

MINUTES - AGENDA

CBA Real Estate Law Section Council
Date: Tuesday, August 20, 2019 – 3:00 p.m.

Colorado Bar Association
1290 Broadway, Ste. 1700
Denver, Colorado 80203

Call to Order – Suzanne Leff 3:01 p.m.

1. **Introduction of guests and all attendees** – Suzanne Leff
2. **Approval of May Minutes** – Suzanne Leff –approved unanimously
3. **Financial Report** (\$75,219.11 as of May 31, 2019) – Melinda Pasquini – High balance because all July expenses not yet reflected, including costs of Symposium. Also, most income for entire year is reflected with annual dues payments. Suzanne – For future budgets, we will be evaluating additional activities that may provide more value for our members.
 - a. **Chair’s Report** – Suzanne Leff.
 - b. Symposium Recap – Thank you. Thank you to speakers, bed bugs, Joey Lubinski fill-in, etc. 407 people in attendance (average 405 in past). Good reviews. Some would like to see beginner track, which would require a change in the current facilities. Polls in between sessions were good considering first time included in Symposium, but there is room for growth in terms of increasing participation in polls. Bridgett Shephard – thank you for organizing a Symposium that ran incredibly smoothly. Many ideas for 2020. Reviews very positive. Consistent attendance year after year really great. 20% new time attendees. Discussion regarding trends of first time attendees, how many Symposiums, how often attend, and other statistics. This is the largest section event of the year. The Opportunity Zones (“OZ”) presentation speakers would like to find a way to engage real estate attorneys throughout the State. Still trying to figure out engagement in OZ at state level. State looking at small OZ grants to assist in finding investors for projects. Working on a list of approved vendors who can consult on OZ and real estate and business attorneys would be great volunteers. Specifically, they are looking for those who may be associated with Limon, Ft. Morgan and Walsenburg affordable housing projects with OZ. Would also like to find people who are experienced in entitlements in these areas and affordable housing procedures to coordinate with OZ process.
 - c. Committee Appointments – Ms. Leff has most committee preference sheets and is working on committee assignments.
 - d. Section Nonrenewals – July 1st is the start of bar year and time for renewal. Not all members have renewed. All Section Council members must have dues paid to be on RESC. When first looked at non-renewal numbers, they seemed high, approximately over 100 non-renewals. We have, however, made up non-renewals with new members. Will look again after another month and start contacting those who have not renewed.

ACTION ITEMS

4. **CCIOA Task Force** – Suzanne Leff – Governor vetoed bill that would have renewed licensing for community association managers. Executive Order issued that requires formation of a stakeholder group. DORA has formed this stakeholder group. 4 stakeholder meetings centering around Managers as well as being more transparent with owners. One meeting related to CCIOA. touches on CCIOA plus uniform act changes. Appropriate for RESC to look at CCIOA and address issues more proactively. Convene a task force charged with attending stakeholder meetings, report back to RESC, review CCIOA and proposed changes and potential issues. Chris Payne volunteered to chair task force. Objectives are to be engaged in stakeholder process and review CCIOA in connection with new CCIOA. Motion made to form task force chaired by Chris Payne. Second. Unanimously Approved.
5. **New Liaison Positions** - Suzanne Leff
 - a. **Regional Liaison** – This position serves in the role of engaging attorneys outside of Denver metro area who may have different interests and needs. Doug Tueller based in Telluride has brought a different perspective while he was on RESC. Mr. Tueller identified priorities: engaging other attorneys on local/regional issues and communicate back to RESC, getting input on legislation from attorneys outside of metro area, identify good nominees to serve on RESC from outside of metro area. Appoint Mr. Tueller as initial regional liaison (under article 8 of bylaws can make new liaisons – approval of RESC for new liaison). Robin Nolan asked if liaison would be a person who brings info back to attorneys in Telluride. Doug Tueller said both inbound and outbound feedback and eventually model for other regions in the State. Chuck Calvin mentioned Mr. Tueller should identify other people for other areas of the state. Suzanne Leff stated this is already a CBA model for different regions and mirroring CBA regions. Motion for Chair to authorize a new Regional liaison. Second. Unanimously Approved.
 - b. **Professional Organization Liaisons** - Professional associations that we may align with on various real estate and legislative issues. Not specific to one professional organization but a liaison role for section members who already belong to other professional organization. For example, Damian Cox and CAR (Colorado Association of Realtors). Proposal to create Professional Liaison Position, the first position with CAR and Damian Cox as initial liaison. CAR approached RESC on this. Attend CAR/RESC meeting and report back to interface between professional organizations. One liaison for each professional organization. Start with CAR and consider additional liaisons for the future. Chuck Calvin – survey of RESC to identify organizations RESC members are involved with. Motion to create a professional liaison position to CAR from RESC with Damian Cox as the liaison. Second. Unanimously approved.
6. **Title Standards Table of Contents:** Approval for publication – Suzanne Leff – Ms. St. Paul requested permission to publish CO title standards table of contents. Motion to approve. Second. Unanimously Approved.

REPORTS AND INFORMATIONAL ITEMS

7. **Attorney Certification on Fort Collins Plats** – City of Ft. Collins requires Attorney representation on plats that all parties with an interest in plat have signed and have authority to sign. Chuck Calvin is only aware of Ft. Collins doing this and they do not allow you to change. Since on plat could be in privity with anyone since of record. Some firms will not do it and hire local Ft. Collins counsel. There are people who will sign off and Land Title product for insurance for attorneys signing off. Another alternative is to negotiate indemnity with client. There was a discussion on whether we should coordinate with local bar to determine if there have been any issues with this. Not a new problem but continues to come up. Julie Waggoner pointed out that opening discussions could risk other municipalities adopting a similar approach as Ft. Collins.
8. **Franklin Credit Management Corporation v. Galvan (Colorado Court of Appeals, July 11, 2019)**: Judgment liens on real property and request for Amicus Brief - Geoff Anderson's client on losing side may authorize a petition for cert. No judgment necessary to exercise writ of execution on real property. There was a discussion on whether this is an issue for RESC to weigh in on and it was noted that the creditor's bar believed the reasoning in the opinion seems correct.
9. **Landlord/Tenant Legislation**: Aurora Eviction Case and Late Fees – Jean Arnold – Landlord/Tenant legislation – now a potential class action suit pending. Late fees, service fees, and owing more in fees than rent itself. Case states fees are interest and usury. This could come up in legislation session.
10. **Short Term Rentals** – Jean Arnold – Indictment of couple for misrepresentation on primary residence to get around Denver short term rental ordinances. Denver is actually enforcing this as a criminal indictment claiming false affidavits were signed by the couple.
11. **Acronym Glossary for Orientation Manual** – Melinda Pasquini – RESC acronyms – Work on a way to post a glossary for everyone to add to.
12. **Education/Topical Lunches Committee** Melinda Pasquini (Amy Brimah, Ron Jung)

September Lunch on Affordable Housing

October – Special Districts and Finance

November – Mechanic's lien basics

Requests for December and January luncheon ideas
13. **Communications** Directors: Melinda Pasquini and Doug Tueller

Communications Committee (RE Section Web Page (COBAR)/Newsletter/Web Discussion Group)

Newsletter- short content articles for Fall newsletter Melinda Pasquini (Amy Brimah, Brianna Dowling)

Julie Waggoner– Ideas on materials for leading issues during recessions and getting ahead re: bankruptcies/foreclosures work outs and other areas that become more active during recessions.

14. **Education/CLE Committee** Jim Meseck – Oct. 17 for Fall update, municipality update, short term rentals panel, book program - foreclosure today and upcoming community association law.
15. **Colorado Lawyer Committee** Doug Tueller (Bryan Schwartz, Robin Nolan)
Affordable Housing series. 2nd publication this month. Land Trust article – may need new author. More articles forthcoming. Had to interface with Colorado Lawyer to secure space for all articles.
16. **Community Service/Charitable Committee** Robyn Kube (Bryan Schwartz, Brianna Dowling)
Action Center School Supply Drive at Symposium - Jean Arnold took all school supplies to Action Center. \$350 in cash and \$189 in kind donations. Sent out a second ask after symposium to donate online. Next time put up link on screen during symposium so people can donate online. Idea to train LL/Tenant lawyers at St. Francis Legal Clinic or create a training for this. Joey Lubinski had interest from lawyers transitioning out of practice.
17. **Membership and Practice Development Committee** Robyn Kube (Amy Mowry, Ron Jung)
Ideas: reach out to Northern bar association to broaden base; overlap with charitable committee and “ask-a-lawyer” nights
18. **Interprofessional Committee** Robyn Kube (Robin Nolan)
Meeting this last week – LTAC – planning for legislation session and remote notary.
Stakeholder meeting for affordable housing.
Mortgage lenders association – remote notary and what to do.
Real Estate Commission – emergency rule making and long term planning for transitional licensing.
Coalition of Appraisers – licensed appraisers cannot do HUD work per federal legislation.
Division of Insurance – 811 legislation – clarification on closing fees.
Vacancy on title insurance committee – contact Robin Nolan.
CAR – Community association shareholder meeting – stay away from rent control but promote affordable housing – CAR CO Real Estate Lawyer 50 state survey re: affordable housing,
19. **CBA Title Standards** Catherine Hance

Working on comments in connection with Title Standards dealing with powers of attorney.

20. **CBA Trust and Estate Section** Chad Rounds

Met earlier this month.

Deed subcommittee updating fiduciary related deeds; in a few months draft deeds ready to distribute to RESC for comments.

Stakeholder meetings re: guardianship, conservator and receivership issues – ways to improve system to protect public through policy.

Trust and Estate Section evaluating future of list serve. Trust and Estate Section pays for their own list serve. The question is whether to switch to CBA community or stay on old list serve. Some people really like the old list serve. The old list serve is paid through December for the T&E Section.

21. **CBA Business Section** Chris Payne

Inactive

22. **CBA Forms Committee** Damian Cox

Real Estate Commission approved new rules – promulgated changes to broker disclosure forms.

Commission would like forms committee to create Bill of sale and Four deeds.

23. **CBA Young Lawyers Division** Liz Deline

Coordination with YLD re: real estate CLE's. I.e. basic track for Symposium. Separate real estate CLE for YLD. Quarterly or 2/year. Liz no more than 2/year. Once in spring, once in Fall. Engage local bar associations outside metro Denver. Dovetail with new regional liaison.

INACTIVE

24. **CBA Legislative Policy Committee** Jean Arnold

25. **CBA Tax Section** Tyler Murray

26. **Board of Governors** Katy Dunn / Dan Sweetser

27. **CBA Cannabis Law Committee**

28. **CBA Ethics Committee** Deanne Stodden

29. **Colorado Housing Council** Melinda Pasquini

30. **Affordable Housing Task Force** Doug Tueller

31. **CBA ADR/Mediation Committee**

Geoff Anderson

32. **CBA Eminent Domain Committee**

Jody Alderman

ADJOURN 5:02 p.m.

ATTENDANCE ROSTER
Real Estate Law Section Council
August 20, 2019
COLORADO BAR ASSOCIATION

NAME	PRESENT	EXCUSED	ABSENT
Officers:			
Suzanne Leff – Chair	X		
Jean Arnold – Vice Chair	X		
Melinda Pasquini - Secretary	X		
Katy Dunn – Board of Governors Representative Phone	X		
Members:			
Adam Aldrich (2022)	X		
Amy Brimah (2020)	X		
Erin Clark (2022)		X	
Brianna Dowling (2021)	X		
Ron Jung (2021)	X		
Robyn Kube (2020)		X	
Jim Meseck (2021)	X		
Amy Mowry (2020)		X	
Robin Nolan (2021)	X		
Angela Schmitz (2022)	X		
Bryan Schwartz (2020)	X		
Jeremy Syz (2022)	X		
Committees / Liaisons:			
Chuck Calvin – Legislative Policy Committee Liaison	X		
Chad Rounds – Trusts and Estate Liaison	X		
Damian Cox – Forms Committee Liaison	X		
Deanne Stodden – Ethics Committee Liaison		X	
Catherine Hance – RE Title Standards Liaison	X		
Jody Alderman – Eminent Domain Committee Liaison			X
Chris Payne – Business Section Liaison	X		
Tyler Murray – Tax Section Liaison			X
Chris Levkulich – Tax Section Liaison			X
Liz Deline – YLD Liaison (phone)	X		
Diana Mendez - YLD Liaison			X
Catherine Hance –RE Title Standard Committee	X		
Joey Lubinski – Immediate Past Chair	X		
Staff & Guests:			
Jess Ham	X		
Amy Sreenen (CBA)			X
Jeremy Schupbach (CBA)			X
Bridgett Shephard (CLE)	X		
Julie Waggoner, Past Chair RESC	X		

Doug Tueller Phone	X		
Dan Sweetser, Past Chair RESC			X
Chuck Calvin, Past Chair RESC	X		