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DISTRICT III

April 7, 2026

To:

Hon. Scott J. Nordstrand
Circuit Court Judge
Electronic Notice

Clayton Patrick Kawski
Electronic Notice

Kristi Severson
Clerk of Circuit Court
St. Croix County Courthouse
Electronic Notice

Pat Schottler
1479 160th St.
New Richmond, WI 54017

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

2025AP119

Pat Schottler v. The Department of Transportation - Secretary Craig
Thompson (L. C. No. 2022CV212)

Before Stark, P.J., Hruz, and Gill, 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).

Pat Schottler, pro se, appeals from an order denying his consolidated petitions for judicial review of two administrative decisions issued by the Department of Transportation (DOT) on April 27, 2022, and December 7, 2022, which denied successive applications Schottler filed seeking to obtain a new driver's license. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ We affirm on the grounds that the petitions attempted to raise a

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

time-barred issue. Additionally, as a sanction for Schottler's repeated attempts to litigate that time-barred issue before this court, we will institute a filing ban on future appeals attempting to raise the same issue.

The procedural background for this appeal includes some facts outside of the current record that were established in two prior appeals. See *Schottler v. DOT Secretary*, No. 2020AP840, unpublished op. and order (WI App June 22, 2021) (*Schottler I*), and *Schottler v. DOT Secretary*, No. 2022AP1479, unpublished op. and order (WI App Apr. 30, 2024) (*Schottler II*). Because our decision in this case and our imposition of a filing ban rely in part upon such facts, we take judicial notice of the prior appeals, including documents included in their records. See WIS. STAT. § 902.01(2).

On March 3, 2014, based upon an accident investigation during which Schottler admitted to having been sleep deprived at the time of an accident, a county sheriff submitted to the DOT a "Driver Condition or Behavior Report" questioning Schottler's fitness to drive. In response, the DOT required Schottler to submit special examination forms pursuant to WIS. STAT. § 343.16(5)(a), addressing whether Schottler had a sleep disorder or a "mental/emotional" issue that rendered him unfit to drive. After Schottler failed to submit the requested special examination forms, the DOT cancelled Schottler's driver's license on April 11, 2014, pursuant to WIS. STAT. § 343.25(7).

Schottler wrote the DOT a series of letters objecting to the cancellation of his license and eventually submitted a general medical examination form signed by Dr. David DeGear. DeGear concluded that Schottler did not have a sleep disorder that rendered him unfit to drive, but he did not address the "mental/emotional" issue identified in the cancellation order. Based upon the

nature of Schottler's correspondence, the Medical Review Unit in the DOT's Division of Motor Vehicles requested DeGear's additional opinion as to the necessity of a psychiatric evaluation of Schottler. DeGear responded that Schottler had been "seeing things that are not documented to be present," which the doctor believed could indicate either psychological or possibly neurological issues. On March 13, 2015, the DOT notified Schottler that he would need to obtain additional psychological and neurological examinations and submit the corresponding special examination forms before the DOT would consider Schottler's eligibility to have his driver's license reinstated.

On March 11, 2019, Schottler filed a petition in the circuit court challenging the DOT's refusal to grant him a hearing to review its 2014 cancellation of his driver's license. In *Schottler I*, this court determined that Schottler was not entitled to a DOT hearing or other relief under WIS. STAT. § 227.53(1)(a) because he did not timely seek judicial review of the cancellation decision.

Following the denial of his first appeal, Schottler wrote the DOT a letter asserting that the cancellation of his driver's license and the subsequent requirement that he obtain a psychological examination to reinstate it were unconstitutional. By letter dated December 9, 2021, the DOT refused to further address whether Schottler's license had been properly cancelled, and it reiterated that Schottler could reinstate his driver's license at any time by submitting psychological and neurological evaluations showing that he was fit to drive. Schottler filed a petition seeking judicial review of the December 9 letter, which the circuit court denied. In *Schottler II*, this court determined that the DOT's December 9 letter did not constitute a substantively new administrative decision subject to judicial review under WIS. STAT. § 227.52

because it merely reasserted the basis for the prior cancellation decision and what steps Schottler would need to take to obtain relief from the cancellation decision.

On April 22, 2022, Schottler submitted an application form to the DOT seeking a new driver's license. The DOT once again advised Schottler that his eligibility to have a driver's license would not be considered until he submitted special examination forms showing that he was psychologically and neurologically fit to drive. When Schottler refused to submit the special examination forms, the DOT denied his application for a new license in a letter dated April 27, 2022. In another letter dated May 26, 2022, the DOT also denied Schottler's request for a hearing on its denial of his new license application. Schottler then filed a petition for judicial review of the DOT's April 27, 2022 decision, which was designated St. Croix County Case No. 2022CV212.

While Case No. 2022CV212 was pending, Schottler made an additional request for a new driver's license, which the DOT denied on December 7, 2022. Schottler filed another petition for judicial review of the denial of his second request for a new driver's license, which was designated St. Croix County Case No. 2023CV21.

The circuit court consolidated Case Nos. 2022CV212 and 2023CV21, and it denied both petitions in a single order. The court concluded that the issues Schottler was attempting to raise

again related back to the 2014 cancellation of his driver’s license and were therefore time barred. Schottler then filed this appeal challenging the dismissal of Case No. 2022CV212.²

In his brief to this court, Schottler identifies two enumerated issues, or “case questions,” as he terms them. First, he questions whether there is any statutory authorization for requiring him to submit to a psychological or neurological examination before he can obtain a new driver’s license. Second, he questions the accuracy of the circuit court’s identification of the statutory authority the DOT has relied upon to deny his driver’s license applications. As relief, Schottler demands that the DOT be required to issue him a new driver’s license “without any examinations.”

The DOT Secretary characterizes Schottler’s petition in Case No. 2022CV212 as another attempt to challenge the 2014 order cancelling his driver’s license pursuant to WIS. STAT. § 343.25(7), and the Secretary therefore contends that the petition should be dismissed as untimely. Schottler contends that he is instead challenging new administrative decisions that denied his 2022 applications for a new driver’s license under WIS. STAT. § 343.26.

Under WIS. STAT. § 343.25(7), the cancellation of a driver’s license based upon a person’s failure or refusal to submit to an examination under WIS. STAT. § 343.16(5)(a)—i.e., an examination to determine whether any physical or mental disability or other condition might prevent a currently licensed driver or applicant for a driver’s license from exercising reasonable and ordinary control over a motor vehicle—“shall continue until compliance with the order has

² Although Schottler refers to the DOT’s December 7, 2022 letter throughout his brief, his notice of appeal does not identify Case No. 2023CV21 as a subject of this appeal. We note that the same rationale we apply for affirming the circuit court order in Case No. 2022CV212 would apply to the court’s order in Case No. 2023CV21.

been made or the order is rescinded.” Under WIS. STAT. § 343.26(1), any person whose license has been cancelled may apply for a new license at any time. Upon receipt of a postcancellation application and payment of all required fees, the DOT shall issue or refuse issuance of a new license just as with an original application. *Id.* As part of this process, however, the DOT also may require the applicant to submit to an examination under § 343.16. Sec. 343.26(1).

Here, we note that Schottler is not alleging that the DOT denied his 2022 applications for a new driver’s license because it actually determined that he was unfit to drive—which we agree would constitute a new administrative decision. Nor is Schottler alleging that the DOT deemed inadequate any psychological and neurological examination forms Schottler submitted in conjunction with his 2022 applications—which also would constitute a new administrative decision. Rather, Schottler challenges the DOT’s requirement that, as part of his 2022 application processes under WIS. STAT. § 343.26, Schottler needed to submit to psychological and neurological examinations under WIS. STAT. § 343.16 before the DOT would even consider his eligibility for a new license. But that is *not* a new administrative decision. Pursuant to WIS. STAT. § 343.25(7), that requirement has been in effect since 2015 and will remain in effect until Schottler complies with it or the DOT rescinds it.

We see nothing in WIS. STAT. § 343.26—which explicitly authorizes the DOT to require a postcancellation applicant for a new driver’s license to submit to an examination under WIS. STAT. § 343.16—that would prohibit the DOT from basing its current examination requirement on a condition previously imposed in order for Schottler to apply for a new driver’s license. To the contrary, allowing a postcancellation applicant to obtain a new driver’s license without such compliance would render meaningless the language in WIS. STAT. § 343.25(7) that a cancellation “shall continue until compliance with the order has been made.”

As we have previously determined, Schottler did not timely seek judicial review of the DOT's requirement that he submit to psychological and neurological examinations. We therefore conclude that Schottler is also time barred from challenging that continuing requirement in the context of each new application he makes for a new driver's license.

Finally, we observe that Schottler's continued attempts to litigate variations of the same issue have become abusive. A court faced with a litigant who has engaged in a pattern of frivolous litigation has the inherent authority to implement a remedy that may include restrictions on that litigant's access to the court. *Minniecheske v. Griesbach*, 161 Wis. 2d 743, 748, 468 N.W.2d 760 (Ct. App. 1991). Otherwise, such abusive litigants may compromise the fair administration of justice by forcing the court to devote its limited resources to processing repetitive and frivolous requests. *In re Anderson*, 511 U.S. 364, 365 (1994) (per curiam).

One method of limiting an abusive litigant's access to the court is to require the litigant to obtain prior approval for any future filings, on a case-by-case basis, so as to prevent additional frivolous suits. *Village of Tigerton v. Minniecheske*, 211 Wis. 2d 777, 785-86, 565 N.W.2d 586 (Ct. App. 1997). In *State v. Casteel*, 2001 WI App 188, ¶25, 247 Wis. 2d 451, 634 N.W.2d 338, we fashioned an order that required an abusive litigant to submit, in connection with any new notice of appeal, an affidavit including statements setting forth the grounds upon which the litigant was seeking relief in the new appeal and showing how the issues sought to be raised differed from issues previously raised and adjudicated in prior appeals. We conclude a similar restriction on Schottler's filings is warranted here.

Upon the foregoing,

IT IS ORDERED that the circuit court order denying judicial review of the DOT decisions dated April 27, 2022, and December 7, 2022, is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that, due to abusive repetitive attempts to raise time-barred challenges to a DOT requirement that he submit to psychological and neurological examinations as a precondition for consideration of his eligibility to have his driver's license reinstated, Pat Schottler is barred from filing any future appeals that are premised on such a challenge. To effectuate this ban, Schottler must submit, with any new notice of appeal he files, an affidavit with statements identifying the issues upon which he is seeking relief in the new appeal and explaining why those issues are not premised upon any time-barred challenge to a prior DOT decision. If Schottler fails to either submit the required affidavit or make the necessary showing, this court will refuse to accept the new appeal for filing.

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

Samuel A. Christensen
Clerk of Court of Appeals