



**Andy Beshear**  
Governor

**Kerry B. Harvey**  
Public Protection Cabinet

**Robert Astorino**  
Kentucky Real Estate Authority

**Kentucky Board of Home Inspectors**  
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**VOTING MEMBERS**  
Mitch Buchanan, Chair  
Paul Ogden, Vice Chair  
James (Jim) Chandler  
Mark Hiten

**STAFF**  
Nathan L. Burton, Board Administrator

**August 18 2020**  
**10:00 a.m.**

### **SPECIAL BOARD MEETING MINUTES**

A special meeting of the Board of Home Inspectors was held at via video teleconferencing on Tuesday, August 18, 2020 under the special meetings provisions as set forth in KRS 61.823 in response to the Covid-19 pandemic.

#### **MEMBERS PRESENT**

Mitch Buchanan, Chair  
Paul Ogden, Vice Chair  
James (Jim) Chandler  
Mark Hiten

#### **KENTUCKY REAL ESTATE AUTHORITY**

Nathan L. Burton, Board Administrator  
John L. Hardesty, General Counsel, KREA  
Robert Astorino, Executive Director, KREA

#### **GUESTS**

Steve Keeney

#### **CALL TO ORDER AND GUEST WELCOME**

Board Chair Buchanan called a special meeting of the Kentucky Board of Home Inspectors to order at 10.03 a.m. All members were present and a quorum was established.

#### **Swearing in of New Members**

New members Mark Hiten and James (Jim) Chandler were sworn in as members to the Kentucky Board of Home Inspectors by a Kentucky notary public.

#### **Review of voting record of July Meeting**

Because of the re-swearing in of Mark Hiten and Jim Chandler, the Board reviewed their votes from the July meeting. A motion was made to adopt all action voted on at the July meeting. The motion was seconded and having all in favor, the motion passed.

#### **Approval of July Minutes**

The Board reviewed the July Board meeting minutes. A motion was made to approve the minutes. The motion was seconded and having all in favor, the motion passed.

#### **Financial Report**

The Board reviewed the KBHI financial report for the month of July.



## **Licensure Report**

Board Administrator Burton made the report that as of August 18, 2020, there were 561 Active Licensees, 16 Inactive licensees, 8 are inactive for non-renewal (as of before the COVID crises), and 12 are pending Board Review, with a total of 597 Home Inspectors.

## **Applications Committee Report**

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

The Applications Committee reviewed four pending applications and moved to approve all four. The motion was seconded. All in favor, the motion carried.

## **Education Committee Report**

The Education Committee provided the following report and recommendations.

The Education Committee also provided a report on its review of the proposed revisions to the Education, Licensing, and Complaint regulations. The Committee's changes will be implemented, at which time all Board members should review the new proposed regulations in detail and provide substantive feedback, suggestions, and revisions.

## **Complaint Review Committee**

The Complaint Review Committee did not meet in the month prior to this meeting. The Board decided to review Complaints in executive session during the full Board meeting.

## **KREA Executive Director Comments**

KREA Director Robert Astorino addressed the Board and stated that he is excited about the initiatives the Board is focusing on, including the proposed regulatory changes and exploration of an apprenticeship program.

## **KREA Legal Update**

John Hardesty, the Counsel for the KREA gave the following report:

### **- InterNACHI Litigation**

Mr. Hardesty informed the Board that he obtained dismissal with prejudice of the 2018 lawsuit filed by InterNACHI against the Board related to use and approval of InterNACHI's standards of practice. The case is now closed.

### **- COVID-19 Education Memo and Action**

The Board was concerned about the ability of licensees to complete continuing education and renewals in light of the COVID-19 restriction and Executive Orders, so it desired to explore options for extending the renewal deadline and allowing courses otherwise required to be in person to be offered virtually for the duration of the state of emergency. After lengthy discussion and input from General Counsel and the Board Administrator, the Board decided on the following action.

- (1) Effective August 18, 2020, KBHI suspended application of 831 KAR 2:040(11)(5) and 831 KAR 2:040(4)(4)(a), which require licensees to complete the continuing education courses established in 831 KAR 2:040(11)(3)(a) and (b) face-to-face and not by online means, until further notice. KBHI authorized licensees to complete the courses required by 831 KAR 2:040(11)(3)(a) and (b) through virtual and/or online means. To



facilitate the online delivery of these courses, KBHI authorized its education providers to administer the 831 KAR 2:040(11)(3)(a) and (b) courses by virtual and/or online means until further notice.

- (2) Effective August 18, 2020, KBHI suspended the application of 831 KAR 2:040(11)(2)(a) and 831 KAR 2:040(11)(2)(b) as they relate to continuing education requirements for licensees whose renewals and continuing education are or were due in the licensee's birth month of calendar year 2020. For licensees with renewals due in calendar year 2020, KBHI extended the renewal and continuing education deadline for those licensees to December 31, 2020.
- (3) Due to KBHI's actions as described in paragraph (2), above, effective August 18, 2020, KBHI rescinded the resolution it passed at its March 2020 meeting, which extended the deadline for all renewals until sixty (60) days after the Governor lifts the State of Emergency.

A motion was made to take the action described in paragraphs 1-3, above. The motion was seconded. Having all in favor, the motion passed.

#### - **Complaints**

A motion was made for the Board to enter executive session, pursuant to KRS 61.878(1)(k) and (l) and to KRS 61.810, (1)(c), 1(j), and 1(k), to deliberate on individual adjudications, proposed or pending litigation, and to review records exempt from public disclosure, including the following complaints. The motion was seconded. Having all in favor, the motion passed and the Board entered executive session.

- 20-KBHI-001
- 20-KBHI-002
- 20-KBHI-003
- 20-KBHI-004

A motion was made for the Board to come out of executive session and return to regular session. The motion was seconded. Having all in favor, the Board returned to regular session.

- 20-KBHI-001 – A motion was made to send this complaint to the respondent for a response. The motion was seconded. Having all in favor, the motion carried.
- 20-KBHI-002 - A motion was made to send this complaint to the respondent for a response. The motion was seconded. Having all in favor, the motion carried.
- 20-KBHI-003 – Board member Paul Ogden recused himself from discussion of this case. A motion was made to request a supplement from the complainant to establish how the complaint was timely under the one year statute of limitations. The motion was seconded. Having all in favor, the motion passed.
- 20-KBHI-004 - A motion was made to dismiss this complaint. The motion was seconded. Having all in favor, the motion carried.

#### **Board Administrator Report**

- **Regulation Updates** – The Board Administrator provided an update regarding the work he, the staff, and the education committee have done revising three regulatory sections – 831 KAR 2:020 (Licensing requirements), 831



KAR 2:030 (Standards of Conduct, Complaints, and Discipline), and 831 KAR 2:040 (Education and testing requirements and providers). Revisions will be made to the drafts based on the discussion with the Education Committee, at which time the revised drafts will be sent to Board members for review and to provide substantive input.

- **Newsletter-** The Board Administrator asked once more for all of the members of the board to submit items for a newsletter to him.
- **AHIT Certification Class** – Early in the pandemic, AHIT conducted a virtual, as opposed to in person, session of a certification class for students, which is prohibited by KBHI. AHIT now claims it misunderstood the Executive Orders and thought it was permitted to take such action. It has requested the Board grant its students credit for the course. After discussion, a motion was made that the Board would provide credit to the students for the course only if AHIT would refund the students’ course fee. The motion was seconded. Having all in favor, the motion passed.’
- **Apprenticeship Program** – The Board continued its discussion of the need for an apprentice licensing program to allow certain individuals who desire additional training to serve as an apprentice under a licensed Home Inspector before going out on their own. The Board Administrator informed the Board he had begun drafting statutory and regulatory changes for such a program. However, the Board decided it needed to discuss further before determining how best to move forward on this issue.

#### **Motion to Approve Timesheets**

A motion was made to approve timesheets. The motion was seconded. Having all in favor, the motion passed.

#### **Meeting Adjournment**

As there was no further business to discuss, a motion was made to adjourn. The motion was seconded and the motion carried.

