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How **BEST BUY** was scammed
MONEY+BUSINESS, D1

StarTribune Sunday

STARTRIBUNE.COM NORMANDY LANDING 66 YEARS AGO

New wave of school closings

- With enrollments down and funds tight, at least 20 Twin Cities schools won't reopen.

By ALLIE SHAH and EMILY JOHNS
Star Tribune staff writers

Not since the early 1980s has the end of the school year brought such a large wave of schools in the Twin Cities area that will not reopen next fall.

This week thousands of students and teachers in at least 20 schools are packing up their desks and their memories and heading to new buildings next fall. Two of the state's largest districts — Anoka-Hennepin and St. Paul — are experiencing their largest downsizing ever.

The shutdowns are due to a combination of demographic and economic forces, and a greater choice of schools.

Most acutely affected are those two big districts and Minneapolis, where fewer students have created "excess space" in some buildings. That slack, coupled with the bleakest education funding forecast in a generation, has left districts with little choice but to close schools and to expect more shuttering of buildings in coming years.

"It's like a family that has a house and a cabin and a time-share in Arizona," said Charlie Kyte, executive director of the Minnesota Association of School Administrators. "When times get

Schools continues on A14 ▶

DAREDEVIL ON THE HIGH SEAS

- Undaunted, this Tommie plans to finish the Triple Crown of marathon swimming.

By MARK CRAIG
mcraig@startribune.com

Samantha Simon has been fearless for as long as her parents can remember.

"Sam was a toddler in her little bouncy walker thing," said her father, Paul. "One day, she went tumbling down the steps in it. My wife [Kelly] and I scream, 'Oh, my God! Sam, are you OK!'"

She was laughing and dragging the walker back up the stairs for another go at it. "We knew from a very early age that Sam was going to be our little daredevil," Paul said.

Today, Sam is a 20-year-old distance swimmer for the University of St. Thomas and a daring, open-water marathoner braving the high seas.

She conquered the coveted English Channel swim at 19 last summer and plans to complete the Triple Crown of marathon swimming this summer when she takes on the Manhattan Island Swim on June 12 and the Catalina Channel swim off the coast of California on Aug. 1-2.

That's more than 70 miles of swimming. Dangerous swimming. Swimming that fewer than 40 people have ever completed.

Simon continues on A11 ▶



Sam Simon swam the English Channel last summer in 13 hours, 10 minutes despite 20-foot waves.

As a sheriff's deputy dumped the contents of Joy Uhlmeyer's purse into a sealed bag, she begged to know why she had just been arrested while driving home to Richfield after an Easter visit with her elderly mother.

No one had an answer. Uhlmeyer spent a sleepless night in a frigid Anoka County holding cell, her hands tucked under her armpits for warmth. Then, handcuffed in a squad car, she was taken to downtown Minneapolis for booking. Finally, after 16 hours in limbo, jail officials fingerprinted Uhlmeyer and explained her offense — missing a court hearing over an unpaid debt. "They have no right to do this to me," said the 57-year-old patient care advocate, her voice as soft as a whisper. "Not for a stupid credit card."

It's not a crime to owe money, and debtors prisons were abolished in the United States in the 19th century. But people are routinely being thrown in jail for failing to pay debts. In Minnesota, which has some of the most creditor-friendly

laws in the country, the use of arrest warrants against debtors has jumped 60 percent over the past four years, with 845 cases in 2009, a Star Tribune analysis of state court data has found.

Not every warrant results in an arrest, but in Minnesota many debtors spend up to 48 hours in cells with criminals. Consumer attorneys say such arrests are increasing in many states, including Arkansas, Arizona and Washington, driven by a bad economy, high consumer debt and a growing industry that buys bad debts and employs every means available to collect.

Whether a debtor is locked up depends largely on where the person lives, because enforcement is inconsistent from state to state, and even county to county.

In Illinois and southwest Indiana, some judges jail debtors for missing court-ordered debt payments. In extreme cases, people stay in jail until they raise a minimum payment. In January, a judge sentenced a Kenney, Ill., man "to indefinite incarceration" until he came up with \$300 toward a lumber yard debt.

"The law enforcement system has unwittingly become a tool of the debt collectors," said Michael Kinkley, an attorney in Spokane, Wash., who has represented arrested debtors. "The debt collectors are abusing the system and intimidating people, and law enforcement is going along with it."

How often are debtors arrested across the country? No

Debt continues on A8 ▶

[In debt?] What you need to know to avoid jail, A9 ▶

LOCAL BOY COULD BE
'THE NEXT GREAT ARTIST'

MILES MENDENHALL PROFILE, VARIETY ▶

UP TO \$250 IN COUPONS INSIDE

STAR TRIBUNE EXCLUSIVE
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Mayo expanding market to the metro



Mayo: A strong brand of medicine.

- The Rochester clinic is using telemedicine to stake claims in the Twin Cities. Area hospitals say they aren't threatened.

By CHEN MAY YEE
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A future outpost at the Mall of America. Health screenings at Target Field. And now, cardiology services ever closer to the metro.

If there was any doubt before, there isn't now: Mayo Clinic has the Twin Cities market firmly in its sights.

In the past couple of months, the famed Rochester clinic has made its latest advance, expanding cardiology services in Northfield and Cannon Falls, in part using equipment for remote consultations with Rochester specialists.

"A third to half of the state lives in the metro," said Dr. R. Scott Wright, a cardiologist and director of outreach for Mayo's Department of Medicine. "We want to make our services closer."

For decades, there was a sort of unspoken agreement between Mayo and Twin Cities hospitals. Allina, Fairview, HealthEast and others would provide the bread-and-butter care but send patients with complicated or rare illnesses 90 miles south to Mayo.

But times have changed: The Twin Cities hospitals spent the past decade building new specialty centers that now compete directly with Mayo for high-end care. Meanwhile, fed-

Mayo continues on A13 ▶



Booked like criminals:
From top: Joy Uhlmeyer,
Jamie Rodriguez, Robert Vee and Deborah
Poplawski were arrested
and held on debt warrants.

WILDLIFE NIGHTMARE COMES TRUE

Fears that the oil rig spill would unleash widespread damage to wildlife along the Gulf are coming to pass. A4

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[hounded] debtors and the new breed of collectors

ABOUT THIS SERIES: Installments of "Hounded" will appear on occasion this summer. The stories will examine the aftermath of the credit boom that has left scores of people in financial trouble facing a collections industry that is using aggressive, new methods to obtain payments.

IN JAIL [for being] IN DEBT

DEBT FROM A1

one can say. No national statistics are kept, and the practice is largely unnoticed outside legal circles. "My suspicion is the debt collection industry does not want the world to know these arrests are happening, because the practice would be widely condemned," said Robert Hobbs, deputy director of the National Consumer Law Center in Boston.

Debt collectors defend the practice, saying phone calls, letters and legal actions aren't always enough to get people to pay.

"Admittedly, it's a harsh sanction," said Steven Rosso, a partner in the Como Law Firm of St. Paul, which does collections work. "But sometimes, it's the only sanction we have."

Taxpayers foot the bill for arresting and jailing debtors. In many cases, Minnesota judges set bail at the amount owed.

In Minnesota, judges have issued arrest warrants for people who owe as little as \$85 — less than half the cost of housing an inmate overnight. Debtors targeted for arrest owed a median of \$3,512 in 2009, up from \$2,201 five years ago.

Those jailed for debts may be the least able to pay.

"It's just one more blow for people who are already struggling," said Beverly Yang, a Land of Lincoln Legal Assistance Foundation staff attorney who has represented three Illinois debtors arrested in the past two months. "They don't like being in court. They don't have cars. And if they had money to pay these collectors, they would."

The collection machine

The laws allowing for the arrest of someone for an unpaid debt are not new.

What is new is the rise of well-funded, aggressive and centralized collection firms, in many cases run by attorneys, that buy up unpaid debt and use the courts to collect.

Three debt buyers — UniFund CCR Partners, Portfolio Recovery Associates Inc. and Debt Equities LLC — accounted for 15 percent of all debt-related arrest warrants issued in Minnesota since 2005, court data show. The debt buyers also file tens of thousands of other collection actions in the state, seeking court orders to make people pay.

The debts — often five or six years old — are purchased from companies like cellphone providers and credit card issuers, and cost a few cents on the dollar. Using automated dialing equipment and teams of lawyers, the debt-buyer firms try to collect the debt, plus interest and fees. A firm aims to collect at least twice what it paid for the debt to cover costs. Anything beyond that is profit.

Portfolio Recovery Associates of Norfolk, Va., a publicly traded debt buyer with the biggest profits and market capitalization, earned \$44 million last year on \$281 million in revenue — a 16 percent net margin. Encore Capital Group, another large debt buyer based in San Diego, had a margin last year of 10 percent. By comparison, Wal-Mart's profit margin was 3.5 percent.

Todd Lansky, chief operating officer at Resurgence Financial LLC, a Northbrook, Ill.-based debt buyer, said firms like his operate within the law, which says people who ignore court orders can be arrested for contempt. By the time a warrant is issued, a debtor may have been contacted up to 12 times, he said.

"This is a last-ditch effort to say, 'Look, just show up in court,'" he said.

Go to court — or jail

At 9:30 a.m. on a recent weekday morning, about a dozen people stood in line at the Hennepin County Government Center in Minneapolis.

Nearly all of them had received court judgments for not paying a delinquent debt. One



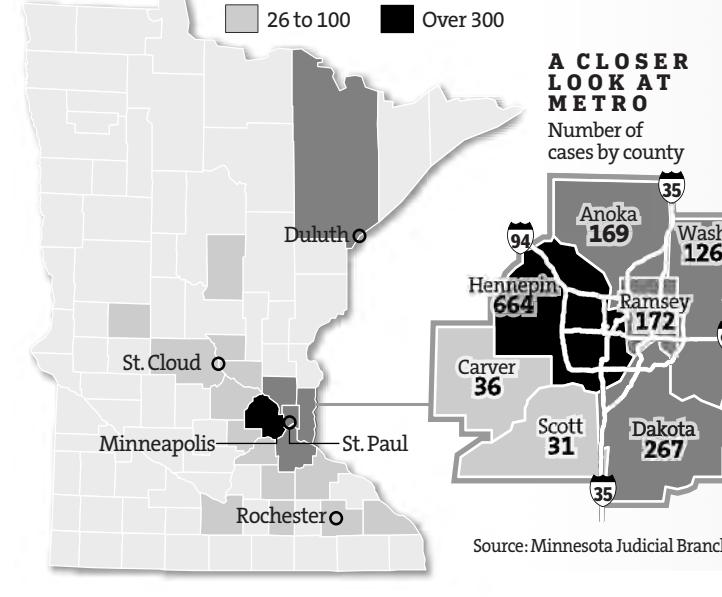
Photos by GLEN STUBBE • gstubbe@startribune.com

Joy Uhlmeyer of Richfield checked paperwork related to an unpaid credit card debt. Nothing mentions she might be arrested. She was stopped by a sheriff's deputy while driving back from Duluth after an Easter visit with her mother, and spent a night in jail over a debt.

UNEVEN ENFORCEMENT: ARREST POLICIES VARY ACROSS MINNESOTA

Minnesota has no standards for enforcing arrest warrants against people who ignore legal steps to collect a debt. Sheriff's policies on enforcing debt-collection warrants vary, even in the metro area, where the majority of such cases is filed.

CASES, BY COUNTY 2005-2010



METRO SHERIFFS' ENFORCEMENT POLICIES

Anoka County: Actively seeks debtors with warrants, arresting them anywhere, including home or work. Bail is typically set at the amount owed, but debtors can be released right away without bail if they fill out a financial disclosure form.

Carver County: Seeks debtors only during deputies' down time between crime calls. Deputies sometimes accept bail money instead of bringing debtors to jail. Debtors can be released right away if they fill out a financial disclosure.

Dakota County: Does not seek people on debt-related warrants. Those stopped for other reasons are arrested and taken to jail. Arrested debtors can fill out a financial disclosure or pay bail in the amount owed.

Hennepin County: Arrests debtors anywhere. Debtors may spend a night in jail unless they post bail in the amount owed or \$2,500, whichever is less.

Ramsey County: Arrests debtors anywhere, but releases them right away without bail if they fill out a financial disclosure.

Scott County: Arrests debtors anywhere, but releases them right away without bail if they fill out a financial disclosure.

Washington County: Arrests debtors anywhere, but releases them right away without bail if they fill out a financial disclosure.

RAY GRUMNEY • Star Tribune

by one, they stepped forward to fill out a two-page financial disclosure form that gives creditors the information they need to garnish money from their paychecks or bank accounts.

This process happens several times a week in Hennepin County. Those who fail to appear can be held in contempt and an arrest warrant is issued if a collector seeks one. Arrested debtors aren't officially charged with a crime, but their cases are heard in the same courtroom as drug users.

Greg Williams, who is unemployed and living on state benefits, said he made the trip downtown on the advice of his girlfriend who knew someone who had been arrested for missing such a hearing.

"I was surprised that the police would waste time on my petty debts," said Williams, 45, of Minneapolis, who had a \$5,773 judgment from a credit card debt. "Don't they have real criminals to catch?"

Few debtors realize they can land in jail simply for ignoring debt-collection legal matters. Debtors also may not recognize the names of companies seeking to collect old debts. Some people are contacted by three or four firms as delinquent debts are bought and sold multiple times after the original creditor writes off the account.

"They may think it's a mistake. They may think it's a scam. They may not realize how important it is to respond," said Mary Spector, a law professor at Southern Methodist University's Dedman School of Law in Dallas.

A year ago, Legal Aid attorneys proposed a change in state law that would have required law enforcement officials to let debtors fill out fi-

nancial disclosure forms when they are apprehended rather than book them into jail. No legislator introduced the measure.

Joy Uhlmeyer, who was arrested on her way home from spending Easter with her mother, said she defaulted on a \$6,200 Chase credit card after a costly divorce in 2006. The firm seeking payment was Resurgence Financial, the Illinois debt buyer. Uhlmeyer said she didn't recognize the name and ignored the notices.

Uhlmeyer walked free af-

ter her nephew posted \$2,500 bail. It took another \$187 to retrieve her car from the city impound lot. Her 86-year-old mother later asked why she didn't call home after leaving Duluth. Not wanting to tell the truth, Uhlmeyer said her car broke down and her cell phone died.

"The really maddening part of the whole experience was the complete lack of information," she said. "I kept thinking, 'If there was a warrant out for my arrest, then why in the world wasn't I told about it?'"

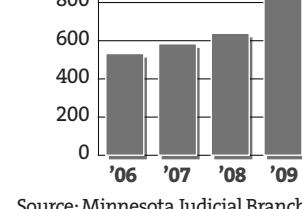


Deborah Poplawski still gets angry about her arrest in Minneapolis last year over an old \$250 debt. During her night in jail, she worried about abandoning her 15-year-old dog, Nina, in her apartment.

CRACKING DOWN ON DEBTORS

Arrest warrants issued in Minnesota against people who owe money rose 58 percent in four years.

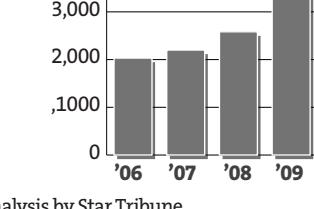
Cases with arrest warrants



Source: Minnesota Judicial Branch data, analysis by Star Tribune

The amounts owed by those subject to arrest also increased dramatically.

Median amount owed



Jailed for \$250

One afternoon last spring, Deborah Poplawski, 38, of Minneapolis was digging in her purse for coins to feed a downtown parking meter when she saw the flashing lights of a Minneapolis police squad car behind her. Poplawski, a restaurant cook, assumed she had parked illegally. Instead, she was headed to jail over a \$250 credit card debt.

Less than a month earlier, she learned by chance from an employment counselor that she had an outstanding warrant. Debt Equities, a Golden Valley debt buyer, had sued her, but she says nobody served her with court documents. Thanks to interest and fees, Poplawski was now on the hook for \$1,138.

Though she knew of the warrant and unpaid debt, "I wasn't equating the warrant with going to jail, because there wasn't criminal activity associated with it," she said. "I just thought it was a civil thing."

She spent nearly 25 hours at the Hennepin County jail.

A year later, she still gets angry recounting the experience. A male inmate groped her behind in a crowded elevator, she said. Poplawski also was ordered to change into the standard jail uniform — gray-white underwear and orange pants, shirt and socks — in a cubicle the size of a telephone booth. She slept in a room with 12 to 16 women and a toilet with no privacy. One woman offered her drugs, she said.

The next day, Poplawski appeared before a Hennepin County district judge. He told her to fill out the form listing her assets and bank account, and released her. Several weeks later, Debt Equities used this information to seize

funds from her bank account. The firm didn't return repeated calls seeking a comment.

"We hear every day about how there's no money for public services," Poplawski said. "But it seems like the collectors have found a way to get the police to do their work."

Threat depends on location

A lot depends on where a debtor lives or is arrested, as Jamie Rodriguez, 41, a bartender from Brooklyn Park, discovered two years ago.

Deputies showed up at his house one evening while he was playing with his 5-year-old daughter, Nicole. They live in Hennepin County, where the Sheriff's Office has enough staff to seek out people with warrants for civil violations.

If Rodriguez lived in neighboring Wright County, he could have simply handed the officers a check or cash for the amount owed. If he lived in Dakota County, it's likely no deputy would have shown up because the Sheriff's Office there says it lacks the staff to pursue civil debt cases.

Knowing that his daughter and wife were watching from the window, Rodriguez politely asked the deputies to drive him around the block, out of sight of his family, before they handcuffed him. The deputies agreed.

"No little girl should have to see her daddy arrested," said Rodriguez, who spent a night in jail.

"If you talk to 15 different counties, you'll find 15 different approaches to handling civil warrants," said Sgt. Robert Shingledecker of the Dakota County Sheriff's Office. "Everything is based on manpower."

Local police also can enforce debt-related warrants, but small towns and some suburbs often don't have enough officers.

The Star Tribune's comparison of warrant and booking data suggests that at least 1 in 6 Minnesota debtors at risk for arrest actually lands in jail, typically for eight hours. The exact number of such arrests isn't known because the government doesn't consistently track what happens to debtor warrants.

"There are no standards here," said Gail Hillebrand, a senior attorney with the Consumers Union in San Francisco. "A borrower who lives on one side of the river can be arrested while another one goes free. It breeds disrespect for the law."

Haekyung Nielsen, 27, of Bloomington, said police showed up at her house on a civil warrant two weeks after she gave birth through Caesarean section. A debt buyer had sent her court papers for an old credit-card debt while she was in the hospital; Nielsen said she did not have time to respond.

Her baby boy, Tyler, lay in the crib as she begged the officer not to take her away.

"Thank God, the police had mercy and left me and my baby alone," said Nielsen, who later paid the debt. "But to send someone to arrest me two weeks after a massive surgery that takes most women eight weeks to recover from was just unbelievable."

The second surprise

Many debtors, like Robert Vee, 36, of Brooklyn Park, get a second surprise after being arrested — their bail is exactly the amount of money owed.

Hennepin County automatically sets bail at the judgment amount or \$2,500, whichever is less. This policy was adopted four years ago in response to the high volume of debtor default cases, say court officials.

Some judges say the practice distorts the purpose of bail, which is to make sure people show up in court.

"It's certainly an efficient way to collect debts, but it's also highly distasteful," said Hennepin County District Judge Jack Nordby. "The amount of bail should have nothing to do with the amount of the debt."

Continues on A9 ▶

[hounded] debtors and the new breed of collectors

Is jailing debtors the same as debtors jail?

- Some legal experts say the practice violates state constitutional bans on debtors prisons.

By CHRIS SERRES
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Herman Button listened in stunned silence as a judge in Perry County, Ind., threatened him with jail time unless he agreed to pay \$25 a month toward an eight-year-old housing debt.

Unemployed and living on a disability check, Button decided to fight back after the January 2009 hearing. He and an attorney from Indiana Legal Services appealed, citing the Indiana Constitution's Bill of Rights, which says "there shall be no imprisonment for debt, except in case of fraud."

To Button's surprise, a state Appeals Court judge agreed. "I'm no lawyer, but I knew we abolished debtors prisons in this country a very long time ago," said Button, 50, who now lives in Hawesville, Ky.

The Button case highlights a potential pitfall for creditors that use the law enforcement system to collect old debts. Most state constitutions, including Minnesota's, have clauses dating to the 1850s that expressly prohibit the jailing of people for their debts. As legal actions against debtors intensify, attorneys are taking a fresh look at these clauses.

"We have created a de facto debtors prison system in the United States that is largely unconstitutional," said Judith Fox, a law professor at Notre Dame Law School. "In some parts of the country, people are so fearful of arrest they are scrambling to pay money they might not even owe."

In states such as Indiana

and Illinois, people are being locked up for not making court-ordered payments. Known as "pay or stay," it can mean days in jail and multiple arrests for the same debt. Some legal experts say the practice is unconstitutional because the arrest is directly linked to the failure to pay a debt.

In Minnesota, the issue is less clear because warrants to arrest debtors are issued for disobeying court orders, such as not filling out a financial disclosure form and missing a required hearing, not for failure to pay debt. So long as someone fulfills the court order, they can avoid incarceration.

"It looks on the surface like

« WE HAVE CREATED A DE FACTO DEBTORS PRISON SYSTEM IN THE UNITED STATES THAT IS LARGELY UNCONSTITUTIONAL. »

Judith Fox, law professor at Notre Dame Law School

debtors prison," said William G. Ross, a law professor at Samford University's Cumberland School of Law in Birmingham, Ala. "But it's really not, because the person isn't being punished for the debt, but for failing to appear."

In Illinois, the issue is more straightforward.

Jack Hinton of Kenney, Ill., was sentenced to jail indefinitely in January after he fell behind on a court order that he pay \$150 a month on a debt of \$6,440.

According to a court transcript, Hinton, then a self-employed roofing contractor, said he broke his neck and back in

a fall from a roof and filed for disability. The judge got upset after learning that Hinton used \$1,000 for other bills rather than his court-ordered payments. Hinton was ordered to the county jail indefinitely until he could come up with \$300.

After three hours in a holding cell, his wife got him released by borrowing \$300 on a credit card. He is considering a challenge to the ruling on constitutional grounds. "I couldn't pay, and I was stuck in jail until I did," he said. "How is that any different from debtors prison?"

In Button's case, the judge threatened him with jail if he didn't pay \$25 a month toward a \$1,865 judgment. After Button twice said, "I can't," Judge Lucy Goffinet responded, "I'm not going to accept, 'I cannot,' and if the next words out of your mouth are 'I cannot,' Mr. Button, then you'll set ... at the Sheriff's Department until you find a way that, yes, you can," according to the transcript.

Alan White, a law professor at Valparaiso University in Indiana, says even the threat of jail for debts is unconstitutional. He also questioned the practice — common in Minnesota and elsewhere — of bail being set at the amount of the debt.

"If, in effect, people are being incarcerated until they pay bail, and bail is being used to pay their debts, then they're being incarcerated to pay their debts," he said.

Chris Serres • 612-673-4308

What to know: Avoiding warrants

Bill collectors can legally seek warrants to arrest people who don't respond to legal action over debts. But debtors can take steps to avoid arrest.

- **Carefully read documents from collectors.** You may not recognize a creditor's name or the amount owed. Old debts often are sold to debt-buyer firms, which tack on interest and fees.
- If you get a **summons and complaint**, it means you are being sued and the case is going to court. A summons can be delivered by hand or by mail, and needn't be filed in court first.
- **Respond promptly to a summons**, admitting or denying the debt and disclosing requested information. Watch for court hearings. If you ignore such legal matters, the collector can win a judgment by default and seek a warrant for your arrest.
- Debtors have some **rights even if they owe money**. For example, Minnesota law prevents collectors from obtaining judgments after six years.
- If you want professional advice, but **can't afford a lawyer**, ask the court clerk about volunteer attorneys who answer questions about collection cases.

Sources: National Consumer Law Center, Federal Trade Commission

TOP FIVE COMPANIES USING DEBT ARREST WARRANTS

Companies that buy bad debts frequently seek warrants to arrest Minnesota debtors. More than 1,600 other creditors also used the process, in most cases just once.*

Firm	Location	Type of firm	Warrant cases 2005-2009
Unifund CCR Partners	Cincinnati	Debt buyer	247
Portfolio Recovery Assoc.	Norfolk, Va.	Debt buyer	130
Debt Equities LLC	Golden Valley	Debt buyer	92
Capital One Bank	McLean, Va.	Credit card issuer	53
Lakes Gas Co.	Forest Lake	Propane supplier	41

* The Star Tribune has used warrants to collect four debts since 2005.

Source: Minnesota Judicial Branch data, analysis by Star Tribune

◀ FROM A8

Judge Robert Blaeser, chief of the county court's civil division, said linking bail to debt streamlines the process because judges needn't spend time setting bail.

"It's arbitrary," he conceded. "The bigger question is: Should you be allowed to get an order from a court for someone to be arrested because they owe money? You've got to remember there are people who have the money but just won't pay a single penny."

If friends or family post a debtor's bail, they can expect to kiss the money goodbye,

because it often ends up with creditors, who routinely ask judges for the bail payment.

Vee, a highway construction worker, was arrested one afternoon in February while driving his teenage daughter from school to their home in Brooklyn Park. As he was being cuffed, Vee said his daughter, who has severe asthma, started hyperventilating from the stress.

"All I kept thinking about was whether she was all right and if she was using her [asthma] inhaler," he said.

From the Hennepin County jail, he made a collect call to his landlord, who promised to bring the bail. It was \$1,875.06, the exact amount of a credit

card debt.

Later, Vee was reunited with his distraught daughter at home. "We hugged for a long time, and she was bawling her eyes out," he said.

He still has unpaid medical and credit card bills and owes about \$40,000 on an old second mortgage. The sight of a squad car in his rearview mirror is all it takes to set off a fresh wave of anxiety.

"The question always crosses my mind: 'Are the cops going to arrest me again?'" he said. "So long as I've got unpaid bills, the threat is there."

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Justice denied as debt seizures soar

[hounded]

Debtors and the new breed of collectors.

- Minnesotans struggling with debt have their bank accounts and pay seized with no judicial oversight.

By CHRIS SERRES and GLENN HOWATT
Star Tribune staff writers

After two weeks without a decent meal, Van Tran looked tired and agitated as he walked into the Ramsey County courtroom for a hearing in May.

Tran, 55, a janitor and security guard from St. Paul, had waited for this chance to explain why a collections firm made a serious mistake when it seized \$8,016 from his bank accounts — three years worth of savings — to collect an alleged Discover credit card debt. Tran

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held a police report showing he was a victim of identity theft.

"I just want my money back until this is resolved," Tran, a Vietnamese immigrant, recalls pleading to Judge Thomas Mott. "I need money to eat."

But speedy justice was denied Tran, as it is for many debtors whose savings or paychecks are seized in a legal process called garnishment.

At nearly every stage of the process, the deck is

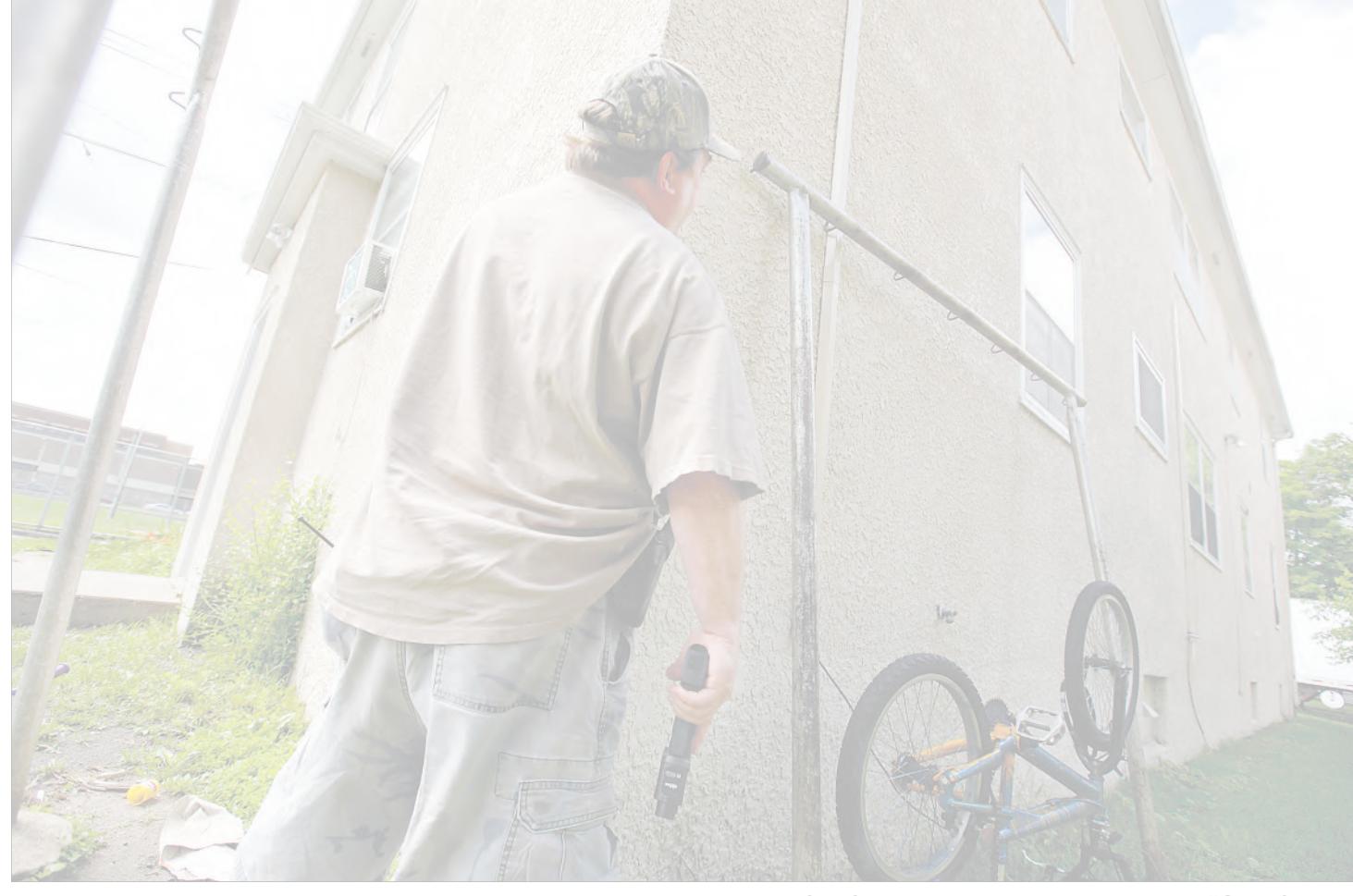
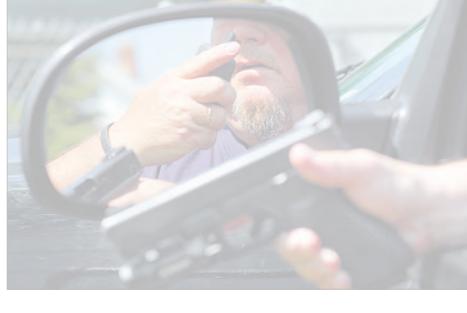
stacked against consumers. In Minnesota, unlike most states, collectors can start a lawsuit without filing anything in court. If a consumer doesn't respond, they can seize bank accounts or part of a paycheck. Most states require judicial oversight. But in Minnesota, collectors can take people's money without proving in court the debt is owed.

The bad economy and the rapid growth of a new industry that collects old debts once deemed uncollect-

Hounded continues on A14 ▶

wanted *When convicts go missing in Minnesota*

FUGITIVE HUNTERS



Photos by RICHARD TSONG-TAATARI • rtsong-taatari@startribune.com

Plainclothes officer Dave Schiebel covered the back yard as his team prepared to enter a house in south Minneapolis. Schiebel serves in a five-officer Minnesota Department of Corrections squad that tracks down fugitives who have violated supervised release conditions.

- A small squad of corrections officers takes to the streets to catch those who have fled from supervised release.

STAR TRIBUNE EXCLUSIVE • ONLY IN YOUR SUNDAY PAPER

By PAM LOUWAGIE and GLENN HOWATT • Star Tribune staff writers

Dave Schiebel sat behind the wheel of his Chevy Tahoe, scrolling through his laptop. The mug shots of more than 200 fugitives stared back at him from the screen, almost taunting: Bet you can't catch me.

Schiebel wanted nothing more than to arrest every last one of them — some rapists, some drug dealers, almost all fugitives from supervised release.

Over the past decade, supervised release fugitives have committed more than 1,400 major crimes in Minnesota, records show. Each year, about 1,800 take off from their agents.

The task of catching them falls mostly to

Schiebel and his small unit of four fellow Department of Corrections officers. Every morning, they meet to pick that day's targets. They prioritize based on each convict's danger. They go over their fresh tips.

On this early August day, they had new information on a man they considered dangerous. Schiebel stopped scrolling. "There he is," he said. "Rahmad Lashad Geddes." A 31-year-old man, approximately 6 feet 2 inches

tall and 240 pounds. Convicted of shooting at a police officer.

"Over south then?" Schiebel asked another officer through their open windows, discussing the address of a Minneapolis apartment building where Geddes might be hiding. Schiebel put the Tahoe in gear.

Ready to roll.

Wanted continues on A17 ▶



tall and 240 pounds. Convicted of shooting at a police officer.

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Ready to roll.

Wanted continues on A17 ▶

Beck rally sidesteps politics for a call to 'restore honor'

- But in the crowd, among counterprotesters and at other events, the partisan messages were clear.

By KEVIN DIAZ • kdiaz@startribune.com



WASHINGTON — The Glenn Beck faithful arrived at the Lincoln Memorial by the tens of thousands Saturday from Minnesota and other states, answering his call to "restore honor" in America on the 47th anniversary of the Rev. Martin Luther King Jr.'s "I Have a Dream" speech, delivered on the same spot.

Unlike the iconic civil rights march in 1963, the conservative broadcaster's gathering drew an overwhelmingly white, middle-class crowd with appeals to patriotism, faith in God and a desire to see the government get out of people's lives.

It also drew counterprotesters who said they were offended by Beck's use of the King anniversary for partisan advantage 65 days before fall elections in which the control of Congress will be at stake.

The half-day gathering, which organizers said numbered in the hundreds of thousands, culminated in a "Mi-

Beck continues on A6 ▶

This beauty contest is all about the ears

- Appearance, not taste, is at crux of corn judging.

By JACKIE CROSBY • jcrosby@startribune.com

Ron Kelsey spied the yellowing newspaper on eBay a few years ago and snapped it up for about \$3. There, at the bottom of an old Minneapolis Journal, was an advertisement for The Great Minnesota State Fair.

"Don't fail to come," it reads. "It is a pleasure you owe yourself. A duty you owe your state."

Nearly lost in the ad (among \$60,000 racing premiums and daily flights of Wright Bros. & Curtiss Aeroplanes) is a single line: First Northwestern Corn Show.

The date was Aug. 29, 1910.

Now that corn contest is in its 100th year, and Kelsey is proud to lead the centennial celebration out of his corner of the Agriculture Horticulture building.

He's the State Fair's farm crop superintendent, as well as its resident historian, and oversees the judging for corn, seed art and the scarecrow contest.

To city slickers ignorant of such matters, Kelsey will gently point out that the corn competition is not about taste. But what is it that makes one ear shine

Corn continues on A2 ▶



John Murray has been judging corn for at least 40 years.

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Hounded

Debtors and the new breed of collectors



Photos by GLEN STUBBE • gstubbe@startribune.com

Bradley Scott's bank account held only veterans benefits and disability income, both exempt from garnishment by debt collectors. He prepared to visit a financial counselor after the money was seized anyway.

How garnishment works in Minnesota

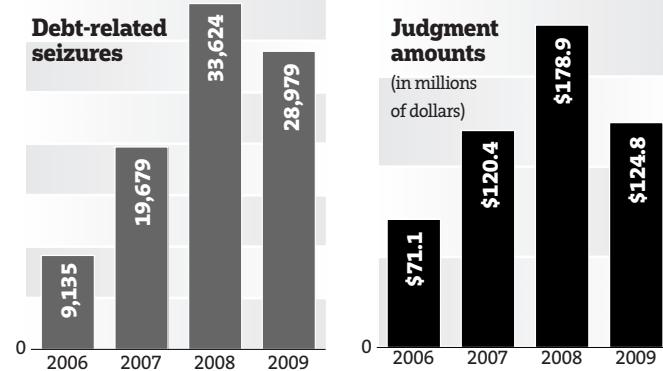
Creditors seeking to collect debts can seize a person's bank account or wages through garnishment. Here is how it works:

- Many garnishments happen after a creditor's attorney obtains a court judgment. A garnishment also can occur if a debtor does not respond within 45 days to a lawsuit.
- To garnish a bank account, a creditor's attorney sends a notice to your bank. The bank typically freezes the money the same day it gets the notice.
- The bank customer is notified only after money is frozen, which can result in bounced checks and overdraft fees.
- To garnish wages, a creditor's attorney must first send a notice to you. The creditor must wait 10 days before papers are sent to your employer.
- Income from Social Security, unemployment insurance, veterans and some other government benefits kept in bank accounts can be frozen, but you are entitled to get the money back. Debtors must be sent a form to claim exemptions, which must be filled out and sent to the creditor's attorney and bank.
- If you don't claim exemptions, creditors can take part of your pay for 70 days. You get to keep 75 percent of net wages or 40 times the federal minimum wage, whichever is greater.
- Exemption or other garnishment disputes can go to a judge if a debtor files a motion.
- Some creditor attorneys will allow a repayment plan and release garnished funds as part of the arrangement.
- For more information about garnishment, visit the Minnesota Self-Help Center at <http://tinyurl.com/2erdplx>.

Sources: National Consumer Law Center, Minnesota Attorney General, www.toddmurraylaw.com/LegalAid.

GARNISHMENTS ON THE RISE

The number of debt-related seizures of private property, such as bank accounts, authorized by Minnesota courts has more than tripled over the past four years. The total amount ordered seized also has grown.



Source: Minnesota Judicial Branch

TOP GARNISHERS IN MINNESOTA

The top 15 companies using Minnesota courts to seize bank account funds, wages and other property collected more than \$200 million between 2005 and March of this year:

Company	Total amount	No. of cases
Capital One Bank	\$48,614,115	12,748
Midland Funding LLC	\$20,952,345	5,288
Dakota Bluff Financial	\$24,234,993	4,158
Discover Financial	\$29,302,205	3,433
Payday America	\$1,093,413	2,224
North Star Capital Acquisition	\$5,083,922	2,102
Unifund CCR Partners	\$17,468,845	1,842
MRC Receivables Corp	\$4,267,274	1,624
Ford Motor Co.	\$15,402,403	1,609
Wells Fargo	\$18,892,597	1,206
Asset Acceptance	\$5,603,216	1,190
Palisades Collection	\$3,650,163	1,135
Citibank	\$13,266,517	1,088
LVNF Funding	\$4,847,376	1,073
Target	\$5,469,943	980

Source: Minnesota Judicial Branch data; analysis by Star Tribune

Seizures unchecked

► HOUNDED FROM A1

ible have sharply increased garnishments. In Minnesota, court-approved seizures have more than tripled over four years. No one tracks garnishments taking place outside the courts.

When mistakes occur, consumers often must go to court and prove it. Their money already taken, they typically cannot afford an attorney and must navigate the court system alone. Cases get bogged down while checks bounce and bills go unpaid. Some people, like Tran, are left so destitute that they go hungry.

The process is hardest on the elderly and disabled. They often must repeatedly file paperwork to retrieve government benefits such as Social Security that are legally protected from garnishment.

Defending seizures

Debt collectors say garnishments are a last resort. Often, by the time a bank account is seized, the debtor has been served with a lawsuit, and received a garnishment notice and many telephone calls, letters and offers of payment plans. Debtors can prevent garnishments simply by answering the phone and negotiating payment, collectors say.

Consumer advocates and some legislators counter that collectors should not be able to freeze bank accounts without court scrutiny.

"It's about fairness," said Sen. Ron Latz, DFL-St. Louis Park, who is preparing legislation to toughen state regulation of collectors. "Given the multiple errors that can occur, people should have the chance to defend themselves in court before their money is taken."

Federal law says creditors can't take Social Security, veterans' retirement payments and other government benefits. But collectors routinely seize the money because they have no simple way to determine when a person's bank account contains exempt income.

Money even is taken from people who don't owe anything. Minnesota law allows collectors to freeze all accounts of a debtor — including those jointly owned with a spouse, parent or child. Account holders must prove whose money is in joint accounts.

Last year, Robert and Mona Savig of Lake Park, Minn., argued in court that \$842 should not have been seized from their joint checking account because it belonged to Robert. His wife, Mona, defaulted on a credit card. The Minnesota Supreme Court rejected their claim, ruling that

creditors can presume that all the money held in a joint account is owned by the debtor.

"The rules are so tilted in favor of debt collection attorneys, they have no motivation to be cautious and accurate before taking a person's last remaining dollars," said Mark Heaney, a consumer attorney from Minnetonka. "It's a legalized shakedown of the poor."

By contrast, North Carolina, Pennsylvania and Texas prohibit wage garnishments except in special cases, such as for child support or back taxes. North Carolina law allows debtors to claim exemptions for basic living expenses, such as food and rent for 60 days. Texas debtors may exempt up to \$30,000 in personal property.

No national statistics on garnishments exist, but Minnesota judges approved 28,979 debt-related seizures last year, compared with 9,135 in 2006. The total amount ordered seized was nearly \$125 million last year, up from \$39.4 million in 2005, according to a Star Tribune analysis of court data.

Difficult to dispute

The window of opportunity to dispute a garnishment can seem brutally short.

Kiara Gallagher, 35, says she was distraught over her father's death in January 2007 from brain cancer and miscalculated the number of payments to

settle an old credit card debt, missing the final one. She received a notice of default in May 2007. Two months later, her bank account was emptied in two garnishments totaling \$4,048, according to court documents. A small inheritance from her father was gone.

Gallagher said she called the collection law firm, Gurstel Chargo of Golden Valley, to ask

how it was legal for the firm to garnish her bank account twice over a single missed payment. "The woman on the phone actually laughed at me," said Gallagher, a business consultant. For nearly a month, Gurstel didn't correct the problem, forcing Gallagher to borrow from family. Then the firm reversed one garnishment, returning \$2,066, after she got an attorney who went to court.

"Even a glance from a judge would spot more mistakes than are currently caught," said Sam Glover, a consumer rights lawyer in Minneapolis, who represented Gallagher. "Right now, it's the consumer that has to catch all the mistakes."

For the past decade, Beverly Pittman's sole source of income has been a \$740 monthly check from Social Security.

Twice last year, the law firm Messerli & Kramer of Minneapolis seized every penny in Pittman's bank account over a credit card debt incurred years

ago. Each time, she got the money back after showing her income was exempt, but only after months of waiting and hundreds of dollars in overdraft and bounced-check fees.

The last garnishment, in mid-December, left Pittman with no money at Christmas. She made cookies and pumpkin bread for Christmas Eve dinner with ingredients from a food shelf.

"My grandkids always like to get something from grandma on Christmas Eve, but last year I couldn't even buy them a sucker," said Pittman, 75, who lives in Buffalo, Minn. "I spent nights crying."

Pittman decided to close her bank account. Now, she cashes her Social Security check at a Wal-Mart. She takes the cash to another store to buy a dozen money orders to pay bills. The monthly ritual takes hours. Whatever money is left, she hides in her small apartment.

"I just can't take the risk of keeping cash in a bank," she said. "The minute it's there, the collectors will take it. They're lying in wait for me."

Collectors and banks often claim ignorance of a person's protected financial status. Banks risk a lawsuit or contempt of court if they don't act on garnishment notices quickly. Banks typically don't check whether cash in an account is protected. Minnesota doesn't limit how many times a collector can try to garnish an account.

Not really protected

Mike Persellin, a Legal Aid attorney in Minneapolis, said he recently represented a mentally disabled 77-year-old woman whose bank account was frozen twice by the same creditor law firm. Both times, he sent a copy of her bank account records showing that her only source of income was exempt Social Security and pension checks. Six months later, the law firm called and asked the disabled woman for her bank account information.

Legal Aid attorneys say Messerli & Kramer, the largest collections law firm in the state, routinely sends letters to people who have claimed exemptions, to find out whether their financial status has changed. Many are senior citizens living in nursing homes or disabled people with little hope of earning nonexempt income, Legal Aid attorneys said. People who do not respond to the information request may be hit with further garnishments.

"It's almost like they're trying to wear people down to the



Beverly Pittman of Buffalo, Minn., closed her bank account to prevent collectors from seizing her Social Security benefits a third time.

Continues on A15 ►

Hounded

« I JUST WANT MY MONEY BACK UNTIL THIS IS RESOLVED. I NEED MONEY TO EAT. »

Van Tran to Judge Thomas Mott



Van Tran keeps legal paperwork spread out on the floor in his St. Paul home. More than \$8,000 was mistakenly garnished from his bank accounts. He had to prove to a judge he was a victim of identity theft.

◀ FROM A14

HOUNDED SERIES

This is the fourth installment of "Hounded," published occasionally since June. The series examines the aftermath of the credit boom that left many people in financial trouble and facing a collection industry that uses aggressive new methods. Earlier reports are at startribune.com/hounded.

cur when money is seized outside the court system.

"Why clog up the courts with cases that will only make people poorer?" asked William Cottrell, an attorney who has taught a course on creditor/debtor law at William Mitchell College of Law in St. Paul for the past 11 years.

Hicks of Messerli & Kramer, said keeping garnishments out of the courts benefits people who owe small-balance debts and can pay quickly without judicial intervention. Even so, Hicks said his firm doesn't pursue such garnishments. He worries that consumer attorneys will challenge them as unconstitutional.

"I don't need to be in one of their lawsuits," he said.

income. Benefit payments like Social Security will be coded for easy identification. The rules, expected to take effect later this year, don't bar collectors from attempting repeated garnishment actions and information requests.

Finding your money

Financial experts say it's never been easier to locate debtor bank accounts and seize money.

Collectors can find out where a person banks from credit records or data brokers. Creditors sometimes blanket major banks in a metro area with garnishment orders and information requests, betting they will hit their target, bank regulators say.

Minnesota is one of just a handful of states that allow collectors to send a garnishment notice to a bank without obtaining a court judgment. As a result, the collector needn't prove in court that a debt is owed before seizing money.

Minnesota is also unusual in allowing debt collectors to start a lawsuit without filing papers in court, known as "hip pocket" filing. If a consumer calls the court, there is no record of a lawsuit, causing some people to ignore it or assume it must be a scam.

The next step — freezing funds in a bank account — also can occur outside the court system. To dispute such a garnishment, the debtor must initiate legal action against a creditor. Many people don't bother.

"There is more court oversight of parking violations than garnishing the last remaining dollars of the poor," said Heaney, the consumer attorney. "It's appalling."

Collections attorneys argue that Minnesota's system benefits consumers. For example, the absence of a judgment means there is no court record of the litigation; nor does it appear on your credit report. By contrast, a court judgment over an old debt can stay on a credit report for seven years, making it harder for a person to get loans or find employment.

In addition, when creditors use the court system to collect a debt in Minnesota, the courts typically tack on more than \$500 in fees. That doesn't oc-

cur when money is seized outside the court system.

"Van Tran's living room floor is a sea of legal documents, a daily reminder of his battle to undo a garnishment that never should have happened.

After his bank account was frozen, Tran discovered that his 30-year-old son had stolen his name along with his Social Security and driver's license information and used them to apply for a credit card. His son used the card to buy a new car, then promptly defaulted. Tran filled out a police report accusing his son of identity theft.

"It was the hardest thing I ever did in my life," he said.

Forty-four days passed before Tran got his money back. First, he filed an exemption form. Then, he appeared in court and was told to file a "motion to vacate." Unfamiliar with the term, he returned to the court with his younger brother, Phillip, who has a better grasp of English, to fill out the form. In late June, the judge ordered the money returned.

In the meantime, Tran lived almost entirely on Ramen noodles. Occasionally, he snuck home food from his parents' home — too embarrassed to tell them what had happened. He borrowed from his brother to pay utilities, but his check for his property taxes (written before the garnishment) bounced. Tran paid \$103 in overdraft and bounced-check fees.

On the day he got his money back, Tran says he celebrated by buying a bouquet of fresh flowers and fruit for his elderly parents. He then said a prayer of thanks beneath the Virgin Mary statue that stands, arms outstretched, on his mantelpiece.

"I thanked God for giving me strength," he said.

Tran now keeps little money in his bank account. He pays big bills in cash, including his July mortgage payment.

He doesn't blame the courts. The clerks at the courthouse patiently answered questions and helped with the forms. But he understands a double standard when he sees one.

"It's very easy for the collectors to take your money," he says. "But it's very hard for people like me to prove we are victims."

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Dangerous wind chills at -30

Howling winds will send wind chills well below zero. The brutal temps will be around at least two days.

Digging out from up to 2 feet

Snow fell at a furious rate all day. It was by far the biggest accumulation since the 1991 Halloween blizzard.

BRRRIED



JIM GEHRZ • jgehrz@startribune.com

Plows were unable to keep up with the heavy snowfall, and high winds added to the mess by creating deep drifts in downtown St. Paul streets. Smaller cars had trouble negotiating the mess, while larger four-wheel drive vehicles, for the most part, continued to move, albeit slowly.

The relentless wind-whipped snow created a traffic nightmare, stranding people all over the Twin Cities.

By BOB VON STERNBERG • vonste@startribune.com

It certainly lived up to the hype — and is on its way to being historic.

Variously described as Snowmageddon and Snowmygawd, the biggest snowstorm to hit the Twin Cities since the Halloween storm a generation ago whited out — and pretty much paralyzed — the metro area and much of the rest of central and southern Minnesota on Saturday.

As predicted, more than a foot of snow had fallen across a wide swath of the state by Saturday evening, shutting down highways, bedeviling snowplow drivers and shuttering stores and pre-holiday events.

The storm was shaping up to be one of the most historic ever recorded in Minnesota, easily piling up into the Top 10 snowfalls ever measured in the Twin Cities.

By Saturday evening, nearly 17 inches had

been dumped on Minneapolis, with snow still falling. Nearly 22 inches fell in Shakopee. Although that accumulation was short of the 28.4 inches of snow recorded in the storied Halloween blizzard of 1991, it was by far the deepest since then.

Snow fell at a furious rate all day, abetted by howling winds out of the northwest that

Snow continues on A22 ▶

HOW MUCH FELL?

Storm snow depths from around the area, as of late Saturday:

Minneapolis-St. Paul Airport	16.5 inches
St. Paul	15.2
Hastings	16.3
Shakopee	21.5
Red Wing	18.1

Source: National Weather Service storm reports

TOP SIX SNOWSTORMS FOR THE TWIN CITIES AREA

1. Oct. 31-Nov. 3, 1991	28.4 inches
2. Nov. 29-Dec. 1, 1985	21.1
3. Jan. 22-23, 1982	20.0
4. Jan. 20-21, 1982	17.4
5. Nov. 11-12, 1940	16.8
6. March 3-4, 1985	16.7

Sunday's Vikings game postponed until Monday night. Sports • Get the latest storm news at [startribune.com](#).

Local bookstores fall to 'e-book revolution'

With the economy, it's been a double whammy for four independents set to close.

By KIM ODE • kimo@startribune.com

In a shakeout inducing shivers to rival a suspense novel, one local independent bookseller after another is closing up shop.

No more Biermaier's Books in Minneapolis, for 60 years among the largest used bookstores in Minnesota. No more J. O'Donoghue Books in Anoka, serving the north metro for four decades. No more Northern Lights Books & Gifts in Duluth, calling it quits after 17 years.

And no more Cummings Books in Dinkytown, which papered over its windows last month.

Others such as the Bookcase of Wayzata — the oldest independent bookseller in the Twin Cities with roots in the 1950s — are hanging on by their book jackets as e-books gain popularity in the booming online market. "We have lost a lot of regular customers to the e-book revolution," said owner Charlie Leonard.

Booksellers are calling the shift a "Gutenberg moment" for the entire publishing industry,

try, likening it to Johannes Gutenberg's game-changing invention of movable type almost 600 years ago.

E-books aren't the only adversary, of course; people are buying fewer books in general. Still, dusting bookshelves in the digital age is starting to feel a bit quaint.

"Unfortunately, the publishers don't understand the ramifications to brick-and-mortar stores" of the growth in electronic readers such as Kindles, Nooks and iPads, said Ani-

Books continues on A21 ▶

[hounded] Debtors and the new breed of collectors.

Criminals land jobs as debt collectors

Thieves and other offenders have been cleared for work that gives them access to financial data.

STAR TRIBUNE EXCLUSIVE

By CHRIS SERRES and GLENN HOWATT
Star Tribune staff writers



Lee Song had already been caught forging checks when she swindled her former employer out of \$127,122 by submitting phony payment vouchers.

Yet, less than four years later, the Minnesota Commerce Department cleared Song to work as a debt collector — a job with access to people's private financial information.

Song is one of at least 743 criminal offenders in Minnesota who have been registered as debt collectors since 2005, a Star Tribune investigation has found.

When offenders filled out state applications to be debt collectors, 75 percent of them lied about having a criminal past. The Commerce Department, which regulates collectors, routinely approves criminals to work in the collections industry without conducting background checks.

"The system in this state for screening collectors is broken," said Patrick Hayes, a consumer attorney in Minneapolis. "These are people who can find out where you bank, where you live, even where your friends and relatives live, and the state doesn't seem to care if they are hardened criminals. Why even register collectors if you register criminals?"

Their crimes include identity

Would you give them your credit card number? A20

Collectors continues on A20 ▶

Dayton's liberal agenda faces test

Incoming governor must meet new reality of Republicans' rise locally and nationally.

By RACHEL E. STASSEN-BERGER
[rachel.stassen-berger@startribune.com](#)

Gov.-elect Mark Dayton campaigned as an unabashed liberal vowing to raise taxes on the wealthy, boost spending on education and care for the uninsured.

But in the few short days since Republican Tom Emmer conceded the race, Dayton has already begun to acknowledge the governing dilemma he'll soon face, considering how much the political universe has changed since Election Day.

Republicans have gained majorities in the state House and Senate and have new power on Capitol Hill. The national conversation has changed, too. Democratic President Obama is being bashed by the left, who say he caved to the GOP on tax cuts. His traditional allies are revolting.

Now Democrat Dayton, who proudly told voters that he was from the Democratic wing of the Demo-

Dayton continues on A8 ▶

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hounded

«IT'S APPALLING THAT COLLECTION FIRMS WOULD BE ALLOWED TO HIRE ANYONE GUILTY OF A FINANCIAL CRIME.»

John McCullough, former civilian director of the Minnesota Financial Crimes Task Force

Would you give them your credit card number?

Minnesota law says people convicted of fraud or any felony are barred for five years from working as debt collectors. The job gives them access to private financial data, including credit card numbers. Offenders routinely lie to get around the law.

**LEE SONG, 32**

After a judge gave her a break and dropped her first forgery charge in 2002, Song forged more checks and was convicted the following year. Her next conviction, in 2005, was for swindling a former employer, a medical device company, out of \$127,122 by submitting phony payment requests. While on felony probation for that crime, she lied about her criminal past to get work as a state-approved debt collector for Receivables Management Solutions of West St. Paul. In that job, she stole credit card data and used it to charge \$1,561 in jewelry, food and car repairs. She was fired earlier this year, convicted of the new thefts and sent to jail.

**JOSEPH J. BENITZ, 31**

A former debt collector who now works as a repossession agent, Benitz was convicted of misdemeanor criminal property damage in 1998. In a personal feud, he bashed a car with a crowbar while two terrified people were inside. A year later, he added disorderly conduct to his record after confronting a woman at her apartment with a baseball bat. In 2001, he was convicted of fleeing a police officer in a car and on foot. He checked "no" to having any criminal convictions when he registered with the state in 2008 to work briefly as a debt collector for AllianceOne Receivables Management in Eagan. He needs no license to repossess vehicles.

**KEISHA R. BURRUS, 33**

She got her first job in debt collection after being convicted of misdemeanor theft in 2001 for stealing someone's identity and using it to obtain credit and buy expensive jewelry. Burrus remained a debt collector, most recently at AllianceOne, even after her felony theft conviction for carting \$1,634 in stolen goods out of a Target store. She claimed to have no criminal record on her 2006 application for a state debt collector registration. She has left AllianceOne and is no longer registered as a collector. She remains on probation for theft.

**SHERRIA E. MUSTIN, 26**

In 2005, she stole a former friend's identity and used it to charge a \$1,460 computer online. While the swindling charges were pending in court, she went to work for a new collections company. That required her to fill out a new state debt collector registration form. She checked "no" where it asked if she had ever been charged with a crime. In 2007, she was convicted of felony check forgery for persuading a co-worker at a collections firm to cash counterfeit traveler's checks at banks, pocketing \$1,029. She remains registered as a collector with NCO Financial Systems Inc., and recently completed three years of probation for check forgery.

**ZACHARIAH D. HANKEL, 28**

Hankel has applied for or renewed his state debt collector registration three times since 2003, and currently works for Frontline Asset Strategies LLC in Roseville. Three times he filled out the state form and checked "no" about having a criminal past. State records show a 2003 conviction for felony receiving stolen goods. The records also show he was convicted of felony domestic assault in 2005 and spent a year in prison for repeatedly hitting a former girlfriend, whom police found bleeding in a hotel lobby.

**JOSEPH L. BERNTSEN, 28**

Berntsen's career as a debt collector could be over. He's back in jail after violating probation on a 2006 felony conviction for sexually assaulting a woman in Braham, Minn. He says he was recently dismissed by Financial Recovery Services Inc. of Edina for not collecting enough money. When he registered with the state to be a collector, he denied having a criminal record. The Commerce Department last week still had him registered as a collector. He is set to be released from the Isanti County jail in February.

**SARA A. LEGROS, 24**

In 2009, she stole someone's PIN number and gave it to an acquaintance to get cash from an ATM for drugs, court papers say. She pleaded guilty to financial transaction card fraud, and the felony was reduced to a misdemeanor in court. Around the same time, Legros acted as a "lookout" during a home burglary, and drove away in a stolen car, resulting in another misdemeanor conviction, court papers say. When Legros applied to the state for a debt collector registration, she checked "no" about having a criminal past. State records list Legros as registered to work for Allied Interstate Inc., a collections firm in Plymouth. When contacted, she referred questions to the company, which declined to comment.

Source: Minnesota Commerce Department, court records.

about this series

The Star Tribune series "Hounded," published occasionally since June, has examined the aftermath of the credit boom that left many people in financial trouble and facing a collections industry that uses aggressive new methods. Earlier reports are at startribune.com/hounded.



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Sharon Ruhland and her son Max beside the minivan that Joseph Benitz, a repossession agent, slammed with his tow truck in a driveway near their Maple Grove home. Benitz, who has a violent past, also has worked as a debt collector. The family has sued him.

Criminals often lie to get work as debt collectors

► COLLECTORS FROM A1

theft, rape, check forgery, assault, and most frequent, serious drunken driving offenses. Most offenders can legally work as collectors because state law excludes only those convicted of fraud or any felony within five years of their application.

Still, some collectors who shouldn't qualify because of their recent crimes are getting jobs. Since 2005, at least 111 registered collectors, including Song, had committed crimes that under state law should have barred them from debt collecting, according to the Star Tribune analysis of registration and court data. About a third of them still are registered as collectors.

Song, 32, went on an illegal shopping spree after the state approved her application to work at Receivables Management Solutions, a collections firm in West St. Paul. She ordered \$1,561 in jewelry, car repairs and food using credit card numbers stolen from people she telephoned about unpaid debts. When police in April led Song away from the call center, it was the fourth time in nine years she was arrested for a financial crime.

Not checking the lies

The Commerce Department says it lacks resources to conduct criminal background checks on all applicants and asserts that collections firms must do it or face fines. Yet collections firms often point to state government for registering criminals as collectors, effectively giving them a stamp of approval.

"If there are instances of registered collectors operating in Minnesota with a felony conviction on their record, it is because the collection agencies they work for failed to do a thorough background check," said Nicole Garrison-Sprenger, a Commerce Department spokeswoman.

The department said it reviews the criminal records only of those who check the box admitting to past crimes, or when the department receives information suggesting someone has a criminal history. Criminals who lie don't get a background check.

"It makes absolutely no sense," said state Sen. Sandra

CRIMINAL OFFENDERS IN COLLECTIONS

At least 743 Minnesota-based debt collectors with criminal records have been registered by the state since 2005. Half the offenders were registered with just five collections firms. The totals include current and former collectors in a high-turnover industry.

Company	Offenders*
Financial Recovery Services Inc.	96
Allied Interstate Inc.	81
IC System Inc.	71
AllianceOne Receivables Management Inc.	62
Bureau of Collection Recovery LLC	61

*cumulative tally for five years; current totals are lower.

Sources and methods: The Star Tribune matched names and companies from the state Commerce Department debt collection registry with criminal conviction and court data. Only Minnesota felonies and gross misdemeanors are included.

Pappas, DFL-St. Paul, who has sponsored legislation to protect consumers with debts. She said she was not aware of the limited screening until the Star Tribune asked her about it. "People can simply lie and say they don't have any convictions and get registered anyway."

One in 12 debt collector applicants cleared to work in Minnesota call centers since 2005 had criminal records in the state. And 120 of the 743 offenders were registered more than once.

Some collections firms say they check every applicant, but offenses can be missed because of errors in criminal databases. Other firms wrongly assume the Commerce Department routinely conducts criminal background checks, according to the industry trade group ACA International, based in Edina.

"In some instances, there is a misunderstanding over who is actually doing the work," said ACA spokesman Mark Schiffman. "I've heard from a few [collection] agencies who thought this was the responsibility of the state."

He said hiring people recently convicted of felonies or fraud is "intolerable."

Theft, and illegal tactics

With so much data at their fingertips, unscrupulous collectors can wreak havoc on people struggling with unpaid bills.

Debt collectors often have access to Social Security numbers and use "skip tracing" tools to identify a person's employer, unpaid loan balances, phone numbers, home address and relatives. They also prowl the Internet.

Last year, a Texas collector with a criminal past telephoned

In Song's biggest scam, she forged signatures on 32 payment vouchers submitted to her former employer, a medical device company. The company paid her \$127,122 before spotting the forgeries. She pleaded guilty in 2005 to felony theft by swindle. It was while she was on probation and repaying the stolen money at a rate of \$50 a month that she successfully registered as a debt collector, and began working for Dunham's firm.

Song is back in the Hennepin County workhouse, serving a nine-month sentence for violating probation. She did not respond to messages.

System fails repeatedly

Sherria E. Mustin, 26, of St. Paul, slipped through the collector screening process — twice.

Mustin, like Song, had a criminal past. In 2005, she stole a friend's identity to buy a \$1,460 computer online, then left a message on her friend's answering machine, "By the way, thanks for the computer," according to a criminal complaint. While the swindling charges were pending in court, she checked "no" on the debt collector registration form asking if she had ever been charged with a crime.

In April 2006, Mustin was convicted of gross misdemeanor theft. Two months later, she was approved to work as a debt collector at the same firm that employed Song, state records show.

However, the job did not last long. In August 2007, police arrested Mustin at work and accused her of persuading a co-worker to cash counterfeit traveler's checks, netting \$1,029. Mustin admitted to police that she knew the checks were counterfeit, but gave them to a co-worker to cash, hoping to avoid getting caught.

She pleaded guilty to a forgery-related felony and was put on three years' probation.

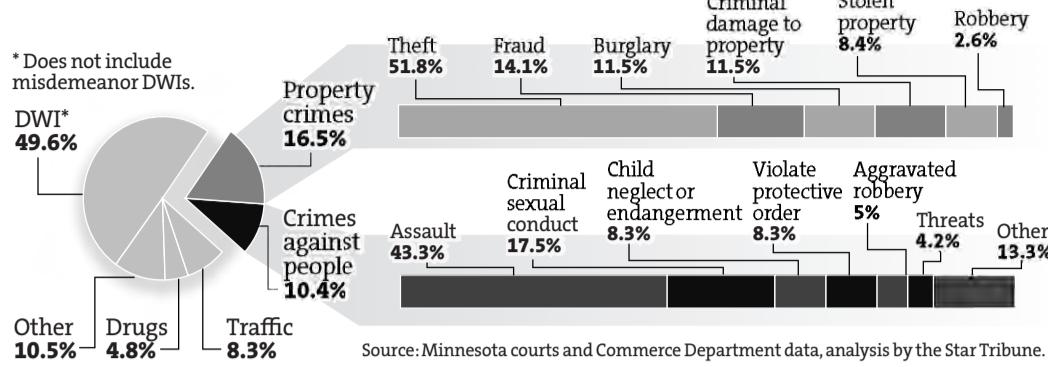
But it didn't end Mustin's career as a debt collector. The Commerce Department had renewed her registration, which lists her new employer as NCO Financial Systems Inc., a Pennsylvania-based collections company with operations in Minnesota. NCO would not comment on Mustin's employment and its hiring.

Collectors continues on A21 ▶

hounded

CHECKING ON DEBT COLLECTORS' BACKGROUNDS

Over the past five years, 743 of the 10,276 debt collectors registered to work at Minnesota-based collections firms had felony or gross misdemeanor convictions in the state. Many committed multiple crimes. Nearly 17 percent of total convictions were for property crimes, including theft and fraud. Another 10 percent were crimes against people such as assault.



Source: Minnesota courts and Commerce Department data, analysis by the Star Tribune.

COLLECTORS FROM A20

ing practices. Mustin could not be reached.

Violent offenders also have been registered as collectors, including Joseph L. Berntsen. In November 2005, a woman in Braham, Minn., accused him of dragging her into a bathroom and raping her. Berntsen, 28, later pleaded guilty to fourth-degree criminal sexual conduct.

Despite having a felony conviction within five years, Berntsen was registered as a debt collector earlier this year, and went to work for Financial Recovery Services Inc., based in Edina. A company executive said Berntsen passed the firm's background check, but was recently dismissed. An Isanti County judge has sent Berntsen back to jail for methamphetamine use and other probation violations.

In a telephone interview from jail last week, Berntsen admitted lying on his application to get the \$12-per-hour job. He said he was fired for not meeting collection goals.

"The biggest problem that we have is that collectors lie," said Terri Shepherd, executive director of the Minnesota Association of Collectors. "We're taking people at their word."

'Somebody should be watching'

The word of collectors often isn't thoroughly checked.

That explains how offender Keisha R. Burrus landed at AllianceOne Receivables Management, a debt collections firm in Eagan, where she allegedly made abusive calls to a partially paralyzed stroke victim in Dassel, Minn.

Last year, Burrus and three co-workers were accused in a federal lawsuit of threatening the elderly woman over her unpaid medical bills. Burrus allegedly told her to "talk right!" and shouted at a home health care aide who picked up the phone. AllianceOne denied the woman's allegations in court documents but settled the suit without trial.

The state had repeatedly cleared Burrus to work in the industry even though she pleaded guilty to felony theft in 2001. She had stolen someone's personal information and illegally charged an expensive diamond ring and bracelet to the unsuspecting victim, a criminal complaint said. The felony charge was reduced to a misdemeanor in a plea agreement.

Burrus, 33, of St. Paul, was still a registered collector when, in 2008, she was arrested again. This time, Target caught her pushing \$1,634 worth of goods, including vacuum cleaners, out of a store without paying. Burrus pleaded guilty to felony theft and was sentenced to five years' probation. Even so, the state renewed her collector regis-

tration less than a year after the theft, and she remained at AllianceOne until earlier this year. AllianceOne did not return calls seeking comment. Burrus could not be reached.

Joseph J. Benitz, 31, now is a repossession agent, and has worked as a debt collector.

In a 1997 personal feud, Benitz forced a car into a ditch, and then beat on it with a crowbar as the terrified occupants sat locked inside. He pleaded guilty to felony charges that were reduced to misdemeanors in a plea agreement. Two years later, Benitz showed up carrying a baseball bat at a Mahtomedi apartment to confront a woman he'd once dated. He pleaded guilty to disorderly conduct.

Benitz landed a job as a collector in 2008 with AllianceOne, after falsely claiming on his collector application that he had no criminal record. However, he lasted only two months because he "didn't like desk work" and went back to repossessing cars, he said.

That's how he ended up in a Maple Grove driveway last July allegedly ramming his tow truck into a Dodge Caravan with Sharon Ruhland inside, waiting to pick up her son for football practice. Ruhland, who is suing Benitz, pleaded with him to talk to her husband on her cell phone, but Benitz threw it into her car and said he "was not going to talk to her [expletive] husband," according to her pending federal lawsuit.

It turned out that Benitz was trying to tow the wrong vehicle. Benitz insists he didn't know Ruhland was in the minivan when he backed into it because the windows were tinted. He denies the rest, saying "I never touched her phone." Ruhland didn't call police; no criminal charges were filed.

Sharon's husband, Joe Ruhland, said he partly blames the government for letting criminal offenders work in collection-related jobs. "Having violent convicts repossess cars is like letting a sex offender work at 'Children's World,'" he said. "Come on. Someone should be watching over who is hiring these people."

Repossession agents are among the broad swath of collection-related occupations exempt from state registration. Collectors who work directly for lenders, law firms and companies that purchase old debts also are not required to register and declare whether they have a criminal record.

Laws have 'little impact'

Minnesota is one of five states that require individual collectors to register with the state. The others are Idaho, Nebraska, Tennessee and Wisconsin.

It creates a patchwork of collector regulations that may never work, said Mike Larsen, chief

of the consumer finance bureau in Idaho. "People move from state to state, and from agency to agency, with a high level of frequency. It's difficult for one state to have an impact," he added.

The same conditions once existed in the U.S. mortgage industry, until disclosures several years ago that thousands of mortgage originators were criminals. Now, all states require them to be fingerprinted and their criminal backgrounds checked. Anyone with a financial-related felony is barred from getting a license.

Some lenders insist on high standards when they hire collections firms to call customers about unpaid bills. Capital One, a leading U.S. credit card issuer, said it won't permit felons to collect customers' debts. J.P. Morgan Chase said it goes a step further, requiring outside collectors to be fingerprinted. When making calls for such clients, some collections firms rely on special teams of collectors with no criminal records, according to current or former employees of three firms.

Only 10 percent of Minnesota's 42,437 registered debt collectors work within the state. Out-of-state firms that collect debts by phone in Minnesota are required to register their collectors, but often are ignorant of the law or just ignore it, according to the Commerce Department.

The screening is mostly data gathering. The application to register as a debt collector includes 14 questions and a box to check if the person committed a crime. The department has fined five collections firms since 2005 for inadequate screening of new hires, most recently Premier Credit of North America, based in Indianapolis, for \$500. Officials have denied registration to 58 applicants over the past five years.

In rare cases, rejected applicants appeal. After serving more than two years in prison for possessing 2,000 pornographic images of children, Bobbie L. Radke, 42, wanted to work as a debt collector. The state rejected him in June, but Radke demanded a hearing and proclaimed his "genuine remorse." An administrative law judge denied the appeal. Radke, of St. Paul, did not return repeated calls.

Sen. Ron Latz, DFL-St. Louis Park, who has supported tighter state oversight of collectors, said consumers should have the right to file state lawsuits and seek damages when collection firms hire criminals who harass them. That would shift enforcement to private attorneys and courts.

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Then there is the Google Books Project that scans books and directs them to online purchasing sites. "I get a book that I think will be in demand, and Google is taking photos of it page by page," Cummings said.

Last week, Google eBooks launched its long-awaited (or feared) electronic bookstore. It immediately became the largest e-book provider in the world, according to Publishers Weekly, with almost 3 million books, including more than 2 million titles available for free.

The program offers options for independent booksellers to sell Google's books on their websites without having to invest in expensive software platforms. While too late for the indie shops here that are closing, the president of

the Bookcase of Wayzata, Leonard's situation is complicated by a reconstruction project that has been plagued by delays. While work is progressing, his customers will face torn-up streets for months to come, which prompted him to post his plea for business.

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