

**COURT OF APPEALS
DECISION
DATED AND FILED**

August 27, 2009

David R. Schanker
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2008AP1548

Cir. Ct. No. 2007CV995

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

STATE OF WISCONSIN EX REL. NORMA GUERRERO,

PLAINTIFF-APPELLANT,

v.

**CITY OF KENOSHA HOUSING AUTHORITY AND CITY OF KENOSHA
HOUSING AUTHORITY BOARD OF COMMISSIONERS,**

DEFENDANTS-RESPONDENTS.

APPEAL from an order of the circuit court for Kenosha County:
DAVID M. BASTIANELLI, Judge. *Reversed and cause remanded with
directions.*

Before Dykman, P.J., Lundsten and Higginbotham, JJ.

¶1 PER CURIAM. Norma Guerrero appeals from an order affirming a decision of the City of Kenosha Housing Authority Board of Commissioners. The

dispositive issue is whether the City of Kenosha Housing Authority provided Guerrero with a sufficient termination notice. We conclude it did not, and we reverse.

¶2 In this certiorari review, Guerrero first argues that the Housing Authority's termination notice dated December 1, 2006, did not provide sufficient notice under the standards described in *Driver v. Housing Authority*, 2006 WI App 42, 289 Wis. 2d 727, 713 N.W.2d 670. We agree.

¶3 The notice was a preprinted check-box form. The box was checked for "unauthorized tenant living in the assisted unit." That provision then explains Housing Authority policy about changes to occupants, but contains no information specific to this case. Further down, the box was also checked for "other," with a text entry stating: "Unauthorized person is Brian Liddell." The notice provides no information regarding a time period for the alleged Liddell occupancy, or what evidence the Housing Authority had to support this allegation.

¶4 The Housing Authority argues that we should allow the notice to be supplemented by two letters it had previously sent to Guerrero. Even if we assume, for purposes of this appeal, that under the *Driver* decision, the notice may be supplemented with other written material in this manner, the letters are also inadequate. The first letter, dated October 25, 2006, states that it "was brought to our attention" that two unauthorized persons, Liddell and another, were living in the unit. However, the letter did not state what evidence this allegation was based on, or name any specific time period.

¶5 The second letter, dated November 13, 2006, pointed out perceived inconsistencies in documents Guerrero had provided about Liddell, but again it did not state what evidence there was of his living there. As to a time period, the letter

demanded two address verifications for Liddell, “one from April 2006 and one from September 2006.” This statement does nothing to explain whether the termination was ultimately made for one of these time periods, or for some longer time period that included both months.

¶6 Because we conclude that the termination notice was insufficient, we need not address other issues that were argued on appeal. We reverse and remand with directions for the circuit court to grant appropriate relief consistent with our conclusion.

By the Court.—Order reversed and cause remanded with directions.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

