

**MINUTES**

**CBA Real Estate Law Section Council**  
**Date: Friday, April 26, 2024 – 11:00 a.m.**

**Spirit Hound Distillery**  
(4196 Ute Highway, Lyons, CO 80540)

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**Call to Order**

Mr. Jim Meseck called the meeting to order at 11:00

**1. Introductions**

- a. Ms. Jennifer McCallum and Ms. Anna Weir were introduced as guests.

**2. Approval of March Minutes**

- a. Ms. Lyndsey O’Connell made a motion to approve the minutes, which was seconded by Ms. Joan Fritsche. It was unanimously approved.

**3. Financial Report (\$39,076.46 as of March 31, 2024)**

- a. Mr. Zakary Kessler provided the financial report.

**4. Chair’s Report .....Jim Meseck**

- a. Welcome to Wee Casa
- b. 2024 Real Estate Symposium
  - i. Ms. Angie Schmitz said planning is going great. The registration numbers and Agenda are great so far. Ms. Schmitz will help any presenters get registered because they do not get the CBA emails about the Symposium. Ms. Schmitz reminded everyone to take advantage of the extracurricular activities as well as the sessions. Mr. Meseck reminded everyone that the expectation is that Council Members attend the Symposium and the receptions.
  - ii. CLE Registration Link: <https://cle.cobar.org/Seminars/Event-Info/sessionaltcd/RE071124L>
  - iii. Hythe Hotel Registration Link: <https://book.passkey.com/go/RealEstateSymp2024>
- c. 2024-2025 Section Council Membership/Leadership Candidates
  - i. Officers

1. Chairperson - Angie Schmitz, Homestead Law, LLC
  - a. Ms. Schmitz noted that the Section Council is comprised of such a good group of people. Ms. Schmitz thinks that 2024-25 will be a good year. She asked Section Council members for recommendations on locations for the Spring meeting next year.
2. Vice Chairperson - Zakary Kessler, Woodspear Properties
  - a. Mr. Kessler stated that he is looking forward to another productive year with everyone next year.
3. Secretary - Reagan Larkin, Gordon Rees Scully Mansukhani
  - a. Ms. Reagan Larkin explained that she is excited to serve and is happy to take another step in leadership with the Real Estate Section.
4. Legislative Policy Officer - Joan Fritsche, Fritsche Law LLC
  - a. Ms. Fritsche noted that she too was excited to dig into the whole process that is involved in working with the legislature on behalf of the Section.

ii. New Section Council Members

1. Holly Ryan, Esq., Douglas County Chief Deputy Public Trustee
  - a. Ms. Holly Ryan is grateful for the opportunity to be a “formal” part of the Section Council after seeing how the Council works over the past half dozen years.
2. Ryan Wilcox, Davis Graham & Stubbs LLP
3. Anna Weir, FirstBank
  - a. Ms. Anna Weir stated that she is looking forward to helping with all that the Section Council does for the members. Ms. Weir explained that she recently accepted a position to be part of the small in-house legal team at FirstBank.
4. Katie Fox, Alderman Bernstein

d. Willis Carpenter Award Nominations Announcement:  
<https://cobar.informz.net/informzdataservice/onlineversion/ind/bWFpbGluZ2luc3Rhb mNlaWQ9NDEzMjk1NSZzdWJzY3JpYmVyaWQ9Mzc3OTEzNjcz>

- i. Ms. Amy Brimah indicated that as the award criteria is currently written, inactive CBA Members are ineligible to receive the award. Ms. Brimah explained that she has received some nominations, but she would encourage members to submit more nominations.

**5. Action Items:**

- a. Committee to Draft Brokerage Forms RE: NAR Commission Settlement...Jim Meseck

- i. Mr. Meseck explained that CAR is requesting the drafting of a brokerage form through the CBA that brokerages can use to comply with the coming NAR settlement that will likely be approved in August, which prohibits requiring sellers to pay buyer's agent's commissions in order for their listing to be included in the MLS. Mr. Scott Peterson, Mr. Damian Cox, Ms. Brimah, Mr. Andy Toft, Ms. O'Connell, Ms. Nicole Nies, and Mr. Kessler agreed to draft a recommendation by the May meeting. Ms. Deanne Stodden explained that Mr. Peterson and Mr. Cox will be presenting an upcoming CLE on this subject next week. Mr. Dan Sweetser says this will be similar to the radon disclosure form that the Section Council prepared, and CBA-CLE has made available for purchase after last year's legislative session. Mr. Sweetser made a request for volunteers to update the CBA-CLE forms library more generally.

- b. 2025-2026 Budget.....Angie Schmitz

- i. Ms. Schmitz explained that we have an expense issue in future budget years if the Section continues to spend at current levels. Several Council Members questioned the different revenue options that the Council has between dues and fees for CLE offerings. Ms. Schmitz made a motion to increase the Section dues by \$5 beginning in 2025-2026, which was seconded by Ms. Lisa Connolly. The motion was unanimously approved. Ms. Jess Ham explained that with CLE fees the Council is not locked in for any set time like the dues are for a fiscal year. Ms. Ham indicated that there may be ways to save on future holiday and Chair's reception. Ms. Carolin Topelson asked how the proposals would affect the Section's reserves and Mr. Kessler indicated that the reserves would go down to approximately \$23,217 if we change nothing from the current year. Ms. O'Connell asked if people can sponsor events, and Ms. Brimah explained that we can have sponsors for events. Ms. Jordan Bunch thinks that we should be spending money on member engagement and Ms. O'Connell agreed that we should not be cutting expenses at the cost of member engagement. All commented that we need to seek sponsors and find a way to operate more leanly. Ms. O'Connell made a motion to adopt the balanced budget option, which was seconded by Ms. Bunch. The motion was unanimously approved.

**6. Legislative Matters.....Adam Aldrich, Tyler Mounsey**

- i. General Update

1. Mr. Adam Aldrich pointed the group to Mr. Tyler Mounsey’s email update on the remaining bills they are tracking. The CBA (through the Section’s recommended positions) has been generally unsuccessful in getting things changed. Many of the bills the Section Council took an amend position on were ultimately passed and have been signed by the Governor. The bill we sponsored to address the *Fairways at Buffalo Run* decision has passed and is awaiting signature by the Governor. Mr. Meseck thanked Mr. Chuck Calvin for drafting the *Fairways* legislative fix and Mr. Aldrich and Mr. Mounsey in getting it approved. Mr. Toft explained that LPC has not had a meeting for 3 weeks, and that there is little on the radar for the broader CBA to review in terms of legislation.

**7. In the News.....Jim Meseck**

- a. Alleged Rent-Fixing of Apartments Nationwide Draws More Legal Scrutiny - WSJ
- b. National Small Business United, d/b/a the National Small Business Association v. Janet Yellen – CTA Case
- c. Colorado Apartment Landlords Sue to Block Denver, State Greenhouse Gas Cuts that They Find Crushing – Colorado Sun: <https://coloradosun.com/2024/04/25/colorado-landlords-lawsuit-greenhouse-gas-cuts-injunction/>
  - i. Mr. Kessler explained that the stories that he and Mr. Aldrich found are relevant to pending legislation and litigation in Colorado.

**REPORTS AND INFORMATIONAL ITEMS**

**8. Interprofessional Committee** *Reagan Larkin, Lyndsey O’Connell*

- a. Ms. Larkin explained that there were several bills regarding CCIOA that did not pass that were opposed by the Interprofessional Committee members. The other members are generally watching the bills that we are watching. The Construction Section is really focused on the construction defects legislation. Ms. O’Connell indicated that the appraisers are going to try and bring up a reconfigured statute of limitations bill in another legislative session due to the opposition to it in this session. Ms. O’Connell also explained that LTAC has now taken issue with amendments to the ROFR bill on affordable housing.

**9. Education/CLE Committee** *Joan Fritsche, Miro Kovacevic, Carolin Topelson*

- a. Ms. Fritsche indicated that the Fall Update is looking at Landlord/Tenant matters or affordable housing issues as subjects for the Update. It will be held November 7<sup>th</sup>.

**10. Education/Topical Lunches Committee** *Deanne Stodden, John Koechel, Jordan Bunch*

- a. Ms. Stodden explained that the most recent lunch CLE had more than 100 registrations with the YLD cross marketing. They will not have one in July. Ms. Stodden indicated that Ms. Ryan will present on the new Treasurer's Deed in August. Ms. Stodden indicated that they are exploring options to invite current legislators to host a lunch CLE in the fall. Mr. Meseck remains optimistic that the legislators may agree to do the event. He thinks it is critical that we try and build bridges with these legislators through facilitating dialogue.
- 11. Communications Committee** Joan Fritsche, Josh McMahon, Michelle DeVoe
- a. Ms. Fritsche explained that Ms. Michelle DeVoe will be the coordinator for the summer Newsletter, and it will focus on spurring registration to the Symposium.
- 12. Publications Committee** Steve Nagy, Reagan Larkin, Josh McMahon, Eric Snyder
- a. Mr. Steve Nagy thanked Mr. Josh McMahon and his partners for their article published in April regarding Chain of Title. Mr. Miro Kovacevic will have a forthcoming article regarding the business judgement rule in community associations. Ms. Brimah and Mr. Aldrich have another article in peer review as well. Mr. Nagy indicated that Ms. Brimah and Mr. McMahon will take over for Mr. Chris Bryan as coordinating editors for our Section with respect to future Colorado Lawyer articles. Mr. McMahon explained that he would like to see some continuity on this committee to assist on this transition. Ms. Brimah encouraged everyone to work on an article and not be distressed by the length of the process. Mr. Meseck thanked everyone for the articles they have written and noted that the articles represent a very meaningful contribution to the Section and our members.
- 13. Community Service/Charitable Committee** John Koechel, Lisa Connolly, Jordan Bunch
- a. Mr. John Koechel stated that a future event is still in process because the coordination with Habitat for Humanity and Colorado Village Collaborative is going slowly.
- 14. Affordable Housing Committee** Melinda Pasquini, Erin Clark, Alex Gano, Carolin Topelson, Lyndsey O'Connell, Brianna Dowling, Amy Brimah
- a. Ms. O'Connell and Ms. Brimah indicated that they have not had another meeting but are still tracking the bills to which the Committee suggested amendments.
- 15. Membership and Practice Development Committee** Steve Nagy, Miro Kovacevic, Michelle DeVoe, Lisa Connolly
- a. Mr. Nagy indicated that this Committee would take the lead on trying to identify sponsorships for the Section events with the adopted budget.
- 16. Landlord/Tenant Task Force** Deanne Stodden, Lyndsey O'Connell, Reagan Larkin, Carolin Topelson, Erin Clark
- a. No Update.

17. **CCIOA Task Force** *Joey Lubinski*, Miro Kovacevic, Steve Nagy, Josh McMahon, Susanne Leff, Justin Nyberg
- a. No Update.
18. **CBA Cannabis Law Committee Liaison** Alyson Jaen
- a. Ms. Alyson Jaen indicated that in Colorado 2024 sales numbers are still down. Flowhub recently published a report that showed the average retail price for cannabis has dropped 32% since 2021. Ms. Jaen explained that on the legislative side, things are quiet this year. The social equity cannabis bill, HB24-1061, died earlier this legislative session. The only real cannabis legislation still active and going this year is SB24-76. This bill is still in committee and is set for a Senate Appropriations Committee Hearing on April 25. This bill attempts to address a host of issues currently faced by the marijuana industry, including updating rules on the transfer of immature seeds, and addressing testing issues. This is truly a "kitchen sink bill" and the cannabis law section agrees that we don't know if anything will come of this bill this year due to the fact that it's trying to address too many cannabis issues at once. Ms. Jaen noted that on the international side, Germany legalized social clubs and personal possession and cultivation. Social clubs are set to launch in July. Adults 18 and older are allowed to possess up to 25 grams of cannabis and grow up to three plants for personal use.
19. **CBA Ethics Committee Liaison** Kate Strauss
- a. No Update.
20. **CBA Tax Section** Tyler Murray
- a. No Update.
21. **CBA Trust and Estate Section** Chad Rounds
- a. Mr. Chad Rounds indicated that they remain concerned that the Trusts and Estates Section is concerned with the subject removal from the Bar Exam.
22. **CBA Forms Committee** Nicole Nies
- a. Ms. Nicole Nies explained that the revisions to the residential Buy/Sell contract has been updated and will now have to include something regarding the buyer's broker commission. Their next meeting is on May 14.
23. **Colorado Association of Realtors (CAR):** Damian Cox
- a. No Update.
24. **CBA Business Section** Andy Toft

- a. Mr. Toft indicated that new officers are being brought on and new at-large members. He will continue to be the liaison between the Sections. They are trying to fix HB24-1284 (consumer judgments act in uniform law), which is now unlikely to pass due to the CBA proposed revisions.

**25. Board of Governors** Amy Brimah

- a. Ms. Brimah noted that the open meeting to all CBA members next month should be something that people attend. Ms. Ham indicated that the petition for new leadership members are in flux.

**26. CBA Title Standards** Catherine Hance, Geoff Anderson, Adam Hirsch

- a. No Update.

**27. Oil and Gas, Water & Natural Resources Taskforce** Michelle DeVoe, Jordan Bunch, John Koechel, Marjorie Sant, Zac Grey

- a. No Update.

**28. Special Districts Taskforce** Joan Fritsche, Lisa Connolly, John Koechel, Doug Tueller

**29. Records Redaction Taskforce** Holly Ryan, Lisa Connolly, Reagan Larkin, Michelle DeVoe, Chuck Calvin

- a. No Update.

**30. CBA Young Lawyers Division** Dani Kaiser

- a. No Update.

**31. Regional Membership Liaison** Doug Tueller

- a. No Update.

**INACTIVE**

**32. Eminent Domain** Steve Nagy, Miro Kovacevic, Jody Alderman

**33. Diversity and Inclusionary Liaison** Eric Nesbit

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

**NEW MATTERS**

**ADJOURN**

Mr. Meseck adjourned the meeting at 1:09 p.m.





**Real Estate Section Council  
Meeting Schedule  
for 2023-2024**

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August 15, 2023  
September 19, 2023  
October 17, 2023  
November 21, 2023  
December 7, 2023\*  
January 16, 2024  
February 20, 2024  
March 19, 2024  
April 25-27, 2024\*\*  
May 21, 2024  
June 18, 2024

\*Annual Holiday Party, No Meeting.

\*\*Real Estate Council offsite meeting April 2024.

**ATTENDANCE ROSTER**  
Real Estate Law Section Council  
**April 26, 2024**  
COLORADO BAR ASSOCIATION  
In-Person/Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
<b>Officers:</b>			
James M. Meseck – Chair	X		
Angie Schmitz – Vice Chair	X		
Zakary A. Kessler - Secretary	X		
Adam Aldrich – Legislative Policy Officer	X		
Amy Brimah – Board of Governors Representative, Immediate Past Chair	X		
<b>Members:</b>			
Steve Nagy (2024)	X		
Reagan Larkin (2024)	X		
Deanne Stodden (2024)	X		
Joan Fritsche (2024)	X		
Lyndsey O’Connell (2025)	X		
John Koechel (2025)	X		
Michelle DeVoe (2025)	X		
Miro Kovacevic (2025)	X		
Carolin Topelson (2026)	X		
Lisa Connolly (2026)	X		
Jordan Bunch (2026)	X		
Josh McMahon (2026)	X		
<b>Committees / Liaisons:</b>			
Melinda Pasquini – Affordable Housing Committee Chair		X	
Chad Rounds – Trusts and Estate Liaison	X		
Damian Cox –CAR Liaison		X	
Danielle Kaiser – YLD Liaison			X
Tyler Murray – Tax Section Liaison			X
Alyson Jaen – Cannabis Liaison	X		
Nicole Nies – CBA Forms Committee Liaison	X		
Catherine Hance –RE Title Standards Committee	X		
Doug Tueller – Regional Liaison		X	
Andrew Toft – Access to Justice Liaison/Business Section	X		
Kate Strauss- Ethics Committee Liaison			X
Eric Nesbitt- Diversity Liaison/Inclusion Taskforce Chair			
Justin Nyberg – CCIOA Task Force			X
Holly Ryan	X		
Cindi Stovall – Uniform Restrictions in Land Records Act		X	

<b>Staff &amp; Guests:</b>			
Jess Ham, CBA	X		
Anna Weir	X		
Jennifer McCallum	X		
Dan Sweetser	X		