



**Dora**  
Department of Regulatory Agencies

**MINUTES**

**COLORADO DIVISION OF REAL ESTATE**

**CONSERVATION EASEMENT OVERSIGHT  
COMMISSION MEETING**

**October 7, 2010**

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**MINUTES**  
**CONSERVATION EASEMENT OVERSIGHT COMMISSION MEETING**  
**October 7, 2010**  
**Colorado Division of Real Estate**  
**1560 Broadway, Suite 1250 C**  
**Denver, CO 80202**

A Conservation Easement Oversight Commission public meeting was held on October 7, 2010. The commissioners in attendance were; Cindy Lair, representing the Colorado Department of Agriculture; Martha Cochran, representing a local land trust; Chris West, representing a statewide land trust; R. Jay Winner, representing a local government land conservation agency; Janis Whisman, representing a historic preservation organization with experience in easements on properties of historical significance; Mark Weston, representing certified general appraisers; Max Vezzani, representing landowners who have donated a conservation easement. Doug Robotham, representing the Colorado Department of Natural Resources and Lise Aangeenbrug, representing Great Outdoors Colorado were absent.

Also attending were Marcia Waters, Director Acting Director of the Division of Real Estate; Hollis Glenn, Conservation Easement Program Manager; Melissa Phipps, Assistant Attorney General; Harold Ovsowitz, Compliance Investigator and Jordan Beezley, Compliance investigator for the Division of Real Estate; and several staff from the Department of Revenue staff and legal counsel. The meeting was open to the public.

Full and timely notice of the meeting was given to the public and the meeting was held pursuant to the Colorado Sunshine Law, Title 24, Article 6, C.R.S., as amended.

**Call to order, determination of a quorum:**

The meeting was called to order by Commission-Chair Cochran at 10:04 AM and a quorum was determined.

**Public comment:**

No one from the public made a comment.

**Executive Session 1:**

**Motion:** It was motioned by Vice-Chair Whisman and seconded by Commissioner Weston at 10:15 AM that the Commission enter into Executive Session for the purpose of receiving legal advice on specific legal questions, pursuant to C.R.S. section 24-6-402(3)(a)(II) regarding consultation with the Department of Revenue on conservation easements for which a state tax credit is claimed.

**Motion unanimously carried**

**The Commission re-entered open session at 10:32 AM.**

Commission-Chair Cochran stated for the record that Commissioners and Division staff had dedicated many hours towards review of each appraisal in preparation for the consultation with the Department of Revenue.

### **Executive Session 2:**

**Motion:** It was motioned by Vice-Chair Whisman and seconded by Commissioner Weston at 10:35 AM that the Commission enter into Executive Session for the purpose of discussing disputes that are subject of pending or imminent court action, pursuant to C.R.S. section 24-6-402(3)(a)(II) and for matters required to be kept confidential by federal law or rules and state statutes, pursuant to C.R.S. section 24-6-402(3)(a)(III). Specifically, the Department of Revenue has requested consultation upon matters pursuant to C.R.S. sections 39-22-522(3.5)(a) and 12-61-721(3) which are required to be kept confidential pursuant to C.R.S. sections 39-21-113(4)(a) and (17) and 39-22-522(3.5)(b) and C.R.S. sections 24-6-402(3)(a)(III). These matters for consultation include the review of conservation easement appraisals referenced as #1-#58.

**Motion unanimously carried**

**The Commission re-entered open session at 2:18 PM.**

### **Executive Session 3:**

**Motion:** It was motioned by Vice-Chair Whisman and seconded by Commissioner Lair at 2:25 PM that the Commission enter into Executive Session for the purpose of receiving legal advice on specific legal questions, pursuant to C.R.S. section 24-6-402(3)(a)(II) regarding consultation with the Department of Revenue on conservation easements for which a state tax credit is claimed.

**Motion unanimously carried**

**The Commission re-entered open session at 2:43 PM.**

### **Commission Recommendations:**

**Motion:** It was motioned by Vice-Chair Whisman and seconded by Commissioner Lair that the Commission make a recommendation to the Executive Director of the Department of Revenue to accept or reject the tax credit for each individual appraisal.

**Motion unanimously carried**

**Motion:** An alternative motion was made by Commissioner West and seconded by Vice-Chair Whisman that the Commission reject the following appraisals: #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15, #16, #17, #18, #19, #20, #21, #22, #23, #24, #25, #26, #27, #28, #29, #30, #31, #32, #33, #34, #35, #36, #37, #38, #39, #40, #41, #42, #43, #44, #45, #46, #47, #48, #49, and #50.

**Motion unanimously carried**

**Motion:** It was motioned by Vice-Chair Whisman and seconded by Commissioner West to table a recommendation on appraisal #51 so the Department of Revenue can provide the Commission a full appraisal.

**Motion unanimously carried**

**Motion:** It was motioned by Commissioner Weston and seconded by Vice-Chair Whisman that the Commission reject the following appraisals: #52, #53, #54, #55, #56, #57, and #58.

**Motion unanimously carried**

**Adjournment:**

**Motion:** It was motioned by Commissioner West and seconded by Commissioner Winner to adjourn the meeting.

**Motion unanimously carried**

The meeting adjourned at 2:55 PM on October 7, 2010.

\_\_\_\_\_ Absent \_\_\_\_\_  
Lisa Aangeenbrug, Great Outdoors Colorado

\_\_\_\_\_ Absent \_\_\_\_\_  
Doug Robotham, Colorado Department of  
Natural Resources

\_\_\_\_\_  
Cindy Lair, Colorado Department of Agriculture

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Martha Cochran, Commissioner

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R. Jay Winner, Commissioner

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Janis Whisman, Commissioner

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Chris West, Commissioner

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Mark Weston, Commissioner

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Max Vezzani, Commissioner

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Marcia Waters, Director  
Colorado Division of Real Estate