



**OFFICE OF DISTRICT ATTORNEY
EAU CLAIRE COUNTY, WISCONSIN
PETER J. RINDAL, DISTRICT ATTORNEY
ANGELA L. BERANEK, DEPUTY DISTRICT ATTORNEY**



POLICY ON WORTHLESS CHECKS

1. The District Attorney's Office will only accept checks that have been returned for: **Account Closed, NSF (non-sufficient funds), or No Account.**
2. The District Attorney's Office will only process checks that have proper ID taken. Proper ID means a Driver License or State Issued Identification Card number is recorded. The state of issuance and the expiration date of the ID must also be recorded.
3. The District Attorney's Office will only accept checks in which the specific employee who accepted the check is identified. Specific identification includes the full name of the employee and substantiating information such as a clock or register number, the employees initials, name, or other identifying information on or accompanying the check. When available, video surveillance of the transaction should be submitted with any worthless check referral.
4. The District Attorney's Office will only accept in-state checks. Out-of-state checks are accepted at your own risk.
5. The District Attorney's Office will only accept checks if the responses to all of the following statements is "no."
 - a. The check is marked Stop Payment or Uncollected Funds.
 - b. The check was presented at a different time than services or goods received.
 - c. The check was sent through the mail.
 - d. The check is a three-party check.
 - e. There was an agreement to hold the check or the check was postdated.
 - f. The check was issued as payment on an account or loan.
 - g. The check was issued as payment for a previously issued worthless check.
 - h. The check was issued to a motel/hotel and was given **after** the stay at the motel/hotel.
 - i. The check was issued for rent and was given **after** the rental period began.
6. If the bank indicates possible forgery as the reason returned, immediately contact the local police department or sheriff's office for investigation.
7. If, after you refer a worthless check to the District Attorney's Office for processing, you receive payment on the worthless check in the form of a check, return it to the sender and advise them the bad check has been turned over to the District Attorney and they need to contact the District Attorney's Office for further information. If you receive payment in the form of a money order or cash, contact the District Attorney's office for further direction.
8. By referring a check to the District Attorney's Office for processing, you are required and agree to comply with the above listed policies and follow the Worthless Checks Referral Procedure. If you are unable or do not wish to comply with these policies, the District Attorney's Office will not be able to process your worthless check referral.

Revised: 11/05/2021

ASSISTANT DISTRICT ATTORNEYS

Kelly Ronquist | Crystal Jensen | Angela L. Beranek | Andrew J. Gunderson
Afton B. Lewis | Robert Stoiber | Tiffany M. Winter | Sean E. Froelich | Emmeline Lee

POLICY AND PROCEDURE FOR WORTHLESS CHECKS

EAU CLAIRE COUNTY DISTRICT ATTORNEY'S OFFICE

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WORTHLESS CHECKS REFERRAL PROCEDURE

The following procedure must be followed in order to ensure timely and successful processing of your worthless check referral to the District Attorney's Office. All of the forms and information referenced in this procedure are available on the District Attorney's website. You may also request a copy of the forms and information by contacting the District Attorney's Office.

After receiving notification of a worthless check from a financial institution:

1. A letter demanding payment on the worthless check must be mailed to the individual who issued the check.
 - a. The letter should be similar to the "Demand For Payment" letter the District Attorney's Office has published on the District Attorney's website. Retain a copy of the letter you send for your records.
 - i. If the check you are referring is less than six months old, the letter may be sent by standard mail.
 - ii. If the check you are referring is six months or older, the letter must be sent by certified mail. The receipt from the certified mail must be submitted with the referral to the District Attorney's Office.
 - b. If payment on the worthless check is not made to you within 5 days of the demand letter, you may refer the worthless check to the District Attorney's Office by submitting the following to the District Attorney's Office:
 - i. Original or copy of the worthless check that the financial institution returned to you.
 - ii. Copy of the demand letter sent and certified mail receipt, if applicable.
 - iii. Completed "Worthless Check Fact Sheet" published on the District Attorney's website.

After the worthless check referral is received by the District Attorney's Office:

1. A letter demanding immediate payment on the worthless check will be sent from the District Attorney to the individual who issued the check.
 - a. Any payment made on the worthless check will be forwarded to you.
 - b. If payment is not made on the worthless check, the District Attorney may issue criminal charges. Additional information will be provided to you in the event that criminal charges are issued.

Note: You should never advise the individual who issued the check that criminal charges will be dropped. This decision can only be made by the District Attorney.