

# Bad check complaints investigated

By Joanne Maliszewski  
staff writer

In the first nine months of 1991, Farmington Hills detectives have completed 85 bad check investigations. In 1990, they investigated 153 complaints.

"But for every one reported to us, there's quite a number that aren't reported to us," said Sgt. Charles Nebus of the Farmington Hills Police Department's detective section. "A lot of times there is no criminal intent. It's an error in a person's checkbook accounting or perhaps the bank has made a mistake," Nebus said.

The police have a relatively new policy that business owners and merchants should follow if a bad check complaint is to be filed with police. But you, the business owner or merchant, should know there's a difference between what's a civil or criminal matter.

If you just want your money from a bounced check that's a civil complaint that can be handled with an attorney or you can take it to small claims court.

EXAMPLES OF bad check complaints that must be resolved civilly are checks issued to repay loans, pay for rent, second party checks, post-dated checks or checks bearing a current date and the tender requests the recipient to hold until a later date, according to the police policy.

Also, any bad check that would constitute a criminal act becomes a civil matter if you accept any amount of restitution.

If you get a bad check and you want it pursued through the police, you must obtain what's known as a five-day notice form. You must send it to the check passer by certified mail.

"If they (check passer) fails to respond, that shows criminal intent," Nebus said.

If you do not receive a response to the five-day notice, you must fill out another form called "Prosecutor's Required Information for a Warrant on Bad Check Cases."

This form must be submitted at the same time you file a police report about the bad check you have received. Your police report will be assigned to the Farmington Hills detective section where an investigator will contact the victim (business owner or merchant) and conduct necessary follow-up and prosecution.

But there's some things that you must do to ensure that your complaint can be prosecuted. Demanding identification — two pieces to be exact — is crucial when accepting a check.

THE PROSECUTOR'S office won't meet with police on a bad check complaint unless two pieces of identification have been shown, Nebus said.

The two pieces of identification are generally a driver's license or a credit card. "Merchants can legally ask for a credit card," Nebus said.

If you don't have a driver's license, you must fill out a license for that matter. "No citizen has to show anything. It's simply up to you and up to a merchant whether he wants to accept a check (without identification)," Nebus said.

Actually, having two pieces of identification protect the merchant and the police in a bad check complaint. "If the business or the police are sued, we and the business would have to show we made a diligent attempt to identify someone," Nebus said. "There's civil liability on the part of the merchant and the police for issuing a warrant in the wrong name, for example."

## Hills police give tips for accepting checks

By Joanne Maliszewski  
staff writer

The Farmington Hills police offer the following tips to business owners and merchants for accepting checks:

- You should establish a written policy and training for your employees about accepting checks.
- Insist on two pieces of identification from the check passer. One of the pieces of identification should be

driver's license with a photo. • Employees who accept checks should write the driver's license number on the check and record what two pieces of identification were accepted.

• Employees should look at the photo on the driver's license and match it with the check passer. They should also match the signature on the check and the driver's license. • Employees should initial the check they have accepted.

This form is for use by National Banks only. It should be used for publication purposes only, and should not be returned to the FDIC.

Comptroller of the Currency  
Administrator of National Banks

**REPORT OF CONDITION**  
Current assets of the National Bank of Farmington Hills, State of Michigan, at the close of business on September 30, 1991, published in response to the Comptroller of the Currency, under the 12 United States Code, Section 181, Chapter 16, Subchapter II, of the Currency and Monetary Laws.

Statement of Assets and Liabilities

| ASSETS  | Thousands of dollars |
|---|----------------------|
| Cash and balances due from depository institutions  | 465,401              |
| Interbank clearing balances   | 119,031              |
| Securities sold and securities purchased under agreements to resell in domestic offices of the bank and of its Edge and Agreement subsidiaries, and in IFIs | 1,362,718            |
| Federal funds sold  | 217,279              |
| Securities purchased under agreements to resell   | 22,500               |
| Loans and leases, net of unearned income  | 8,222,714            |
| LESS: Allowances for loan and lease losses  | 184,143              |
| LESS: Allocated transfer risk reserves  | —                    |
| Loans and leases, net of unearned income  | 8,038,571            |
| Assets held in trading accounts   | 18,027               |
| Receivables and other assets (including capitalized leases)   | 148,348              |
| Real estate owned   | 1,828                |
| Assets in unconsolidated subsidiaries and associated companies  | 179,580              |
| Other assets  | 29,862               |
| Other assets  | 8,163,212            |
| <b>LIABILITIES</b>  |                      |
| Deposits  | 2,271,142            |
| Noninterest-bearing   | 2,048,340            |
| Interest-bearing  | 222,802              |
| Securities sold and securities purchased under agreements to resell in domestic offices of the bank and of its Edge and Agreement subsidiaries, and in IFIs | 57,297               |
| Federal funds purchased   | —                    |
| Securities sold under agreements to repurchase  | 228,100              |
| Other borrowed money  | 44,901               |
| Liabilities to the U.S. Treasury  | 47,820               |
| Other liabilities   | 8,164,148            |
| Bank's liability on acceptances executed and outstanding  | 1,828                |
| Accrued interest and dividends  | 13,600               |
| Other liabilities   | 28,100               |
| Other liabilities   | 8,541,040            |
| <b>EQUITY CAPITAL</b>   |                      |
| Preferred stock and related surplus   | —                    |
| Common stock  | 84,915               |
| Surplus   | 179,201              |
| Undivided profits and capital reserves  | 348,056              |
| LESS: Non-redeemable loss on marketable securities  | —                    |
| Confirms foreign currency translation adjustments   | —                    |
| Total equity capital  | 512,172              |
| Total liabilities, limited-liability preferred stock, and equity capital  | 8,163,212            |

See the accompanying directors' statement to the shareholders of the National Bank of Farmington Hills, Michigan, for a full and complete description of the assets and liabilities of the bank and of its subsidiaries and of the bank's consolidated financial position and results of operations.

*James E. Baker*  
Director

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## police/fire calls

Listed below are some of the Farmington-area police incidents, fire calls and court cases reported during the past week:

### ARMED ROBBERY

A 31-year-old man who has stayed at the Bahamas Motel, 28051 Grand River, was robbed of about \$700 during an encounter with a call girl, whom he hired from an escort service Sunday, according to a Farmington Hills police report.

The woman arrived at the man's room after 7 p.m. After sexual relations, the woman asked to see the man's identification. She then went to an outside payphone to make a call.

At about 9 p.m., another unidentified man — whom the victim assumed was the woman's boyfriend

or pimp — arrived at the room. The robbery victim and the woman again had sexual relations while the man remained in the room.

The unidentified man then pulled out a gun, pointed it at him and said, "give me your cash." When the man didn't move from the bed, the woman told the man with the gun that the wallet was in a dresser drawer.

The unidentified man told the woman to get dressed and both left. The man ran to the outside and saw the woman drive off in a car and the man ran southbound through the parking lot. The man chased him until he jumped a fence by a nearby business. The man told police both he and the woman had been drinking that evening.

Please turn to Page 15

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