

Desert Sun

Estimated printed pages: 3

August 13, 2005

Section: Opinion

Page: B6

Valley voice

Martin Brhel Jr.

Readers

The Desert Sun

How do you spell unjust enrichment?

By Martin Brhel, Jr.

Thomas Jefferson said it best. "The only purpose of government is to protect the people." And, I suppose it's safe to say that the corollary is true. When government fails to do its appointed job, its very reason for existing ceases. This truism does not restrict itself to just the federal government.

A local city that has been in the news of late more than it probably prefers is Desert Hot Springs. This little city with the spectacular view of the valley floor has been visible in part because of the controversy surrounding its immediate past city manager, Jerry Hanson.

The threshold question is whether Hanson has been the target of a witch hunt by his critics or whether criticism has yet to dive deep enough beneath the top layers surrounding his role as the appointed leader of that city.

Some view Hanson as having fleeced the city he was entrusted to lead. If so, has he been unjustly enriched? If he has, then only a court of competent jurisdiction can provide a remedy. The legal phrase for this sort of issue is quantum meruit, or reasonable value for services provided.

Only Desert Hot Springs has legal standing to complain. If the wool has been pulled over the City Council's eyes, does it not have a duty to obtain a refund for its constituents? Assuming that's true, those residents should be hopping mad and leave no stone unturned to obtain justice. (How do you spell recall election?)

Resume MIA

In one local article, Hanson is described as having a bachelor's degree in engineering, a master's degree in business administration and a law degree, although amazingly no resume for him is apparently in the possession of the city that compensated him so handsomely.

Without receiving a valid resume from Hanson, does this also mean that Desert Hot Springs failed to perform a routine background investigation prior to hiring him? Without this necessary document, how can anyone determine if the applicant's claimed education and experience is fact or fiction? Whom do they contact?

If Hanson's resume is missing in action, who is responsible? Please forgive my seeming skepticism, but I find it hard to believe that any public entity can be so incompetent as to not receive and scrutinize a job applicant's resume, especially when so much is at stake.

What I mean by "at stake" is more than simply the princely salary that Jerry Hanson was able to pull down. He was responsible for the welfare of the entire city of Desert Hot Springs for years to come. How many total dollars does that actually translate to, in terms of other contracts for service required for that community?

To the uninitiated, the thought might rise to the surface that Hanson is more than qualified to receive his benefit package, in that he's an engineer and a lawyer.