

MEETING MINUTES

CBA Real Estate Law Section Council
Date: Tuesday, August 15, 2023 – 3:00 p.m.

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

Call to OrderJim Meseck

1. Introductions.....Jim Meseck

a. Mr. Jim Meseck welcomed the group to the new year and asked everyone introduce themselves.

2. Approval of May MinutesJim Meseck

a. Ms. Lyndsey O’Connell moved to approve the May Meeting Minutes as presented in the Agenda, Ms. Reagan Larkin 2nd the motion, which was unanimously approved by Council.

3. Financial Report (\$67,184.33 as of July 31, 2023)Zak Kessler

a. Mr. Zak Kessler presented the financial report.

4. Chair’s ReportJim Meseck

a. Mr. Meseck announced the Happy Hour that will occur after the meeting at Cap City, located at 1247 Bannock St, Denver, CO 80204.

b. Final Symposium update/wrap up.

i. Mr. Meseck gave the update. There were 309 in person registrants with 41 webinar registrants. Compared to 2022 it was very similar (2022 312 in person and 53 webinar). Ms. Susie McNulty thinks the Profit/Loss will be consistent with 2022. The symposium will be in Vail again next year from July 11-13, 2024. Mr. Meseck also noted that there will be changes to the speaker selection process that will require an RFP from CBA-CLE to ensure that CBA-CLE gets submittals and descriptions of their proposed topics. Ms. O’Connell congratulated Mr. Meseck on a job well done.

c. Committee Assignments.

i. Mr. Meseck went through the list of committee assignments, which were listed in the agenda. Of note, Jim Meseck is the Officer contact for the Interprofessional Committee, Ms. Angie Schmitz is Officer contact for

Education/CLE. Mr. Meseck is the Officer contact for Education/Lunches. The Officer contact for the Publications Committee is Ms. Amy Brimah. For the Community Service Committee, Ms. Schmitz is the Officer contact. With respect to the new Affordable Housing Committee, Ms. Melinda Pasquini has agreed to Chair the Committee, and Ms. Brimah is the officer contact. Finally, the Communications Committee will be served by Mr. Kessler as Officer contact.

- ii. Mr. Meseck noted that the Officers tried to accommodate preferences as much as possible, and he asked that Members be sure to understand way committees work in terms of meetings, reports, and helping to communicate with the broader Section membership. Mr. Meseck thanked Ms. Amy Mowry for agreeing to serve as Chair of the Water/Natural Resources task force.
 - iii. Mr. Meseck thanked Mr. Tyler Murray for his continued service as liaison to the Tax Section. Lastly, Mr. Meseck thanked Mr. Andy Toft for his agreement to serve in multiple roles as liaison with the Business Law Section, UCC Task Force, and Access to Justice.
 - iv. Mr. Meseck explained the legislative process and that the LPC takes the official position from the bar in terms of opposing, amending, or supporting legislation.
- d. The final Radon Disclosure Form has been approved by the Executive Council. It is now available for purchase, download, and use from the Bar Association. Mr. Meseck thanked everyone the contributed to the form.
 - e. The approved, final amended Bylaws that were adopted in the May 2023 meeting were included in the agenda.
 - f. ABA Model Professional Conduct Proposed Rules Change – Business Law Section Opposition (Andy Toft).
 - i. Mr. Toft explained that ABA Resolution 100, which amended Rule 1.16 of the ABA model rules of professional conduct to impose a requirement on attorneys to investigate a client and matter prior to agreeing to the representation to try and determine if the attorney’s advice will be used for a crime or some other fraud. Mr. Toft informed Council that the ABA passed the rule, so the amendment is in effect. The change only affects the model rule and is not active in Colorado yet.

5. Action Items:

- a. BlocPower Board/Liaison opportunity.....Andy Toft, Marjorie Sant
 - i. Ms. Marjorie Sant said Mr. Toft made an introduction to the community service committee in the Spring. This group is an environmental justice group that had been in Brooklyn, but they have a significant presence in Denver now. Ms. Sant explained that they help people who are low income and living in multifamily

move the infrastructure (gas furnace) to more environmentally friendly systems (mini splits and heat pumps). Ms. Sant recommended against providing a formal board liaison and recommended connecting them to people in the community. Mr. Meseck clarified that there is not a clear request and suggested Ms. Sant ask for clarifications from BlocPower.

6. Legislative Matters.....Jim Meseck

- a. Governor Polis' Veto Letter Re: HB23-1190
 - i. Mr. Aldrich and Mr. Meseck noted that the letter speaks for itself.

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

- a. HOA Foreclosure Auction Equity Article – Colorado Sun:
<https://coloradosun.com/2023/08/14/hoa-foreclosed-homes-auction-equity>

REPORTS AND INFORMATIONAL ITEMS

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

- a. Ms. Larkin noted that they are meeting next week, and they will just see how it goes.

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

- a. The Fall CLE is October 12, 2023, both in the classroom at the CBA Offices and online. Ms. Stodden noted that the advertising went out already. A bunch of topics for everyone, which include AI and FinCen.

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

- a. Ms. Stodden reported the lunches are booked through November.
- b. For August 17, 2023, Ms. Stodden noted that the topic was non-disclosure between RESC forms and common law in residential real estate transactions. Mr. Miro Kovacevic said he will present the common law and Mr. Nate Osborne is presenting on the forms.

11. Communications Committee *Joan Fritsche, Josh McMahon, Michelle DeVoe*

- a. Ms. Joan Fritsche noted that there are four newsletters a year, and they’ll be trying to get one out in the next month.

12. Publications Committee *Steve Nagy, Reagan Larkin, Josh McMahon, Eric Snyder*

- a. Mr. Steve Nagy stated that they have 4-5 articles in process through volunteer writers.

- 13. Community Service/Charitable Committee** *John Koechel*, Lisa Connolly, Jordan Bunch
- a. Mr. John Koechel is going to reach out to Mr. Ron Jung about continued work with Habitat for Humanity. Ms. O’Connell said they need a date to build a house, so the committee will work on that.
- 14. Affordable Housing Committee** *Melinda Pasquini*, TBD, TBD, Carolin Topelson, Deanne Stodden, Lyndsey O’Connell
- a. Ms. Pasquini gave a brief update on the development of the Committee.
- 15. Membership and Practice Development Committee** *Steve Nagy*, Miro Kovacevic, Michelle DeVoe, Lisa Connolly
- a. Mr. Nagy gave a brief update.
- 16. UCC Task Force** *Andy Toft*, Josh McMahon, Lyndsey O’Connell
- a. No update.
- 17. CCIOA Task Force** *Joey Lubinski*, Miro Kovacevic, Steve Nagy, Josh McMahon, Susanne Leff, Justin Nyberg
- a. No update.
- 18. CBA Ethics Committee Liaison** Kate Strauss
- a. No meeting in months.
- 19. CBA Tax Section** Tyler Murray
- a. Mr. Tyler Murray noted that the Section is still on summer break. Their first meeting will be on the Fourth Thursday of September.
- 20. CBA Trust and Estate Section** Chad Rounds
- a. Mr. Rounds noted that the latest Green Book was just released by CBA-CLE. The Estates and Trusts Section is updating small brochures in this area of the law that you can send to clients and are published by the CBA-CLE and can be purchased in bulk. The Section is working on a new one for promotion to attorneys and law students into the field.
- 21. CBA Forms Committee** Vacant
- a. The CREC met in June to start looking at the forms again, and the most recent updated ones should be on the DORA website soon.
- 22. Colorado Association of Realtors (CAR):** Damian Cox

- a. No update.
- 23. CBA Business Section** Andy Toft
 - a. Mr. Toft announced that the Business Law Institute is scheduled for just after Labor Day at the Ritz Carlton for those interested in attending.
- 24. Board of Governors** Katy Dunn
 - a. Absent.
- 25. CBA Title Standards** Catherine Hance, Geoff Anderson
 - a. Title Standards is reviewing a title standard from 1953. The issue to be reviewed is if title vests in individual name, but then upon the next conveyance the word “trustee” is added to the name of the individual who is now attempting to transfer the property as grantor without naming the trust or any other relevant details.
- 26. Oil and Gas, Water & Natural Resources Taskforce** Amy Mowry, Jordan Bunch, Michelle DeVoe, John Koechel, Marjorie Sant
 - a. Ms. Mowry noted the Colorado Oil and Gas Commission renamed themselves. Ms. DeVoe says Colorado is working to broaden what are Colorado waters vs. US waters. This would address wetlands and could make development more difficult.
- 27. Special Districts Taskforce** Joan Fritsche, Lisa Connolly, John Koechel, Doug Tueller
 - a. No update.
- 28. Records Redaction Taskforce** Holly Ryan, Lisa Connolly, Reagan Larkin, Michelle DeVoe, Chuck Calvin
 - a. No update.

INACTIVE

- 29. Eminent Domain** Steve Nagy, Miro Kovacevic, Jody Alderman
- 30. Diversity and Inclusionary Liaison** Eric Nesbit
- 31. CBA Young Lawyers Division** Dani Kaiser
- 32. Access to Justice Liaison** Andy Toft
- 33. Regional Membership Liaison** Doug Tueller
- 34. CBA Cannabis Law Committee Liaison** Vacant

NEW MATTERS

- 35.** Regarding *Fairways at Buffalo Run*, Mr. Toft asked whether we still have a legislator to run our legislation fixing this issue in the upcoming session. Mr. Aldrich indicated that he will meet with Mr. Tyler Mounsey in a couple of weeks and will ask him.

ADJOURN

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

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 16, 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
August 15, 2023
COLORADO BAR ASSOCIATION

In-Person/Remote Meeting

| NAME | PRESENT | EXCUSED | ABSENTT |
|--|---------|---------|---------|
| Officers: | | | |
| James M. Meseck – Chair | X | | |
| Angie Schmitz – Vice Chair | X | | |
| Zakary A. Kessler - Secretary | X | | |
| Adam Aldrich – Legislative Policy Officer | X | | |
| Katy Dunn – Board of Governors Representative | | | X |
| Members: | | | |
| 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 | | |
| Committees / Liaisons: | | | |
| Melinda Pasquini – Affordable Housing Committee Chair | X | | |
| Amy Brimah – Immediate Past Chair RESC | | X | |
| Chad Rounds – Trusts and Estate Liaison | X | | |
| Damian Cox –CAR Liaison | | X | |
| Geoff Anderson – RE Title Standards/Forms Liaison | X | | |
| Danielle Kaiser – YLD Liaison | | | |
| Tyler Murray – Tax Section Liaison | X | | |
| Alyson Jaen – Cannabis Liaison | | X | |
| Nicole Nies – CBA Forms Committee Liaison | | X | |
| Catherine Hance –RE Title Standard Committee | X | | |
| Doug Tueller – Regional Liaison | | X | |
| Andrew Toft – Access to Justice Liaison/Business Section Liaison | X | | |
| Kate Strauss- Ethics Committee Liaison | | X | |
| Eric Nesbitt- Diversity Liaison/Inclusion Taskforce | | X | |
| Amy Mowry – Oil & Gas/Water/Nat’l Resources | X | | |
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