



DEBTORS' HELL

PART 3: BEHIND THE BADGE

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Enforcers' might goes unchecked

This story was reported by Spotlight Team members Michael Rezendes, Beth Healy, Francie Latour, Heather Allen, and editor Walter V. Robinson. It was written by Robinson and Rezendes.

Third of four parts | August 1, 2006

They have the power to take your car, your money, and sometimes your freedom. And they bring some uncommon credentials to the job.

Consider these resume highlights:

Kenneth J. Dorsey: Manager of a Jamaica Plain gin mill. Ran illegal gaming operation. Busted by Boston Police. Rifle and shotgun confiscated. Guilty plea, 1994.

Kevin J. Dalton: Plymouth County deputy sheriff until 2001. Fired after State Police probe into alleged shakedown of a company seeking a contract with the sheriff's department, an accusation he denies.

Constance M. Sorenson: Filed for bankruptcy in 2003 with \$47,000 in delinquent credit card debt. Fined for punching a woman in the mouth outside a bar. Arrest warrant pending for failure to pay \$100 fine in another case. Along with that baggage, Sorenson, Dalton, and Dorsey also carry badges - as officers in the murkiest backwater of the Massachusetts law enforcement community. They earn their keep as constables, independent operators appointed by cities and towns to serve court papers and execute court orders.

In Boston alone there are 186 of them, and Mayor Thomas M. Menino has given arrest powers to every one, including Dorsey and 87 others with criminal arrest records for

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But their more aggressive colleagues do much, much better than that, thanks to a 1990 amendment to state law that allows them to charge whatever they like for auto seizures. The result is price-gouging: Constables charge debtors between \$600 and \$900 to accompany the tow truck that arrives to hook a car. The fee used to be capped at \$25.

When debtors cannot raise the cash to pay the debt and the seizure fees, their cars are sold at auction. Here again the

offenses including firearms violations, indecent assault and battery on a child, and impersonating a police officer. Seven have been appointed in spite of guilty verdicts, among them one convicted twice in the last four years of beating his wife. **(See a full list of crimes that Boston constables have been arrested for here.)**

Constables are an odd, anachronistic leftover from colonial days. No training is required, no oversight is provided, and no state agency keeps track of their identities, much less their numbers - an estimated 1,500 to 2,000 statewide.

Yet many among them, including Dorsey, Dalton, and Sorenson, are foot soldiers for the most aggressive debt collectors in Massachusetts. They make their money by night, or at first light, with a frightening thump on the door, seizing cars by the thousands from intimidated debtors who have missed, or ignored, court orders to pay their creditors.

Most constables prefer to knock politely during daylight hours to deliver subpoenas and the like for their \$35 or \$40 fee.

constables are part of the game: Proceeds of the auction are split among the constable, the tow lot, and the creditor. Almost always ignored, the Globe found, is a state law requiring that the first \$700 of the sale proceeds be returned to debtors.

In this obscure trade, constables have some well-armed competitors: the county deputy sheriffs, who sit one short rung up the law enforcement ladder and have grabbed an increasing share of the business. For sheriffs, too, the pursuit of a payout can sometimes take precedence over fairness. In one case earlier this year, two deputy sheriffs in Worcester County threatened to arrest a woman who stood between them and her car - waving bankruptcy papers that should have exempted it from seizure. Nonetheless, she lost her car for 10 weeks.

Since 2001, sheriff's departments in just five counties - Worcester, Norfolk, Bristol, Plymouth, and Middlesex - have seized about 2,500 cars for debt collectors, most often for a fee of \$600 per car. And like constables, they rarely tell debtors they are entitled to the first \$700 from the sale of a seized auto.

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'Don't argue with us'

Marie LoConte had her close encounter with constables shortly after midnight on July 28, 2004, when her doorbell rang.

LoConte, 41, made her way down the stairs from her second-floor apartment and found three men wearing blue uniforms and badges. "They looked like police officers. I thought they were," LoConte said. One of them, she recalls, was tapping his nightstick in the palm of his hand while another informed her they were there to seize her 1997 Ford Thunderbird for an unpaid credit card debt.

"Don't argue with us," she heard him say.

Terrified, LoConte said, she called Taunton police, who offered little sympathy. The constable brandishing the nightstick was playing by the rules, she says she was told, as long as he didn't hit her with it. "I didn't sleep all that night. I couldn't stop crying. I was shaking," LoConte said.

LoConte is disabled as a result of lupus and Crohn's Disease. She lost her cleaning business more than a decade ago, and, by 2000, had stopped making payments on a \$430 Provident credit card balance. She wound up paying \$1,758, draining her savings and borrowing from a friend, to erase the debt and get her car back.

Of that, \$158 went to the tow lot, which kept her car for a day, and \$800 to the constables, dispatched by Sorenson's firm. To ransom the car, LoConte had to drive 70 miles to Sorenson's office in Chelmsford to pay her bill, then another 55 miles to a Bridgewater tow lot.

For Jeanmarie Fitzpatrick, the constable's visit was even more costly. An \$800 constable's fee would have seemed a bargain to her.

When Dorsey, the former bar manager turned constable, arrived at her door last Dec. 14, he demanded \$1,250 in fees for seizing her 2000 Dodge Neon.

Fitzpatrick, a 37-year-old single mother who lives in South Boston's D Street public housing project, was about to drive her three children to school when Dorsey drove up and blocked her car. Fitzpatrick figured it must be something to do with unpaid parking tickets; she said she



Marie LoConte of Taunton ran into debt problems after she became disabled. To get back her car, seized for a \$430 credit card bill, she paid \$1,758, including \$800 in constable fees. (Globe Staff Photo / Michele McDonald)

had no idea there were court judgments against her for two delinquent credit card accounts, totaling \$3,800. That's because Norfolk Financial Corp., the debt collector who sued Fitzpatrick, had given the court the wrong address. She says she was never notified of the lawsuit, and a Globe check of court and public records shows she's right.

"They went out of their way to find my car but they didn't go through the trouble to find my address" to notify me about the lawsuit, Fitzpatrick said. "That's what kills me."

Dorsey, she said, turned aside her tearful plea that he wait to take her car until she could drop the children at school.

Dorsey's fee for having her car hauled away: \$625. But since he was holding two pieces of legal paper for taking just one car, he demanded \$1,250. The car was sold at auction for just \$1,000, even though it had a resale value of about \$4,000.

"It's a week before Christmas. I have three kids," Fitzpatrick said. "These people have absolutely no heart."

Dorsey, asked in an interview why he demanded twice the normal \$625 fee, said: "It was two different cases." If he had handled them separately, Dorsey contended, he would have been justified in seizing her car twice.

"I explained everything to her," Dorsey said. "I'm not out to screw people."

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Kenneth J. Dorsey (left) and Constance M. Sorenson (right) have used constable powers to seize debtors' cars on behalf of collection agencies. Both, however, have faced their own financial and legal difficulties. (Globe Staff Photo / John Tlumacki)

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A badge without scrutiny

The office of constable is as ancient as it is obscure, governed in Massachusetts by laws that date back to the 1600s. One power of the office - never repealed - is to "take due notice of and prosecute all violations of law respecting the observance of the Lord's day, profane swearing and gambling."

Nowadays, constables, and the deputy sheriffs who perform parallel work, busy themselves delivering subpoenas and other court papers, placing liens on real estate, and seizing personal property to satisfy court judgments - in the case of constables, judgments of no more than \$2,500.

Where they differ is in accountability. Constables, for example, can legally operate only in the communities that license them. But that restriction, the Globe found, is often ignored.

Constables also largely operate in secret. There is no requirement for them to keep, or submit to scrutiny, records of their seizures. When the Globe set out to determine how many cars constables across the state have seized from debtors, almost all those asked refused to say. Records held by county sheriffs, by contrast, are public.

But what is clear, by the account of sheriffs, debt collectors, and constables themselves, is that it is constables who handle the bulk of the car seizures. Court records suggest their total runs to several thousand cars a year, across the state.

Sorenson's firm alone was seizing between 80 and 100 cars a month for two debt collection companies, according to affidavits filed in a court case involving the companies. And Dalton, who owns South Coast Legal Services, told the Globe he uses constables around the state as subcontractors to seize vehicles, though he refused to say

Sorenson, for example, represents herself as a constable, but her license, in Salem, expired in 2003. In an interview, Sorenson, 37, claimed to be a constable in Lynn and Medford, in addition to Salem. But officials in Lynn and Medford said they have no record she has ever been licensed to serve in either city. Sorenson has also been embroiled in legal disputes for dispatching constables to do seizures in communities where they are unlicensed.

And some constables who worked for her have been criticized for over-the-top tactics. One allegedly identified himself as a State Police officer, according to court papers filed in a 2001 lawsuit against a debt collector. Another constable allegedly threatened a debtor with criminal sanctions, even though debt collection is a civil matter.

"There's not one heavy-handed constable that I've ever worked with," Sorenson insisted. She reached a confidential settlement in the 2001 case, which she declined to discuss with the Globe.

She said she's now stopped seizing cars altogether. But in June, Sorenson identified herself as a constable when she seized two cars from a Grafton businessman.

Sorenson defended the work of constables. She said consumers who ignore court orders to pay their debts have no right to complain when the constables come calling, no matter the hour. She described her own workday as "nine-to-five", meaning 9 at night until 5 in the morning.

"I think you should pay those debts - especially consumer debt. You can't take a credit card and go buy yourself a new television and expect to never have to pay for it, but people do," Sorenson said. "I think everyone should be responsible - I do. I'm responsible."

Not quite. A Globe review of federal bankruptcy files showed that Sorenson has twice filed for bankruptcy, most

how many cars they hook for him. One of his subcontractors, Dorsey - who took away Fitzpatrick's car - said he seizes between 12 and 30 cars a month.

And no one monitors their work. So little scrutinized are constables that some work with impunity in communities where they have no jurisdiction.

recently in 2003, when her credit card debts alone exceeded \$47,000. After that, her lawyer sued her for not paying his fee and won a court judgment - along with authorization to have her car seized. But he decided against taking that step.

Sorenson sidestepped questions about her own financial problems, except to say: "Defendants aren't all bad. They're like me and you."

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Checked pasts

Dalton, who owns the South Coast Legal Services constable business, changed careers in 2001 after 16 years as a Plymouth County deputy sheriff. But he didn't go willingly.

He and two other cashiered deputies filed a federal lawsuit claiming they had been unjustly fired. At the trial, the county introduced evidence from a State Police investigation in 2000 that Dalton had allegedly sought cash payments from a Brockton moving company trying to obtain county work in court-ordered eviction cases.

The federal jury upheld the dismissals. In an interview, the 60-year-old Dalton said the allegations were false but refused to discuss the issue further. He was never charged criminally in the case.

As for the \$625 fee he charges for each car seizure, Dalton was hardly defensive about his price; he said he is considering an increase to offset the higher cost of gasoline. "I have a lot of guys burning up gas, looking for cars," he said.

State law requires cities and towns to "investigate the reputation and character " of all constable applicants, as well as their fitness for office. But the law sets no specific criteria. In some communities, a police criminal background check is required. But in some cases the background checks appear to be cursory.

In Boston, police do background checks before Menino appoints constables. But Dorsey, the constable who demanded \$1,250 for seizing Fitzpatrick's car, was appointed by Menino even though he listed his criminal record on his application. On Super Bowl Sunday in 1994, according to court records, Boston police raided the Old Stag Tavern in Jamaica Plain, which Dorsey managed, arrested Dorsey for running a betting operation and



Worcester County deputy sheriff Michael J. Ahearn (on porch, right) seized an Athol resident's truck, accompanying Direnzo driver Jeffrey Holmes (left). Deputies, like constables, can collect high fees. (Globe Staff Photo / David L. Ryan)

confiscated the two firearms. He was found guilty of a misdemeanor for possessing gaming materials and was fined \$300. Dorsey, who is 50, also had a prior arrest for failure to make child support payments.

Boston Police Sergeant Raymond Mosher, who oversees criminal background checks for prospective constables, said he could not discuss Dorsey's case because of privacy restrictions.

Like Sorenson, both Dalton and Dorsey have had financial struggles not unlike those of some of the debtors whose cars they seize. A decade ago, Dalton had one small-claims judgment and two federal tax liens against him, according to court records reviewed by the Globe. And Dorsey says his own struggles help him empathize with the people who are his quarry.

"I've hid from bill collectors. I'll be honest," he said.

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Restraint among sheriffs

Unlike constables, for whom no one sets standards, Massachusetts county sheriffs have to face the voters every six years. That can work as a check on overzealous collection work.

"We do not want people saying, 'The elected sheriff took my car and then junked it,' ." said Jeffrey R. Turco, the chief deputy to Worcester Sheriff Guy W. Glodis. After receiving inquiries from the Globe, the Massachusetts Sheriffs Association is reviewing the fees they charge hooking cars for debt collectors.

No sheriff's department has seized more autos than Worcester County's - more than 1,000 since January 2002. And for Glodis, who took office in 2005, some of those seizures could prove to be politically embarrassing.

Take the case of Marlene Cote, of Leominster, who last December filed for bankruptcy - a step that legally protects assets from seizure. Or so Cote thought, until the evening of Jan. 13, when two of Glodis's deputy sheriffs banged on her door at 8:30 p.m. and said they were seizing her 11-year-old Jeep.

By Cote's account, the deputies were undeterred when she showed them her bankruptcy filing. They even threatened to arrest her when she stood between the tow truck and her vehicle.

Cote's debt, an old \$300 bill from a local dentist, barely topped \$600 with accumulated interest. The fee charged by the deputies added another \$600. And the towing company wanted \$310. The total - for a car that could not legally be seized - was \$1,530.56.

When the Globe first raised Cote's case with Deputy Turco in mid-March, he acknowledged that the deputy sheriffs should have checked with his office when they were presented with the bankruptcy documents. According to his office records, Cote's car was returned within a few days when the error was discovered.

In fact, the car was still being held, two months after it was towed away, by Direnzo Towing & Recovery, which had added another \$1,200 in storage fees in the interim.

Finally, at the end of March, Cote's car was returned and all the charges were waived. But Cote paid dearly for the episode as she struggled to regain her financial footing.

During the 10 weeks she had to get by without her Jeep, Cote said, she spent between \$600 and \$800 to commute by taxi to her \$8-an-hour job as a cashier at a Kohl's department store in Leominster. During that period, she also had to abandon a second job, caring for mental health patients in group homes in Athol and Gardner.

It felt to her, as to many who lose their cars to unpaid debts, like a prison term for a traffic offense. And such penalties are far from rare: A review of Worcester sheriff's



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office records released by Turco showed numerous instances of debt collectors engaging deputy sheriffs to seize cars from people with small unpaid debts. Often, the fees associated with seizure doubled or even tripled the amount of the original debt.

Uxbridge collection lawyer Richard R. Hubbard is the source of many of those cases. He has had hundreds of cars hauled away, mostly by the Worcester County Sheriff's Department, from families whose unpaid - or disputed - debts to dentists, doctors, and local heating oil companies were just a few hundred dollars.

For its part, the Worcester Sheriff's Department has made one change in the wake of Globe inquiries: They had been charging \$600 for all car seizures, whether the car is towed or the debtor pays the amount owed on the spot. Now, those who pay their debt to avoid a tow are charged \$300.

In some other jurisdictions, sheriffs and constables have gone even further. In fact, most decline to seize autos. And the vast majority of debt collectors likewise frown on the practice.

In Suffolk and Barnstable counties, for example, the sheriff's departments rarely seize automobiles. And in the few instances when Barnstable deputies seize a car, they charge just \$40 an hour for a deputy's time, according to Barnstable Chief Deputy Sheriff Brad Parker. When asked about constables who charge between \$600 and \$900 to seize a car, Parker said, "That's gouging." As for his peers in other sheriff departments, who charge up to \$600, Parker chose his words carefully: "That sounds high."

Parker said his office was approached two years ago by Norfolk Financial Corp. and Commonwealth Receivables Inc., two collection agencies that have seized thousands of cars, and asked to do their seizure work on Cape Cod, but he refused.

Too often, Parker said, such cases "are against a single mother with kids and a beat-up old car, and no other transportation."

NEXT: National crisis, official silence

Contact us

The Spotlight Team would like to hear from readers who have first-hand information about debt collection abuses. The telephone number is (617) 929-3208. Confidential messages can also be left at (617) 929-7483. E-mail messages can be sent to debt@globe.com.

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