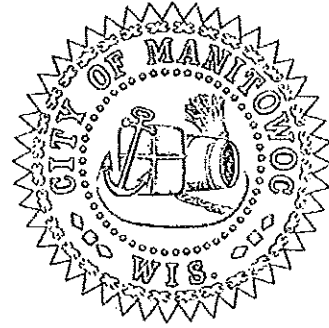


# 15-907 CONSENT



Standing Committee: Public Safety Committee

Document Name: Communication from Judge Steve Olson regarding Municipal Court forfeitures

Consent

Non-Consent

Chairman Recommend

Recommendation:

*Accept Report & Place on file*

Attest:

*Christopher Able*

Chair – Alderperson Christopher Able

*9/10/2015*

Date

Vice-Chair – Alderperson Eric Sitkiewitz

Alderperson Dave Soeldner

Alderperson Jason Sladky

Alderperson Mike Howe

Approved:

Justin M. Nickels  
Mayor

Date

15-907

**Lynn Heyduk**

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**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 Silkewitz - 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?

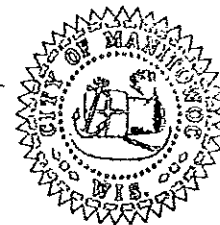
Steve Olson  
Manitowoc Municipal Court

# CITY OF MANITOWOC

WISCONSIN, USA

[www.manitowoc.org](http://www.manitowoc.org)

## MEMO



**TO:** Municipal Judge Steven Olson.  
**From :** Court Clerk Lynn Heyduk  
**RE:** Uncollected Forfeitures, 1990 - 2006  
**Date:** July 7, 2015

In the past several weeks, I have been a part of meetings involving City Attorney McDaniel, Police Chief Tony Dick, Deputy Chief Nick Reimer, Office Manager Jeri Lynn Christensen, and Judge Steve Olson. The topic of our meeting was uncollected forfeitures. The report in question shows approximately 3,500 citations totaling \$486,000 from this time period. As a result of these meetings, I decided to do some follow-up with Department of Motor Vehicle (DMV) and Court Software Support (TIPSS).

My goal in contacting DMV was to find out if they have driver's license records on file dating back to 1990. This would make it possible to determine if a suspension was entered on a particular DL record. However, after speaking with an employee at DMV, I was informed they cannot verify this information as they do not have the DL records to view from the 1990's.

My goal in contacting Court Software Support (TIPSS) was to question the notes placed in the history of the citations. In the process of converting from the previous court software program, Access, to TIPSS in late 2010, it seems as though some of the notes were lost making for some inconsistency and issues in discerning how to move ahead on these unpaid forfeitures. The various notes are: 5 year DL suspension/NP, 2 year DL suspension/NP, 90 day DL suspension/NP, 2 year DL suspension, and others have no notes at all. The notes show little to no consistency; however, I do believe there are unpaid forfeitures on this report that are certified with TRIP that could remain certified pending interception.

I have one last grave concern: the "Cosentino" letter. While pursuing a 1998 unpaid forfeiture in 2012, a defendant, Glenn Cosentino brought in a copy of a letter dated 2 June 1999. This past-due letter generated to the debtor included language which gave the option to pay the forfeiture or serve a DL suspension in lieu of payment. This letter was signed by Judge Glaeser. Cosentino objected to paying this forfeiture or having it certified with the TRIP because he had this letter, claimed he was found indigent, and served the 5 year DL suspension. How many debtors received this same letter with this alternative penalty option?

It is my belief that we cannot prove, but only presume, this letter was sent to all debtors during this time period, nor can we prove, but only presume, a DL suspension was served; therefore, it does not seem right to continue pursuing collection on these debts.

**Municipal Judge, Steven R. Olson**

Municipal Court Clerk, Lynn Heyduk, [lheyduk@manitowoc.org](mailto:lheyduk@manitowoc.org) • Phone (920) 686-6920 • Fax (920) 686-6929  
CITY HALL • 900 Quay Street • Manitowoc, WI 54220-4543



CITY OF MANITOWOC

817 FRANKLIN STREET  
P.O. BOX 1597  
MANITOWOC, WISCONSIN 54221-1597

MOORE  
System  
6/02/99

DANIEL R. GLAESER  
MUNICIPAL JUDGE

MUNICIPAL COURT

GLENN E. COSENTINO  
205 E MEMASHA AVE

WHITELAW , WI 54247

CITATION NO: Z082774

DEAR GLENN E. COSENTINO:

THIS LETTER IS TO INFORM YOU THAT YOU CURRENTLY OWE THE CITY OF MANITOWOC, MUNICIPAL COURT, 817 FRANKLIN STREET, MANITOWOC, WI 54220 THE AMOUNT OF \$684.50. THIS AMOUNT REPRESENTS THE FORFEITURE DUE ON YOUR CITATION ON THE CONVICTION OF OPERATING UNDER INF. OF INTOX.

THIS AMOUNT WAS DUE ON 3/12/99, INCLUDING TIME GRANTED TO PAY THE FORFEITURE. SINCE THAT TIME WE HAVE NO RECORD OF YOU HAVING PAID THIS MATTER NOR REQUESTING ALTERNATIVE PAYMENT THEREON.

THIS AMOUNT IS OVERDUE. BECAUSE OF THE SAME, THE COURT WILL ORDER AN ALTERNATIVE PENALTY TO PAYMENT OF THE FORFEITURE. ~~THE ALTERNATIVE PENALTY WILL BE EITHER A SUSPENSION OF YOUR DRIVER'S LICENSE FOR A PERIOD OF NO MORE THAN FIVE (5) YEARS, OR A COMMITMENT TO THE COUNTY JAIL, IF NOT FOUND INDIGENT.~~

THIS LETTER IS TO INFORM YOU THAT YOU HAVE UNTIL 6/09/99 TO PAY THE ABOVE AMOUNT DUE OR TO CONTACT THE COURT TO SHOW PROOF THAT YOU HAVE ALREADY PAID THIS AMOUNT. UNLESS YOU COME TO THE COURT OFFICE AND TAKE CARE OF THIS MATTER PRIOR TO THE ABOVE DATE, ~~WE WILL PROCEED WITH PROCESSING THE ALTERNATIVE PENALTY.~~ SINCE THIS MATTER IS IN DEFAULT, THE COURT WILL NOT AGREE TO ANY ADDITIONAL PAYMENT PLAN. THE TOTAL AMOUNT IS NOW DUE IN FULL.

IF YOU HAVE ANY QUESTIONS OR PROBLEMS CONCERNING THE PAYMENT OF THIS FINE, PLEASE CONTACT THIS OFFICE IMMEDIATELY. OUR TELEPHONE NUMBER IS 683-4431. OUR OFFICE IS LOCATED ON FIRST FLOOR OF CITY HALL AND YOU MAY STOP AT OUR OFFICE BETWEEN THE HOURS OF 8:00 A.M. AND 4:00 P.M. WEEKDAYS. THANKYOU FOR YOUR PROMPT ATTENTION.

SINCERELY,

DANIEL R. GLAESER  
MUNICIPAL COURT JUDGE

P.S. PLEASE BRING THIS LETTER ALONG WITH YOU TO MUNICIPAL COURT FOR EASY REFERENCE AND PROPER CREDIT.

Manitowoc Municipal Court  
Payments Past Due Report  
All Departments

Violation Due Date: 01/01/1900 through 12/31/2006

Name	Citation #	Depart	Viol Status	Finding Date	Due Date	Days Past Due	Total Due	Total Paid	Balance Due
Zahorik, Russell J	MN335474	MPD	TRIP	10/31/1995	10/31/1995	7,171	\$ 148.00	\$ 0.00	\$ 148.00
Zahorik, Russell J	U132670	MPD	TRIP	03/26/1996	03/26/1996	7,024	\$ 61.90	\$ 0.00	\$ 61.90
Zahorik, Russell J	U133094	MPD	TRIP	02/12/1996	02/12/1996	7,067	\$ 123.40	\$ 0.00	\$ 123.40
Zais, Maggie M	D9968770	MPD	TRIP	10/26/2004	10/26/2004	3,888	\$ 77.20	\$ 0.00	\$ 77.20
Zermuehlen, Betty L	MN410850	MPD	TRIP	10/12/2004	12/12/2004	3,841	\$ 198.80	\$ 0.00	\$ 198.80
Zermuehlen, Betty L	MN411125	MPD	TRIP	10/12/2004	12/12/2004	3,841	\$ 102.00	\$ 0.00	\$ 102.00
Zimmerman, Shauntae A	MN561418	MPD	TRIP	02/08/2005	03/08/2005	3,755	\$ 77.20	\$ 0.00	\$ 77.20
Zimmerman, Shauntae A	MN573630	MPD	TRIP	05/31/2005	05/31/2005	3,671	\$ 102.00	\$ 0.00	\$ 102.00
Zivko, Joshua D	B1518042	MPD	TRIP	01/23/2001	01/23/2001	5,260	\$ 99.50	\$ 0.00	\$ 99.50
Zivko, Joshua D	B1540221	MPD	TRIP	08/07/2001	08/07/2001	5,064	\$ 99.50	\$ 0.00	\$ 99.50
Zube, Joshua T	MN438978	MPD	TRIP	05/21/1996	05/21/1996	6,968	\$ 148.00	\$ 0.00	\$ 148.00
Zube, Joshua T	W363257	MPD	TRIP	05/21/1996	05/21/1996	6,968	\$ 98.80	\$ 0.00	\$ 98.80
Zube, Joshua T	W363258	MPD	TRIP	05/21/1996	05/21/1996	6,968	\$ 86.50	\$ 0.00	\$ 86.50
Zube, Joshua T	W365332	MPD	TRIP	02/18/1997	02/18/1997	6,695	\$ 148.00	\$ 0.00	\$ 148.00
Zube, Joshua T	MN438477	MPD	TRIP	08/20/1996	08/20/1996	6,877	\$ 86.50	\$ 0.00	\$ 86.50
Zube, Joshua T	MN438479	MPD	TRIP	09/17/1996	09/17/1996	6,849	\$ 273.39	\$ 0.00	\$ 273.39
Zube, Joshua T	M000015	MPD	TRIP	09/17/1996	09/17/1996	6,849	\$ 25.00	\$ 0.00	\$ 25.00
Zube, Joshua T	Z082007	MPD	TRIP	10/20/1998	10/20/1998	6,086	\$ 406.00	\$ 0.00	\$ 406.00
Zube, Joshua T	Z082171	MPD	TRIP	11/24/1998	11/24/1998	6,051	\$ 283.00	\$ 0.00	\$ 283.00
Zube, Joshua T	Z082172	MPD	TRIP	11/24/1998	11/24/1998	6,051	\$ 406.00	\$ 0.00	\$ 406.00
Zurek, Charles T	MN561415	MPD	TRIP	01/25/2005	04/25/2005	3,707	\$ 226.00	\$ 0.00	\$ 226.00
Zurek, Charles T	MN410443	MPD	TRIP	03/23/2004	06/23/2004	4,013	\$ 164.00	\$ 0.00	\$ 164.00
Zurek, Charles T	MN410731	MPD	TRIP	06/01/2004	07/01/2004	4,005	\$ 77.20	\$ 0.00	\$ 77.20
Zurek, Charles T	D9946322	MPD	TRIP	07/27/2004	07/27/2004	3,979	\$ 71.00	\$ 0.00	\$ 71.00
Zurek, Charles T	MN407610	MPD	TRIP	12/30/2003	03/30/2004	4,098	\$ 77.20	\$ 0.00	\$ 77.20
Zurek, Charles T	MN259059	MPD	TRIP	11/18/2003	11/18/2003	4,231	\$ 164.00	\$ 0.00	\$ 164.00
Zurek, Charles T	MN259206	MPD	TRIP	11/18/2003	11/18/2003	4,231	\$ 102.00	\$ 0.00	\$ 102.00
Zurek, Charles T	MN259207	MPD	TRIP	11/18/2003	11/18/2003	4,231	\$ 89.60	\$ 0.00	\$ 89.60
Zurek, Charles T	MN258828	MPD	TRIP	11/04/2003	11/04/2003	4,245	\$ 77.20	\$ 0.00	\$ 77.20
Zurek, Charles T	MN258386	MPD	TRIP	07/29/2003	07/29/2003	4,343	\$ 100.00	\$ 0.00	\$ 100.00
Zurek, Charles T	MN259172	MPD	TRIP	09/09/2003	09/09/2003	4,301	\$ 112.40	\$ 0.00	\$ 112.40
Zyduck, Joshua L	CA047746	MPD	SUSP	07/12/2005	07/12/2005	3,629	\$ 10.00	\$ 0.00	\$ 10.00

Number of Records: 3,466  
Grand Total: \$ 509,180.39 \$ 23,191.80 \$ 485,988.59