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Kentucky Board of Home Inspectors
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VOTING MEMBERS
Welford "Bud" Wenk, Chair
Mitch Buchanan, Vice Chair
Steven Cunningham
Larry Joe Walden
Paul Ogden

STAFF
Nathan L. Burton, Board Administrator
Heather L. Becker, General Counsel

May 21st, 2019
10:00

BOARD MEETING MINUTES

A regular meeting of the Board of Home Inspectors was held at 656 Chamberlin Avenue, Suite B in Frankfort, Kentucky on May 21, 2019.

MEMBERS PRESENT

Mitch Buchanan, Vice Chair
Steve Cunningham
Larry Joe Walden
Paul Ogden

KENTUCKY REAL ESTATE AUTHORITY

Heather L. Becker, General Counsel
Nathan L. Burton, Board Administrator

MEMBERS ABSENT

Welford "Bud" Wenk, Chair,

GUESTS

Travis Ellis- Blue Line Home Inspections
Steve Keeney- Professional Learning Institute KBHI Education Provider

CALL TO ORDER AND GUEST WELCOME

Vice Chairman Buchanan called a regular meeting of the Kentucky Board of Home Inspectors to order at 10:15 a.m. on May 21st, 2019. Board Chair Bud Wenk was absent, but the remaining four (4) members were present established a quorum. Introductions were made, and guests in attendance were welcomed.

Review and Approval of Meeting Minutes

A motion was made by Member Ogden and seconded by member Cunningham to approve the regular April 16th, 2019 meeting minutes. All in favor, the motion carried.

Review Financial Report



The board reviewed the financial report on the current status of the fiscal claims for the board. There was no action necessary to approve.

Licensure Report

Board Administrator Nathan Burton gave the licensure report. As of May 21, 2019 there are 490 Active Licensees, nine (9) active pending renewal. In addition, there are eight (8) inactive licensees, and eleven (11) pending initial applications. Two (2) licensees were Inactive for Non-Renewal. The total licensure report being 522 licensees.

Applications Committee Report

Member Buchanan, of the Applications Committee, reported the following committee recommendations:

Thirteen (13) Initial License applications were reviewed. Twelve (12) of the thirteen (13) were recommended for approval, with the other deferred for administrative approval after necessary documentation was supplied.

Nine (9) License Renewal Applicants were reviewed. Eight (8) were recommended for approval, and the other recommended deferred for administrative approval after necessary documentation was supplied.

Member Buchanan made a motion to accept the recommendations of the Applications Committee, and Member Cunningham seconded. All in favor, the motion carried.

Legal Report

Counsel Becker shared that she has spoken to the opposing counsel on the InterNACHI case, and that they are in general in agreement with our settlement terms. However, the opposing counsel wants clarify language regarding any future claims. Counsel Becker is working on the language for the agreement.

Counsel Becker also stated we currently have three (3) pending complaints. One is waiting on the settlement agreement, one is held in abeyance, and one is a new one that will be on the next month's (June) agenda.

Counsel Becker stated she will forward the Distance Education regulations for review to the Board Members for the other boards, so that there could be better "Cross Pollination" between the four boards of the Authority as to education. This will be discussed in the June meeting.

Counsel Becker then reintroduced the topic of the board newsletter, and requested that each individual's piece be at most 200-250 word count. This is to ensure we can fit everyone's information into the newsletter. Member Buchanan raised a concern that we (the Board) needs to possibly have someone specifically to help with the newsletter. Counsel Becker stated we had a staff member with a journalism background, however, she needs the members to submit their items to her for review.

Due to recent inquires made to the Board, member Buchanan stated he believes it would be best if, at least once a month, the Board send out a notification to all licensees that includes common issues that come up in complaints. One of the main issues he mentioned is that "A licensee cannot perform repairs for compensation until at least 12 months after the date of the inspection report" This seems to be a reoccurring issue, and it would be advisable to make licensees aware. Counsel Becker stated that the best option would

be to have, after each monthly Board meeting, a “Common issues that arise” informational established by the complaints committee to be distributed to licensees. A “tip of the month” would be useful to communicate better to licensees.

Online Renewals have also officially launched, but as of yet there had not been any beta testers. We (the Board) will discuss this more in detail at the June meeting. We (the Board) will have I.T come and do a presentation on how the Board members will review information.

Nathan Burton will coordinate the PSA releases that were discussed in the April Meeting.

Counsel Becker mentioned the press release of the new regulations will be going out to all licensees soon if it has not already done so.

Board Administrator Report

Board Administrator Nathan Burton gave the Board Administrator report:

- Wagner FBI Review- This will be deferred to Executive Session
- Chris Farver Inquiry- A license applicant contacted the board on the status of his application. He had applied in July of 2018, and needed to redo the pre-licensing education. Board Administrator Nathan Burton needed clarification on whether or not the licensee needed to re-submit an application, as he had just passed Pre-Licensing in the previous week. The Board stated that because it was ruled in the July meeting that the application was deferred until receipt of the approved pre-licensing, and since the licensee in question submitted current background checks, they did not need to reapply, and the license could be granted.
- Reciprocal Licensing Information- Member Ogden submitted a spreadsheet of what each state requires for their licensing of Home Inspectors. We will discuss this information in the next meeting whenever the Board has time to review the information. Counsel Becker advised that the Board may need to revise the statute of reciprocal licensing, as it is currently very restrictive, in order to grant the requests of individuals seeking reciprocity.
- I.T meetings- Board Administrator Burton gave each Board member a packet of how to complete the online renewal process, from the Board’s perspective. This will be discussed when there is a demonstration from the resident I.T department. Counsel Becker reiterated that we had a successful meeting with the I.T department, however, she wanted to make the Board aware of the following:
 - Portal Administration Fee- This is an administrative fee charge by the third-party vender of the website. The Kentucky Board of Home Inspectors does not receive these funds. Kentucky Interactive charges this fee, and the fee seems to be around eleven (11) dollars depending on how long the renewal is for. Counsel Becker and Board Administrator Burton will check with the I.T department to make sure this fee is only during the renewal transaction.
 - The Board needs to clarify on how many board members needs to be filed to “Approve” a renewal application. This is for the reason the Online Renewal will follow the same practice as currently established. The purpose of the online renewal is so that they are not holding up the processes, and as such if we are holding the application until the board meeting, it would not make sense to push the online processes.

Discussion ensued on the reason the Board established the Inspection Report be submitted during the time of the renewal. Member Buchanan advised the reason behind this was because they (The Board) wanted to review the reports, mainly for the individuals licensed under five years, to ensure the Standards of Practice were being followed, thus protecting the public at large from possible issues arising from Home Inspections. While this was an accurate reason to ask for the reports, Counsel Becker stated that they may want to revisit this idea for the sole reason that it slows down the processing times of individuals. The board members agreed that we can discuss this issue at a later time, when all members are present.

- Board Administrator Burton then advised the Board that as we are switching to an online system both they and all able licensees would need to establish an Online Services Account and portal, mirroring the Real Estate Portal. An Online Portal in this context is an Online Account with the Department of Professional Licensing system that a licensee can then use to monitor and change his licensing information. Through this account, all the licensees will then provide an email to which all Kentucky Board of Home Inspector correspondences can be sent to electronically.

Furthermore, Board Administrator Burton sought advice on the licensing cards provided to all licensees. Burton stated that one aspect of the Online Services account is that each individual licensee could show or print their own license card as needed, as it is accessible to them through the Online Portal. Burton gave each board member a sample of what the licensing card would look like through the Online Portal, and asked if it would be an acceptable “card” for the licensees. The Board agreed that the Online Card would be acceptable.

- Counsel Becker advised that since there are statutes and regulations that say “To do (insert action here) you must submit your licensing card, and if you do not have a licensing card, you must submit a notarized statement as to why” the board would want to review these statutes and regulations to create provisions that allow this process to be enveloped in the Online Services Account.

Board Chair Comments

As Board Chair was not present, member Buchanan just mentioned that Chair Wenk just said to make sure to get all the newsletter and personal information in for the next (June) board meeting.

New Business

There was no new business at this time

Open Forum- Public Comments

Member Ogden opened the floor for discussion by asking a question of Steve Keeney, PLI provider, which was that he needed clarification on the implication of the Standards of Practice each Home Inspector must follow while writing their inspection reports. Mr. Keeney stated that as long as the individual reports the minimal conditions of the items that are a mandatory subject of inspections then the Standard of Practice is met. However, it usually benefits the individual licensee to be more detailed in the reports. Member Buchanan raised the concern that there have been individuals who have turned in a minimum type report, basic information, and it would probably be applicable the Board send out a notification, or include in the Newsletter, on having an effective report. Having a satisfactory answer, there were no further questions.

Executive Session Legal Matters and Case Deliberations

At 11:17 a.m., Member Buchanan moved to enter executive session pursuant to KRS 61.810 (1) (c) and (j) and (k) and KRS 61.815 to deliberate on an individual adjudication and review records exempt from public disclosure pursuant to 61.878 (1)(k) and (l) relating to criminal record prescreen of the applicant Wagner. Member Ogden seconded, and the motion carried.

At 11:35 a.m. Member Ogden moved to come out of Executive session, and Member Buchanan seconded. The motion carried.

Once executive session was adjourned, Member Ogden made a motion for Counsel to pursue information regarding one of the charges against said applicant, and confer with Chair Wenk regarding the information discussed in Executive Session. Member Buchanan seconded, and the motion carried.

Travel and Per Diem

Member Buchanan made a motion to accept the travel and the per diem of the board, and Member Walden seconded. The motion carried.

Meeting Adjournment

As there was no further business to discuss, Member Cunningham Moved to Adjourn at 11:54 a.m. The motion was seconded by Member Walden, and the motion carried.