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**DISTRICT II**

November 13, 2013

To:

Hon. James L. Carlson  
Circuit Court Judge  
Walworth County Courthouse  
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Clerk of Circuit Court  
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You are hereby notified that the Court has entered the following opinion and order:

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2013AP322

Margaret L. Pulera, M.D. v. Benjamin J. Coopman  
(L.C. # 2012CV1319)

Before Brown, C.J., Reilly and Gundrum, JJ.

Margaret Pulera appeals from a circuit court order dismissing her petition for judicial review of a resolution of the Rock County Board of Supervisors addressing a redesign of a portion of a county highway. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. WIS. STAT. RULE 809.21 (2011-12).<sup>1</sup> We affirm.

On July 12, 2012, the Rock County Board of Supervisors approved a resolution that precluded a proposed redesign of County M at the Rock-Walworth County Line Road

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<sup>1</sup> All subsequent references to the Wisconsin Statutes are to the 2011-12 version.

intersection and directed that the roadway be repaired instead of redesigned (the first resolution). On October 25, 2012, the board passed a second resolution that reversed the first resolution and required implementation of the proposed redesign. On November 8, Pulera filed a petition for judicial review of the second resolution claiming *inter alia* that the proposed redesign endangers traffic flow. Pulera sought relief pursuant to WIS. STAT. §§ 68.06, 68.13, 82.15 and 82.16 (2011-12) and asked the circuit court to reverse the second resolution.

The circuit court dismissed Pulera's petition because WIS. STAT. §§ 82.15 and 82.16 did not apply. The court characterized the board's second resolution as a legislative act of the municipality and held that WIS. STAT. § 68.03(1) precludes review of legislative acts. Pulera appeals.

The statutes determine the outcome of this appeal. Pulera brought her petition against Rock County.<sup>2</sup> However, a county is not one of the entities subject to WIS. STAT. ch. 82; ch. 82 applies to cities, villages and towns. WIS. STAT. § 82.01(6). Even though WIS. STAT. § 82.15 permits a person aggrieved by a highway order to seek judicial review under WIS. STAT. § 68.13, the ability to seek judicial review is granted within a chapter of the statutes that does not apply to counties. And, WIS. STAT. § 68.13 does not apply because § 68.03(1) bars review of "a legislative enactment," defined as "an ordinance, resolution or adopted motion of a governing body of a municipality." There is no question that the Rock County Board of Supervisors is a municipal governing body, WIS. STAT. § 68.04, and that the board's second resolution is a

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<sup>2</sup> While Pulera designated Benjamin Coopman, Director of Public Works, Rock County Highway Department, as the respondent on her petition, there is no dispute that Pulera sought review of an action of Rock County via its Board of Supervisors.

legislative enactment within the meaning of § 68.03(1). As applied to Pulera's petition, the provisions of WIS. STAT. ch. 68 and ch. 82 do not conflict, and they preclude the relief Pulera seeks.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*