



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT IV**

January 24, 2020

To:

Hon. Anna L. Becker  
Circuit Court Judge  
Jackson County Courthouse  
307 Main St.  
Black River Falls, WI 54615

Mark A. Radcliffe  
Radcliffe Law Office, S.C.  
131 Main Street  
P.O. Box 789  
Black River Falls, WI 54615-0789

Jan Moennig  
Clerk of Circuit Court  
Jackson County Courthouse  
307 Main St.  
Black River Falls, WI 54615-1776

Steven J. Peplinski

You are hereby notified that the Court has entered the following opinion and order:

---

2018AP2386

Village of Taylor v. Steven J. Peplinski (L.C. # 2018CV105)

Before Blanchard, Kloppenburg, and Nashold, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Steven Peplinski, pro se, appeals a circuit court order awarding reasonable attorney's fees to the Village of Taylor. This appeal arises out of an action brought by the Village against Peplinski for building code violations related to construction work conducted at 121 2<sup>nd</sup> Street in the Village of Taylor. After reviewing the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. We summarily affirm.

Peplinski has filed a brief presenting two issues for appellate review. We will discuss each issue in turn. The Village informed this court by letter that it has elected not to file a responsive brief.

First, Peplinski argues that the circuit court acted unreasonably in setting a deadline for razing the building located at 121 2<sup>nd</sup> Street. However, it is undisputed that Peplinski has already razed the building. Therefore, the first issue presented for review is moot, and we need not consider it. “An issue is moot when its resolution will have no practical effect on the underlying controversy.” *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis.2d 685, 608 N.W.2d 425. Moot issues generally will not be considered by an appellate court. *See id.*

Second, Peplinski argues that the circuit court erroneously exercised its discretion and acted arbitrarily when it awarded attorney’s fees to the Village of Taylor, due to Peplinski’s filing of a frivolous motion. The court’s order for fees states that Peplinski’s “[m]otion is frivolous for the reasons set forth on the record in Court on Nov. 9, 2018.” Electronic docket entries indicate that the hearing on November 9, 2018, pertained to a motion for relief pending appeal filed by Peplinski. However, Peplinski did not provide this court with a transcript of the hearing. It is the appellant’s duty to ensure that the record is sufficient to address the issues raised on appeal. *See State Bank of Hartland v. Arndt*, 129 Wis. 2d 411, 423, 385 N.W.2d 219 (Ct. App. 1986). In the absence of a transcript, we must assume that every fact essential to sustain the circuit court’s exercise of discretion is supported by the record. *Austin v. Ford Motor Co.*, 86 Wis. 2d 628, 641, 273 N.W.2d 233 (1979).

On the limited record before us, there is no basis upon which to conclude that the circuit court erroneously exercised its discretion or acted arbitrarily when it found Peplinski's motion for relief pending appeal to be frivolous and awarded the Village its reasonable attorney's fees.

IT IS ORDERED that the order is summarily affirmed under WIS. STAT. RULE 809.21(1).

IT IS ORDERED that this summary disposition order will not be published.

---

*Sheila T. Reiff*  
*Clerk of Court of Appeals*