

INSTRUCTIONS FOR REFERRING A WORTHLESS CHECK

Upon receipt of notice that a check paid to you by a customer was either insufficient or drafted upon a closed account you must take several steps before referring the matter to the DA's office.

- 1) **IS THIS A WORTHLESS CHECK – UNDER WIS. STAT. SEC., 943.24?**
 - a. A worthless check is one in which the customer did not have sufficient funds within their account to cover, or had an account which was previously closed at the time they paid you via check.
 - b. A worthless check is NOT:
 - i. A post dated check.
 - ii. A check written for past consideration.
- 2) **NOTICE TO THE CUSTOMER:**
 - a. Notify the person who issued the worthless check that you have received the check back via CERTIFIED LETTER with return receipt requested. Keep a copy of the letter. This letter should indicate that the customer has 5 days to pay you or it will be referred to the Green Lake County District Attorney's Office for prosecution. Doing this allows us to prove that at the time they issued they check to you, they did not intend to pay you for the goods they purchased. Although the statute doesn't require the letter to be certified, it gives us the ability to stop them from arguing they never received notice.
- 3) **FILLING OUT THE FORMS**
 - a. This can be the most important part of the referral. We need as much information as we can get, as it can be sometimes hard to identify the individual who passed the check. Therefore, your employees need to gather as much information from a check writer when accepting checks as payment for goods. As listed on the form, the driver's license and description of the individual passing the check are key. Having your employee's write the driver's license down on each check, although time consuming, can help establish the identification in court.
- 4) **OTHER NECESSARY DOCUMENTS:**
 - a. The original check passed at your business.
 - b. A copy of the letter you sent to the customer giving them notice that their check bounced.
 - c. A copy of any documentation from the bank indicating why the check was returned.
 - d. The signature card from the certified mailing, or if it sat unclaimed and returned to you, then the stamped returned mail envelope in its entirety.
 - e. Any documentation of fees charged by your bank for the check.

After referring the case to the DA's Office you can not take payment on the check personally from the customer unless you notify us in writing via the attached restitution release. This can be sent via fax to the DA's office. Do not accept checks as payment of restitution during the pendency of the case. We require notice of payment to you from the defendant within 12 hours of receipt. We do this because our offers of settlement vary greatly depending upon whether a defendant has taken responsibility and made you whole by paying restitution up front. We won't deter you from taking the money from them, however, you must give us notice so that we are not seeking the full restitution amount from the defendant as part of the disposition in court. Instructions for providing notice within 12 hours of receipt are outlined on the restitution release.

**OFFICE OF THE DISTRICT ATTORNEY
GREEN LAKE COUNTY
BAD CHECK INFORMATION SHEET**

**TO: KYLE SARGENT, DISTRICT ATTORNEY
P O BOX 3188
GREEN LAKE WI 54941**

The following form must be ***completely filled out*** for each check submitted to the District Attorney's Office. The person, firm or corporation who received and now owns the unpaid check is known as a complainant. This form must be signed by the complainant if an individual or by an authorized agent of a business or corporation.

Complainant's Name and Title _____

Address of Complainant _____

Name and address of business _____

Phone _____ Business location (i.e., city of, township of, etc.) _____

Who accepted the check _____ Title _____

Can the above identify the passer: yes / no Will you prosecute: yes / no

Did person accepting the check compare a photo I.D. or Driver's License from passer yes / no

Write yes if any are applicable _____ postdated check, _____ rent check,
_____ agree to hold check, _____ third party check, _____ payment on past due account
_____ check for past consideration

Reason check was returned (i.e. NSF, Account Closed) _____

What did the passer receive for the check (i.e., merchandise, cash, services) _____

Was 5 day letter sent _____, When _____, What was result _____

Name and address of passer _____

Date of birth _____ Driver's license number _____ DL State _____

Race _____ Sex _____ Height _____ Weight _____ Hair _____ Eyes _____

Amount of check _____ Date of check _____ Check No. _____

NO CHECK WILL BE ACCEPTED UNLESS THERE IS A COPY OF AT LEAST ONE LETTER NOTIFYING THE PERSON ISSUING THE CHECK OF ITS RETURN BY THE BANK UNPAID. THE LETTER SHOULD HAVE BEEN SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

ATTACH CHECK TO THIS FORM. IT IS UNDERSTOOD THAT THE ATTACHED CHECK IS BEING PRESENTED FOR CRIMINAL PROSECUTION TO THE DISTRICT ATTORNEY AND NOT FOR COLLECTION. THE UNDERSIGNED AND THE UNDERSIGNED'S AGENT AND EMPLOYEES WILL COOPERATE IN THE PROSECUTION OF THE CRIME HEREIN. AND WILL NOT REQUEST THAT THE COMPLAINT ON THIS CHECK BE DISMISSED, NOR WILL THEY ACCEPT PAYMENT ON THE CHECK WITHOUT NOTIFICATION VIA FAX OF THE RESTITUTION RELEASE TO THE DISTRICT ATTORNEY'S OFFICE.