

## Minutes

**CBA Real Estate Law Section Council**  
**Date: Tuesday, April 20, 2021 – 3:00 p.m.**

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

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**Call to Order** – Jean Arnold. Ms. Arnold called the meeting to order at 3:03.

Ms. Arnold discussed Patty Powell's article on Diversity and Inclusion and noted a link to it was included in the Spring Newsletter. She discussed the importance of inclusion and explained an exercise that she asked RESC to participate in. Ms. Arnold put people in pairs, and asked that each person reach out at least one time in the month.

1. **Approval of March Minutes** Ms. Arnold asked for a motion to approve the minutes and Mr. Jung seconded.
2. **Financial Report** (\$97,700.13 as of March 31, 2021) Ms. Brimah discussed the financial report.
3. **Chair's Report** – Jean Arnold

a. Colorado Diverse Attorney Community Circle..... Melinda Pasquini

Ms. Lauren Concepcion, a member of YLD, discussed the CODACC program and what makes it unique from other programs. The donated money would cover the cost of a person to participate in the program. \$2,000 would be for one participant from the RESC and \$3,000 would be for two participants. Ms. Pasquini explained some of the budget aspects and other aspects.

b. Nominations..... Amy Brimah

Ms. Brimah announced the results of the nomination committee. Ms. Brimah and Ms. Arnold thanked the nominations committee.

Secretary: Jim Meseck, White & Steele PC

New Members:

Joan Fritsche, Fritsche Law LLC

Reagan Larkin, Messner & Reeves LLP

Steve Nagy, Alderman Bernstein LLC

Jennifer Blum, Blum Law and Title LLC

- c. Changes to ALTA standards.....Jean Arnold

Ms. Arnold discussed future changes to the ALTA standards. Ms. Dowling commented that the last time that they were updated was in 2006.

- d. Symposium Coupons.....Jean Arnold

Ms. Arnold reported that we will not have coupons this year, but there will be a place to apply for scholarships. Not a single scholarship was claimed last year.

Ms. Arnold also reported that there will be a block of rooms in Vail for RESC and others. Ms. Arnold commented that as part of it we would have an off-site meeting at Vail and offset some of the costs for RESC to attend the offsite meeting in Vail. Ms. Pasquini noted that there would be a block of discounted rooms and we would each pay for our own rooms, it would be open to the entire Section. Golf outing will be at Fox Hollow.

- e. Proposed Rule Changes.....Jean Arnold/Angie Schmitz

Ms. Schmitz discussed the rule changes. The proposed changes are now in effect as new rules.

#### **ACTION ITEMS:**

- a. Legislation.....Amy Brimah

SB 21-242- Housing Development Grants Hotels Tenancy Support Program

Support- Motion to Support by Ms. Brimah and seconded by Ms. Arnold. All voted in favor and the motion passed.

<https://leg.colorado.gov/bills/sb21-242>

HB 21-1278- Special District Meeting Requirements

Support- Motion to Support by Ms. Brimah and seconded by Ms. Arnold. All voted in favor and the motion passed.

<https://leg.colorado.gov/bills/hb21-1278>

HB 21-1282- Amend

Support- Motion to Support by Ms. Brimah and seconded by Ms. Arnold. All voted in favor and the motion passed.

<https://leg.colorado.gov/bills/hb21-1282>

Ms. Brimah asked Mr. White to update on the background on this bill. It is brought by Rep. Weisman. This is an unhappy middle ground. Mr. White noted that this bill was brought forth by the AG, along with the Mortgage Lender's Association and they are going to take an amend position. We are in a position to provide constructive feedback to the AG. Ms. Dowling asked if this was targeting

a specific market or group of people, with regard to the harm. Mr. White said that this question has been asked. AG’s office has not received demonstrated need of harm. There are complaints generally related to mortgages. Ms. Dowling asked if we can request to have DORA monitor instead of the AG. Mr. White commented that would be an acceptable position.

b.       Legislation Liaison.....Melinda Pasquini and Jean Arnold

Ms. Arnold discussed on changing some of the responsibilities and commented that we are not creating a new legislation position as it currently exists in our bylaws, rather it will be a separate position. Ms. Arnold discussed what other sections are doing and the basis for looking at the changing the Secretary position combined with the legislative liaison. The legislative position is already in our bylaws. Other sections have a person who handles the legislative liaison position. Ms. Arnold commented that we need to be more pro-active with our positions, instead of reactive. Ms. Pasquini commented we are asking for a vote to have a legislative liaison that will develop relationships with LPC and elevate the position. Ms. Pasquini commented that this would be very positive for the real estate section to be in a position to be more pro-active on legislation. Mr. White commented that other sections have proactive committees to propose changes. Mr. White commented that the constantly changing leadership position in June and July limits real estate from being able to do this work. Mr. Chuck Calvin commented on the directional nature of it. Mr. Calvin supports the idea for the reasons stated. Mr. Calvin supports the idea of keeping the person for a limited time but then also moving on, similar to officers. Mr. Toft commented that it would be helpful to have the process smoother and to get ahead of the game, and he also thinks it is a great idea. Mr. Payne commented that the process with LPC is more time consuming and real estate section is more proactive than other sections. Mr. Payne also gave perspective on what has happened over the last 10 years and how we have become more advocacy related. Mr. Payne also commented that this does not really solve the turnover problem. Ms. Pasquini commented on the spirit of working with other sections and with other stakeholders is important. She also commented that diversity and inclusion is important to also emphasize ways of being more inclusive to create more leadership opportunities. Ms. Pasquini made a motion to give the officers a mandate to look into a legislative position and elevating that position and working on the structure and revision to the bylaws. Ms. Dowling seconded. The motion carried.

c.       Nominations.....Amy Brimah  
No action needs to be taken.

d.       Amendment to Bylaws.....Jean Arnold  
This will be revisited at the next meeting.

e.       Colorado Diverse Attorney Community Circle Melinda Pasquini  
Ms. Pasquini recommended that we sponsor \$3,000 to CODAC scholarships, and Ms. Arnold seconded. The motion carried unanimously.

f. Membership.....Adam Aldrich

Mr. Aldrich reported on the Telluride event. The focus will be on art spaces. There will be happy hour after the event. The proposed speakers were included. Mr. Jung commented on that both Spring and Fall may want to be added. Ms. Nolan suggested that they consider Zoom. Mr. Aldrich presented a statement on our membership statement. Ms. Arnold asked for a vote and Mr. Jung made a motion and Mr. Aldrich seconded. The motion carried unanimously. Ms. Arnold thanked them for making the regional diversity happen.

g. Symposium.....Jean Arnold

Ms. Arnold suggested supporting Housing Now. Thank you to Mr. Jung, Ms. Clark and Mr. Snyder as bringing the opportunity. Ms. Pasquini asked that we have this be our charity to contribute to at the Symposium. Mr. Jung moved that we establish the Housing Now program as our charitable donation with the Symposium. Ms. Nolan seconded. The motion carried unanimously.

## REPORTS AND INFORMATIONAL ITEMS

### 4. Legislative and Executive Order Updates

a. Legislation- Andy White and Amy Brimah

It is predicted that the session will wrap up by Memorial Day.

[https://www.billtrack50.com/public/stakeholderpage/KFU\\_p89d30yuzZBi2po8bw/embed](https://www.billtrack50.com/public/stakeholderpage/KFU_p89d30yuzZBi2po8bw/embed)

b. LPC Guidelines- Andy White

Mr. White commented on the changes to the LPC and how we as a body take positions overall. LPC approved revised guidelines, with a few edits. The purposes of the changes is to de-mystify the process with LPC and to make it more transparent. Members of the committee and attendees are equally footed in Zoom which has helped with the transparency. Mr. White outlined some key areas of the LPC and its focused mission and it is to reflect and extend the CBA general mission. There are also greater specificity to the guidelines. How should Sections be thinking about legislation and bring it forward to the LPC, the guidelines are to keep it consistent between sections and the larger institutional goals of the CBA and LPC. Is it a substantive area of law that we have knowledge in, does it impact the practice of law and does it impact the judiciary or the legal process.

Mr. White discussed that there is now more specificity to each

category of positions. The category of monitor has added specificity to match up with the Colorado Secretary of State that if taking a public position what it means.

Items discussed at LPC are considered to be confidential, within the organization of the CBA.

c. Executive Order Update – Andy Toft

Mr. Toft stated the most recent order significantly reduced restrictions and having them be more local. CDHPE issued another public health order with new standards for the operations of business with the reduced state standards.

5. **Colorado Association of Realtors (CAR):** Damian Cox

Mr. Cox stated CAR is monitoring the same bills we are. Mr. Cox thanked Ms. Brimah for helping CAR with the CCIOA bill.

6. **CBA Legislative Policy Committee** Chuck Calvin

Mr. Calvin commented that it is a difficult position with the Amend position for LPC but he knows that the amendments have been thought out and LPC will be comfortable with the amendments.

7. **CCIOA Task Force** Chris Payne  
<https://leg.colorado.gov/bills/hb21-1229>

Mr. Payne we do not know the current state of the bill. Rep. Titone is looking for comments though the objectives of the bill seems to be changing.

8. **Eviction Task Force** Angie Schmitz  
<https://leg.colorado.gov/bills/sb21-173>

Ms. Schmitz noted that 2 of our top 5 changes have been made. There is still a cure period after the trial and landlord has to accept a cure, and an affirmative defense related to tenants actions that are still in place.

9. **Communications Committee** Briana Dowling (Angie Schmitz, Zak Kessler)

Ms. Dowling thanked Ms. Schmitz and Mr. Kessler for getting the newsletter out. They plan to get another newsletter out before the Symposium. Ms. Arnold thanked Ms. Waggoner for the lead article.

10. **CBA Cannabis Law Committee** Eric Jaworski

Mr. Jaworski reported that the Cannabis Committee did an event with DU Law students

that was well received. They also wrapped up the Cannabis Symposium. There are a lot of Cannabis related bills that have passed and signed, including related to social equity and sealing past records. Mr. Jaworski discussed some other bills that may be introduced.

11. **Education/Topical Lunches Committee** Jim Meseck (Jeremy Syz, Cynthia Lowrey-Graber )

Ms. Lowrey-Graber presented the upcoming lunches, including the cross program at the end of May.

12. **Interprofessional Committee** James Meseck and Angie Schmitz

Ms. Schmitz commented that several bills were discussed. Written report was included.

13. **Education/CLE Committee** Ron Jung (Angie Schmitz, Marjorie Sant)

Mr. Jung commented that the Spring CLE has come very well together.

14. **Membership and Practice Development Committee/ Regional Liaison** Adam Aldrich and Doug Tueller (Zak Kessler, Cynthia Lowrey-Graber)

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

16. **CBA Business Section** Andy Toft

Mr. Toft commented that they are working on legislation and working on their annual institute. They are also working with law schools to increase people into business law.

17. **CBA Forms Committee** Geoff Anderson

Mr. Anderson commented new forms will be circulated for comment. There is concern with post-closing occupancy and brokers drafting leases.

18. **Colorado Lawyer Committee** Robin Nolan (Adam Aldrich, Jeremy Syz, Eric Snyder)

Ms. Nolan that the. Case law update is this month and the report included the other articles.

19. **Community Service/Charitable Committee** Erin Clark (Ron Jung and Eric Snyder)

## **INACTIVE**

20. **Colorado Housing Council** Erin Clark

- |     |                                      |                                    |
|-----|--------------------------------------|------------------------------------|
| 21. | <b>CBA Tax Section</b>               | Tyler Murray/Bobbie Collins        |
| 22. | <b>RON Task Force</b>                | Adam Aldrich                       |
| 23. | <b>CBA Title Standards</b>           | Catherine Hance and Geoff Anderson |
| 24. | <i>Fairways at Buffalo Run</i>       | James Meseck                       |
| 25. | <b>Inclusionary Task Force</b>       | Brianna Dowling                    |
| 26. | <b>Access to Justice Liaison</b>     | Andy Toft                          |
| 27. | <b>CBA Ethics Committee</b>          | Kate Strauss                       |
| 28. | <b>Board of Governors</b>            | Katy Dunn                          |
| 29. | <b>CBA Young Lawyers Division</b>    | Liz Williams/Diana Mendez          |
| 30. | <b>Affordable Housing Task Force</b> | Doug Tueller                       |
| 31. | <b>CBA ADR/Mediation Committee</b>   | Geoff Anderson                     |
| 32. | <b>CBA Eminent Domain Committee</b>  | Jody Alderman                      |

**NEW MATTERS**

**ADJOURN at 5:14.**

***ATTENDANCE ROSTER***  
Real Estate Law Section Council  
***April 20, 2021***  
COLORADO BAR ASSOCIATION  
Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
<b>Officers:</b>			
Jean Arnold – Chair	X		
Melinda Pasquini – Vice Chair	X		
Amy Brimah- Secretary	X		
Katy Dunn – Board of Governors Representative	X		
<b>Members:</b>			
Adam Aldrich (2022)	X		
Amy Brimah (2020)	X		
Erin Clark (2022)		X	
Brianna Dowling (2021)	X		
Cindy Lowery-Graber (2023)	X		
Ron Jung (2021)	X		
Zak Kessler (2023)	X		
James Meseck (2021)		X	
Robin Nolan (2021)	X		
Marjorie Sant (2023)	X		
Angela Schmitz (2022)	X		
Eric Snyder (2023)	X		
Jeremy Syz (2022)	X		
<b>Committees / Liaisons:</b>			
Chuck Calvin – Legislative Policy Committee Liaison	X		
Chad Rounds – Trusts and Estate Liaison	X		
Damian Cox –CAR Liaison	X		
Geoff Anderson – RE Title Standards Liaison	X		
Jody Alderman – Eminent Domain Committee Liaison			X
Chris Payne – CCIOA Task Force	X		
Tyler Murray – Tax Section Liaison		X	X
Bobbie Collins – Tax Section Liaison		X	
Liz Williams– YLD Liaison		X	
Diana Mendez - YLD Liaison			X
Catherine Hance –RE Title Standard Committee	X		
Suzanne Leff – Immediate Past Chair RESC	X		
Doug Tueller – Regional Liaison		X	
Andrew Toft – Access to Justice Liaison/ Business Section	X		
Katy Dunn- Board of Governors	X		
Kate Strauss- Ethics Committee	X		
Eric Nesbitt- Diversity Liaison			X



Eric Jaworski	X		
<b>Staff &amp; Guests:</b>			
Jess Ham		X	
Amy Sreenen (CBA)	X		
Amy Larson (CBA)			X
Kendra Yates (CLE)		X	
Andy White (CBA)	X		
Julie Waggoner, Past Chair RESC		X	
Dan Sweetser, Past Chair RESC			X
Suzanne Leff, Past Chair RESC	X		
Joey Lubinski, Past Chair RESC	X		
Amy Mowry			X
Chris Payne, Past Chair RESC	X		
Deanne Stodden	X		
Lauren Concepcion	X		