



Angela Albers
Office of the Wood County Criminal District Attorney

Dear Merchant:

"It always happens to the other person" is not always true. You could be the victim of one of today's most rampant crimes – **HOT CHECKS**. The purpose of this pamphlet is to alert you, educate you and assure you that this office will do everything possible to prosecute the hot check writer.

I hope the information you are about to read assists you. Alert and knowledgeable citizens are the first defense against all crimes – particularly hot checks.

If you have any questions, contact my office. Remember, hot checks can be controlled only with your help.

Very truly yours,

A handwritten signature in black ink, appearing to read "Angela Albers", with a long horizontal line extending to the right.

Angela Albers
Criminal District Attorney
Wood County, Texas

PROCEDURE WHEN TAKING A CHECK

It is vital that you stress to your employees the importance of being thorough when accepting a check. If your establishment has set a policy for all customers then no one should have any reason to feel they are being treated unfairly. It is a good idea to have a "checklist" where a cashier can see it easily. It should include at least the following:

1. Is the I.D. used recorded?

Record on the check the type of I.D. and I.D. numbers as well as the clerk's initials who takes the check.

2. Is it dated today?

Checks must be dated the same day they're given. Post-dated checks are not prosecutable.

3. Is the signature legible?

Do NOT accept checks previously signed. Have them signed in your presence and compare the driver's license or other I.D.

4. Is the address complete?

Require a permanent street address, not a P.O. Box number unless you know the writer.

5. Can you confirm identity?

Every kind of I.D. can be forged. The most reliable are the one with physical descriptions, photos, etc. If you are suspicious, ask the writer to hand you the license and while it's in your hand, ask his address and/or birth date. If it is not his license, he may be caught off guard and give the wrong information.

6. Do written amounts and numbers correspond?

Banks will not honor checks with discrepancies.

PROCEDURE WHEN A CHECK IS RETURNED

There are certain procedures you must follow before this office will accept a returned check for prosecution:

1. The check must be presented to the bank for payment, even if you know it will not be honored and stamped by the bank as to the reason of dishonorment.
2. You must send written notification to the check writer informing him or her of the reason the check was not honored. The written notice can now be sent regular mail. The following sample letter sets out the information which must be included:

Date

To:

Mr. / Ms. (Bad check writer)

Address on check or

Better address if known

Dear (Bad Check Writer):

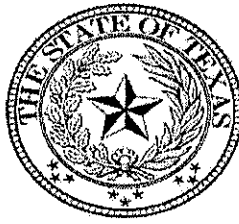
Please be advised that your check number _____ dated _____ for
\$ _____ has been returned to our business by your bank marked “ _____ ”.
There is also a \$30.00 Merchant Fee added bringing your total due to \$ _____. This is a demand for payment in full
for a check or order not paid because of lack of funds or insufficient funds. If you fail to make payment in full within 10
days after the date of receipt of this notice, the failure to pay creates a presumption for committing an offense, and this
matter may be referred for criminal prosecution.

Very truly yours,
(Recipient of Check)

**Effective September 1, 2003, Merchants are now allowed to collect a
processing fee of \$30.00 for all checks written on or after this date.**

**Be sure to keep a copy of this letter. If, after 10 days the check hasn't been paid, you must personally
bring it to this office and furnish the following:**

- 1. The original check with the bank flag or notation with the reason it was not honored;**
- 2. The notarized Affidavit of Service or certified return receipt (green card);**
- 3. The completed Commercial Fraud Form;**
- 4. A copy of the letter that you sent to the hot check writer;**
- 5. The name, address and phone number of the person who accepted the check and who can
identify the maker;**
- 6. Specific identification of maker such as driver's license number, date of birth, and physical
description. (It will be necessary for you to supply this information to our office in order for
a warrant to be issued.)**



Angela Albers
Office of the Wood County Criminal District Attorney

Mr.
Mrs.
Miss
Maker of Check _____

Home Address _____
Street City Zip Phone

Business Address _____
Street City Zip Phone

DL# _____ DOB: _____ SEX _____ RACE _____

HEIGHT _____ HAIR _____ EYES _____

Did you contact Bank? _____ Remarks: _____

Have you contacted signer? _____ How? _____

MONEY COLLECTED SHOULD BE SENT TO: _____

Street City State Phone

Check given for: Cash, Merchandise, Loan, Past Rent, Future Rent, Services, or _____
Person who took check from maker: _____

CHECK AMT.
Date of check \$
Date of check \$
Date of check \$
Date of check \$
Date of check \$
CIRCLE ONE
Can he/she identify maker in court? Yes No
Was check passed in Wood County? Yes No
Was this a Stop Payment Check? Yes No
Has anyone received a partial payment? Yes No
Mer. Fee \$
Sub-total \$
Hot Ck SPFS \$
TOTAL \$

Your Name: _____
Remarks: _____

The District Attorney's office cannot legally prosecute checks taken outside of Wood County, checks taken as payment for debt, or post-dated checks.

Date received in D.A.'s office _____

AFFIDAVIT OF SERVICE

STATE OF TEXAS *
*
COUNTY OF WOOD *

KNOWN ALL MEN BY THESE PRESENT:

BEFORE ME, the undersigned authority, this day personally appeared _____

Who swore on oath as follows:

"My name is _____ I am the owner/representative
of _____ (business) at _____
_____ (address), _____ (city,state,zip).

On _____ (date), I sent a notice in writing by First Class Mail with the following
information contained therein:

"This is a demand for payment in full for a check or order not paid because
of lack of funds or insufficient funds. If you fail to make payment in full
within 10 days after the date of receipt of this notice, the failure to pay creates
a presumption for committing an offense, and this matter may be referred for
criminal prosecution."

to _____ (name) at _____
_____ (address), _____ (city,
state, zip).

Please check one of the following regarding the address above:

- Address is on the check;
- Address is on the records of the Bank or other drawee;
- Address is on vendor records of the person that issued/passed the check.

Affiant's signature

SWORN AND SUBSCRIBED TO BEFORE ME, on this the _____ day of _____,
20____.

Notary Public, State of Texas

(Notary Stamp)