

For information on checks sent in call 1-800-880-5420

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 POLICE

Call the Police 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 the police department at 651-439-9381 to file a police report. **You must report these crimes immediately upon knowing.**

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 the identification number (DL # D-123-123-123-123)
2. Have employee initial upper left corner
3. Record home, work, or cell 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 St. Paul Park Police as a public service, and the City of St. Paul Park is held harmless and has no liability for the inability to make recovery of any check(s).

I also understand that the St. Paul Park Police, 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: St. Paul Park Check Diversion Program  
P.O. Box 29  
Red Wing, MN  55066

<table>
<thead>
<tr>
<th>VICTIM OR FIRM NAME</th>
<th>ADDRESS</th>
<th>BANK FEE PER CHECK</th>
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<tbody>
<tr>
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<td></td>
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</table>

<table>
<thead>
<tr>
<th>PERSON FILING COMPLAINT</th>
<th>CITY, STATE, ZIP CODE</th>
<th>BUSINESS PHONE</th>
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<thead>
<tr>
<th>SUSPECT COMPARED WITH ID?</th>
<th>EMAIL ADDRESS</th>
<th>BUSINESS FAX</th>
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<tbody>
<tr>
<td>YES</td>
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<tr>
<td>NO</td>
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</table>

| CAN EMPLOYEE/INDIVIDUAL WHO ACCEPTED THE CHECK IDENTIFY THE CHECK WRITER BY PHOTO LINE UP OR IN PERSON? | YES (ATTACH THE SINGLE CHECK WITH THIS FORM) | NO (ATTACH AS MANY CHECKS AS YOU WOULD LIKE) |
|---------------------------------------------------------------------|-------------------------------------------------|-------------------------------------------------
| (Please check yes or no)                                            |                                                 |                                                 |

<table>
<thead>
<tr>
<th>NAME OF EMPLOYEE/CHECK ACCEPTOR</th>
<th>NAME OF ADDITIONAL WITNESS</th>
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<tbody>
<tr>
<td>PHONE NUMBER</td>
<td>PHONE NUMBER</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>ADDRESS</td>
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<tr>
<td>DOB</td>
<td>DOB</td>
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<table>
<thead>
<tr>
<th>DO YOU HAVE VIDEO RECORDING CUSTOMER?</th>
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<tbody>
<tr>
<td>YES (if it is still available, please make still images and attach to form)</td>
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<tr>
<td>NO</td>
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<table>
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<tr>
<th>PHONE CALL DATES:</th>
<th>COMMENTS:</th>
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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: ____________________________