

## MINUTES - AGENDA

**CBA Real Estate Law Section Council**  
**Date: Tuesday, June 18, 2019 – 3:00 p.m.**

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

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**Call to Order** - Joey Lubinski 3:03 p.m.

1. **Introduction of guests** - Joey Lubinski

2. **Approval of May Minutes** - Joey Lubinski

Approved.

3. **Financial Report** (\$75,219.11 as of May 31, 2019) - Jean Arnold

4. **Chair's Report** – Joey Lubinski

a. Landlord-Tenant Law **June 13, 2019** with the Hispanic Bar: 13 people that were not Section Council members attended. Good dialogue and discussion. Email exchanges and follow up afterwards – a good event for engagement. Cole Woodward would like to do another mixer like this in the future with the social and educational elements.

b. Cohen v. Chernushi – 10<sup>th</sup> Circuit Opinion (Bankruptcy) Involving Joint Tenancy. Cert. Petition filed with SCOTUS. Member Andy Toft reports that Cert. was denied.

c. Title Standard was approved. See further discuss below in the Committee Reports.

### ACTION ITEMS

5. **Thank you to “graduating” Council Members (future involvement)** Joey Lubinski

We are waiting on the cubes for your desks – thanking you for your service. We have 4 people who have dedicated time to this Council for the past 3 years: Doug Tueller; Robyn Kube; Damian Cox; Melinda Pasquini. Everyone is interested in continuing in an active capacity. So this is not goodbye - but a transition.

6. **Election to fill 2019-2020 term of Jed Sonnenshein** (resigned in May 2019). Jean Arnold

The Council has a one-year opening to fill to complete the last year of Jed Sonnenshein's term. Doug Tueller and Robyn Kube have both expressed interest in filling the remaining one-year term. Ms. Kube and Mr. Tueller spoke about the Council and their qualifications to serve out Mr. Sonnenshein's term. Ms. Arnold reviewed the Bylaws and procedure for filling vacancies on Council:

In the event of a vacancy created by operation of this Section 4.4 or any other circumstance, the remaining members of the Council shall elect, by majority vote at a meeting in accordance with Section 10.3, a member of the Real Estate Section to fill such vacancy and to serve for the unexpired term of the office or Council position vacated.

Robyn Kube will fill Mr. Sonnenshein's position – she won by one vote (with one Member abstaining).

Suzanne will contact Doug Tueller about a Liaison position.

7. **Governor's Veto of HB1212 Community Association Managers** Suzanne Leff

Governor Polis vetoed the HB1212 – the veto was a surprise as Suzanne Leff has seen the value of licensing. The Governor vetoed 3 different licensing programs – this is one of them. DORA has issued guidance that they will not be doing anything to regulate managers. The Executive Order issued by the Governor establishes a stakeholder process.

Stakeholder Meetings – DORA is soliciting participants and Joey Lubinski has signed up for the CBA. CCIOA is opened up for evaluation.

Mr. Lubinski must get CBA backing for any position, but RES is interested in this issue. Real Estate would like to convene a task force on CCIOA. Before the licensing act, there was a task force on CCIOA issues. Super-priority issues with the mortgage lenders. Ms. Leff wants to know who would like to serve on the CBA task force. Please contact her if you would like to serve.

Chris Payne is interested in serving on the Task Force. Initial licensing bill – Real Estate Commission staff were involved in managing the public outreach and had a survey.

Suzanne Leff will circulate the survey and everyone can take the survey that DORA is circulating. Part of the issue is that the UCIOA has been updated and recently undergone a review. Therefore a broader Task Force on CCIOA is relevant and could open up a variety of issues. Mr. Lubinski reports that one of the UCIOA committees was a “study” committee and came up with a 50-page report and would serve CBA well to begin the review.

**REPORTS AND INFORMATIONAL ITEMS**

8. **Title Insurance Commission** – Open Positions through DORA Robin Nolan

9. **Legislative Update** - Governor's Veto (see above) Jean Arnold

10. **Education/Topical Lunches Committee** Melinda Pasquini (Amy Brimah, Ron Jung)

Have speakers through the end of the year. The North area meeting worked very well – and the Committee would like to repeat. There was no drop in attendance due to two lunches in one month because we were drawing on different parts of the Metro Area.

11. **Communications** Directors: Melinda Pasquini and Doug Tueller

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

Melinda Pasquini (Amy Brimah, Brianna Dowling)

The Newsletter will be sent out before the Symposium.

12. **Education/CLE Committee** Damian Cox (Amy Mowry, Jim Meseck)

October 17 Fall update. Finalizing speakers.

Symposium – 229 people registered. 87 rooms left for one night and 92 left for two nights.

13. **Colorado Lawyer Committee** Doug Tueller (Bryan Schwartz, Robin Nolan)

Affordable Housing series. Will have first article next month. Publication is on schedule.

14. **Community Service/Charitable Committee** Robyn Kube (Bryan Schwartz, Brianna Dowling)

Action Center School Supply Drive at Symposium

15. **Membership and Practice Development Committee** Robyn Kube (Amy Mowry, Ron Jung)

List of lawyers to provide to Realtors. Liz Deline sent the format for the brochure that will be on the website – needs some updates. CBA has not responded yet. Could post on the list serve. Jess could also send out a Section-wide email blast. Could also put in the Newsletter.

16. **Interprofessional Committee** Robyn Kube (Jed Sonnenshein, Robin Nolan)

No meeting.

17. **CBA Title Standards** Catherine Hance and Geoff Anderson

June 4, 2019: Executive Committee of the CBA approved the change RESC made to Title Standard XIV - unanimously. The only other item of note was a comment by Patrick Flaherty that the Bylaws changed in 2017 so that the Executive Committee can now approve all title standards without the need to go the Board of Governors. So that should streamline the approval process for future standards.

Title Standards is looking for projects and topics.

Melinda Pasquini: Mineral title standards is of interest – North Dakota title standards are very helpful.

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

Does not meet in June and July.

Successful retreat in Santa Fe in June. Working on real estate related forms that are used in the trust and estate area. Chad will bring the deeds in the Fall to share with the RESC. T&E Section

– Uniform Law is coming out with an act for electronic Wills. Jeremy has been discussing with T&E. Big issue down the road.

19. **CBA Business Section** Chris Payne

Mr. Payne reports: Aging lawyers and closing of solo and small firm practices could be a possible topic for joint meeting or luncheon. Mr. Payne reports that last year, the Office of Attorney Regulation Counsel:

Reviewed 3,586 requests for investigation against lawyers

and

Inventoried 5,890 client files for attorneys who died, became disabled, or who could otherwise no longer handle their professional responsibilities.

The Colorado Bar faces a greater continuing challenge with attorney age/disability, than attorney competency/ethics. This is not unique to the real estate section, of course, but Mr. Payne encourages us to join with others for solutions. Perhaps we can invite someone from OARC to speak at a section meeting or a lunch.

20. **CBA Forms Committee** Damian Cox

Listing Contracts are set to be approved by the Commission on 6-25-19.

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

Added some new board meetings. Want to have some Fall programs.

22. **CBA Tax Section** Tyler Murray

Joint Legislative Update presentation went well. Best attended program of the year for Tax luncheons. The Tax Section is looking for a less expensive venue than the Brown Palace for future meetings – there are many call-ins for the meeting due to cost, but also for convenience.

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

Report from Dan Sweetser, President-Elect to the Denver Bar Association

Meeting was at the Cheyenne Mtn. Resort. Well attended. Patrick Flaherty gave his report. The CBA needs to communicate better with members: 18,000 members. Not everyone knows what the Board of Governors does or what the CBA does.

First solo / small firm convention was very well attended. A lot of lawyers from outside asked about the “Bar Convention” and what happened to it. They enjoyed the networking and social time and coming from around the State.

CBAs work on legislation at the Capital is respected.

Modern Law initiative – unbundled legal service was discussed.

CNA Insurance is now partnering with CBA for malpractice insurance – especially for young lawyers.

CLE ratcheting up their member discounts. Solicit response from members.

Open pro se clinic – with Federal Court – the Federal Courts have a grant. There is a lot of work to be done to get people to the “right” court.

CBA has a budget surplus; but the CBA’s dues are the second lowest dues of any bar association in the country. The CBA has 12-18 months of free rent in the current space, so the budget will be affected once that lease concession concludes.

Membership numbers are up. Around the country there is a 3% drop in membership.

The CBA wants to keep young lawyers involved and participating. Joey Kush – YLD was very active. Regional ABA YLD summit in Steamboat. Next year in Lake Tahoe. The CBA has money to sponsor a YLD member to attend.

Jeremy spoke on the legislative session.

John Vaught spoke on new procedures for the Legislative Policy Committee. LPC needs to not take a political position. Mr. Vaught gave his President’s report on Broadband Infrastructure – access to Justice; access for lawyers. CO is taking the lead at the ABA convention in August to ask for money to get broadband throughout the country. Mr. Vaught hopes to strengthen the regional vice presidents. Denver is a bit of “bubble.” The CBA wants regional diversity. Emma Garrison reported on a new ‘best practices’ guide to give the regional vice presidents some guidance.

Watering Fund – maintained to help disabled lawyers. If know anyone with an issue, there are funds for lawyers that are having troubles (physical, psychological, substance abuse).

Cannabis Law Committee is now a Section.

COLAP gave their presentation. Sarah Meyers will be leaving as Executive Director and Chip Glaze will be the Deputy Director.

OARC – Issues with aging of lawyers and disability associated with the aging.

CJ Coates – 15 new judges, but still need more judges to deal with civil cases. Getting younger judges now. Infrastructure work needs to be done in courthouses around the state to improve access.

CBA President-Elect, Jessica Brown, is from Pueblo and will bring regional diversity to the CBA.

June meeting cancelled. No report.

25. **Colorado Housing Council** Melinda Pasquini (Jed Sonnenshein)  
Off for the summer.

**INACTIVE**

26. **CBA Legislative Policy Committee** Jean Arnold  
27. **CBA Cannabis Law Committee** Jed Sonnenshein  
28. **Affordable Housing Task Force** Doug Tueller  
29. **CBA ADR/Mediation Committee** Geoff Anderson  
30. **CBA Eminent Domain Committee** Jody Alderman

**NEW MATTERS**

No luncheon in August.

Meeting in August will be August 20, 2019 followed by a reception for new Council members. There will be a training for new Council members at 2:00 p.m. and all are welcome to attend.

Reception on Friday (July 19) at Symposium – Amy Sreenen will send out notice of time and location.

**ADJOURN 4:27 p.m.**

**ATTENDANCE ROSTER**  
Real Estate Law Section Council  
**June 18, 2019**  
COLORADO BAR ASSOCIATION

| NAME  | PRESENT | EXCUSED | ABSENT |
|---|---------|---------|--------|
| <b>Officers:</b>                                    |         |         |        |
| Joey Lubinski – Chair                               | X       |         |        |
| Suzanne Leff – Vice Chair                           | X       |         |        |
| Jean Arnold – Secretary                             | X       |         |        |
| Katy Dunn – Board of Governors Representative Phone | X       |         |        |
| <b>Members:</b>                                     |         |         |        |
| Amy Brimah (2020)                                   |         | X       |        |
| Damian Cox (2019)                                   | X       |         |        |
| Brianna Dowling (2021)                              | X       |         |        |
| Ron Jung (2021)                                     | X       |         |        |
| Robyn Kube (2019)                                   | X       |         |        |
| Jim Meseck (2021)                                   | X       |         |        |
| Amy Mowry (2020) Phone                              | X       |         |        |
| Robin Nolan (2021)                                  | X       |         |        |
| Melinda Pasquini (2019)                             | X       |         |        |
| Bryan Schwartz (2020)                               | X       |         |        |
| Jed Sonnenshein (2020) Resigned May, 2019           |         |         | X      |
| Doug Tueller (2019) Phone                           | X       |         |        |
|   |         |         |        |
| <b>Committees / Liaisons:</b>                       |         |         |        |
| 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       |         |        |
| Geoff Anderson – RE Title Standards Liaison         | X       |         |        |
| Jody Alderman – Eminent Domain Committee Liaison    |         |         | X      |
| Chris Payne – Business Section Liaison              | X       |         |        |
| Tyler Murray – Tax Section Liaison                  | X       |         |        |
| Elizabeth Deline – YLD Liaison                      | X       |         |        |
| Catherine Hance – RE Title Standard Committee       | X       |         |        |
| Chuck Calvin – Immediate Past Chair                 | X       |         |        |
|   |         |         |        |
| <b>Staff &amp; Guests:</b>                          |         |         |        |
| Amy Sreenen (CBA)                                   | X       |         |        |
| Jeremy Schupbach (CBA)                              | X       |         |        |
| Bridgett Shephard (CLE)                             | X       |         |        |
| Julie Waggoner, Past Chair RESC                     | X       |         |        |
| Adam Aldrich, RESC 2022                             | X       |         |        |
| Nathan Lawrence, Minor and Brown – new to RES       | X       |         |        |
| Erin Clark, RESC 2022                               | X       |         |        |

|                                |   |   |  |
|--------------------------------|---|---|--|
| Angela Schmitz, RESC 2022      |   | X |  |
| Jeremy Syz, RESC 2022          |   | X |  |
| Dan Sweetser, Past Chair RESC  | X |   |  |
| Bryan Schwartz                 | X |   |  |
| Angela Vichick guest of Dan S. | X |   |  |
| Alina Link UW Law school       | X |   |  |
| Alex Keto Court of Appeals     | X |   |  |