

August 17, 2019



1. After waiting 15 days, the court sends a courtesy notice.

2. If that doesn't result in a response, the next step is to review whether the address for the courtesy notice was correct.

3. As a last step, the commissioner reviews whether all the notices were correct, after which the court sends another letter notifying the recipient they have been "initially tried in absentia," and now have a choice of paying immediately - plus the added failure-to-appear fine - or to appear in court to offer an explanation.

Esparza said Del Norte Superior Court offers two payment options:

1. Pay in full within 90 days, and no additional fees are added.
2. Or pay \$50 a month plus a \$35 processing fee.

In Curry County to the north, Brookings Municipal Court also is experiencing a high percentage of no-shows for traffic court.

"Half of the people listed on the court docket for traffic citations fail to appear each month," said Brookings Municipal Court Clerk Pamela Ganey-Welburn.

She estimated the number of no-shows in Brookings averages 15 to 20 each month.

Penalties for failure to appear are severe, with fines and fees doubling, driver's licenses affected, and citations sent to collections with additional fees.

Those who fail to appear or pay their fines prior to court are found guilty by default, according to a City of Brookings press release.

"The Oregon Statutes allow a court to fine a person up to \$2,000 for a class A violation," said Ganey-Welburn.

"Driving while suspended is a class A violation and the presumptive fine is \$440. If you fail to appear on a class A violation, that presumptive fine doubles and becomes \$880.

"Then, there's a \$25 failure-to-appear fee, a \$25 license/sanction processing fee, and a \$25 collection fee, which brings the total to \$955."

The Oregon Department of Motor Vehicles charges \$75 to reinstate a driver's license. A collection agency may add an additional amount for collections, according to ORS 697.105.

"The situation is very frustrating to me, when four people show up in court when there were 30 citations," said Brookings Judge Richard Harper.

"We just want to communicate. They can come in and plea 'no contest' and give an explanation about what happened, and usually I can work it out with them and even reduce their fine."

He said that in only one or two instances in 23 years has someone who fails to appear been from out of state or country.

The court sometimes sentences person to community service if they can't afford their fine, said Harper. Others might be able to take an online driving course in lieu of paying a fine.

In all cases, people can make arrangements for a payment plan if they cannot pay their fines immediately.

"It's not about making money," Harper said, "but to make people aware they committed an infraction.

"I haven't once fined a minor. I talk to them, and then I make them bring up their grades. It's just a matter of being a responsible citizen."

As an aside, "The traffic court time is changing to 10 a.m. starting in September, instead of 1 p.m." said Ganey-Welburn said.

"Juvenile court will remain at 12 p.m. so kids can come during their lunch hour."

Call Del Norte Superior Court at 707-464-8115, or Brookings Municipal Court at 541-469-1114.