

1980

Utah State Department of Social Services v. Salvador P. Toscano, Sr : Brief of Respondent

Utah Supreme Court

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IN THE SUPREME COURT OF THE STATE OF UTAH

UTAH STATE DEPARTMENT OF
SOCIAL SERVICES,

Plaintiff-Respondent,

-v-

SALVADOR P. TOSCANO, SR.,

Defendant-Appellant.

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:
:
:
:

Case No. 16777

BRIEF OF RESPONDENT

Appeal from the Judgment of the Second
Judicial District Court of Weber County,
the Honorable Calvin Gould, Judge Pre-
siding.

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IN THE SUPREME COURT OF THE STATE OF UTAH

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SOCIAL SERVICES, :
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Plaintiff-Respondent, : Case No. 16777
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-v- :
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SALVADOR P. TOSCANO, SR., :
 :
Defendant-Appellant.

RESPONDENT'S BRIEF

STATEMENT OF THE NATURE OF THE CASE

This is an action brought by the State of Utah against the Appellant to recover public assistance payments received by him from having supplied the state agency with factually incorrect information.

DISPOSITION IN THE LOWER COURT

Trial before the lower court was held with the court granting judgment in favor of the State of Utah in the amount of \$2,921.00. (R. 82). The trial court held that the judgment represented public assistance the Appellant had obtained to which he was not entitled because of Appellant having supplied factually incorrect information to the State of Utah (R. 82).

RELIEF SOUGHT ON APPEAL

Respondent seeks affirmance of the District Court's decision.

STATEMENT OF THE FACTS

Appellant came from Texas in the spring of 1975 for the purpose of finding work in Utah. He found work in the onion and beet fields (R. 104). After arriving and while working, he injured his knee, requiring medical care. (R. 104).

After the injury, in June, 1975, appellant applied and was approved for public assistance benefits from the State of Utah in the form of Food Stamps for each month from June, 1975, through June, 1976. In December of 1975, Mr. Toscano applied for additional cash assistance from the state and received that assistance monthly through June, 1976. Total assistance received for Food Stamps was \$2,846.00, and for cash assistance was \$2,921.00. (R. 50).

Appellant was only under doctors care for a few months, with no evidence produced that his injury affected him past November, 1975 (R. 104,110).

Application was made for assistance with appellant indicating that he intended to make Utah his home (R. 118). On each application signed and submitted by appellant, the appellant stated that he did not own any land, acreage, or buildings in which he did not live (R. 67).

In December of 1976, the respondent learned that the appellant did in fact own real property in Muleshoe, Texas, valued at \$10,580.00, whereupon the respondent commenced this action against the appellant.

In June of 1977, respondent filed a complaint alleging that appellant had fraudulently received food stamp and financial aid assistance. Later, the food stamp allegation was dropped by the respondent because of the different regulations governing food stamp assistance. However, the claim against the appellant for fraudulently receiving financial aid was vigorously prosecuted and was not decided until trial by the Honorable Judge Calvin Gould.

During the trial on September 27, 1979, and October 1, 1979, testimony was adduced that appellant was not fluent in English. However, further testimony established: (1) Millie Rodriguez Valencia, who speaks Spanish, and was associated with the Migrant Council, admitted she notarized appellant's financial aid application on November 17, 1975 (R. 143 and 145); (2) An interpreter at the Assistance Payments Administration (APA) Office assisted the appellant and his wife in answering questions on the public assistance forms (R. 166); and (3) The Migrant Council and the APA had an agreement that the Migrant Council would assist Spanish speaking migrants in filling out public assistance forms (R. 133-134).

Contrary to what appellant alleges in his statement of facts, the trial record makes clear that the appellant never made any reference at trial about whether an APA representative asked him about his owning a home in Muleshoe, Texas.

In October of 1979, Judge Calvin Gould concluded that the payments by the respondent to the appellant of \$2,921.00 in financial aid was the result of a factual error and not fraud but that the cash payments to appellant by the state would not have been made had the respondent known or understood that the appellant in fact owned a home and real property in Texas (R. 82). Thus, the District Judge entered a judgment against the appellant for \$2,921.00 plus costs (R. 83).

ARGUMENT

POINT I

APPELLANT WAS NOT ENTITLED TO RECEIVE FINANCIAL ASSISTANCE BECAUSE HE OWNED NON-EXEMPT REAL PROPERTY IN MULESHOE, TEXAS.

The issue presented to this court in the instant case is whether Mr. Toscano was eligible to receive financial assistance. Appellant attempts to confuse this issue as discussed in his brief by urging this court to adopt regulations governing food stamp eligibility to be applied equally to situations involving financial assistance. This

position is an improper interpretation and application of the two distinct programs.

Testimony was presented at trial (R. 115-121) which pointed out the distinction of the two programs and that Food Stamp Regulations do not apply to financial cases, though both types of assistance might be received by the same individual at the same time. This testimony is unrefuted in the record and is summarized as follows:

(1) Each type of assistance has its own unique eligibility requirements.

(2) Food Stamp assistance is governed exclusively by regulations promulgated by the United State Department of Agriculture, while cash assistance is governed exclusively by regulations promulgated by the United States Department of Health, Education and Welfare.

3. The State of Utah's financial assistance regulations are promulgated under Volume II and Food Stamp regulations are contained in Volume IV of the Assistance Payments Administration volumes.

The State of Utah, in essence to receive federal funds to aid in programs designed to help the disadvantaged administer the programs from separate federal agencies. Food stamps used to be distributed through the Post Office of the United States. No one would contend that the state regulations as promulgated for financial assistance in

Volume II would have applied to the Post Office. The fact that APA is handling two distinct programs for two distinct federal departments likewise does not authorize anyone to say that specific provisions from one programs apply across-the-board to another program. Yet, this is what counsel for the appellant is attempting to argue.

Therefore, if one tries to confuse the issue of this case by comingling two different types of assistance regulations, it is analogous to mixing oil with water. They don't mix and will separate to original groups that existed before the attempted mix. The food stamp assistance and financial assistance regulations were intended to be separate and independent of one another. When Mr. Toscano applied for financial assistance, he applied on a separate application. His approval for financial assistance was made in compliance with the regulations of Volume II of the Utah rules. Volume IV was never considered in approving Mr. Toscano's financial application. Thus, only the financial assistance regulations should govern this case.

The financial assistance regulations applicable to this case are stated as follows in Volume II, Section 410.1:

§410.1 Exempt Assets:

1. One home and lot owned or being purchased and occupied by the applicant or recipient, including a mobile home. (Emphasis added).

- a. If the home is owned or being purchased, the lot on which the home stands shall not exceed the average size of residential lots for the community in which it is located. The amount of property exceeding an average-size lot shall not be considered exempt property.
- b. When an individual owns but does not occupy a mobile home, the equity value of the mobile home shall not be considered except personal property.

It is interesting to note that the only inaccurate information supplied by Mr. Toscano on his financial aid application is the information that was most essential in determining whether Mr. Toscano was eligible for financial assistance. All other information was accurate on his application. Therefore, if Mr. Toscano would have answered correctly the question concerning his owning real property; the issue of whether or not he occupied his home in Muleshoe, Texas, during the period he received financial assistance and living in Utah, would not be before this court now.

The financial assistance regulations, *supra*, state that a lot and home to be exempt must be occupied by the applicant or recipient. In addition, it is important to point out that Volume II contains no special regulations covering migrants; hence, migrant status is irrelevant to determining eligibility for financial assistance and a migrant must qualify the same as any other applicant (R. 115). Whether Mr. Toscano was or was not a migrant is consequently

not at issue. To have his home exempted for financial assistance purposes, it must be the home he occupies.

In December, 1975, when Mr. Toscano applied for financial assistance and during the months Mr. Toscano received financial assistance, he did not occupy the home and lot in Muleshoe, Texas. (R. 22 and 23). It is pointed out that Volume II does not define the term occupied, but it is submitted that the general dictionary definition is applicable. Webster's Dictionary (1974 ed.) at 794, defines occupy as "to reside in as an owner or tenant." This is the same definition that the APA office has used in determining one's eligibility. The following statements made by Mr. Larson at trial show this to be correct:

Mr. Barclay: "Is there a definition as to what it means to be occupied in the regulation?"

Mr. Larson: "Not specifically. Occupied is generally assumed to mean that the individual is living in the home."

Mr. Barclay: "That is the application applied by your agency?"

Mr. Larson: "Yes." (R. 117).

Even though the insurance cases cited by appellant are not very applicable to the present situation, these cases still uphold the definition of occupied as a place "in actual use by human beings who are living in it as a place of habitation...", (Independent Fire Insurance Company

v. Butler, 362 So.2d 980, 982 (1978). The appellant was not living in his home in Muleshoe, Texas, when he received financial assistance payments in Utah. (Amarillo which is closer to Salt Lake City than Muleshoe is 888 miles from Salt Lake City; see also Mr. Toscano's affidavit, R. 22). It may be true that appellant visited Muleshoe, Texas, on occasion, however, this does not mean he occupied the home in Muleshoe.

Counsel for respondent himself feels the absurdity of this argument of appellant from his own personal experience. Counsel was born and raised in Freeport, Illinois, approximately 1360 miles away from Provo, Utah. After graduation from High School counsel attended Brigham Young University for four years of undergraduate study. Except for a few belongings, clothes, etc., counsel's entire belongings remained at his parents' home in Illinois for four years. Counsel lived in a residential hall for three years and in a private home off campus for the last year. At all times he maintained permanent residence in Illinois at his parents and in fact visited his permanent residence at Christmastime, summertime (going to and coming from jobs away from that home). He received mail there that entire time, had his belongings there, and even voted there by "absentee ballot."

To say that counsel for respondent "occupied" the home in Illinois at the same time he was living (even temporarily)

in Provo, Utah, is inconceivable. Was he not "occupying" his room in the residence hall? Certainly he was and the court should reject any theory to the contrary.

Appellant is obviously trying to confuse the issue. He is trying to urge this court to accept the position that a person does not "occupy" the place where he sleeps, stays or resides during the period in this case, but somehow is in two places at once and therefore qualifies for assistance.

The record is clear that the principle residence - where the appellant lived, ate, slept, stayed - during the period of December, 1975, through June, 1976, was in Utah. There is no evidence or testimony directly substantiating that appellant even went back to Texas during the time he was receiving financial assistance. However, even if appellant did return to Texas, the visits were short and infrequent because appellant's financial assistance checks were all mailed to his residence in Utah and cashed in Utah. How could he be occupying his home in Texas and living there if he was cashing his checks in Utah.

Appellant also argues that even though he was not physically living in the Muleshoe home, his children were living there. This statement made by appellant makes no difference in determining whether appellant was eligible for financial assistance because the financial assistance regulations specifically state that a home to be exempt

must be occupied by the applicant or recipient of the assistance, in this case Salvador Toscano. (Volume II, Section 410.1.) Therefore, Judge Calvin Gould did not abuse his discretion in deciding that the home in Muleshoe, Texas, was a non-exempt asset.

Since the home in Muleshoe was a non-exempt resource and had a value of \$10,580.00, this resource if reported would have made Mr. Toscano ineligible for financial assistance and the respondent would not have paid the same to appellant.

POINT II

RESPONDENT'S FAILURE TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT APPELLANT COMMITTED FRAUD DOES NOT MEAN APPELLANT WAS WITHOUT FAULT IN SUPPLYING INCORRECT INFORMATION ON HIS FINANCIAL ASSISTANCE APPLICATION.

Appellant appears to have asserted certain positions in his brief which are not substantiated by the record. Respondent feels it important to point them out. For example, appellant states that the APA office had no staff members fluent in Spanish. This statement is incorrect and not in harmony with the unrefuted trial testimony of Mr. Larson:

Mr. Larson: "I am aware of one individual who has been an employee for a number of years back prior to '75. He does speak Spanish."

Mr. Ayala: "So basically we are sure that we have one person among 60 people that does speak Spanish, am I correct?"

Mr. Larson: "Yes, at least one. And I think at the time there was another Spanish American girl."

Mr. Ayala: "But you are sure of one anyway, am I correct?"

Mr. Larson: "Yes." (R. 124).

From the above dialogue it is evident that there was at least one person who could speak fluent Spanish at the APA office during the period when Mr. Toscano applied for financial assistance. The record also shows that the APA office personnel would ask for an interpreter to assist them if someone came in the office who was unable to speak English. (R. 112 and 113). Therefore, if Mr. Toscano's application was filled out at the APA office there would have been an interpreter available to him. (Note: It is not clear from the record whether Mr. Toscano filled out his financial application at the Migrant Council's office or at the APA's office.)

Appellant also makes the statement that the record shows him to be without faults in applying for financial assistance. Such a finding was never made by the trial judge. Judge Calvin Gould only determined that the respondent did not carry his heavy burden of proving appellant's fraud by clear and convincing evidence. (See Schwartz v. Tanner, 576 P.2d 873 (1978), for burden placed on one proving fraud). Thus, not being able to prove the

heavy burden of fraud, does not mean the appellant was without fault. The Washington Supreme Court stated the following concerning one's burden in providing fraud:

Fraud, therefore, is never presumed; to be clear, cogent and convincing, the evidence must be greater than a mere preponderance. Markov v. ABC Transfer & Storage Company, 76 Wash.2d 388, 457 P.2d 535,539 (1969).

In the present case, respondent was unable to prove more than a preponderance; still substantial evidence and testimony was presented at the trial showing that Mr. Toscano was not blameless when he supplied the inaccurate information on his financial application. Below are a few of the points showing that Mr. Toascao was not without fault:

(1) Millie Rodriguez Valencia, a member of the Migrant Council who speaks Spanish notarized appellant's financial aid application (R. 143 and 145);

(2) An interpreter whose native language is Spanish was available to assist the appellant in filling out his financial assistance application at the APA office (R. 123 and 124);

(3) On all of appellant's applications and re-applications for public assistance, Mr. Toscano answered all of the questions correctly except the question that would make him ineligible for financial assistance (R. 119 and 120); and

(4) If Mr. Toscano did not understand a question on

the financial assistance application as it was being interpreted for him then he should have made some effort to have the question clarified or at the very least he should have let the interpreter know that he didn't understand the question.

Maybe, the above are not enough to meet the heavy burden of proving fraud; however, the above points should indicate that Mr. Toscano was not without fault in supplying the incorrect information.

Appellant, in Point II of his brief also makes a policy argument that the respondent should not be allowed to collect administrative error overpayments. First of all, Utah Code Annotated, Section 55-15a-24 specifically authorizes the Department to collect administrative overpayments. Second, there is no evidence or finding by the court that this matter was in fact an administrative error. Third, with the non-reporting of ownership of a home, with the state not having knowledge of the ownership, administrative error is a false classification anyway. As such, respondent rejects this argument as totally improper.

As the United State Supreme Court said:

Conflicting claims of morality and intelligence are raised by opponents and proponents of almost every measure, certainly including the one before us. But the intractable economic, social, and even philosophical problems presented by public welfare assistance programs are not the

business of this Court....

In the same case the United States Supreme Court reiterates the same point by stating:

...the Constitution does not empower this Court to second-guess state officials charged with the difficult responsibility of allocating limited public welfare funds among the myriad of potential recipients. Dandridge v. Williams, 397 U.S. 471, 487 (1970).

Funds paid to a recipient which should not be paid because of ineligibility takes away from those who legitimately deserve aid. Appellant is requesting this Court to legislate whether the state should collect the overpaid funds as was evidenced at trial. That is not the purpose of this court.

In the case of Trade Commission v. Skaggs Drug Centers, Inc.,

21 Utah2d 431, 446 P.2d 958 (1968) this court said:

Cognizant of the contending forces, we must realize the field in which the court operates is limited. It does not lie within the province of the court to pass upon the wisdom, the need or the desirability of any legislation, nor to choose between two opposing political philosophies. It is not the function of the court to ameliorate the conditions of those in want, nor is its purpose to solve the economic, social or religious problems and dissensions which beset society. The court is not the conscience of the State or its people. It does not fall within its duty to express the personal desires or philosophy of its personnel.

The court does not determine who is large or who is small nor who is rich or who is poor. It operates upon

a state of facts to effect justice between contending parties and interests all in accordance with established legal and equitable rules and regulations.

The court must voluntarily restrain itself by holding strictly to an exercise and expression of its delegated or innate power to interpret and adjudicate. We have been called upon to state what the law is and not what we think it should be. The question as to whether the statute in question is or is not economically sound or beneficial is not for the court to decide, but such an inquiry is a matter for the legislature. (Emphasis added.)

See also Gord v. Salt Lake City, 20 Utah2d 138, 434 P.2d 449 (1967); Great Salt Lake Authority v. Island Ranching Co., 18 Utah2d 45, 414 P.2d 963, rehearing 18 Utah2d 276, 421 P.2d 504 (1966).

Therefore, respondent respectfully urges this Court to pass the issue of the feasibility or the wisdom of collecting administrative error overpayments since that was not an issue at trial.

POINT III

APPELLANT'S ARGUMENTS THAT WERE NOT RAISED IN THE PLEADINGS NOR PUT IN ISSUE AT THE TRIAL CANNOT BE CONSIDERED FOR THE FIRST TIME ON APPEAL.

The arguments raised in appellant's third and fourth points as well as this request for relief sought regarding retroactive benefits, are being presented for the first time on appeal. These arguments were never placed in issue in any

form through pleadings, motions, or at the trial. The Utah Supreme Court has stated the following concerning matters raised for the first time on appeal; "matters neither raised in the pleadings nor put in issue at trial cannot be considered for the first time on appeal." Wagner v. Olsen, 25 Utah 2d 366, 482 P.2d 702, 704 (1971). See also, Park City Utah Corp. v. Ensign Co., 586 P.2d 450 (Utah 1978); Edgar v. Wagner, 572 P.2d 405 (Utah 1977) and others too numerous to cite.

In reiterating this position, the Utah Supreme Court stated the following in a recent welfare fraud decision: "We have consistently held that matters not raised in the trial court will not be considered by this Court on appeal." Department of Social Services v. Lester Romero a/k/a Ralph G. Romero, No. 16551, Slip op. at 2 (Utah, filed March 20, 1980).

Regarding the relief sought on appeal, there has never been any showing that the appellant was ever denied any benefits which could be considered retroactive. The record is void of any such evidence. The evidence, in fact, points to the situation that appellant received funds which the state is claiming he was overpaid. Respondent cannot understand how there could be "retroactive" payments since everything had been paid. The question is whether appellant should pay back the benefits received.

POINT IV

THE DOCTRINE OF EQUITABLE ESTOPPEL IS
NOT APPLICABLE TO THIS CASE.

Since the doctrine of estoppel is by its very nature equitable; it cannot be invoked unless the party asserting it is completely without fault. See Newton v. Hornblower, Inc., 224 Kan. 506, 582 P.2d 1136 (1978); Morgan v. Board of State Lands, 549 P.2d 695 (Utah 1976). In Point II of this brief, it was shown that the appellant was not completely without fault in his supplying the incorrect information on his financial assistance application. Thus, the appellant should not be allowed to use the doctrine of equitable estoppel in this case.

In addition, it is important to note that estoppels against the public are seldom allowed. *Corpis Juris Secundum* states:

Estoppels against the public are little favored. They should not be invoked except in rare and unusual circumstances, and may not be invoked where they would operate to defeat the effective operation of a policy adopted to protect the public. They must be applied with circumspection, and should be applied only in those special cases where the interests of justice clearly require it." C.J.S. §138 Estoppel 675, 676.

The present case is not one of those rare cases in which an estoppel should be invoked against the government because (1) the appellant was not without fault, (2) an estoppel in

this case would defeat the state's policy of collecting overpayments, (3) the state approved the appellant's financial assistance application without knowledge of its inaccuracy, and (4) "...an act or representation made through innocent mistake is not a ground for estoppel." 28 Am.Jur.2d Estoppel and Waiver §44 (1971).

In Morgan v. Board of State Lands, 549 P.2d 695, 697 (Utah 1976), this Court sets forth the elements of equitable estoppel as follows:

Estoppel arises when a party by his acts, representations, or admissions, or by his silence when he ought to speak, intentionally or through culpable negligence, induces another to believe certain facts to exist and that such other acting with reasonable prudence and diligence, relies and acts thereon so that he will suffer an injustice if the former is permitted to deny the existence of such facts. See also, J.P. Koch, Inc. v. J.C. Penney Co. Inc., 534 P.2d 903 (Utah 1975).

In the present case, it is clear that the appellant has failed to carry his burden of showing that the respondent intentionally or through culpable negligence induced the appellant to believe certain facts that did not exist. At most one could only argue that the respondent had made an innocent mistake in approving the appellant's financial assistance application. Even this argument is tenuous, because respondent would not have approved the application had appellant given the correct information concerning his

home in Muleshoe, Texas.

However, in regard to estoppel against an innocent mistake 28 Am.Jur.2d Estoppel and Waiver §44 (1971) states:

It is held that where the conduct or representation of the party sought to be estopped is due to ignorance founded upon innocent mistake, no estoppel will arise. Ordinarily, estoppel will not arise from a mutual mistake of the parties as to which they are equally at fault.

At most one could argue that the present case is a mutual mistake where both parties were at fault. However, even under this argument it would be extremely difficult to rationalize that appellant's fault in supplying incorrect information was less than or equal to respondent's fault in approving the financial aid application. Therefore, even under the most tenuous arguments the doctrine of equitable estoppel is not applicable to this case.

POINT V

APPELLANT'S INTERVIEW FOR FINANCIAL ASSISTANCE DID NOT INFRINGE ON APPELLANT'S RIGHTS OF EQUAL PROTECTION AND DUE PROCESS UNDER THE FOURTEENTH AMENDMENT.

Appellant begins the fourth point of his brief on the assumption that his interview for financial assistance was conducted in English. However, in making this assumption appellant fails to cite any part of the record substantiating his claim. In fact when the record is closely scrutinized the opposite is found to be correct. Although it is true

that appellant's financial aid application was approved by an English speaking individual, this does not mean the approval was conducted without the aid of an interpreter. The record shows that during the time the appellant applied for assistance, the APA office had an interpreter whose native tongue was Spanish. (R. 123 and 124). The record also shows that the interpreter would help non-English speaking individuals complete their public assistance forms. (R. 135).

In the present case it is not clear whether appellant's financial assistance application was completed at the APA office or at the Migrant Council office because the approval date of appellant's financial aid application was not the date when the application was filled out. (R. 127). The application was probably completed prior to the day or on the day it was notarized. On November 17, 1975, Millie Rodriquez Valencia, who reads and speaks both Spanish and English, notarized appellant's financial assistance application. (R. 143 and 145). Therefore, it is conceivable that Millie Valencia assisted the appellant in completing his financial assistance form. If Millie Valencia did not aid the appellant in filling out the form, then the next most likely place where migrants filled out public assistance forms was at the Migrant Council office. (R. 133 and 134). The Migrant Council kept public assistance forms in their

office and had an agreement between the APA office that their Spanish speaking employees would assist Spanish speaking migrants in completing their public assistance forms. (R. 133 and 134). If appellant's assistance form was completed without the help of Millie Valencia and the Migrant Council, then the form was completed with the help of an interpreter at the APA office. In any event, appellant's financial assistance application was not completed without an interpreter, for someone not knowing or understanding English certainly would not understand the form to answer the question regarding prior employment, insurance companies, or question 18 wherein is written by hand "Salvador P. Toscano - torn cartilage, left knee." The knowledge of such English words shows some knowledge or help.

In order to have this court rule as a matter of law that which appellant seeks, is not proper here. There is no evidence sufficient to support the contentions claimed. What appellant requests this court to hold (because this is all that the evidence supports) is that it is a denial of equal protection for a Spanish speaking person to be held accountable for filling out and application form. Such a request is beyond this case.

As has been pointed out, there is no evidence that a non-English speaking person helped fill out the form, or that the appellant filled it out himself. As such, appellant

desires this court to invent some facts which would substantiate his position. This should be rejected.

CONCLUSION

The appellant makes many assumptions throughout his brief which he fails to support by citing the record. As a result, when the record is carefully examined many of appellant's assumptions are found to be without foundation. For example, the record makes clear that the appellant had an interpreter available to him when he filled out his financial assistance application. (See Point V of this brief). However, even though appellant had an interpreter assisting him, he still supplied incorrect information concerning his home in Muleshoe, Texas. Since the incorrect information made appellant eligible for financial assistance, the State paid the same to him.

In this case the State is only collecting from the appellant, money which would have never been given to the appellant had the appellant supplied the correct information in the first place. Thus, a ruling in respondent's behalf will be a ruling in favor of giving assistance only to those that are entitled to receive it.

Respondent respectfully urges the court to sustain the lower court who was able to make its decision based on the evidence introduced.

Respectfully submitted,

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MAILING CERTIFICATE

I hereby certify that I mailed two true and exact copies of the foregoing Brief of Respondent, postage prepaid, to Utah Legal Services, Inc., Anthony J. Ayala, at 352 South Denver Street, Salt Lake City, Utah, 84111, on this the 28th day of May, 1980.


