

FILING BAD CHECK CHARGES

FILING BAD CHECK CHARGES IN LEBANON MUNICIPAL COURT

The Lebanon Municipal Court has an **arbitration system** set up to reduce the amount of criminal charges filed for Passing Bad Checks. The arbitration system allows business owners to collect on returned checks, while also providing the check writer the opportunity to avoid a criminal record. This court handles any check written within the City of Lebanon, or Turtlecreek Township. Any check written for \$500.00 or more should be turned over to the local police agency, as felony charges could result. If the check writer fails to respond to arbitration, criminal charges can be filed. Specific procedures must be followed during this process:

1. Send out an **Arbitration notice**, informing the check writer that his/her check was returned to you for insufficient funds, or because the account has been closed. This notice should be sent by **certified mail** so that you have a record of mailing, as well as notice that your letter was received, and by whom, or, that the notice was refused by the addressee. A sample of this form is attached, and can be used, or you can make a similar form for your use. Make sure your notice includes all the following.
 - Check Number
 - Date of check
 - Amount of check
 - Return check fee (if any)
 - Your name and address
2. Also included should be an **arbitration hearing date**. All hearings are held on the second Tuesday of each month at 1:30 pm. These hearings are held before the court Referee. Make sure that you allow enough time for the post office to deliver your certified mail (it can take up to 4 weeks) as well as enough time for the check writer to get a pay check and/or make suitable pay-back arrangements when setting this date. (In similar situations, the court allows 6-8 weeks for court hearings.)
3. If the check writer fails to pay the full amount of restitution owed to you, or fails to make agreeable pay-back arrangements, you must attend the arbitration hearing you set up. Be sure to bring the original check, as well as proof of mailing for the arbitration notice you sent. This can be either the signed green card or the original letter, whichever the Post Office returns to you.
4. If the check writer failed to appear for this hearing, the referee will instruct you to file Criminal charges for Passing Bad Checks. You can then bring the check and the certified receipt or returned letter to the Clerk's office, where a criminal warrant will then be processed. Be sure to provide the Clerk's office with the name of the representative that will be attending any court proceedings for these charges, as that person's name will appear on the warrant.

Additional information you should know regarding Bad Check charges:

- All checks must have at least **two identifiers** on them. Identifiers are Social Security number (be sure to ask customer for permission to use SSN), date of birth, or driver's license number. The Sheriff's office **will not** accept any warrants without these items. ***Any checks filed in this court without the proper identifiers will require a deposit of \$80.00 to be paid upon filing.***
- Once the check is turned over to the court for charges, you **may not** accept any money from the check writer, nor can you make any arrangements for payment. ***Any person or business that fails to comply with this instruction will be billed \$80.00 to cover court costs.***
- The court recommends that you refuse to accept starter checks. These are checks that have no check numbers or pre-printed names and addresses on them.

NOTICE OF UNPAID CHECKS

TO: _____

DATE: _____

You have failed to pay the following checks to our business:

<u>CHECK NO.</u>	<u>DATE</u>	<u>AMOUNT</u>
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In addition to the amount of the check(s) listed above, you also owe a return check fee in the amount of \$ _____ for EACH of the listed checks.

This amount must be paid to our business IN FULL by 1:30 pm on the _____ day of _____, 20_____, or you must appear in the Lebanon Municipal Court on that date and time.

FAILURE TO PAY OR APPEAR IN COURT WILL RESULT IN A CRIMINAL CHARGE BEING FILED AGAINST YOU. PASSING BAD CHECKS IS A VIOLATION OF SECTION 2913.11 OF THE OHIO REVISED CODE AND IS A MISDEMEANOR OF THE FIRST DEGREE, WHICH IS PUNISHABLE BY A MAXIMUM SENTENCE OF \$1000.00 AND SIX MONTHS JAIL.

Please send payment to: _____
