

## Minutes

**CBA Real Estate Law Section Council**  
**Date: Tuesday, May 18, 2021 – 3:00 p.m.**

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

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1. **Call to Order** – Jean Arnold. Ms. Jean Arnold called the meeting to order at 3:07 and led a wellness activity related to community prior to calling the meeting to order.
  2. **Approval of April Minutes**. Ms. Erin Clark moved to approve the minutes and Ms. Robin Nolan seconded the motion and the minutes were unanimously approved.
  3. **Financial Report** (\$96,417.63 as of April 30, 2021). Ms. Amy Brimah presented the financials.
  4. **Chair's Report** – Jean Arnold

Ms. Arnold introduced the new members in attendance (Steve Nagy, Joan Fritsche, Jennifer Blum and Reagan Larkin). Mr. Steve Nagy, Ms. Joan Fritsche, Ms. Jennifer Blum and Ms. Reagan Larkin introduced themselves.

a. Committee Appointments.....Melinda Pasquini

Ms. Melinda Pasquini discussed that the first meeting for new members will be in August. The committee descriptions were sent out and Ms. Pasquini wants to have the appointments made by the first meeting.

b. Proposed Changes Bylaws.....Melinda Pasquini

Ms. Pasquini discussed bifurcating the legislative position from Secretary. It would be a multiple year position that works with the Secretary and stakeholders. The goal would be to proactive instead of reactive with legislation. Ms. Pasquini has been discussing with people. The bylaws have been amended this year previously. The changes will be presented at the June meeting. It has been a process because the current bylaws are not consistent with our current practices. If anyone has comments, please reach out to Ms. Pasquini. We will continue to have members weigh-in on legislation. Ms. Arnold thanked Ms. Pasquini for all of her work on the bylaws.

c. Proposed Budget .....Melinda Pasquini

Ms. Pasquini presented the proposed budget. Ms. Pasquini discussed the different columns and what was budgeted and what we ended up doing. Ms. Pasquini went back to 2019 to compare to a year that was not COVID year for a better understanding. We

keep increasing the amount of money we are retaining. Ms. Pasquini proposed spending an extra \$9,000. Our membership increased during the pandemic, it was predicted there would be a decrease. Ms. Pasquini's goal is to continue to increase our membership. Ms. Pasquini added a new line item \$1,500 as new member outreach. Ms. Pasquini went over the other items of expenses in the budget.

d. Proposed ALTA's Owners Policy.....Jean Arnold

Ms. Arnold commented that the proposed ALTA's Owners Policy was included in the packet.

e. Telluride Warehouse CBA/CLE.....Doug Tueller

Mr. Doug Tueller discussed the background for doing the CLE in Telluride. All day CLE focused on art, real estate and the new west to be held in Telluride at the Warehouse which is going to be a new art center. The focus will be on the Western Slope, arts districts in rural Colorado, funding and real estate transaction related issues. They are also going to include a DEI component and try to get an ethics hour. Ms. Kendra Yates commented that this will be the beginning of coming out of COVID. The CLE will be on 9/24/21. Ms. Arnold suggested that a driving suggestion also be included.

#### **ACTION ITEMS: None**

#### **IN THE NEWS**

- a. *ALABAMA ASSOCIATION OF REALTORS*, et al.,.....Amy Brimah
- b. Denver City Council Bill 21-059.....Amy Brimah
- c. ABA Practice Forward Survey.....Amy Brimah

Ms. Brimah presented on all issues. Mr. Andy Toft commented there has been a further stay on the Alabama Association of Realtors case.

#### **REPORTS AND INFORMATIONAL ITEMS**

##### **5. Legislative and Executive Order Updates**

- a. Legislation- Andy White and Amy Brimah

Mr. Andrew White and Ms. Brimah reported that LPC tabled SB 173.

HB 1229 received a proposed strike below, it is not clear if the Rep. Titone supports the strike below.

HB 1278 the requested amendments will be made.

- b. Executive Order Update – Andy Toft

Governor Polis extended emergency declaration for another thirty days. Ms. Arnold thanked Mr. Toft for all of his work.

6. **CCIOA Task Force**

Chris Payne

<https://leg.colorado.gov/bills/hb21-1229>

Mr. Chris Payne commented that the strike below bill should have the same comments that were previously provided. There are additional provisions related to voting proxies but those are outside of our comments.

7. **Eviction Task Force**

Angie Schmitz

<https://leg.colorado.gov/bills/sb21-173>

Ms. Angie Schmitz testified at the hearing. Ms. Brimah thanked Ms. Schmitz for her work chairing the eviction task force.

8. **Access to Justice Liaison**

Andy Toft

Mr. Toft reported on the State Access to Justice Commission has been working on, they are pursuing a path of reforms to county courts that deals specifically with FEDs. It is based upon a form used in Denver County courts that would be used state wide. Certain disclosures may also be required in the filing of an FED. If SB 173 passes as is, it will conflict with the proposed amendments. If the bill dies, the rule changes will likely go forward quickly.

9. **CBA Cannabis Law Committee**

Eric Jaworski

Mr. Eric Jaworski reported that the section is following legislation related to banking, delivery and transfers between retail and medical. They are also following the CDPHE testing of Hemp.

10. **Education/Topical Lunches Committee**  
Cynthia Lowrey-Graber )

Jim Meseck (Jeremy Syz,

Mr. Jim Meseck discussed the next few lunches and asked for additional topics.

11. **Interprofessional Committee**

James Meseck and Angie Schmidt

Ms. Schmidt reported they meet next week.

12. **Education/CLE Committee**  
Sant)

Ron Jung (Angie Schmitz, Marjorie

Ms. Arnold congratulated the committee on the excellent Spring Update. Ms. Yates reported that YLD was a huge help and that the feedback has been very positive. Ms. Yates commented that we need to start planning the fall update.

13. **CBA Trust and Estate Section**

Chad Rounds

Mr. Chad Rounds submitted a written report.

14. **CBA Business Section** Andy Toft  
Mr. Toft reported that they are planning their institute.
15. **CBA Forms Committee** Geoff Anderson  
Mr. Geoff Anderson reported that there will be some changes to the forms.
16. **Colorado Lawyer Committee** Robin Nolan (Adam Aldrich, Jeremy Syz, Eric Snyder)  
Ms. Nolan reported that they have articles to the middle of next year.
17. **Community Service/Charitable Committee** Erin Clark (Ron Jung and Eric Snyder)  
Ms. Erin Clark reported that Mr. Ron Jung has been doing amazing work with the Salvation Army. They will be doing some work on eviction defense and if we would want to make a donation to Colorado Rural Legal Services and Colorado Legal Services. Ms. Arnold and Ms. Clark also discussed Family Tree.
18. *Fairways at Buffalo Run* James Meseck  
Mr. Meseck reported that they have filed a motion for an extension to June 1, 2021. The basis of the Motion is that the parties have reached a settlement but need more time to effectuate the terms before they can file a notice of settlement. Once that happens, which seems fairly certain per the Motion, Mr. Meseck expects the Colorado Supreme Court will dismiss the action. That means the Colorado Court of Appeals' decision will be binding authority.

#### INACTIVE

19. **Communications Committee** Briana Dowling (Angie Schmitz, Zak Kessler)
20. **Membership and Practice Development Committee/ Regional Liaison** Adam Aldrich and Doug Tueller (Zak Kessler, Cynthia Lowrey-Graber)
21. **CBA Tax Section** Tyler Murray/Bobbie Collins
22. **Colorado Association of Realtors (CAR):** Damian Cox
23. **CBA Legislative Policy Committee** Chuck Calvin
24. **RON Task Force** Adam Aldrich
25. **CBA Title Standards** Catherine Hance and Geoff Anderson

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| 26. | <b>Inclusionary Task Force</b>       | Brianna Dowling           |
| 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             |
| 33. | <b>Colorado Housing Council</b>      | Erin Clark                |

**NEW MATTERS**

**ADJOURN:** Mr. Jung made a motion to adjourn at 4:51 pm.

***ATTENDANCE ROSTER***  
Real Estate Law Section Council  
***May 18, 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
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
Joan Fritsche	X		
Reagan Larkin	X		
Jennifer Blum	X		
Steve Nagy	X		