

Worth County Attorney's Office
Check Offender Program
Merchant's Agreement

A. Any merchant or individual who receives an "account closed" or "non-sufficient funds" (NSF) check may use the Check Offender Program (C.O.P.). There is no cost to you to use the program.

You are the first line of defense in this program; therefore, your roles are as follows:

1. Obtain an I.D., photo ID's are best—driver's license, business check cashing card, etc., and be sure that the clerk writes these ID numbers on the check. Two forms of ID are preferable but are not required at this time. (A firearm owner's ID card by itself is not sufficient).

2. Check cashing cards are appropriate, but only if the presenter of the card is in fact the person named on the card.

3. It is very important to compare the I.D. picture and the person who is presenting the check.

4. Verify the correct address and telephone number and make any corrections on the check.

5. Be sure that the clerk puts his or her initials on the check to show who made identification.

6. Do not accept non-personalized checks or counter checks.

7. Do not accept a post-dated check and never agree to hold a check.

8. Never cash a two-party check or a check made out to someone else other than you or your business.

9. Take extra precaution on accepting checks written on a new account; generally checks numbered less than 500.

10. Be sure all writing on the check is legible.

11. The complaining witness shall agree to voluntarily appear at trial without the necessity of subpoena upon receipt of the notice of trial, or the case will be dismissed with the request that costs be assessed against the complaining witness who fails to appear. If the complaining witnesses are not available for trial, or if a change in trial date is required, the County Attorney's Office shall be notified immediately.

12. To reduce losses, you may choose to implement a policy of accepting checks for only the amount of merchandise purchased.

B. If the check bounces, you should call the check writer. If you are unable to speak directly with the offender, you must send the check writer a DEMAND LETTER for payment plus any service

charge your store charges. Many bad checks are a result of careless bookkeeping, and a letter from you will solve the problem.

C. If you do not receive payment after the phone call or demand letter deadline, you may choose to utilize the Worth County Attorney's Check Offender Program, 736 Central Ave., P. O. Box 167, Northwood, IA 50459.

D. To utilize the program, you must submit the following documentation:

Exhibit 1. Copy of original check issued, and the original check for examination only. Bank documentation showing that the check was presented twice on a non-sufficient funds check or once on a closed account. (This is usually on the check itself).

Exhibit 2. Copy of the approved CERTIFIED NOTICE, which is your written demand letter.

Exhibit 3. The proof of service card (green card) which will either come back signed or be attached to the CERTIFIED NOTICE that was sent by you, the Merchant.

Exhibit 4. A completed notarized AFFIDAVIT OF PROBABLE CAUSE. (Notary Publics are available at the Worth County Attorney's Office).

E. Direct all inquiries about the check(s) that you have submitted to the Worth County Attorney's office by calling (641) 324-1291. Because of the confidential nature of the subject matter, only the undersigned or authorized representative will be provided the information.

F. Once a check has been turned over the Worth County Attorney's office, you cannot accept payment or restitution on the bad check directly from the offender. Restitution and appropriate fees can only be paid to Worth County Attorney's office. The offender who wishes to pay on a check, which has been sent to Worth County Attorney's office, should be directed to call (641) 324-1291.

G. The person signing this agreement has been provided a copy of the Check Policy of the Worth County Attorney's Office Check Offender Program.

H. Any failure to abide by this agreement will result in the discontinuance of a merchant's or individual's participation in the Check Offender Program.

I. Restitution received from the check writer by the Worth County Attorney's office will be forwarded to the merchant upon full payment.

J. Once a check has been turned over to the Worth County Attorney's office, you may not commence civil legal proceeding in magistrate court against the offender without the express written consent of the Worth County Attorney's office.

K. This agreement may be amended from time to time by the Worth County Attorney's office and such amendments shall be effective upon mailing of a notice to the undersigned party.

L. The undersigned acknowledges this is a voluntary program of the Worth County Attorney's Office. No liability is assumed by the above parties in connection with this program nor are said parties guaranteeing the payment or collection of any amounts from the offender. The undersigned's only remedy shall be to request return of the check from the program.