Building Inspectors Association
Northeastern Wisconsin Organized 1971

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Minutes: September 3, 2026

Business Meeting - President, Luke Fischenich called the meeting to order at 9:00 AM with 27 members present.

Member Introductions - Members introduced themselves. One new member, Tyler Fager, DePere.

Approval of Minutes - A motion was made to approve the June 4, 2026 minutes. The motion received a second and carried.

Executive Committee Reports:

Treasurer's Report - Matt Bablitch presented the treasurer's report. A motion was made to approve the report. The motion received a second and passed. Financials available upon request.

Bylaws - Nothing to report.

Code Coordinating - Dennis Jensen and Randy Dahlmer said things are quiet with the state. Electric code change as of September 1, 2026. Plumbing still had work to do. NEC updates schedule on same day as Bianew on October 1, 2026.

Secretaries Report - Nothing to report.

A HUGE THANK YOU to everyone that responded to affected municipalities after the July 27, 2026 tornado.

Guest Speaker: Thank you to Doug for arranging the presentation by Matt Parmentier of Dempsey Law Office. The firm has offices throughout Wisconsin, approximately 70 employees, and represents approximately 125 municipalities. Matt has 17 years of experience in municipal law and works closely with building inspectors on a variety of legal and enforcement matters.

Matt explained that the presentation was not intended to be a building code seminar, but rather a discussion from the legal perspective of what happens after an inspection or enforcement matter progresses. His role is to take the municipality's documentation and evidence and present a case before a judge or jury, sometimes years after the initial inspection.

When to Contact Your Municipal Attorney

Matt emphasized the importance of contacting the municipal attorney early in the enforcement process. Inspectors should reach out when:

- Access to a property has been denied.
- A stop-work order, raze order, or other enforcement action may displace occupants or shut down a business.
- A property owner has retained an attorney or indicates they intend to involve one.
- An ordinance is being applied in a new, unusual, or ambiguous situation.
- There is uncertainty about whether an ordinance applies to a particular property.
- Legal documents have been served.
- The property involves a legally sensitive use, such as a church, school, or group home.

Matt also reminded attendees to be mindful of Wisconsin's Open Records Law and to always consider who may ultimately review their communications.

Inspectors should maintain thorough records and document every step of the enforcement process. He also stressed the importance of staying within their municipality's jurisdiction and not becoming involved in matters outside their municipality.

Documentation and Notices of Violation

Matt stressed that thorough documentation is critical to successful enforcement. All communications, inspection findings, and enforcement actions should be documented and preserved.

He recommended documenting statements or admissions made by property owners or other parties, including those made on social media. Screenshots should be saved, with the date and location of the statement recorded.

The initial notice of violation should be clear, concise, and properly documented. Matt recommended that the notice:

- Be issued in writing by one individual.
- Identify each violation separately and cite the applicable ordinance section.
- Include a clear compliance deadline.
- Explain the consequences of failing to comply.
- Be delivered using a method that allows the municipality to demonstrate that it was sent.

Certified mail may be appropriate in certain circumstances. Matt also discussed regular USPS mail and the potential presumption of receipt under Wisconsin law. An affidavit of mailing may provide additional documentation.

Inspection Warrants – Wisconsin Statute § 66.0119

Matt reviewed the inspection warrant process under Wis. Stat. § 66.0119. Inspection warrants may be used for a broad range of purposes, including building, electrical, plumbing, fire, health, safety, zoning, and assessment inspections.

Before seeking an inspection warrant, the municipality must demonstrate that consent to inspect was requested and refused. Inspectors should document all attempts to obtain consent, including any failure to respond within a specified time-frame.

Matt discussed obtaining an inspection warrant through circuit court or a municipal judge under applicable statutory authority, including Wis. Stat. § 755.045.

When executing an inspection warrant, inspectors should:

- Identify the ordinance being investigated in the supporting affidavit.
- Have law enforcement accompany the inspector when appropriate.
- Provide a copy of the warrant to the property owner before the inspection.
- Execute the warrant promptly and complete the required return from the officer.
- Remain within the scope of the warrant and inspect only what is authorized.

Conducting and Documenting Inspections

Matt emphasized the importance of thorough, objective, and systematic inspection documentation.

Inspectors should:

- Record what was inspected, including the date and time of arrival and departure.
- Photograph conditions systematically, using measurements or reference objects to establish scale.
- Document anything that could not be observed and explain why.
- Clearly distinguish observations from conclusions.
- Prepare reports as soon as possible while the details are still fresh.
- Explain the reasoning behind each finding and provide sufficient detail to support the determination.
- Preserve all records, including emails, text messages, photographs, and other communications.

Matt stressed that reports should focus on specific observations and detailed findings rather than unsupported conclusions. Inspectors should clearly explain the “why” behind their findings.

Municipal Court vs. Circuit Court

Matt discussed the distinction between municipal court and circuit court in enforcement matters.

- Municipal Court: Generally handles ordinance violations and the imposition of fines.
- Circuit Court: May issue orders requiring corrective action, including the removal of work or cessation of an unlawful use.

Matt explained that equitable relief under Wis. Stat. § 755.045 is sought through a court of record. This is why enforcement matters requiring an order to correct a condition, remove work, or stop a use may need to proceed in circuit court.

Litigation and the Importance of Reporting

Matt emphasized that inspectors must be prepared to defend their findings and documentation in court, potentially years after the original inspection.

He reminded attendees that the documentation created today may be relied upon in 2029 or beyond. Litigation can continue for several years, personnel may change, and memories will not improve over time. In some cases, the written record may be the only reliable evidence available.

Inspectors should be prepared to:

- Authenticate exhibits and supporting documentation.
- Confirm that photographs fairly and accurately depict the conditions observed.
- Explain the inspection process and the basis for their findings.
- Provide clear and consistent testimony.
- Participate in required court proceedings, including in-person testimony when necessary.

Matt noted that the "long middle" of litigation can be challenging, making accurate and timely reporting essential.

Special Administrators and Properties Without an Available Owner

Matt discussed enforcement challenges involving properties where the owner is deceased or otherwise unavailable. In certain situations, a special administrator may be appointed to address the property and allow the enforcement action to proceed.

Key Takeaways

Matt concluded by emphasizing the importance of early legal consultation, thorough documentation, objective reporting, and preserving all records.

The primary takeaway was that the quality of an enforcement case depends heavily on the documentation created by the inspector. Inspectors should assume that their reports, photographs, communications, and findings may be reviewed in court years after the original inspection. Clear, detailed, and timely documentation is essential to protecting the municipality and supporting successful enforcement.

Old Business - Nothing to report.

New Business -

Winter code updates - September 2, 2026.
Commercial IEBC training October 1st - $20 for members
League of Municipalities is a couple of weeks away - CU's 12 hours for UDC and Commercial.
November Susan Lasecki Iconic Structures
Annual meeting Thursday Dec 3rd. at the Trout Museum Appleton 9:30 - 12:30.

Adjourned - 12:50 p.m. The motion received a second and carried.

Respectfully Submitted,
Lori Fulcer
BIANEW Secretary

Website: www.bianew.org