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**WOOD COUNTY ORDINANCE # 910
PUBLIC ASSISTANCE FRAUD**

Chapter 910 .01 PURPOSE AND GENERAL POLICY

Wood County serves as an agent of the State of Wisconsin in providing various government assistance programs, including: Public Assistance, Medical Assistance, Wisconsin Works and Food Stamps. It is in the interest of the residents of Wood County to effectively and fairly administer the limited resources available under these programs. Consequently, this ordinance is intended to give the administrators of these government assistance programs the ability to rapidly, efficiently and effectively punish fraud and deter future fraudulent activities pertaining to these programs.

Chapter 910 .02 DEFINITIONS

- (1) **“Person”** as used in this ordinance includes all corporations, partnerships, associations, and individuals.
- (2) **“Unauthorized Person”** means a Person who is not an employee or officer of the federal government, the state, a county or federally recognized American Indian tribe acting in the course of official duties, or a Person acting in the course of his duties under a contract with the federal government, the state, a county or federally recognized American Indian tribe in connection with Public Assistance.
- (3) **“Public Assistance”** in this ordinance means all forms of assistance granted under Chapter 49 of the Wisconsin Statutes including, but not limited to Wisconsin Works (W-2), medical assistance, Food Stamps, child care, and low income energy assistance.
- (4) **“Food Stamp”** in this ordinance shall include the Wisconsin Quest EBT Card and the Wisconsin Food Coupon.

Chapter 910 .03 PRESUMPTION AND EVIDENCE

- (1) Any Person who makes any statement in a written Public Assistance application under Chapter 49 of the Wisconsin Statutes, 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 party making it in any action or proceeding brought for the enforcement of any provision of this ordinance.
- (2) 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 a reduced Public Assistance grant shall be prima facie evidence of fraud in such case.

Chapter 910 .04 VIOLATIONS

- (1)** No Person shall willfully make any false representation with the intent to secure Public Assistance whether for himself or herself or for some other Person.
- (2)** No Person shall willfully do any act designed to interfere with the proper administration of Public Assistance.
- (3)** No Person shall sell or exchange supplies or articles furnished himself or herself as Public Assistance or dispose of such supplies or articles in any other way than as directed.
- (4)** No Person shall purchase any article knowing it to have been furnished to another Person as Public Assistance.
- (5)** No Person may use money, check, 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.
- (6)** 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.
- (7)** No Person who has been originally eligible for Public Assistance and who thereafter receives a change in 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 assets within ten days after such receipt.
- (8)** 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 days of any change in the facts as originally stated.
- (9)** No Person in charge of Public Assistance or any Person working under him or her shall receive or solicit any commissions 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.

(10) No Person without legal authority may for pecuniary advantage bring or send a Person to a county, tribal governing body or municipality or advise a Person to go to a county, tribal governing body or municipality for the purpose of obtaining relief funded by a relief block grant, benefits under the Wisconsin Works program, Aid to Family with Dependent Children, medical assistance or Food Stamps.

(11) No Person may receive any kick back, bribe, or rebate directly or indirectly, overtly or covertly, in cash or in kind, in return for referring an individual to a Person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the medical assistance program.

(12) No Person may offer or pay any remuneration including any kick backs, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind to any Person to induce such Person to refer an individual to a Person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a medical assistance program.

(13) No provider of services may knowingly impose upon a recipient charges in addition to payments received for services under Wisconsin Works or knowingly impose direct charges upon a recipient in lieu of obtaining payment under Wisconsin Works unless benefits or services are not provided under Wisconsin Works.

(14) No Person may offer or pay any remuneration in cash or in kind to any Person to induce the Person to refer an individual to a Person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under Wisconsin Works or to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under any provision of Wisconsin Works.

(15) No Person shall knowingly issue a Food Stamp to a Person who is not an eligible Person or knowingly issue a Food Stamp to an eligible Person in excess of the amount for which the Person's household is eligible.

(16) No Person may knowingly transfer a Food Stamp except to purchase food from a supplier or knowingly obtain or use a Food Stamp for which a Person's household is not eligible.

(17) No supplier may knowingly obtain a Food Stamp except as payment for food or knowingly obtain a Food Stamp from a Person who is not an eligible Person.

(18) No Unauthorized Person may knowingly obtain, possess, transfer or use a Food Stamp.

(19) No Person shall knowingly alter a Food Stamp.

(20) Violations of individual subsections of this ordinance are separate and distinct violations of the same or different subsection of this ordinance and violations of the same or different subsections of this ordinance on different days or times shall each constitute a separate and distinct violation of this ordinance.

Chapter 910 .05 ENFORCEMENT

The Wood County Board of Social Services is hereby given the power to authorize the Director of Social Services to designate an appropriate individual to issue citations for violations of this chapter. Persons who have violated the provisions of this ordinance may also be referred for prosecution to the District Attorney's office.

Chapter 910 .06 PENALTIES

(1) Any Person who violates any provision of this ordinance shall, upon conviction, be subject to a forfeiture not to exceed that amount provided for in the provision's statutory counterpart or \$1,000 per violation, whichever is less, together with costs of prosecution and penalty assessments.

(2) If the forfeiture and costs are not paid as directed by the court and there is no finding of indigence, this Person may be found in contempt of court and subject to the sanctions of Section 785.04 of the Wisconsin Statutes, which may include confinement in the Wood County jail for a period not to exceed six months.

Chapter 910 .07 MISCELLANEOUS

(1) Any future amendments, revisions, or modifications to Chapter 49 of the Wisconsin Statutes are hereby incorporated in this ordinance and are intended to be made part of the ordinance in the same manner as such amendments, revisions and modifications are made to the corresponding state statutes.

(2) Should any part of this ordinance be found to be void or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance shall be considered severable and shall remain in full force and effect.