

DAYTON POLICE DEPARTMENT - CHECK/CREDIT OR FORGERY REPORT

Date Reported: _____ Time: _____ Case: _____
 Date of Incident: _____ Time of Incident: _____ Officer / Badge: _____
 Location of Incident: _____

CHECKS-REQUIREMENTS	<p>NON SUFFICIENT FUNDS(NSF) <input type="checkbox"/> ACCOUNT CLOSED <input type="checkbox"/> NO ACCOUNT <input type="checkbox"/></p> <p>When you receive a check back from the bank with one of the above notations, you must send <u>Demand for Payment notice</u> and the relevant statutory information (attached). This is to be sent Certified Mail with a return receipt requested or by regular mail if you complete a NOTORIZED Affidavit of Mail Service (attached). If your notice does not bring a resolution to the returned check after five business days, complete the remainder of this report. Original certified mail receipt of affidavit must be provided to the Police Department to affirm proper notifications. If certified letter goes unclaimed, include the original unclaimed letter. After five days of making demand, return this completed report with receipt/affidavit to the Dayton Police Department for further investigation. Please include the original check, if unavailable include a photocopy of the front and back of the check.</p> <p>The Dayton Police Department will accept checks for investigation ONLY:</p> <ol style="list-style-type: none"> 1. If the crime occurred in Dayton. 2. When the MN picture DL or ID card is used for identification. 3. NSF notification listed above has been completed & five days have lapsed without remitting payment. 4. If they are less than 45 days old from date of issue. 5. If they are returned by the bank stamped "Account Closed". 6. If they are returned by the bank stamped "Forgery". <p>The Police Department will NOT accept for investigation:</p> <ol style="list-style-type: none"> 1. A check written for past consideration (i.e. a bill for an item). This is not a dishonored check. Nothing has changed; the person still owes you money. 2. Out-of-state checks. 3. Post-dated checks. 4. Checks marked "Stop Payment."-This is civil between you and the check writer 5. Third party checks. 6. Checks where the MN DL/ID is not used for identification. 7. Checks that are over 45 days old from date of issue.
FORGERY	<p>CREDIT/DEBIT CARD FORGERY <input type="checkbox"/> CHECK FORGERY <input type="checkbox"/> APPLICATION/DOCUMENT <input type="checkbox"/></p> <p>If you are a victim of a forgery, please complete the remainder of this report. By signing this report you are certifying the signature in question is not yours nor was it authorized by you to be signed on your behalf. Additionally, you did not permit anyone to use your identity to apply for/receive credit in your name. You must complete a NOTORIZED Affidavit of Forgery (attached). Once completed, return this completed report with affidavit to the Dayton Police Department for further investigation. Please include a photocopy of the forged signature; the Officer will take the original document as evidence if it's available.</p>
COMPLAINANT	<p>First: _____ Middle : _____ Last : _____ DOB: _____ Address: _____ City: _____ State: _____ Zip _____ Home: _____ Cell: _____ Work: _____ Title: _____ Check issued to <input type="checkbox"/> Business: _____ Address: _____ City: _____ State: _____ Zip: _____</p>

CARD INFO	Credit <input type="checkbox"/> Debit <input type="checkbox"/> Other <input type="checkbox"/> _____ Financial Institution: _____ Exp: _____ Visa <input type="checkbox"/> Mastercard <input type="checkbox"/> Discover <input type="checkbox"/> American Express <input type="checkbox"/> Other _____ Date: _____ Amount: _____ Account # _____ Date/Time Reported To Fi: _____
CHECK INFORMATION	Business <input type="checkbox"/> Personal <input type="checkbox"/> Payroll <input type="checkbox"/> Other <input type="checkbox"/> _____ Financial Institution Drawn On: _____ Address: _____ City: _____ State: _____ Zip: _____ Dated: _____ Amount: _____ Routing # _____ Account # _____ Issued to: _____ Makers Signature: _____ Merchandise Received or Services Rendered: _____ _____ _____

Was this document accepted in person or by mail? In person By Mail

If accepted in Person, who accepted the document? _____

Can you personally ID the person who signed the document? Yes No

If no, is there anyone you know of who may have witnessed the signature? Yes No

If yes, please list names, addresses and phone numbers: _____

Is there surveillance footage of this transaction and/or signature? Yes No

If this is a check, has the party made or offered to make full or partial restitution on the check? Yes No

If yes, please explain manner of contact/payment and include dates _____

Any additional information you'd like to provide? _____

A criminal complaint does not guarantee economic recovery of your loss. The Police Department is not a collection agency and will not act in that manner. You may want to file a civil claim; online information is located at <http://www.mncourts.gov/district/4/?page=830> or you may call Hennepin County Conciliation Court at (612) 348-2713.

See attached documents for NSF checks and/or to certify a forged signature.

By signing this report, I certify the above information is true. In the event I have been found to have knowingly falsified this report, or omitted pertinent information, I realize I will be subject to criminal prosecution.

Signature: _____ Date: _____

Officer Signature: _____ Date: _____

NOTICE AND DEMAND FOR PAYMENT OF A DISHONORED CHECK

_____, you are hereby notified that check number _____ issued
(Defendant Full Name) (Check Number)
by you on ____/____/20____, made payable to _____, in the
(Check Date) (Business Name)
amount of \$_____. and drawn upon the _____ Bank of
(Check Amount) (Bank Name)
_____, has been dishonored.
(Bank Address)

DEMAND is hereby made for the payment of the above-mentioned dishonored check. Pursuant to Minnesota Statute Section 609.535 and Minnesota Statute Section 604.113 you have five (5) business days from the date this notice was mailed to you to tender payment in the full amount to the holder of the check. The payment must be made by cash, certified check, cashier's check or a money order. The holder of the check may impose a service charge, not to exceed \$30, for each dishonored check, regardless of mailing a Notice of Dishonor.

If you fail to pay this check in full within five (5) business days the holder of the check may turn over the dishonored check and all other available information to law enforcement and prosecuting authorities for criminal prosecution. Minnesota Statute declares that a person who is convicted of Issuing a Dishonored Check may be sentenced to five (5) years imprisonment or a fine of \$10,000, or both if the value of the check(s) is/are more than \$500 or one (1) year imprisonment or a fine of \$3,000, or both if the value of the check(s) is/are more than \$250 but not more than \$500 or ninety (90) days imprisonment or a fine of \$1,000, or both if the value of the check(s) is/are less than \$250.

Dated: _____

Remit to:

(Your Business Name and Address or Your Name and Address)

Address:

604.113 ISSUANCE OF WORTHLESS CHECK.

Subdivision 1. **Definitions.** (a) The definitions provided in this subdivision apply to this section.

(b) "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.

(c) "Credit" means an arrangement or understanding with the drawee for the payment of the check.

(d) "Dishonor" has the meaning given in section 336.3-502, but does not include dishonor due to a stop payment order requested by an issuer who has a good faith defense to payment on the check. "Dishonor" does include a stop payment order requested by an issuer if the account did not have sufficient funds for payment of the check at the time of presentment, except for stop payment orders on a check found to be stolen.

(e) "Payee" or "holder" includes an agent of the payee or holder.

Subd. 2. **Acts constituting.** Whoever issues any check that is dishonored is liable for the following penalties:

(a) A service charge, not to exceed \$30, may be imposed immediately on any dishonored check by the payee or holder of the check, regardless of mailing a notice of dishonor, if notice of the service charge was conspicuously displayed on the premises when the check was issued. If a law enforcement agency obtains payment of a dishonored check on behalf of the payee or holder, up to the entire amount of the service charge may be retained by the law enforcement agency for its expenses. Only one service charge may be imposed under this paragraph for each dishonored check. The displayed notice must also include a provision notifying the issuer of the check that civil penalties may be imposed for nonpayment.

(b) If the amount of the dishonored check is not paid within 30 days after the payee or holder has mailed notice of dishonor pursuant to section 609.535 and a description of the penalties contained in this subdivision, whoever issued the dishonored check is liable to the payee or holder of the check for:

(1) the amount of the check, the service charge as provided in paragraph (a), plus a civil penalty of up to \$100 or the value of the check, whichever is greater. In determining the amount of the penalty, the court shall consider the amount of the check and the reason for nonpayment. The civil penalty may not be imposed until 30 days following the mailing of the notice of dishonor. A payee or holder of the check may make a written demand for payment of the civil liability by sending a copy of this section and a description of the liability contained in this section to the issuer's last known address. Notice as provided in paragraph (a) must also include notification that additional civil penalties will be imposed for dishonored checks for nonpayment after 30 days;

(2) interest at the rate payable on judgments pursuant to section 549.09 on the face amount of the check from the date of dishonor; and

(3) reasonable attorney fees if the aggregate amount of dishonored checks issued by the issuer to all payees within a six-month period is over \$1,250.

(c) This subdivision prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this subdivision, but does not nullify charges for dishonored checks, which do not exceed the charges in paragraph (a) or terms or conditions for imposing the charges which have been agreed to by the parties in an express contract.

(d) A sight draft may not be used as a means of collecting the civil penalties provided in this section without prior consent of the issuer.

(e) The issuer of a dishonored check is not liable for the penalties described in paragraph (b) if a pretrial diversion program under section 628.69 has been established in the jurisdiction where the dishonored check was issued, the issuer was accepted into the program, and the issuer successfully completes the program.

Subd. 3. **Notice of dishonor required.** Notice of nonpayment or dishonor that includes a citation to this section and section 609.535, and a description of the penalties contained in these sections, shall be sent by the payee or holder of the check to the drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check.

The issuance of a check with an address printed or written on it is a representation by the drawer that the address is the correct address for receipt of mail concerning the check. Failure of the drawer to receive a regular or certified mail notice sent to that address is not a defense to liability under this section, if the drawer has had actual notice for 30 days that the check has been dishonored.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Subd. 4. **Proof of identity.** The check is prima facie evidence of the identity of the issuer if the person receiving the check:

(a) records the following information about the issuer on the check, unless it is printed on the face of the check:

- (1) name;
- (2) home or work address;
- (3) home or work telephone number; and
- (4) identification number issued pursuant to section 171.07;

(b) compares the issuer's physical appearance, signature, and the personal information recorded on the check with the issuer's identification card issued pursuant to section 171.07; and

(c) initials the check to indicate compliance with these requirements.

Subd. 5. **Defenses.** Any defense otherwise available to the issuer also applies to liability under this section.

History: 1983 c 225 s 6; 1984 c 576 s 26; 1985 c 140 s 1,2; 1991 c 256 s 8,9; 1992 c 565 s 113; 1996 c 414 art 1 s 41; 1997 c 157 s 65,66; 1999 c 218 s 1; 2001 c 204 s 1; 2004 c 174 s 3

AFFIDAVIT OF MAIL SERVICE

STATE OF MINNESOTA }
 } ss.
COUNTY OF HENNEPIN }

I, _____ being duly sworn, states that on the _____ day of _____, 20____, attached a completed (see attached) statutory Notice and Demand for Payment. The principal thereof was deposited in a U.S. Post Office mailbox in the city of _____, in a sealed envelope, postage paid, certified/regular mail and addressed to _____, at the address printed on the check or the last known address. The said original thereof was not returned to the undersigned undeliverable or for any other reason.

Signature: _____ Date: _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

Signature