

MINUTES

CBA Real Estate Law Section Council
Date: Tuesday, February 16, 2021 – 3:00 p.m.

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

Call to Order – Ms. Melinda Pasquini called the meeting to order at 3:00 pm.

1. **Introduction of guests and liaisons** –None.
2. **Approval of January Minutes** – Ms. Robin Nolan moved to approve minutes which were seconded by Mr. James Meseck and approved.
3. **Financial Report** (\$103,199.96 as of January 31, 2020) – Ms. Amy Brimah went over the financials.
4. **Chair’s Report** – Ms. Pasquini
 - a. RON Committee Update on remote notary companies. Mr. Adam Aldrich provided a report about the providers that have been approved by the Secretary of State. An additional three providers have submitted application to be remote notary and have been approved. The committee will provide an update on the additional three providers.
 - b. Applications for RESC Ms. Brimah discussed the application process and requested everyone encourage applications.
<https://cobar.informz.net/informzdataservice/onlineversion/ind/bWFpbGluZ2luc3RhbmNlaWQ9MzIyNTg4MSZzdWJzY3JpYmVyaWQ9Mzc3OTIxNDAx>
 - c. Cannabis Liaison- Ms. Pasquini introduced Mr. Eric Jaworski. He practices in the area of transactional real estate and works for a large cannabis specific company. Mr. Jaworski discussed what his section does and also the normalization of the industry, including, without limitation, the enforcement by the courts of cannabis contracts.
 - d. Off-Site or Joint Meeting in June. We may have a meeting with another Section or a branch of the Bar. This is still under discussion.
 - e. 39th Annual Symposium. The Symposium may have an in-person component; however, right now the majority of it will be remote. The Symposium will be on Thursday and Friday, so long it does not affect the credits. There may be golfing on Saturday am. Ms. Pasquini’s focus is on lawyers as leaders.

- f. Ms. Erin Clark was nominated for Eagle Award. Ms. Pasquini discussed what an honor it is for Ms. Clark to be nominated for the Eagle Award. This a huge honor to be nominated for the Eagle Award by Housing Colorado. The link to vote will be sent when available.

ACTION ITEMS:

- a. Eviction Task Force Update.....Amy Brimah

Ms. Brimah discussed that the initial Senate Bill related to eviction (no number yet) was approved by LPC to move forward with an oppose position.

- b. Eviction Task Force- Rights in Residential Lease Agreements... Amy Brimah
Deanne Stodden, Angie Schmitz

Ms. Brimah and Mr. Andy White discussed the proposed House Bill. There are substantial issues with this bill. Ms. Pasquini discussed the possibility of a comprehensive bill related to leasing that is broader than the pandemic. No vote- too early in the process.

- c. Amendment to Bylaws.....Melinda Pasquini
- Ms. Pasquini explained that in addition to the changes that were approved last month, CBA suggested particular language revisions. The proposed changes by RESC to Section 6.3 related to the application process. Mr. Eric Snyder moved to amend Section 6.3 and also to make the changes proposed by the CBA. Mr. Meseck seconded. The vote was to unanimously approve the amended Bylaws.

- d. Inclusionary Task Force.....Brianna Dowling and Andy Toft

Ms. Brianna Dowling discussed the actions of the committee and the proposed changes to CRS Section 38-31-169 which were included in materials but the task force has not come to a resolution on which direction to accomplish the legislative redaction of the public records. Although the Task Force is generally in favor of removing the racist covenants out of the public records there is not a clear solution to accomplish the removal of the racist covenants from the record. Mr. Toft presented several options. One is to attempt to redact the language or remove the offending documents. The issue is that removing language or documents from the public records does not remove the same from title plant documents. Another proposal is to require HOAs to amend and replace declaration omitting racist language. It was generally agreed that the racist covenants only affect race and religion and there is not likely a need to address beyond race and religion. Ms. Dowling discussed that it is very difficult to remove from public records, even with amendment of the original declaration, the chain of title will still show all documents of record. There are many roadblocks to actually remove the racist covenants from the public records. Road blocks include who will do the physical modifications, there is no way to know which covenants have racist covenants, how to have the covenants amended by HOAs without having to get 67% approval and how does it happen, and what happens to the existing record. The Task Force will continue to move forward with solutions. Ms. Clark noted that the focus might be on what is the particular harm that is still existing and tie the options to that so that it is

narrowly tailored to the harm.

e. Symposium Keynote Speaker.....Melinda Pasquini

Ms. Pasquini discussed that the potential key note speaker will speak on the importance of lawyers as leaders of their communities. There will be a focus on education on a perspective that we may not have or look at, particularly when it comes to eviction. The proposed speaker is Lydia XZ Brown (they). Lydia Brown would speak on issues related to bias, including, gender, racial and disability in connection with real estate related issues and how different biases impact it. It is hoped to satisfy DEI credits also with the speaker. Ms. Pasquini asked for \$3,000 to pay from our budget. Lydia Brown’s fee is substantially cheaper than many of the prior keynote speakers. Ms. Pasquini proposed three options: Contribute the \$3K to CBA- CLE, 2nd option would be to split the \$3k, and 3rd option would not cover any costs outside of the \$10,000 sponsorship fee. Ms. Meseck moved that the Section contribute \$3,000 to cover the fee and Mr. Jung seconded. The motion was unanimously approved. Ms. Yates thanked the Section for their contribution.

REPORTS AND INFORMATIONAL ITEMS

5. In the News: CDC Order . Ms. Pasquini noted that the order had been extended and was in the agenda packet.

6. **Legislative and Executive Order Updates**

a. Executive Order Update – Andy Toft

Mr. Toft discussed executive orders and the fact that they will continue.

b. Proposed Legislation- Andy White

Mr. White gave an update on the session so far and what will be expected in the upcoming months.

c. Guidelines for Review for LPC- Amy Brimah

Ms. Brimah went over the LPC guidelines for reviewing legislation.

7. **Task Force on Inclusion** Brianna Dowling

See above

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

Ms. Hance stated that they are working on a title standard related to mineral interests.

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

A written report was included in the agenda.

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

Mr. Meseck updated the committee on upcoming lunches.
11. **Communications** Briana Dowling (Angie Schmitz, Zak Kessler)

No Update.
12. **Education/CLE Committee** Ron Jung (Angie Schmitz, Marjorie Sant)

Mr. Jung provided an update on the Spring CLE on discrimination and barriers to inclusion. Ron Jung thanked Ms. Yates and committee for their help. It will be on May 11.
13. **Colorado Lawyer Committee** Robin Nolan (Adam Aldrich, Jeremy Syz, Eric Snyder)

Ms. Nolan provided an update of future articles. Guidelines 3,500 to 6,000 words- always looking for articles.
14. **Community Service/Charitable Committee** Erin Clark (Ron Jung and Eric Snyder)

Ms. Clark indicated that the committee is gearing back up with the committee. Will leverage the relationship with the Salvation Army established by Mr. Jung. There will be a drive to benefit that will be state wide. They are also working on eviction defense work.
15. **Membership and Practice Development Committee/ Regional Liaison** Adam Aldrich and Doug Tueller (Zak Kessler, Cynthia Lowrey-Graber)

Mr. Aldrich indicated that they are working with local bar associations to promote Section through local sections and also find out about topics for CLEs for more of a rural practice, with the goal to get more people involved.
16. **CBA Legislative Policy Committee** Chuck Calvin

Mr. Chuck Calvin stated that LPC had second their meeting and discussed eviction bill and revised guidelines for LPC.
17. **CBA Business Section** Andy Toft

Mr. Toft stated that they are working on legislation and also working on relationship with law schools to have students join to build relationship with law
18. **RON Task Force** Adam Aldrich

See above.

19. **Interprofessional Committee** James Meseck and Angie Schmidt

Report was attached.

20. **Access to Justice Liaison** Andy Toft

Mr. Toft that there will be a lot of issues.

INACTIVE

21. **CBA Forms Committee** Geoff Anderson

22. **CBA Tax Section** Tyler Murray/Bobbie Collins

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

24. **CBA Young Lawyers Division** Liz Deline/Diana Mendez

25. **CCIOA Task Force** Chris Payne

26. **CBA Ethics Committee** Kate Strauss

27. **Board of Governors** Katy Dunn

28. *Fairways at Buffalo Run* James Meseck

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

30. **Colorado Housing Council** Erin Clark

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

32. **CBA ADR/Mediation Committee** Geoff Anderson

33. **CBA Eminent Domain Committee** Jody Alderman

NEW MATTERS

ADJOURN 5:07

ATTENDANCE ROSTER
Real Estate Law Section Council
February 16, 2020
COLORADO BAR ASSOCIATION
Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
Officers:			
Jean Arnold – Chair		X	
Melinda Pasquini – Vice Chair	X		
-Amy Brimah- Secretary	X		
Katy Dunn – Board of Governors Representative	X		
Members:			
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		
Committees / Liaisons:			
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
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		
Staff & Guests:			
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	