



Washington County District Attorney's

## **Check Enforcement Program**

150 North First Ave. • Suite 300 MS40 • Hillsboro, Oregon 97124



# Guidelines for handling checks

### **Dear Washington County Business Professional:**

In an effort to lower the impact of worthless check crime on our community, I have implemented a new Check Enforcement Program. There are several parts to this program - all working together to benefit our entire community.

This is a pre-filing diversion program designed to provide strong incentives for check writers to make good on their worthless checks while lowering the burden on our entire legal system. But the Check Enforcement Program goes beyond simple diversion.

- **We provide instruction that helps merchants prior to receiving a bad check.**
- **We have implemented a powerful administrative engine to handle the restitution process quickly and efficiently.**
- **Finally, a new educational course helps check offenders gain control of their finances and avoid future bad checks.**

Because the Check Enforcement Program is funded entirely by the check offenders, it costs merchants, other tax payers and Washington County nothing. My office and the entire Washington County law enforcement community have a strong commitment to making the Check Enforcement Program a win/win situation for everyone involved.

**But we need your help to make the Program truly succeed.**

Please take the time to read the enclosed information. There are some “rules” that apply to bad checks and knowing exactly what steps to take and when to take them can make a big difference in how successful we will be in recovering your money.

Educate management and staff on their responsibilities. Post the materials. Use the Program to its fullest. It costs nothing and you will receive 100% of the value of every check we successfully recover - plus the bank charges you incur as a result of the bad check.

Help us make a difference. We look forward to serving you.

Sincerely,

**Bob Hermann**  
District Attorney

# Tips for handling a check

## What to look for when you accept a check

If you want to protect yourself from losses due to bad checks there are certain “rules” you should follow that can have a big impact on your success. Many of the most important rules apply at the moment you accept the check for payment. State statutes, local requirements and simple practicality also influence what can or cannot be done to recover a bad check loss.

There are some simple steps you should always take when accepting a check. We’ve developed a simple acronym – **SANDI** – to help people remember the steps.

**1 S Double Check the Signature.** Watch the person sign the check. Pre-signed checks are often trouble. Compare the signature against a photo ID that contains the person’s signature. A Driver’s License is best - and record the Driver’s License number or Social Security number on the check. Student ID numbers and Military ID are also good identifiers that you should get if possible.

**2 A Compare the Amounts.** If the amount written in numbers and the amount written in words don’t match, the bank won’t accept it. Carefully read both versions of the amount. If they don’t match, don’t accept the check.

**3 N Check the Number.** It’s a fact that most bad checks are written on new accounts. Be especially aware of checks that seem to be on a new account (i.e. Numbers in the “low 100’s” or “low 1000’s”).

**4 D Today’s Date.** Post-dated checks do not qualify for the Program. Make sure the date on the check matches the date you accept it.

**5 I Complete ID.** It is important that you get as much identification as possible. The Social Security Number is preferred but, at a minimum you **MUST** get the following:

- “MUST HAVES”
- Name
  - Address (a street address is best)
  - City - State - Zip
  - Phone Number
  - Driver’s License, Social Security, Military or Student Number
- ✓ Mark each item on the check as you verify it. **BE SURE TO PUT YOUR INITIALS ON THE CHECK.**

### THE IMPORTANCE OF VERIFIED IDENTIFICATION

Being able to actually identify a check writer can be critical in enforcing a bad check. In order to prosecute, the person who accepts the check must be able to identify the check writer.

This requires some measure of proof. Reasonable proof can be:

- 1) The person accepting the check verified identity using Photo ID - --- OR ---
- 2) The person accepting the check personally knows the check writer.

**The person who accepts the check MUST be noted. They should put their initials or employee number on the check.**

**5** John W. Doe  
DL#1242131 - 12/6/47  
222 East Market Blvd.  
Lemon Grove, ST 22222

**3** 1

**4** \_\_\_\_\_ \$ \_\_\_\_\_

**2** First National Bank of Santee  
3141 East Nations Blvd.  
Santee, ST 22112

**1** \_\_\_\_\_

MEMOs  
883 1123 4567 77 8890

Complete, verified identification can also influence that a check takes within the Program. Full ID is not for checks submitted to the Program. We can attempt restitution - if all other aspects of the check are within guidelines of the Program.

HOWEVER, victims must be aware that without verified identification, we may not be able to take the court. If a check reaches that point, it will be returned to the victim. It can possibly then be pursued as a civil matter.

# Guidelines for submitting a bad check to the Check Enforcement Program

## REGISTRATION

If you have not yet registered with the Check Enforcement Program, it is important that you provide basic information regarding your company. (See accompanying Merchant's Registration Form.) You need only register one time, but if any of your information changes, please inform our office.

## BEFORE YOU REFER A CHECK TO THIS PROGRAM

Prior to referring a check to the Program, Victims are required to notify the check writer that a check has been dishonored and demand immediate payment of the check plus (actual) bank charges. This may be done by mail. If, after 15 days, the matter has not been satisfied, you may refer the check to our office.

**We have provided a Sample Notification Letter on the back of this brochure. It contains text that is appropriate for demanding payment of a dishonored check. Remember Victims cannot make threats of prosecution - either written or oral - to enforce or enhance the collection or honoring of the check.**

## PREPARING CHECKS FOR REFERRAL

- **Enclose the original check with the Check Complaint form.** Make a photocopy of the checks you are referring (both sides) for your files.
- **Each check writer you refer to our office for enforcement must be accompanied by a Check Complaint form.** This form lists all the information needed to process the bad check. It is important that you fill out as much of the information as possible to assure effective enforcement. (If you do not know a piece of information you can still refer the check.)
- **Please write or print information clearly.** Checks are often very difficult to read. One of the reasons for filling out a Complaint Form is to assure we can read names, dates and amounts accurately.
- **Company checks must have the name of the person who signed the check.** If there is no signature, you should find out who was responsible for issuing the check.

## ELIGIBLE CHECKS

Most are eligible for the Check Enforcement Program. These include checks returned because of :

- "Insufficient " or "Non-sufficient Funds" • "Closed Account" • "No Account"

## INELIGIBLE CHECKS

Some checks are not eligible for the Check Enforcement Program. Checks that do not qualify include:

- Checks for an amount greater than \$750
- Checks marked "Refer to Maker"
- Post-dated, pre-dated or updated checks
- Checks sent through the mail
- Checks older than 90 days
- Rent checks
- Stop payment checks
- Two-party checks
- Checks passed outside Washington County
- Checks drawn on out-of-state banks

You may still wish to pursue these checks with the help of an attorney or in a civil proceeding.

## FOLLOW-UP

You will either receive the money due you or we'll return the check with an explanation of why we were unable to prosecute. If a check (or checks) are deemed prosecutable, you will be informed of what steps you must take as part of the prosecution process.

## MORE INFORMATION

We will do our best to make sure your bad checks are handled efficiently and promptly.  
If you have questions about this Program or any bad checks you have submitted, call **toll-free:**

**1-888-229-6276**

You can download forms and get more information online at: **[hotchecks.net/washington](http://hotchecks.net/washington)**

# Sample Demand Letter

Victims of worthless checks are required to make at least one attempt to notify a check writer to demand payment of a dishonored check. **This can be done by mail. The check writer must then be given fifteen (15) days to respond.** (If, after that time, the matter has not been resolved, the check can be referred to the Check Enforcement Program. See the Program Guidelines for more details on referring a check.)

The sample demand letter below is suitable to send the check writer. The language of the letter conforms to the requirements of Oregon statutes and the District Attorney's Office.

**Note: Victims of worthless checks must not make any threats of prosecution - written or oral - to enforce or enhance the collection or honoring of the check.**

Be sure to date the letter.

You can vary this text, but the text of a demand letter must "substantially conform to" this wording.

When you submit the check to the Check Enforcement Program we also collect a victim service fee - corresponding to your actual bank charges (as provided by ORS 135.925(6) - in addition to the amount of your check.

Keep a copy of the letter for your files.

If it is returned as undeliverable, you should enclose the undelivered letter when you submit the check to the Check Enforcement Program.

## Calling the check writer:

In the event you contact the check writer by phone, you should give essentially the same information as shown in this sample letter.

Of course you are free to discuss the matter with the check writer, but remember to avoid threats of prosecution.

(Company letterhead)

Check writer  
Address  
City, State Zip

Date

Re: Notice of Dishonored Check

You are hereby notified that a check, number \_\_\_\_\_, issued by you on *(date of check)*, drawn upon *(name of bank)*, and payable to *(your business)*, has been dishonored.

You have fifteen days from the date of this notice to tender payment of the full amount of the check plus a fee of \$ \_\_\_\_ to the undersigned at:

\_\_\_\_\_.

You are further notified that in the event the above amount is timely paid in full, you will not be subject to legal proceedings, civil or criminal.

Sincerely,

(Signed)  
(phone number)

OR\_Was Guide 0502

## FOR MORE INFORMATION

If you have questions about the Program or any of the bad checks you have referred, call us toll free at **1-888-229-6276** or visit the Check Enforcement Program website for more information or to download forms: **hotchecks.net/washington**

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