

## Schmidt, Melissa

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**From:** hgiese [hgiese@ameritech.net]  
**Sent:** Monday, October 25, 2010 3:49 PM  
**To:** Schmidt, Melissa  
**Subject:** RE: CCAP Committee

Here is the text of my letter to the committee.  
Thank you very much for including this.

October 25, 2010

Hon. Kelda Roys  
Chair,  
Special Committee on Review of Records Access of Circuit Court Documents

Dear Representative Roys:

I am the attorney for the Apartment Association of Southeastern Wisconsin, Inc. which is a trade group representing about 800 property owners/landlords. Most of our members are smaller operators who own just a few rental units.

Our Association and its members are very concerned about potential restrictions on their access to the CCAP system. Why are we concerned?

### **1, Screening of prospective tenants serves a community interest.**

Let's pass for the moment our parochial interest in accessing public record information on prospective tenants so that we can be assured they will pay their rent and be "good tenants." Existing tenants, the neighborhood around our rental properties and the broader community all have a vital interest in making sure that we thoroughly screen prospective tenants. If we don't, that neighborhood and the community suffer because someone who was a "problem tenant" -- due perhaps to a history of violence or drug use -- now brings those old problems to their new apartment.

### **2. Vacated and dismissed court cases (as concerns non-payment of rent) still provide guidance to landlords.**

One of the issues for your committee is whether records of vacated or dismissed court proceedings should still be accessible. When considering this issue in the context of eviction cases you should be aware that the overwhelming majority of eviction cases involve the non-payment of rent. Such cases (especially in Milwaukee county) will often be dismissed via a stipulation suggested by the court commissioner: The tenant agrees to move after getting a stay of the writ of restitution for perhaps ten days; the landlord accepts this instead of having to come back for a hearing before the judge and getting a formal judgment of eviction. The case is then dismissed, but of course the tenant's nonpayment of rent at their old apartment is still a valid concern when they are screened by a new landlord.

### **3. Restrictions on the general public's access to CCAP will bring back private businesses who will charge for CCAP searches.**

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Our Association once operated such a business as a subsidiary. It was called Landlord Information Services. Before the days of CCAP property owners had to pay for a search of court records. This caused a delay in screening tenants and overhead expenses which were passed on to tenants as part of an application fee. Restricting CCAP access just to attorneys, licensed entities or other "privileged" users will not make it impossible for ordinary small business operators to obtain that information, it will just make it more expensive.

#### **4. Conclusion**

We do not believe there is any injustice in allowing continued public access to eviction cases, especially since it is clear that there are very few "unjust evictions." Wisconsin has a strong tradition of open government. That tradition should be maintained to the fullest extent possible.

Respectfully,

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