

15-907

Lynn Heyduk

From: Steve & Karen Olson <skolson4725@att.net>
Sent: Wednesday, June 24, 2015 1:42 PM
To: Tony Dick; Lynn Heyduk
Cc: Kathleen McDaniel; Steve Corbeille
Subject: Fw: Municipal Court Issue
Attachments: Cosentino.pdf

Tony & Lynn:

In light of our discussion yesterday, I think it is probably prudent to run the unpaid forfeiture issue past Public Safety. Particularly due to Tony's discussion of the parking ticket issue the PD faced.

I talked to Jeri Lynn in order to try to find out when the next Public Safety Committee meeting was. As part of that discussion, I told her we would just 'suspend' collection on pre-1/1/2007 unpaid forfeitures until I've had the chance to meet with Public Safety. That had previously been discussed @ the LEAN meeting where Jeri Lynn was present and had already been agreed to by Kathleen McDaniel & Steve Corbeille. So - I just asked her to leave it suspended rather than me writing unpaid forfeitures off now already.

Steve Olson

----- Original Message -----

From: Steve & Karen Olson
To: Chris Able ; Justin Nickels ; Kathleen McDaniel ; Steve Corbeille
Cc: Dave Soeldner ; Eric Sitkiewitz - D6 ; Mike Howe ; Jason Sladky
Sent: Wednesday, June 24, 2015 1:35 PM
Subject: Municipal Court Issue

Alder Able:

I ask that I be placed on the agenda of the Public Safety Committee related to unpaid forfeitures. I know there is a meeting scheduled for July 13, however, I am out of state that week. I am also gone on vacation August 22-29.

The problem relates to around \$485,000 in unpaid forfeitures that predate 1/1/2007. Many date as far back as the 1980's. My predecessor, Judge Glaeser, for an uncertain period of time, sent out letters such as are attached to this email. **Basically, his letter offered the convicted defendant the opportunity to either pay the forfeiture or suffer a 5 year drivers license suspension.** Unfortunately, with changed computer systems, we are unable to determine what happened with about 3500 judgments involving the \$485,000.

With the alternative punishment offered, if the person did serve the suspension, we are precluded from collecting. A defendant cannot be punished twice. At this point, court records simply show these 3500 citations as remaining unpaid, although it is likely the then Court Clerk would have followed through on ordering suspensions. Accordingly, from a legal standpoint, I believe I am required to 'presume' these defendants did suffer the alternative penalty and the judgment is now legally uncollectible.

I anticipate simply 'writing off' the \$485,000 in unpaid forfeitures, seeing no other realistic option. However, I feel it incumbent on me to seek input from the Public Safety Committee prior to doing that. I have directed that collection simply be suspended at this point, pending any input the Committee may have which passes legal muster.

Our system is clean after early 2008 - these problems no longer exist. There are some problems with 2007 forfeitures, however, we are handling them on a case by case basis.

I look forward to meeting with you & the Committee, hopefully in August?

Steve Olson
Manitowoc Municipal Court