

JUDICIAL & LEGISLATIVE COMMITTEE

DATE: Tuesday, June 22, 2021

TIME: 11 a.m.

LOCATION: Room 114, Wood County Courthouse

1. Call meeting to order.
2. Public comments. Now or at the time the item is taken up. Rules may apply.
3. Conditions on public access to Register of Deeds vault.
4. Adjourn.

Join by phone

+1-408-418-9388 United States Toll

Meeting number (access code): 146 955 6287

Join by WebEx App or Web

<https://woodcountywi.webex.com/woodcountywi/j.php?MTID=mdf569a70212ca6ae2fefc160501f0c25>

Meeting number (access code): 146 955 6287

Meeting password: JL0622



Wood County WISCONSIN

CORPORATION COUNSEL OFFICE

Peter A. Kastenholz
CORPORATION COUNSEL

April 8, 2021

SENT VIA EMAIL

Richard Bender
Attorney at Law
Bender and Bender
160 - 2nd Street North
Wisconsin Rapids, WI 54494

Dear Attorney Bender:

It has come to my attention that there have been disagreements between yourself and Wood County Register of Deeds Tiffany Ringer and her staff as to the management of the vault area of the Register of Deeds office. Ms. Ringer has asked that I follow up on this situation to provide clarity going forward.

First, as a general proposition, the Register of Deeds is responsible pursuant to Wis. Stat. s. 59.43(1c)(d) to "[k]eep safely and maintain the documents, images of recorded documents and indexes maintained" in the 'vault'. To that end, the Register of Deeds has discretion to set forth reasonable policies and procedures for those utilizing the vault area, so long as those policies and procedures are consistent with the performance of her duties. Essentially, the Register of Deeds is the keeper of the vault and you need to respect her responsibility in this regard.

An issue came up recently as to the ability to take pens into the vault. You have apparently done so historically and feel a need to continue to do so in order to efficiently perform your duties for your clients. As a fellow attorney, I can understand your frustration on the imposition of this apparently new rule and you questioning its validity. For your information, Wisconsin Administrative Code DHS 142 provides in relevant part as follows:

DHS 142.07 Conditions for users.

(2) CONDITIONS FOR REMAINING IN THE RECORD AREA. Within the records area, a person examining vital records:

(f) May use a pencil but not a pen...

(k) Shall comply with any conditions posted under s. DHS 142.05 (3) of the registrar's office that relate to handling vital records.

DHS 142.05 Registrars shall:

(3) Establish reasonable conditions consistent with this chapter for interested persons to examine and take notes from vital records, and post these conditions and the conditions under s. DHS 142.07 (1) in a conspicuous place in the registrar's office;

I write to you at this time, Richard, to ask that you not only comply with Register of Deeds Ringer's rule not to take pens into the vault area but to also comply with the other rules that she posts with respect to persons entering the vault. In order to avoid communication issues from arising in addressing concerns you may have as to these rules, I ask that you present any questions or concerns you have with said posted rules to me and not to Ms. Ringer or her staff.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. Kastenholtz". The signature is fluid and cursive, with a large, stylized initial "P" and "K".

Peter A. Kastenholtz
Wood County Corporation Counsel

cc: Tiffany Ringer via email
Lance Pliml via email
Adam Fischer via email
William Clendenning via email
William Leichtnam via email

Wisconsin Statute

59.43. Register of deeds; duties, fees, deputies

(1b) Definition. In this [*** section](#), “book~~***~~,” if automated equipment is used, may include forms, tab or **(1c) Register of deeds; duties.** Subject to sub. (1m), the register of deeds shall:

(d) Keep safely and maintain the documents, images of recorded documents and indexes mentioned in this section and in s. 84.095 in the manner required.

Wisconsin Administrative Code

DHS 142.01. Authority and purpose.

This chapter establishes procedures for controlling access to paper records of births, deaths, fetal deaths, marriages, divorces and annulments that are maintained on file in the offices of local registrars or the department, for the purpose of protecting these vital records from mutilation, alteration or theft. The chapter is promulgated under the authority of [ss. 69.02 \(2\)](#) and [69.20 \(4\)](#), Stats.

DHS 142.03. Definitions.

In this chapter:

(5) “Records area” means a designated area in a registrar’s office where vital records are stored and where they are made available for public use.

(10) “Vital record” means a certificate of birth, death, divorce or annulment, a marriage document or a fetal death report, including related data.

DHS 142.05. Duties of registrars.

Registrars shall:

(1) Permit persons who want to examine and take notes from public indexes and examine and take notes from vital records to do those things but under the conditions set out in this chapter and subject to the restrictions in ch. 69, Stats., and any other statute which limits access to all or parts of certain records and to types of records;

(3) Establish reasonable conditions consistent with this chapter for interested persons to examine and take notes from vital records, and post these conditions and the conditions under s. DHS 142.07 (1) in a conspicuous place in the registrar’s office;

(4) Verify the identity of every person who asks to enter the records area to examine and take notes from vital records and maintain a sign-up system for record users, allowing signers the option of making their names available to others or not;

- (5) Provide a place outside the records area for record users to store their coats and briefcases, purses, bags and other handcarried items at their own risk;
- (7) Prevent public access to legally confidential materials, and in this regard properly maintain public indexes to exclude legally confidential information;
- (8) Maintain general surveillance of vital record users;
- (9) Limit the number of record users admitted to the records area at one time to a number that is compatible with the available space and facilities and that can be subject to surveillance. In this connection a registrar may require appointments and may set reasonable limits on the time the record user spends in the records area;

DHS 142.07. Conditions for users.

(1) Conditions for admission to the records area. To be admitted to the records area, a person wanting to examine vital records:

- (a) Shall register to examine and take notes from vital records by providing to the registrar or the clerk on duty in the registrar's office his or her name and address, and identification of the records to be searched such as by individual or family relationship;
 - (b) Shall present satisfactory proof of identity to the registrar or clerk on duty in the registrar's office;
 - (c) Shall read the conditions for examining and taking notes from vital records established under s. DHS 142.05 (3) and this section and sign an agreement that he or she has read the conditions and agrees to abide by them;
 - (d) May not bring children under the age of 12 into the records area;
 - (e) May not bring food or beverages into the records area;
 - (f) May not bring a coat or a purse, briefcase, bag or other handcarried item into the records area;
- and
- (g) May not bring a private copy machine or camera into the records area.

(2) Conditions for remaining in the record area. Within the records area, a person examining vital records:

...

- (f) May use a pencil but not a pen;
- (g) May not write on a record;
- (h) May not alter, mutilate or destroy a record;

...

(k) Shall comply with any conditions posted under s. DHS 142.05 (3) of the registrar's office that relate to handling vital records.