

WAUPACA COUNTY CODE OF ORDINANCES
Chapter 17
Waupaca County Public Assistance Fraud Ordinance

17.01 DEFINITIONS

- A. "Person" as used in this Ordinance includes all corporations, partnerships, associations and other bodies political or corporate, as well as an individual.
- B. "Public Assistance" in this Ordinance means all forms of assistance granted under Chapter 49, Wis. Stats., including, but not limited to, General Relief (including medical, hospital and dental benefits) Aid to Families with Dependent Children (AFDC), Medical Assistance and Food Stamps.

17.02 PRESUMPTION AND EVIDENCE

- A. Any person who makes any statement in a written Public Assistance application under Chapter 49, Wis. Stats., shall be considered to have made an admission as to the existence, correctness or validity of any fact stated, which shall be taken as prima facie evidence against the part making it in action or proceeding brought for the enforcement of any provision of this Ordinance.
- B. The negotiation of a check, share draft or other draft received in payment for Public Assistance by the recipient or the withdrawal of any funds credited to the recipient's account through the use of any other money transfer technique after any change in income or assets and or facts which would render the person ineligible for Public Assistance or eligible for reduced Public Assistance shall be prima facie evidence of fraud in such case.

17.03 VIOLATIONS

- A. No person shall willfully make any false representations with the intents to secure Public Assistance for himself or herself or for some other person.
- B. No person shall willfully do any act designed to interfere with the proper administration of Public Assistance.
- C. No person shall sell or exchange supplies or articles furnished himself or herself or some other person as Public Assistance with intent thereby to defraud Waupaca County.
- D. No person shall dispose of any supplies or articles furnished himself or herself or some other person as Public Assistance in any other way that as directed with intent thereby to defraud Waupaca County.

- E. No person may use money, checks, share drafts, other drafts, vouchers or any other thing of value furnished to that person as Public Assistance for purposes other than as directed by the Public Assistance Agency furnishing such Public Assistance.
- F. No person shall purchase any article knowing it to have been furnished to another person as Public Assistance.
- G. No person shall accept any supplies or articles furnished to any person as Public Assistance in exchange for or in payment for any alcohol beverages or other prohibited items (i.e. cigarettes).
- H. No person who accepts a Public Assistance voucher granted as Public Assistance shall fail to tender the commodities authorized by the Public Assistance authorities to the Public Assistance recipient, in lieu thereof refunding to the Public Assistance recipient cash or substituting any alcohol beverages or cigarettes not authorized by the Public Assistance voucher.
- I. No person who has been originally eligible for Public Assistance and, who thereafter receives any income or assets or both, and continues to receive Public Assistance, shall fail to notify the officer or agency granting such Public Assistance of the receipt of such income or asset within ten (10) days after such receipt.
- J. No person who obtains for himself or herself or for some other person Public Assistance on the basis of facts stated to the authorities charged with the responsibility of furnishing such Public Assistance shall continue to receive such Public Assistance based on the originally stated facts, if they fail to notify these authorities within ten (10) days of any change in the facts as originally stated.
- K. No person in charge of Public Assistance or any persons working under him or her shall receive or solicit any commission or derive or seek to obtain any personal financial gain through the purchase, sale, disbursement or contract for supplies or other property used in the administration of Public Assistance.
- L. Violations of individual subsections of this Ordinance are separate and distinct violations of the same or different subsections of this Ordinance and violations of the same or different subsections of this Ordinance on different days shall each constitute a separate and distinct violation of this Ordinance.

17.04 PENALTIES

- A. Any person who violates any provision of this Ordinance shall, upon conviction, be subject to a forfeiture not to exceed \$200.00 for a first offense and \$500.00 for subsequent offenses together with costs of prosecution and penalty assessments (see attached Bond schedule).

- B. Conviction under this ordinance with overpayments equal to or greater than \$35.00 (thirty five dollars) constitutes an intentional program violation and will result in the Defendant becoming disqualified from the program per Federal Regulations as follows:

AFDC: 6 months for the first violation
 12 months for the second violation
 Permanently for the third violation

FOOD STAMPS: 1 year for the first violation
 2 years for the second violation
 Permanently for the third violation

- C. Upon being issued a citation, the Defendant shall be referred to the penalty section of statement and warnings regarding fraud provided at the time of application and informed that a conviction on the citation constitutes a waiver of the right to a fair hearing regarding the disqualification of the Defendant's program eligibility.
- D. If the forfeiture and costs are not paid as directed by the Court and there is no finding of indigency, this person shall be subject to imprisonment in the County Jail for a period not to exceed thirty (30) days or until such forfeiture and costs are paid, whichever comes first.

17.05 MISCELLANEOUS

- A. Any future amendments, revisions or modifications to Chapter 49, Wis. Stats., and in particular to Sec. 49.12m Wis. Stats., are hereby incorporated in this Ordinance shall be considered severable and shall remain in full force and effect.
- B. This Ordinance shall be effective upon passage and publication pursuant to Wisconsin law.

Recommended for Introduction by Human Services Board: Suprs. Hillskotter, Rasmussen, Arndt, Flease, Kietzmann, Toney, Gay, Schroeder and Dent.

Passed by the Waupaca County Board of Supervisors on July 15, 1997, 26 ayes and 0 nays