2017 Legislative Report For License Reinstatement Diversion Pilot Program Pursuant To

Laws of Minnesota 2009, chapter 59, article 3, section 4









Date:

February 1, 2017

Prepared by:

Saint Paul City Attorney's Office

Duluth City Attorney's Office

Minneapolis City Attorney's Office

For:

All cities & counties currently participating in the program

In conjunction with



Cities & Counties participating cover 52% of MN population

CITIES CITIES COUNTIES CITIES Oak Park Heights **Benton County** Arden Hills Hamburg Onamia Carver County Arlington Hastings **Crow Wing County** Plymouth Bayport Henderson **Dakota County** Randall Baxter Hermantown Goodhue County Red Wing Belle Plaine **Hoyt Lakes** Redwood Falls Lake County Bellview Ilse Riverton Mille Lacs County Bloomington Independence Robbinsdale Morrison County Bock **Inver Grove Heights** Rockford Redwood County **Brainerd** Ironton Rogers Rice County **Breezy Point** Iron Junction Scott County Isanti Rosemount **Brookston** Sibley County **Jenkins** Royalton Burnsville Carver Jordan Sanborn St. Louis County Steele County Lake St. Croix Beach Savage Cass Lake Washington County Seaforth Chanhassen Lamberton Chaska Lino Lakes Shakopee Minneapolis **Grand Rapids** Little Canada Shoreview Clements South St. Paul Maple Grove Little Falls Cologne Lonsdale Spring Lake Park Maplewood Crane Lake Robbinsdale St. Paul Loretto Crosby **Plymouth** St. Paul Park Lucan Crystal Mahtomedi Stillwater Ramsey County Cuyuna Trommald Mahatten Beach Deephaven Tower Maple Grove Deer Wood Vesta Delhi Maple Plain Victoria Maplewood Dellwood Wabasha, City of Mayer Duluth Wabasso Meadowlands East Bethel Waconia Medford Elko/New Market Wahkon Medina Ellendale Walnut Grove **Emily** Milaca Wanda Faribault Milroy Watertown Fifty Lakes Minneapolis West St. Paul Morristown Floodwood Winthrop Motley Foreston Woodbury Fort Ripley Mountain Iron Nerstrand Zumbrota Garrison New Auburn Gaylord **New Germany** Gibbon **New Prague Grand Rapids**

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Nisswa North Oaks

Northfield

Norwood Young America

Grant

Green Isle

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2017 Report to the Minnesota Legislature

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LEGISLATIVE REPORT

I. BACKGROUND AND SUMMARY

A. Enabling Legislation

In 2009, the Minnesota Legislature enacted groundbreaking legislation that authorized five cities (Saint Paul, Duluth, South Saint Paul, West Saint Paul and Inver Grove Heights) to establish a pilot driver's license reinstatement diversion program, referred to as the Driving Diversion Program (the "DDP"). The program permits an individual who has a suspended or revoked driver's license to obtain a valid driver's license while contemporaneously paying off outstanding fines and fees affecting the individual's driver's license status. During the 2010 and 2011 legislative sessions the Minnesota Legislature enacted several changes to the pilot program; most notably, it extended the sunset date to June 30, 2013. During the 2012/2013 legislative session Minnesota Legislature enacted another pilot extension to June 30, 2017.

Since 2009, the Commissioner of Public Safety has been authorizing additional cities to join the DDP.

B. Driving After Suspension/Driving After Revocation - The Program Focus

In Minnesota, at any one time, it is estimated that more than 700,000 drivers are driving after the Department of Public Safety (the "DPS") has withdrawn their driving privileges. Driving after withdrawal charges are misdemeanor charges, which carry a potential sanction of up to \$1,000 fine, ninety (90) days in jail or both.²

Driving After Suspension ("DAS") and Driving After Revocation ("DAR") citations constitute a significant portion of violations committed by non-licensed individuals consuming scarce resources of the prosecuting cities, counties and the judicial system. Once individuals lose their driving privileges, it is difficult for them to reinstate their driver's licenses. The fines and reinstatement fees accumulate and often are beyond the limited financial means of many of these individuals; their situations are often complicated by poor life choices. As a result, unlicensed drivers typically continue to drive and their plight worsens.

Laws of Minnesota 2009, chapter 59, article 3, section 4; Laws of Minnesota 2010, chapter 197. See Appendix 1.

² However, it is common for individuals who drive with invalid licenses to also drive without insurance. No insurance and no proof of insurance charges are enhanceable and therefore may constitute aross misdemeanors under certain circumstances.

Typically, individuals find themselves with suspended or revoked driver's licenses because of their failure to appear for court, failure to pay outstanding traffic citations, failure to pay child support or to satisfy judgments. While this behavior is unacceptable, individuals engage in this behavior because they simply lack the financial means to pay what they owe. Inevitably, law enforcement officers stop these drivers for driving with suspended or revoked driver's licenses and issue new DAS and DAR citations. This endless cycle becomes very difficult to break.

Despite the possibility of criminal prosecution, related administrative penalties, wage garnishments through court admin. and/or the Department of Revenue individuals with suspended and revoked driver's licenses continue to drive. They do so because of their need for reliable transportation and the fact that their economic situations make it difficult to obtain valid licenses. Moreover, given the judicial system's necessity to restructure priorities in the face of shrinking resources, the courts are forced to give these cases a lower priority.

Minnesota is not alone in its struggle to effectively deal with this seemingly endless cycle.³ However, Minnesota has taken the first in the nation initiative to stop this cycle of behavior through the authorization of a license reinstatement diversion program, the DDP.

C. The Results: The License Reinstatement Diversion Pilot Program

Results of the pilot program continue to be very encouraging. Participation from suspended and revoked drivers has been very strong and the recidivism rate after 6 years is extremely low at 8%. Not only has DDP benefited thousands of participants, but many Minnesota cities and counties have benefited along with the criminal justice system, Department of Revenue, Department of Public Safety (DPS) division of Driver and Vehicle Services (DVS). This program has reduced criminal prosecution of DAS and DAR traffic citations and represents innovation of our MN elected officials. Finally, the program is responsible for positive and unanticipated collateral effects, such as paid child support, paid warrants, increase in jobs and job advancements.

II. THE DRIVING DIVERSION PROGRAM

³ See generally Waller, Margy, Jennifer Doleac, and Ilsa Flanagan. *Driver's License Suspension Policies*. Brookings Institution, 2005 or http://www.aecf.org/upload/publicationfiles/license_all_reports.pdf

A. How the DDP Works

The participating cities and counties have contracted with a third party administrator, Diversion Solutions, LLC, who developed and administers the DDP. When an officer in a pilot city issues a citation for DAS or DAR, the officer also issues a notice along with the DAS or DAR citation, which states that the driver may be eligible for participation in the DDP and directs the driver to contact Diversion Solutions, LLC. A driver may then contact Diversion Solutions, LLC and request admission into the program. In addition, DDP partners with numerous non-profit support groups to promote participation with DDP. Due to the success of DDP over 50% of the applications come from non-profit referrals.

Diversion Solutions, LLC, in consultation with DPS/DVS and the appropriate prosecuting attorney, evaluates the driver's driving and criminal records and determines whether the driver is eligible for participation.⁴ After verification that the driver is eligible for the program and with prosecutor consent, the driver may join the program.

Upon acceptance, the driver, referred to as a "participant," must take part in a class that supports the understanding of driving laws and requirements of the program. The participant must also provide proof of insurance, which the participant must maintain during his or her participation in the DDP. After completion of the course and proof of a valid vehicle insurance policy, the participant then pays the reinstatement fee to the DVS, takes the written and driving test and receives a valid driver's license. The individual's driving record contains a notation to law enforcement that the individual is a "Participant in Diversion Pilot Program" and thus subject to all of the conditions of the DDP and MN Laws.

Diversion Solutions, LLC develops an affordable payment plan for each participant. Diversion Solutions, LLC places any outstanding court fines and fees that affect the participant's driver's license status into the payment plan. Include in the payment plan is the \$350.00 participation fee which pays for all program-related services. Diversion Solutions, LLC provides the program services with the assistance of the city or county attorneys' offices, rather than repeatedly prosecuting these individuals. The typical participant makes an average of \$11.50 per hour and owes an average of \$1,800 in outstanding fees and fines. The maximum length of any payment plan is eighteen (18) months. During the course of the repayment plan, the participant makes monthly payments to Diversion Solutions, LLC, which disburses these funds to Court Administration, Department of Revenue.

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⁴ Any driver who has an active warrant is ineligible for participation in the DDP, as is any driver whose driver's license status is "suspended" due to unsatisfied judgments or unpaid child support. Moreover, any driver whose driver's licenses status is "revoked" for a DWI offense and who has not yet completed the revocation period associated with the DWI offense is ineligible for participation in the DDP.

A participant in the DDP must continually maintain valid vehicle insurance, remain law abiding and make regularly scheduled payments pursuant to the participant's supervised payment plan. Through Diversion Solutions, LLC personnel, the DDP maintains regular contact with and monitors participants on a monthly or bi-monthly basis until the participants have satisfied all of their respective program requirements. Ultimately, (to support the program cost) the prosecuting attorney dismisses the original DAS or DAR citation upon satisfaction of all outstanding fines and fees affecting the participant's driver's license status, Diversion Solutions, LLC contacts DVS and the driver is eligible for a full reinstatement of his or her driving privileges along with dismissal of guilty plea suspensions.

In the event the participant fails to meet the DDP requirements, Diversion Solutions, LLC in consultation with the appropriate city or county attorney terminates the participant from the DDP, and notifies DVS. DVS then returns the participant's driver's license status to suspended or revoked, whichever the case may be.

In short, the DDP functions as a voluntary accountability and education program for participants.

Educational Support

Each participant is required to attend a 4 hour educational course which reviews requirements of the program. Why there are laws, 36 laws that they must absolutely know and how to become a responsible neighbor. In addition, Advisors are standing by from 8am to 5pm to support any questions a participant may have.

B. The Problem and Why The DDP Works

The intent of the DDP is to help a driver who wants to take responsibility for his or her outstanding fines and fees and to drive legally while paying off those court fines and fees. It provides a participant with the opportunity to have a valid license and at the same time obligates and permits the participant to pay off all outstanding fines and fees affecting his or her driver's license.

Navigating the process of reinstating driving privileges is a cumbersome, complicated and nearly impossible process, particularly for drivers who owe significant fines and fees in multiple jurisdictions (state law requires that fines and fees be paid in full prior to reinstatement, payment triggers a guilty plea which triggers additional suspensions). The reinstatement process often means working with the Minnesota DPS/DVS, Court Administration and the Department of Revenue Collections Division. Given the number of agencies and the time and requirements involved with the reinstatement process, many drivers abandon the effort.

In addition to the often difficult reinstatement process, many drivers are never able to reinstate their driving privileges for financial reasons. First, most jobs require a valid license of all applicants. Consequently, good paying employment is often beyond the reach of a driver who does not possess a valid driver's license. The stark reality is that a drivers' license is necessary for employment opportunities and meaningful Without steady, gainful employment, the suspended or participation in society. revoked driver lacks the means to obtain a valid driver's license. Second, many employed suspended or revoked drivers often work for minimum wage or little more than minimum wage and, as a result, they are financially unable to repay the outstanding fees and fines (in a survey done by Diversion Solutions in 2016 50% of the individuals applying for the program are unemployed). Of the 50% employed the average wage is \$11.50 per hour. The harsh reality is that many suspended or revoked drivers live paycheck to paycheck. Moreover, the financial stress these drivers experience is often compounded by poor life choices, including financial decisions.

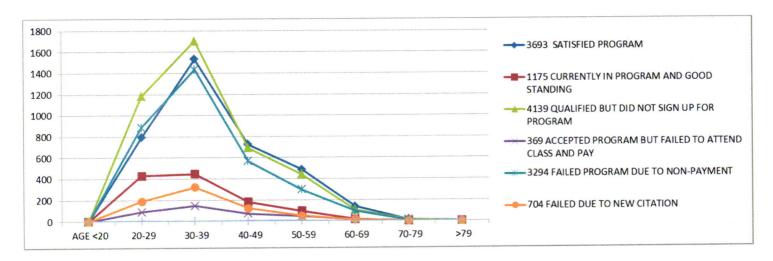
In summary, the intent of the DDP is to provide a participant with a valid license status while simultaneously obligating and permitting the participant to pay off all outstanding fines and fees affecting his or her driver's license over a period of time. The DDP offers the incentive to suspended and revoked drivers that courts and prosecutors are currently unable to offer in their attempts to resolve DAS and DAR cases.

III. THE DRIVING DIVERSION PROGRAM (DDP)

A. Participation

Results of the pilot program are exceptional. Figure 1 and 1A summarizes the DDP statistics from 2009 through 2016. Over 23,494 individuals applied for DDP. 13,374 were accepted to participate and 10,120 were rejected. The breakdown is below⁵.

FIGURE 1 ACCEPTED



Warrants	8.0%	
Child Support	12.3%	
Miscellaneous	3.8%	
Unsatisfied Judgment	4.1%	
Drugs sold/possessed	5.3%	
Canceled IPS	5.6%	
Valid No Requirements	3.3%	
Not Valid in Another State	17.7%	
No Open Citation in a Participating city/county	25.1%	
Hard Time Remaining from a DWI	3.4%	
Court Ordered Suspension	0.6%	
Open Accident Case	6.6%	
Canceled Insurance Denied	1.8%	
Flee Peace Officer	2.4%	

B. Positive Collateral Impact of the Program

In addition to keeping traffic offenders out of the courtroom, the DDP is responsible for the following unintended and unexpected, but nevertheless positive, effects:

- Paid citations in non-participating jurisdictions;
- Voluntary clearance of active arrest warrants;
- Disposition of dormant DAS/DAR citations;
- Department of Revenue collection fees;
- Satisfaction of outstanding judgments⁵; and
- Payment of child support arrears⁶.

The interest in the DDP is so strong that prospective participants that are currently ineligible for the DDP often take the initiative to clear the impediments to participation, such as the active warrants, unsatisfied judgments and outstanding child support obligations so as to become eligible in the future.

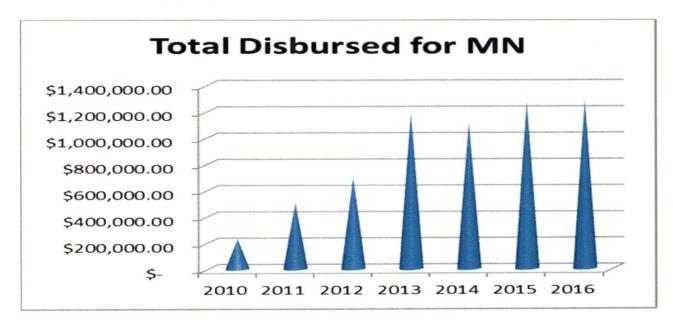
⁶ An individual is ineligible for the DDP when child support arrears affect his or her driver's license status. Prospective participants are contacting County authorities to establish and abide by child support payment plans in order to enter the program.

⁵ An individual is ineligible for the DDP when a judgment affects his or her driver's license status. Prospective participants are satisfying outstanding judgments that prevent them from program participation.

C. Collection of Existing Unpaid Fines and Fees

The DDP is responsible for recovering significant outstanding fine and fee revenue that would otherwise remain uncollected. Figure 2 summarizes the fines and fees that the DDP has collected and paid through December 31, 2016.

Figure 2 \$6,376,461.78 Total Fines and Fees Disbursed



IV. LEGISLATIVE RECOMMENDATIONS

The participating cities recommend that the Minnesota Legislature:

- 1. Consider making the program a Permanent Statewide Program;
 - a. Reduce the amount of rejected applicants by adding "Operating a motor vehicle without a Driver's License".
- 2. Remove the 18 month payment plan duration and allow the DDP to determine length based on ability to pay.
- 3. Grant the Commissioner of Public Safety the authorization to allow an individual who owes the license reinstatement fee associated with a DWI offense to participate in the DDP once he or she has completed the revocation period associated with the DWI offense in order to regain valid license status.
- 4. Suspend the referral of citations too collections in participants in good standing in the program.

Fines paid back to the state of Minnesota, courts and cities

V. CONCLUSION

For the reasons more fully described herein, the DDP should be continued due to the program's positive benefits to the public. The DDP has recovered outstanding fines and fees which the State of Minnesota, local governments and the Department of Revenue arguably might not have otherwise recovered. This program is an innovative and unique approach that utilizes a public-private partnership without the support of tax payer dollars to solve the persistent and pervasive problem of unlicensed drivers. Because of its success, continued study is warranted.

APPENDIX 1 ENACTED LEGISLATION

CHAPTER 87--H.F.No. 387

An act

relating to drivers' licenses; allowing counties to participate in driver's license reinstatement diversion pilot program; extending diversion pilot program; amending Laws 2009, chapter 59, article 3, section 4, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 2009, chapter 59, article 3, section 4, as amended by Laws 2010, chapter 197, section 1, is amended to read:

Sec. 4. LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM.

Subdivision 1. **Establishment.** An eligible city <u>or county</u> may establish a license reinstatement diversion pilot program for holders of class D drivers' licenses who have been charged with violating Minnesota Statutes, section 171.24, subdivision 1 or 2, but have not yet entered a plea in the proceedings. An individual charged with driving after revocation under Minnesota Statutes, section 171.24, subdivision 2, is eligible for diversion only if the revocation was due to a violation of Minnesota Statutes, section 169.791; 169.797; 169A.52; 169A.54; or 171.17, subdivision 1, paragraph (a), clause (6). An individual who is a holder of a commercial driver's license or who has committed an offense in a commercial motor vehicle is ineligible for participation in the diversion pilot program.

- Subd. 2. Eligible cities <u>and counties</u>. Each of the cities of Duluth, St. Paul, South St. Paul, West St. Paul, and Inver Grove Heights is eligible to establish the license reinstatement <u>diversion</u> pilot program within its city. The commissioner of public safety may permit other cities <u>and counties</u> to establish license reinstatement <u>diversion</u> pilot programs within their <u>cities respective jurisdictions</u>.
- Subd. 3. **Contract.** Notwithstanding any law or ordinance to the contrary, an eligible city <u>or county</u> may contract with a third party to create and administer the <u>diversion</u> program.
- Subd. 4. **Diversion** of individual. A prosecutor for a participating city or county may determine whether to accept an individual for diversion, and in doing so shall consider:
- (1) whether the individual has a record of driving without a valid license or other criminal record, or has previously participated in a diversion program;
- (2) the strength of the evidence against the individual, along with any mitigating factors; and
- (3) the apparent ability and willingness of the individual to participate in the diversion program and comply with its requirements.
- Subd. 5. **Diversion driver's license.** (a) Notwithstanding any law to the contrary, the commissioner of public safety may issue a diversion driver's license to a person who is a participant in a pilot program for diversion, following receipt of an application and payment of:
- (1) the reinstatement fee under Minnesota Statutes, section 171.20, subdivision 4, by a participant whose driver's license has been suspended;
- (2) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under Minnesota Statutes, section 169.791; 169.797; or 171.17, subdivision 1, paragraph (a), clause (6); or (3) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2,

- paragraph (a), by a participant whose driver's license has been revoked under Minnesota Statutes, section 169A.52 or 169A.54. The reinstatement fee and surcharge, both of which are provided under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), also must be paid during the course of, and as a condition of, the diversion program. The diversion driver's license may bear restrictions imposed by the commissioner suitable to the licensee's driving ability or other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
- (b) Payments by participants in the diversion program of the reinstatement fee and surcharge under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), must be applied first toward payment of the reinstatement fee, and after the reinstatement fee has been fully paid, toward payment of the surcharge. Each payment that is applied toward the reinstatement fee must be credited as provided in Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), and each payment that is applied toward the surcharge must be credited as provided in Minnesota Statutes, section 171.29, subdivision 2, paragraphs (c) and (d). After the reinstatement fee and surcharge are satisfied, the participant must pay the program participation fee.
- Subd. 6. **Components of program.** (a) At a minimum, the diversion program must require individuals to:
- (1) successfully attend and complete, at the individual's expense, educational classes that provide, among other things, information on drivers' licensure;
- (2) pay, according to a schedule approved by the prosecutor, all <u>those</u> required fees, fines, and charges <u>that affect the individual's driver's license status</u>, including applicable statutory license reinstatement fees and costs of participation in the program;
- (3) comply with all traffic laws; and
- (4) demonstrate compliance with vehicle insurance requirements.
- (b) An individual who is accepted into the pilot program is eligible to apply for a diversion driver's license.
- Subd. 7. **Termination of participation in diversion program.** (a) An individual's participation in the diversion program may terminate when:
- (1) during participation in the program, the individual is guilty of a moving traffic violation or failure to provide vehicle insurance;
- (2) the third-party administrator of the diversion program informs the court and the commissioner of public safety that the individual is no longer satisfying the conditions of the diversion; or
- (3) the third-party administrator informs the court, the prosecutor, and the commissioner of public safety that the individual has met all conditions of the diversion program, including, at a minimum, satisfactory fulfillment of the components in subdivision 6, whereupon the court shall dismiss the charge or the prosecutor shall decline to prosecute.
- (b) Upon termination of an individual's participation in the diversion program, the commissioner shall cancel the individual's diversion driver's license.
- (c) The original charge against the individual of violation of Minnesota Statutes, section 171.24, may be reinstated against an individual whose participation in the diversion program terminates under paragraph (a), clause (1) or (2).
- (d) The commissioner shall reinstate the driver's license of an individual whose participation in the diversion program terminates under paragraph (a), clause (3).
 - Subd. 8. Report. (a) By February 1, 2011 2013, the commissioner of public

safety and each eligible city <u>and county</u> that participates in the <u>diversion</u> program shall report to the legislative committees with jurisdiction over transportation and the judiciary concerning the results of the program. The report must be made electronically and available in print only upon request. The report must include, without limitation, the effect of the program on:

- (1) recidivism rates for participants in the diversion pilot program;
- (2) the number of unlicensed drivers who continue to drive in violation of Minnesota Statutes, section 171.24;
- (3) (2) payment of the fees and fines collected in the diversion pilot program to cities, counties, and the state;
- (4) (3) educational support provided to participants in the diversion pilot program; and
- (5) (4) the total number of participants in the diversion pilot program and the number of participants who have terminated from the pilot program under subdivision 7, paragraph (a), clauses (1) to (3).
- (b) The report must include recommendations regarding the future of the program and any necessary legislative changes.
- Subd. 9. **Sunset.** A city <u>or county</u> participating in this pilot program may accept an individual for <u>diversion</u> into the pilot program until June 30, <u>2011 2013</u>. The third party administering the <u>diversion</u> program may collect and disburse fees collected pursuant to subdivision 6, paragraph (a), clause (2), through December 31, <u>2012 2014</u>, at which time the pilot program under this section expires.

EFFECTIVE DATE.This section is effective the day following final enactment. Presented to the governor May 24, 2011 Signed by the governor May 27, 2011, 10:28 a.m.

CHAPTER 127-S.F.No. 1270

Sec. 60. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws 2010, chapter

197, section 1, and Laws 2011, chapter 87, section 1, subdivision 9, is amended to read: Subd. 9. **Sunset.** A city or county participating in this pilot program may accept an individual for diversion into the pilot program until June 30, 2013-2017. The third party administering the diversion program may collect and disburse fees collected pursuant to subdivision 6, paragraph (a), clause (2), through December 31, 2014-2018, at which time the pilot program under this section expires.

EFFECTIVE DATE. This section is effective the day following final enactment.

APPENDIX 2 LETTER OF SUPPORT

MINNEAPOLIS SAINT PAUL DULUTH





January 18, 2017

Scott Adkisson Driving Diversion Program P.O. Box 19 Redwing, MN 55006

Dear Mr. Adkisson:

The Minneapolis City Attorney's Office supports the Driving Diversion Program and encourages legislation that not only continues the Driving Diversion Program in the current cities, including Minneapolis, but also supports legislation that would make this a permanent, statewide program.

The Driving Diversion Program has increased public safety by assisting participants in reinstating their driving privileges and requiring that all participants carry valid insurance. The program has also promoted judicial efficiency by removing many DAR and DAS cases from the court system. The City of Minneapolis joined the Driving Diversion Program in 2010 and this program has had a positive impact on our Minneapolis community over these past 6 years. Minneapolis has referred approximately 3,500 participants to the program. Approximately 1,600 of these participants have successfully completed the program and are driving with valid licenses and insurance.

The City of Minneapolis fully supports the Driving Diversion Program and encourages our legislators to make this a permanent statewide program.

Very truly yours,

Susan L. Segal

Minneapolis City Attorney



CITY OF SAINT PAUL Mayor Christopher B. Coleman

400 City Hall 15 Kellogg Blvd W St. Paul, MN 55102 Phone: (651) 266-8740 Fax: (651) 298-5532

January 27, 2017

Scott Adkisson Diversion Solutions, LLC 415 Main St Red Wing, MN 55006

Dear Scott:

The Saint Paul City Attorney's Office supports the continued success of the Driving Diversion Program and encourages legislation that would take this initiative to the next level: a permanent, statewide program that would be available to all Minnesota residents.

Since July 2009, our office has had the privilege of working with Diversion Solutions and the Department of Public Safety – Driver and Vehicle Services to develop and administer the Driving Diversion Program. Thanks to the dedication of both of these entities, the Driving Diversion Program has assisted thousands of individuals in their efforts to earn back their driving privileges by requiring them to: (1) adhere to a supervised payment plan; (2) attend a mandatory financial management and life-skills course; and (3) obtain and maintain valid vehicle insurance. Simply put, the Driving Diversion Program has helped to make our roadways safer by significantly increasing the number of drivers who are valid, licensed, and insured.

In addition to enhancing public safety, the Driving Diversion Program has promoted personal accountability by allowing chronic traffic offenders to break out of the cycle that promotes continued illegal driving behavior. The Driving Diversion Program spurs chronic traffic offenders to accept responsibility for their past illegal driving behavior and pay off outstanding court fines and fees—most of which would likely never have been paid. Because of the Driving Diversion Program, chronic traffic offenders in Saint Paul now have the ability to become lawful, productive citizens. That's a goal we should all get behind.

The City of Saint Paul fully endorses the Driving Diversion Program and strongly encourages the Legislature to make it a permanent, statewide program.

Sincerely,

Samuel J. Clark

Saint Paul City Attorney



City of Duluth Attorney's Office

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An Equal Opportunity Employer

January 20, 2017

Scott Adkisson Diversion Solutions, LLC 415 Main Street Red Wing, MN 55066

Dear Mr. Adkisson,

The City of Duluth requests that legislation supporting the Driving Diversion Program be expanded statewide and authorize the Driving Diversion Program to be become permanent, guaranteeing it will be available to all Minnesota drivers in the future.

The Driving Diversion Program, working in conjunction with the Department of Vehicle Services, has played a tremendous role in reducing the number of driving after withdrawal cases that had been clogging our criminal court calendars. The Driving Diversion Program has proven to be a viable option for prosecutors to divert these traffic cases out of the criminal courtroom and into a program that is designed to have the participants succeed in paying off past traffic fines and obtain a valid Minnesota driver's license. What makes the Driving Diversion Program very successful for many, is it does what the State cannot do, it provides ongoing direction, support and patience to the participants. It essentially personalized a process that often had been become non-tolerant to lower income individuals who experience monthly cash-flow issues. The Driving Diversion Program works with individuals through financial difficulties, with the goal of keeping participants in the program rather than terminating them due to a missed or late payment.

The Driving Diversion Program is a win-win program. Law enforcement agencies like it because it dramatically decreases the number of traffic stops they make because the program decreases the number of people driving without a valid license. Defense attorneys, prosecutors, and judges like the program because it reduces the criminal court calendars and places the individuals into a program that works to solve the basis for them not having a valid license. Participants likes the program because it allows them to legally drive while paying off past traffic fine debt that often reached thousands of dollars in unpaid fines. The State benefits because it recoups hundreds of thousands of dollar in uncollected revenue.

The City of Duluth is proud to be a founding-member city that helped create and institute this program in the State of Minnesota. The Driving Diversion Program has proven itself to be highly successful and widely accepted by all agencies within the criminal justice system. The City of Duluth encourages our legislators to approve legislation making the Driving Diversion Program a permanent statewide program.

Sincerely,

Gunnar Johnson

Duluth City Attorney

APPENDIX 3

LETTER OF SUPPORT

THIRD PARTY ADIMINISTRATOR DIVERSION SOLUTIONS



January 18, 2017

From: Scott Adkisson

CEO

To: MN State Legislatures

Diversion Solutions is proud to say we are involved in the LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM (DDP). Diversion Solutions was at the table from the concept meetings with our pilot cities and DPS/DVS to testifying in the 2008/2009 legislative session, committing to you that if given this opportunity we would build a program that is the first of its kind in the nation. Not only did we fulfill our commitment but have exceeded our projections pledge. During my testimony, I pledged to keep 15% of the participants in good standing during a 12 month period, this was a very aggressive pledge. I am happy to say that over 50% of our participants are now graduating from the program. During this time we have asked and received 3 pilot extensions. Thank You! We needed these extensions to allow us to improve the program.

Here we are in 2017 now asking you to consider making the LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM a permanent statewide program. This program has been in pilot for 7 years now and we are ready to make this a permanent program.

A little history on the program:

- We started with 5 cities St. Paul, Duluth, West St. Paul, South St. Paul and Inver Grove Heights. We now support 249 cities and counties. Most of our growth came the last few years.
- The program has evaluated over 23,000 applications.
- The program was developed without state funding.
 - o Funded by Diversion Solutions and the participants.
- As of 12/31/2016 the program has disbursed to the state over \$6,300,000 in fines and fees.
- The program is working with a very small percentage of individuals that could use our help.
 - It's estimated that over 600,000 Minnesotans are driving without a DL or insurance.
- Diversion Solutions, Pilot City Prosecutors and DVS meet regularly to review the program and discuss enhancements.

I ask that you consider making this program a permanent statewide program and enlist some of the suggestions brought forward to you that will strengthen the program to help more citizens of our great state.

Respectfully, Scott Adkisson

> 415 Main Street, Red Wing, MN 55066 <u>www.diversionsolutions.net</u> 651-385-4341

APPENDIX 4

SPREADSHEET OF PAID FINES AND FEES

Distribution of fine & fee payments 2009 thru 2016

Green highlight indicates positive collateral impact, highlighted counties are not participating in DDP. Exception: some counties will have cities participating but cities will be in the white area.

JURISDICTION NAME	STATE	CITATIONS	NET DUE		PAID	
STATE OF MINNESOTA (DUI fee)	MN	2195	\$	1,484,951.00	\$	(650,542.81)
CITY OF ARDEN HILLS	MN	20	\$	7,040.00	\$	(1,200.00)
CITY OF BAXTER	MN	12	\$	4,200.00	\$	(460.00)
CITY OF BAYPORT	MN	2	\$	700.00	\$	-
CITY OF BELLE PLAINE	MN	16	\$	5,500.00	\$	(500.00)
CITY OF BENTON COUNTY	MN	6	\$	2,100.00	\$	(73.00)
CITY OF BLOOMINGTON	MN	421	\$	145,060.00	\$	(23,061.00)
CITY OF BRAINERD	MN	29	\$	10,170.00	\$	(1,105.00)
CITY OF BURNSVILLE	MN	123	\$	43,250.00	\$	(7,100.00)
CITY OF CARVER COUNTY	MN	4	\$	1,400.00	\$	(200.00)
CITY OF CHANHASSEN	MN	3	\$	1,050.00	\$	(70.00)
CITY OF CHASKA	MN	5	\$	1,750.00	\$	_
CITY OF CROSBY	MN	1	\$	350.00	\$	(56.00)
CITY OF CROW WING COUNTY	MN	23	\$	8,050.00	\$	(1,500.00)
CITY OF CRYSTAL	MN	69	\$	24,290.00	\$	(3,538.00)
CITY OF DAKOTA COUNTY	MN	1	\$	350.00	\$	(100.00)
CITY OF DEEPHAVEN	MN	6	\$	2,100.00	\$	(500.00)
CITY OF DULUTH	MN	557	\$	180,716.00	\$	(32,799.00)
CITY OF EAST BETHEL	MN	9	\$	3,150.00	\$	(100.00)
CITY OF ELKO/NEW MARKET	MN	1	\$	350.00	\$	=
CITY OF FARIBAULT	MN	45	\$	15,855.00	\$	(1,700.00)
CITY OF GOODHUE COUNTY	MN	32	\$	11,280.00	\$	(1,484.00)
CITY OF GRAND RAPIDS	MN	37	\$	12,950.00	\$	(1,700.00)
CITY OF GRANT	MN	1	\$	350.00	\$	(100.00)
CITY OF HASTINGS	MN	7	\$	2,450.00	\$	(337.00)
CITY OF INDEPENDENCE	MN	6	\$	2,120.00	\$	(354.00)
CITY OF INVER GROVE HEIGHTS	MN	231	\$	71,949.50	\$	(14,452.50)
CITY OF ISANTI	MN	4	\$	1,400.00	\$	(200.00)
CITY OF JORDAN	MN	26	\$	9,050.00	\$	(1,800.00)
CITY OF LAKE COUNTY	MN	1	\$	350.00	\$	-
CITY OF LINO LAKES	MN	59	\$	20,790.00	\$	(2,956.00)
CITY OF LITTLE CANADA	MN	43	\$	15,195.00	\$	(2,655.00)
CITY OF LITTLE FALLS	MN	6	\$	2,100.00	\$	(400.00)
CITY OF LONSDALE	MN	4	\$	1,420.00	\$	(300.00)
CITY OF LORETTO	MN	1	\$	370.00	\$	(100.00)
CITY OF MAHTOMEDI	MN	5	\$	1,750.00	\$	(100.00)
CITY OF MAPLE GROVE	MN	155	\$	54,425.00	\$	(6,960.00)

CITY OF MAPLE PLAIN	MN	5	\$ 1,750.00	\$ (200.00)
CITY OF MAPLEWOOD	MN	312	\$ 107,275.00	\$ (15,709.00)
CITY OF MEDINA	MN	9	\$ 3,150.00	\$ (500.00)
CITY OF MILLE LACS COUNTY	MN	23	\$ 7,470.00	\$ (478.00)
CITY OF MINNEAPOLIS	MN	3619	\$ 1,241,893.00	\$ (164,056.99)
CITY OF MORRISON COUNTY	MN	4	\$ 1,400.00	\$ (250.00)
CITY OF MORRISTOWN	MN	2	\$ 700.00	\$ (100.00)
CITY OF MOTLEY	MN	3	\$ 1,050.00	\$ (200.00)
CITY OF MOUNTAIN IRON	MN	2	\$ 700.00	\$ (100.00)
CITY OF NEW PRAGUE	MN	9	\$ 3,150.00	\$ (345.00)
CITY OF NISSWA	MN	1	\$ 350.00	\$ (100.00)
CITY OF NORTH OAKS	MN	2	\$ 700.00	\$ (100.00)
CITY OF NORTHFIELD	MN	4	\$ 1,400.00	\$ (400.00)
CITY OF OAK PARK HEIGHTS	MN	2	\$ 700.00	\$ -
CITY OF OWATONNA	MN	74	\$ 26,020.00	\$ (3,400.00)
CITY OF PEQUOT LAKES	MN	6	\$ 2,100.00	\$ (100.00)
CITY OF PINE ISLAND	MN	4	\$ 1,400.00	\$ (257.00)
CITY OF PLYMOUTH	MN	240	\$ 84,715.00	\$ (13,104.00)
CITY OF PRAIRIE ISLAND				
RESERVATION	MN	3	\$ 1,050.00	\$ (300.00)
CITY OF PRIOR LAKE	MN	65	\$ 22,695.00	\$ (3,200.00)
CITY OF RED WING	MN	55	\$ 19,250.00	\$ (3,061.00)
CITY OF REDWOOD COUNTY	MN	5	\$ 1,790.00	\$ (200.00)
CITY OF REDWOOD FALLS	MN	2	\$ 700.00	\$ (64.00)
CITY OF RICE COUNTY	MN	22	\$ 7,720.00	\$ (1,200.00)
CITY OF ROBBINSDALE	MN	222	\$ 77,880.00	\$ (8,870.00)
CITY OF ROCKFORD	MN	1	\$ 350.00	\$ -
CITY OF ROGERS	MN	13	\$ 4,550.00	\$ (900.00)
CITY OF ROSEMOUNT	MN	14	\$ 4,900.00	\$ (272.00)
CITY OF ROYALTON	MN	1	\$ 350.00	\$ -
CITY OF SAVAGE	MN	63	\$ 22,090.00	\$ (3,700.00)
CITY OF SCOTT COUNTY	MN	33	\$ 11,530.00	\$ (2,168.00)
CITY OF SHAKOPEE	MN	158	\$ 55,285.00	\$ (8,874.00)
CITY OF SHOREVIEW	MN	17	\$ 5,950.00	\$ (1,100.00)
CITY OF SOUTH ST PAUL	MN	186	\$ 60,273.00	\$ (10,429.00)
CITY OF SPRING LAKE PARK	MN	112	\$ 39,360.00	\$ (5,635.00)
CITY OF ST LOUIS COUNTY	MN	108	\$ 37,930.00	\$ (6,800.00)
CITY OF ST PAUL	MN	4452	\$ 1,469,670.00	\$ (239,014.50)
CITY OF STEELE COUNTY	MN	17	\$ 5,950.00	\$ (800.00)
CITY OF STILLWATER	MN	7	\$ 2,490.00	\$ (100.00)
CITY OF VICTORIA	MN	1	\$ 350.00	\$ (100.00)
CITY OF WABASHA	MN	6	\$ 2,140.00	\$ (400.00)
CITY OF WASHINGTON COUNTY	MN	9	\$ 3,150.00	\$ (200.00)
CITY OF WEST ST. PAUL	MN	434	\$ 138,734.00	\$ (27,763.50)
CITY OF WOODBURY	MN	50	\$ 17,171.00	\$ (2,655.00)

CITY OF ZUMBROTA	MN	6	\$ 2,120.00	\$	(200.00)
AITKIN COUNTY	MN	49	\$ 10,974.26	\$	(3,068.00)
ANOKA COUNTY	MN	3269	\$ 1,019,562.75	\$	(227,578.27)
BECKER COUNTY	MN	4	\$ 921.00	\$	
BELTRAMI COUNTY	MN	8	\$ 1,544.00	\$	(520.00)
BENTON COUNTY	MN	21	\$ 6,199.01	\$	(3,549.81)
BLUE EARTH COUNTY	MN	66	\$ 16,033.50	\$	(3,858.49)
CARLTON COUNTY	MN	158	\$ 43,538.57	\$	(10,247.77)
CARVER COUNTY	MN	143	\$ 46,734.90	\$	(13,305.91)
CASS COUNTY	MN	30	\$ 10,083.00	\$	(4,085.50)
CHIPPEWA COUNTY	MN	16	\$ 5,980.00	\$	(1,285.00)
CHISAGO COUNTY	MN	190	\$ 38,562.97	\$	(14,751.17)
CLAY COUNTY	MN	18	\$ 7,702.00	\$	(1,074.00)
COOK COUNTY	MN	6	\$ 1,256.00	\$	(765.00)
COTTONWOOD COUNTY	MN	3	\$ 356.00	\$	(355.00)
CROW WING COUNTY	MN	223	\$ 67,217.20	\$	(13,752.69)
DAKOTA COUNTY	MN	6252	\$ 1,807,749.30	\$	(482,352.73)
DODGE COUNTY	MN	14	\$ 4,327.00	\$	(1,225.00)
DOUGLAS COUNTY	MN	23	\$ 6,671.02	\$	(2,098.90)
FARIBAULT COUNTY	MN	4	\$ 710.00	\$	
FILLMORE COUNTY	MN	4	\$ 1,454.00	\$	(127.00)
FREEBORN COUNTY	MN	24	\$ 6,882.00	\$	(1,130.00)
GOODHUE COUNTY	MN	375	\$ 89,869.61	\$	(17,029.32)
GRANT COUNTY	MN	3	\$ 779.00	\$	(586.00)
HENNEPIN COUNTY	MN	35705	10,625,454.00	\$ ((2,352,531.13)
HOUSTON COUNTY	MN	1	\$ 325.00	\$	
HUBBARD COUNTY	MN	8	\$ 2,082.00	\$	(770.00)
ISANTI COUNTY	MN	56	\$ 17,032.80	\$	(4,189.00)
ITASCA COUNTY	MN	151	\$ 42,416.87	\$	(12,935.05)
JACKSON COUNTY	MN	4	\$ 1,523.00	\$	(350.00)
KANABEC COUNTY	MN	21	\$ 7,212.00	\$	(1,003.00)
KANDIYOHI COUNTY	MN	23	\$ 7,878.00	\$	(960.00)
KITTSON COUNTY	MN	1	\$ 125.00	\$	
KOOCHICHING COUNTY	MN	4	\$ 1,236.00	\$	(1,236.00)
LAC QUI PARLE COUNTY	MN	3	\$ 1,293.80	\$	(454.00)
LAKE COUNTY	MN	15	\$ 4,709.00	\$	(2,175.00)
LESUEUR COUNTY	MN	21	\$ 3,603.00	\$	(120.00)
LYON COUNTY	MN	17	\$ 3,751.00	\$	(1,355.00)
MARTIN COUNTY	MN	5	\$ 573.00	\$	(220.00)
MCLEOD COUNTY	MN	10	\$ 1,465.00	\$	(472.00)
MEEKER COUNTY	MN	11	\$ 2,339.00	\$	(1,132.00)
MILLE LACS COUNTY	MN	93	\$ 27,265.87	\$	(7,579.00)
MORRISON COUNTY	MN	58	\$ 15,986.33	\$	(3,507.83)
MOWER COUNTY	MN	31	\$ 10,514.90	\$	(3,476.00)
NICOLLET COUNTY	MN	36	\$ 9,102.60	\$	(1,322.00)

NOBLES COUNTY	MN	9	\$ 3,779.80	\$	(1,893.00)
NORMAN COUNTY	MN	1	\$ 285.00	\$	
OLMSTED COUNTY	MN	64	\$ 10,209.52	\$	(1,743.14)
OTTER TAIL COUNTY	MN	54	\$ 24,685.75	\$	(8,636.00)
PENNINGTON COUNTY	MN	3	\$ 555.00	\$	(270.00)
PINE COUNTY	MN	77	\$ 22,395.80	\$	(6,967.40)
PIPESTONE COUNTY	MN	2	\$ 357.00	\$	(72.00)
POLK COUNTY	MN	4	\$ 955.00	\$	(275.00)
POPE COUNTY	MN	5	\$ 1,665.00	\$	(751.00)
RAMSEY COUNTY	MN	31646	\$ 8,172,992.67	\$ (1,841,181.03)
RAMSEY COUNTY JUVENILE COURT	MN	5	\$ 302.00	\$	(302.00)
REDWOOD COUNTY	MN	23	\$ 8,678.06	\$	(1,479.06)
RENVILLE COUNTY	MN	31	\$ 8,206.80	\$	(2,000.00)
RICE COUNTY	MN	323	\$ 103,234.28	\$	(27,530.58)
ROCK COUNTY	MN	1	\$ 435.00	\$	-10
ROSEAU COUNTY	MN	1	\$ 189.00	\$	(135.00)
SCOTT COUNTY	MN	733	\$ 166,562.61	\$	(41,377.49)
SHERBURNE COUNTY	MN	263	\$ 78,600.40	\$	(22,011.96)
SIBLEY COUNTY	MN	10	\$ 1,509.00	\$	(367.00)
ST LOUIS COUNTY	MN	2382	\$ 722,094.40	\$	(211,523.48)
STEARNS COUNTY	MN	91	\$ 22,360.85	\$	(3,004.00)
STEELE COUNTY	MN	332	\$ 91,778.98	\$	(18,207.11)
STEVENS COUNTY	MN	2	\$ 189.00	\$	
SWIFT COUNTY	MN	6	\$ 1,362.00	\$	(660.00)
TODD COUNTY	MN	15	\$ 3,839.50	\$	(564.50)
WABASHA COUNTY	MN	28	\$ 9,032.80	\$	(2,255.00)
WADENA COUNTY	MN	5	\$ 1,952.00	\$	(490.00)
WASECA COUNTY	MN	35	\$ 8,497.17	\$	(549.17)
WASHINGTON COUNTY	MN	2393	\$ 753,490.11	\$	(222,651.09)
WATONWAN COUNTY	MN	2	\$ 210.00	\$	(105.00)
WEST ST. PAUL CITY OF	MN	1	\$ 150.00	\$	-
WILKIN COUNTY	MN	12	\$ 2,924.00	\$	(815.00)
WINONA COUNTY	MN	26	\$ 7,470.00	\$	(2,110.00)
WRIGHT COUNTY	MN	233	\$ 68,144.13	\$	(23,666.60)
YELLOW MEDICINE COUNTY	MN	21	\$ 5,491.00	\$	(576.10)

APPENDIX 5

ARTICLES & PARTICIPANT THANK YOU

Driver diversion effort deserves green light

Each year, thousands of Minnesotans lose their driver's license due to an illegal offense they have made after getting behind the wheel.

Not only is this a bad personal decision but it's also a bad financial choice. By the time you figure in the cost of higher car insurance payments and legal fees, not to mention the fine that could be imposed by the court, a person arrested for drunken driving could face bills totaling well over \$10,000.

Eventually, that person will pay his debt to society. But he or she may not be able to pay their fines, and they may not be able afford the costs to have their driver's license reinstated.

With many families already facing reduced incomes if not outright job losses, financial hardships prevent these folks from becoming valid. Cities and counties also feel the pinch as the fines they had expected to collect are nowhere to be found.

Yet as many of us know, taking a person's driver's license Tim
Kelly
Minnesota District
28A Representative

away does not always mean that person will not get behind the wheel.

Program started here

In 2009, a local businessman came up with a private solution that he felt could eliminate these problems.

Scott Adkisson, who is the president of Financial Crimes Services and Diversion Solutions, developed a plan allowing a person whose license had been suspended to drive legally, while also making sure they could pay off their citations.

The proposal was very simple: If a person had been charged with driving illegally because their license was suspended or revoked, they were offered the choice to receive a

diversion driver's license. To receive it, the offender needed to prove he was paying for car insurance and making regular payments toward his court ordered fines. The offender would also have to pay for a class that teaches them life and financial management skills.

The pilot program was implemented in Red Wing. Later, Duluth, St. Paul, South St. Paul, West St. Paul and Inver Grove Heights signed up.

Two years later, and the pilot program has been a tremendous success.

According to some of the program statistics, 1,781 participants were eligible at the end of last year, of which the average had seven outstanding citations with an average balance of \$1,700. It has returned nearly \$500,000 back to the participating cities.

The problem is that without legislative approval, the program is going to come to an abrupt end June 30.

That's why I am carrying a bill in the Minnesota House

that would not only continue the driver's license reinstatement diversion program for another two years, but could also expand it.

Under this bill, the program would continue operation until June 30, 2013. The Department of Public Safety would determine which cities were eligible, and it could also allow counties to participate. There's even a possibility the program could be open to communities statewide.

Moving forward

Not surprisingly, the updated proposal has been well received, sailing through the House Public Safety and Crime Prevention Policy and Finance Committee, as well as the Transportation Policy and Finance Committee.

I expect a House floor debate on the diversion program bill in the next two weeks.

This is an excellent example of the private sector being able to accomplish a task much more efficiently than the government. There are times when

people in the private sector have to think outside the box and come up with a solution that isn't necessarily tried and true.

Adkisson did just that, and his private solution might someday be available to any city or county in Minnesota.

The program is a win for communities who, without it, would continue to be owed thousands of dollars. It has also been extremely beneficial to those who want to legally regain their driver's license but may not have the financial ability to make that happen.

Though the program needs government approval, there is no question that this private sector solution is being handled more effectively and efficiently than most people within the current system expected, and I am happy to give the driver's license reinstatement diversion program my full support.

Tim Kelly, R-Red Wing, can be reached at 651-380-4345 or rep.tim.kelly@house.mn.



Minnesota Correctional Facility - Faribault

1101 Linden Lane • Faribault, MN 55021-6400 PH 507.334.0700 • TTY 800.627.3529 • Fax 507.334.0730 www.doc.state.mn.us

Dear Scott In behalf of the offenders and staff of MO- Faribault we would like to About you for attending the 2016 Transitions Fair. You promide a valuable service to our offenders as they transition from prison into the you do and we look forward to jeing you at rext year'd fair! Sincerely,

-The MCF-Faribaut Transitions Team

Quanille Pottiepou

Contributing to a safer Minnesota

Jacob Phuse Athur

Thanks again!!! State enabled Will to get his lianse at least a year before he would're been questions and promptly responding to requests. able to I appreciate you all answering my I hope you know how much you are appreciated! consolidate information and work with the a Wonderful service! Your ability to Thank you so much for providing such Gnily Shmitt &

From Yours To Mine, LLC I want to say Thank You Kids Consignment Sale Events Henriette Roe for providing the service I just President/Owner 12774 Edinbrook Path Kids Consignment received payment from a check Apple Valley, MN 55124 from you that I did not expect to collect Phone: 952-564-7566 Henriette@FromYoursToMine.com any more. As a small business we www.FromYoursToMine.com don't really have any where to term, your www.TwinCitiesKidsSales.com service is greatly appreciated! Auna Cle Cox