

**MINUTES**

**CBA Real Estate Law Section Council**  
**Date: Tuesday, November 21, 2023 – 3:00 p.m.**

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

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- Call to Order** .....Jim Meseck
- a. Mr. Jim Meseck called the meeting to order at 3:01 p.m.
- 2. Introductions** .....Jim Meseck
- a. Mr. Meseck welcomed the Members and guests to the meeting.
- 3. Approval of October Minutes** .....Jim Meseck
- a. Ms. Joan Fritsche moved to approve the October Meeting Minutes as presented in the Agenda. Ms. Lisa Connolly 2<sup>nd</sup> the motion, and the motion was approved unanimously.
- 4. Financial Report (\$56,913.77 as of October 31, 2023)** .....Zak Kessler
- a. Mr. Zakary Kessler provided an update on the October budget, expenses and revenues are generally in line with budget.
- 5. Chair’s Report** .....Jim Meseck
- a. Happy Hour after the meeting — here in the Bar Association Offices. All are welcome!
  - b. Additional Item
    - i. Mr. Meseck noted that Gary Abrams passed away. Several Council Members provided remarks about Mr. Abrams, his contributions to the Bar and on his surprise passing. Mr. Geoff Anderson explained that there will be a remembrance activity at 5:30 p.m. on November 30<sup>th</sup> at the Colorado Bar Association offices.
  - c. Real Estate Section Holiday Party – December 6, 2023 – 737 N. Franklin St., Denver, CO
    - i. Mr. Meseck noted the updated address this year to Ms. Catherine Hance’s residence and thanked her for graciously agreeing to continue to host the party. Ms. Jess Ham explained that all invitations have been sent and a final headcount is needed soon.

d. Guest Presenters

i. Colorado Diverse Attorneys Circle

1. Ms. Chelsea Marks presented about the program whose main goal is to connect diverse attorneys around the State. It is a one-year program that seeks to foster attorneys from diverse practice areas, geographies, and backgrounds. She was a member of the 2023 class. She said they are seeking sponsors, namely, a \$2,000 title sponsor level and a gold level sponsor level for 2 scholarships of \$3,000. The funds are intended to help the attorneys of modest means attend three retreats, ongoing CLE, and networking events. The University of Colorado Law School will also be sponsoring some 3Ls in the program this year.

ii. Greater Colorado Law Student Experience

1. Ms. Elisa Overall explained that the program was developed in order to expose law students to broader Colorado practice experience opportunities like outside the Front Range. Most participants are placed over the summer in Cortez, Alamosa, Pueblo, and Northeast Colorado. Ms. Overall noted that they were there to ask us for scholarship funds for the program, and they are seeking up to a \$5,000 scholarship per student. Most students in the program use it for externship credit, so they are paying the extra tuition during the summer too. Any amount would be accepted. Mr. Kyle Aber presented his experience of doing this from Pueblo and supporting students coming there. Mr. Aber explained that students work in both judicial and legal aid locally and provide older attorneys with access to potential new attorneys to whom they can pass their practice in the future.

iii. Discussion and Vote

1. There was General discussion on the requests and the budget. These would be un-budgeted. Many Council Members noted that both are great causes, but they cautioned that we do not have infinite funds. Ms. Angie Schmitz moved to approve a grant of \$3,000 to CODAC and a \$2,500 grant for the Greater Colorado Law Student Experience, which was 2<sup>nd</sup> by Ms. Amy Brimah. The vote was approved unanimously.

e. Title Standards Committee Membership Update

- i. Ms. Cyndi Stovall gave an update that the Committee is still looking for a practitioner with a background in estates and trusts, and she explained that Peter Griffiths is stepping down in December. Ms. Stovall noted that there is potentially a replacement with bankruptcy experience, and Ms. Catherine Hance will work with that potential person on potentially serving.

f. Membership and Practice Development Committee New Member Letter

- i. Mr. Steve Nagy explained that Mr. Miro Kovacevic has drafted a new member welcome letter based on the templates provided by the Bar Association and the Committee is close to approval to send to the Officers. Once approved, they will start sending it out to new members when we receive notification from the Bar Association that the Section has a new member.

**6. Action Items:**

- a. Unlawful Restrictions in Land Records Act..... Holly Ryan, Cyndi Stovall
  - i. Ms. Holly Ryan indicated that they have not met with the State task force yet, but the Section’s internal committee has met and have expressed their thoughts in terms of clarifying some language. Ms. Stovall explained all the proposed redline changes that they are proposing are to get the uniform law to line up with existing Colorado law. The Council Task Force will meet with LTAC to discuss our proposed language revisions and will report back to the Council.
- b. Board of Governors Replacement Nomination – Amy Brimah.....Jim Meseck
  - i. Mr. Meseck publicly acknowledged Ms. Katy Dunn’s longstanding service representing the Section with the Board of Governors. He requested a vote with respect to his proposed nomination of Amy Brimah to fill the role, which was 2<sup>nd</sup> by Ms. Schmitz and approved unanimously.

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

- a. Special Session Bills
  - i. Mr. Tyler Mounsey stated that it was chaotic and not many groups were able to get much in the way of influence over the legislator’s efforts. The session was marred with technical errors and the protests did not help the legislature’s process. The bills that were passed were really designed to be temporary in nature and they will work in the regular session to provide a more permanent solution to rising property taxes.

**8. In the News.....Jim Meseck**

- a. NAR Lawsuit – Home sellers win \$1.8 Billion Jury Verdict:  
<https://www.cnn.com/2023/10/31/economy/national-association-of-realtors-commissions-high/index.html>
  - i. NYT Article on home seller lawsuits
- b. Short Term Rental Legislation Articles:
  - i. <https://coloradosun.com/2023/11/01/short-term-rental-legislation-raises-property-taxes/>

- ii. Proposed Legislation Passes Colorado Legislative Council: [Lodging Property Tax Treatment Bill \(Bill C\)](#)

## REPORTS AND INFORMATIONAL ITEMS

- 9. **Interprofessional Committee** *Reagan Larkin, Lyndsey O’Connell*
  - a. Ms. Lyndsey O’Connell explained that the Committee discussed that the appraisers in Colorado are looking to make changes to the statute of limitations and repose in the 2024 legislative session for civil actions over appraisals. Ms. O’Connell noted that DORA is proposing legislation about the recently formed HOA Task Force, and LTAC is looking for a sponsor for legislation regarding the imposition of uniform recording fees.
  
- 10. **Education/CLE Committee** *Joan Fritsche, Miro Kovacevic, Carolin Topelson*
  - a. Ms. Fritsche noted that the Spring Update will be March 8<sup>th</sup>, 2024, with the final agenda announced on December 29<sup>th</sup> (Short-term Rental Issues). The Committee wants Council feedback on changing the format to a half day with a hot topics style panel and asking that we do not hold CLE lunches on the same months as longer CLEs/Updates to avoid competing with ourselves. Ms. Ham noted that this would also help with the pressure to find monthly lunch CLE presenters/topics. Mr. Dan Sweetser thinks this is a good idea. Ms. Deanne Stodden is in favor of the change and thinks it will help funnel the longer lunch CLE topics to the Update CLEs. Mr. Meseck agreed with Ms. Fritsche’s proposal because he thinks it should lead to an increase in the quality of our offerings.
  
- 11. **Education/Topical Lunches Committee** *Deanne Stodden, John Koechel, Jordan Bunch*
  - a. Ms. Stodden said the lunch for December will focus on amendments to the Colorado Mobile Home Act. Ms. Aly Jaen will speak on cannabis banking in January 2024.
  
- 12. **Communications Committee** *Joan Fritsche, Josh McMahon, Michelle DeVoe*
  - a. Mr. Josh McMahon will be the main editor of the December newsletter and will focus on the Amicus Brief. It should be out in early January 2024.
  
- 13. **Publications Committee** *Steve Nagy, Reagan Larkin, Josh McMahon, Eric Snyder*
  - a. Mr. Nagy noted that Ms. Brimah will have an article published on exclusionary zoning in next month’s Colorado Lawyer. Mr. Nagy is hopeful that there will be another article in January on the constitutionality of tax lien, and there are many more topics in process.
  
- 14. **Community Service/Charitable Committee** *John Koechel, Lisa Connolly, Jordan Bunch*
  - a. Thank You from Habitat for Humanity Event

- i. Mr. Meseck thanked Mr. John Koechel and the committee for a very successful event on the building project with Habitat for Humanity. Mr. Koechel noted that he was grateful for the success of the event, and now the Committee is looking forward to an event possibly in the Spring of 2024. Mr. Koechel asked for anyone to provide feedback or other options for the future if they are interested.

**15. Affordable Housing Committee** Melinda Pasquini, Erin Clark, Alex Gano, Carolin Topelson, Deanne Stodden, Lyndsey O’Connell, Brianna Dowling

- a. Ms. Melinda Pasquini explained that they will be prepared to review legislation and working with non-CBA organizations to address affordable housing legislation that arises in 2024. The Committee is evaluating the ongoing attendance with the Colorado Housing Council. Ms. Pasquini said the Committee is looking at a forum or event to connect with legislative stakeholders prior to the start of the 2024 legislative session, and they are working with the Tax Section regarding short-term rental taxation legislation. Ms. Pasquini is also looking into proposing a Colorado Lawyer article regarding these issues, and she asked the Officers to look into creating data rooms for all the legislative task forces to use and share when evaluating potential legislation. Mr. Meseck will attend the 20<sup>th</sup> of December 2023, Colorado Housing Council meeting on behalf of the Committee with Mr. Mounsey.

**16. Membership and Practice Development Committee** Steve Nagy, Miro Kovacevic, Michelle DeVoe, Lisa Connolly

- a. Mr. Nagy indicated that the welcome letter for new Section members is the focus of the Committee, and he stated they are still looking at a co-sponsored CLE with the Construction Law Section on December 5<sup>th</sup>. Ms. O’Connell will attempt to assist with this CLE for the Real Estate Section.

**17. Landlord/Tenant Task Force** Deanne Stodden, Lyndsey O’Connell, Reagan Larkin, Carolin Topelson, Erin Clark

- a. *Miller v. Amos* Amicus Brief Update
  - i. Ms. Carolin Topelson indicated that there are owners increasing rents predicting additional costs and issues arising from this case and the underlying statute according to feedback given at the last meeting of the Colorado Housing Council.

**18. CCIOA Task Force** Joey Lubinski, Miro Kovacevic, Steve Nagy, Josh McMahon, Susanne Leff, Justin Nyberg

- a. Mr. Joey Lubinski said that they are still looking to get a CCIOA clean-up bill and will be monitoring the HOA legislative task force created by legislation passed in 2023. Mr. Lubinski noted that the task force has met twice, but there is no indication that there will be a pause on legislation in the area during the 2024 session in order to wait for the task force’s conclusions. Mr. Lubinski explained that much of the initial proposals out of

the legislative task force center around large changes to CCIOA in terms of HOA budgeting, fines, and information disclosure requirements.

19. **CBA Ethics Committee Liaison** Kate Strauss
  - a. No Update.
20. **CBA Tax Section** Tyler Murray
  - a. Mr. Meseck thanked Mr. Tyler Murray for communication during the special session. Mr. Murray had no additional update from the Section.
21. **CBA Trust and Estate Section** Chad Rounds
  - a. Mr. Chad Rounds indicated that the new bar exam is likely to omit trusts/estates from the exam, which concerns their Section for future attorneys joining the practice. Mr. Rounds explained that the Section is looking for legislative sponsors for cleanup bills to address some issues with the probate code, and they are also analyzing having law student representatives from the Colorado law schools be Section members.
22. **CBA Forms Committee** Nicole Nies
  - a. Mr. Damian Cox stated that the Forms Committee is working on the contract to buy and sell and issues regarding Colorado Real Estate Commission lawsuits involving real estate brokers.
23. **Colorado Association of Realtors (CAR):** Damian Cox
  - a. Mr. Cox indicated that CAR is working on the same issues as the forms committee.
24. **CBA Business Section** Andy Toft
  - a. No Update.
25. **Board of Governors** Katy Dunn
  - a. No Update.
26. **CBA Title Standards** Catherine Hance, Geoff Anderson
  - a. No Update.
27. **Oil and Gas, Water & Natural Resources Taskforce** Amy Mowry, Jordan Bunch, Michelle DeVoe, John Koechel, Marjorie Sant
  - a. No Update.
28. **Special Districts Taskforce** Joan Fritsche, Lisa Connolly, John Koechel, Doug Tueller

- a. Metropolitan District Homeowners' Rights Task Force
  - i. Ms. Fritsche indicated that there was an organizational meeting of the legislative task force, but they did not get into substantive issues during the meeting and there is some reluctance on the task force to make major changes to the current statute.
  
- 29. Records Redaction Taskforce**      *Holly Ryan*, Lisa Connolly, Reagan Larkin, Michelle DeVoe, Chuck Calvin
  - a. No update except for the Action Item above.
  
- 30. CBA Young Lawyers Division**      Dani Kaiser
  - a. No Update.
  
- 31. Regional Membership Liaison**      Doug Tueller
  - a. Mr. Doug Tueller indicated that he was interested in potentially drafting articles on issues regarding short-term rentals and other taxation issues with mountain communities, which he hopes to complete in the next several months, which may be for the Newsletter or the Colorado Lawyer.
  
- 32. CBA Cannabis Law Committee Liaison**      Alyson Jaen
  - a. Ms. Alyson Jaen indicated that the most recent cannabis law section meeting focused on the conclusion of the Marijuana Enforcement Division ("MED") rule making session. Ms. Jaen explained that the new MED rules will come into effect in January 2024, and there was a controversial proposed rule put forth by the MED to limit cannabis friendly events that was ultimately defeated after pushback from stakeholders. There are also new MED rules coming into effect for hospitality businesses. Ms. Jaen said that the industry is waiting on updates to the SAFER banking act and federal rescheduling of cannabis. Ms. Jaen will be doing a Lunch & Learn that discusses cannabis leasing considerations through the Section's CLE lunch programs.

**INACTIVE**

- 33. UCC Task Force**      *Andy Toft*, Josh McMahon, Lyndsey O'Connell
- 34. Eminent Domain**      *Steve Nagy*, Miro Kovacevic, Jody Alderman
- 35. Diversity and Inclusionary Liaison**      Eric Nesbit
- 36. Access to Justice Liaison**      Andy Toft

## **NEW MATTERS**

- 37.** Mr. Kessler explained that the Council has an opportunity to provide their clients who are owners/operators with an update that various groups are entertaining filing litigation to challenge Energize Denver and Colorado Regulation 28. The Ordinance and Regulation have material impacts on all commercial and non-single family residential properties in Denver and throughout the state.

## **ADJOURN**

5:09 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  
**November 21, 2023**  
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			X
Amy Mowry – Oil & Gas/Water/Nat’l Resources			X
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		
Eric Snyder	X		
Marjorie Sant, Nat'l Resources Task Force	X		
Jean Arnold	X		
Meghan Bush	X		
Elisa Overall	X		
Kyle Aber	X		
Joey Lubinski	X		
Geoff Anderson	X		
Tyler Mounsey, CBA	X		
Robin Nolan, Spencer Fane	X		
Peyton Lindley	X		
Alex Gano, Bryan Cave	X		
Chelsea Marks	X		