



## **MINUTES**

### **COLORADO DIVISION OF REAL ESTATE**

### **CONSERVATION EASEMENT OVERSIGHT COMMISSION MEETING**

**May 17, 2010**

### **MINUTES – INDEX**

	<b><u>PAGE #</u></b>
<b>CALL TO ORDER, DETERMINATION OF A QUORUM</b>	<b>2</b>
<b>APPROVAL OF MARCH 29, 2010 MINUTES</b>	<b>2</b>
<b>PUBLIC COMMENT</b>	<b>2</b>
<b>STAFF UPDATES</b>	<b>3</b>
<b>TAX CREDIT CERTIFICATES</b>	<b>3</b>
<b>CERTIFICATION REVIEW</b>	<b>4</b>
<b>SELECTION OF A NEW CHAIR AND VICE CHAIR</b>	<b>4</b>
<b>ADJOURNMENT</b>	<b>5</b>

**MINUTES**  
**CONSERVATION EASEMENT OVERSIGHT**  
**COMMISSION MEETING**

**May 17, 2010**

**Colorado Division of Real Estate**  
**1560 Broadway, Suite 1250 C**  
**Denver, CO 80202**

A Conservation Easement Oversight Commission public meeting was held on March 29, 2010. The commissioners in attendance were Lise Aangeenbrug, representing Great Outdoors Colorado; Cindy Lair, representing the Colorado Department of Agriculture; Martha Cochran, representing a local land trust; Dan Pike, 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 was absent.

Also attending were Marcia Waters, Director of Compliance and Investigations; Hollis Glenn, Conservation Easement Program Manager; Lisa Brenner Freimann, Assistant Attorney General;; Ted Wiatr, Department of Revenue; and several members of the Division's staff. 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 Chairperson Pike at 1:05 PM and a quorum was determined.

**Approval of March 29 , 2010 Minutes:**

**Motion:** It was moved by Commissioner Whisman and seconded by Vice-Chair Cochran to approve the minutes of March 29, 2010.

**Motion unanimously carried.**

**Public Comment:**

Paula Noonan from Colorado Capitol Watch addressed the Commission about her desire for transparency of conservation easement donations involving tax credits.

Phil Doe, a citizen, addressed the Commission about the public right to see how the funds from the tax credit are used.

## **Staff Updates:**

### **Appraisal Update Course:**

Hollis Glenn briefed the Commission on the Update Course. The Taskforce was finishing their work and the final materials for the course will be assembled by staff and the instructors. BOREA will write a rule requiring conservation easement appraisers to take the course once every other year beginning July 1, 2011.

Commissioner Weston, who is part of the Update Course Taskforce and a course instructor, dispelled the rumor that the course will teach appraisers not to appraise phased easements. He suggests Commissioners correct any person that may have heard this rumor.

### **Government Certification:**

Staff provided an update on the number of applications from government entities expected to apply for certification. To date, four applications have been received by the Division of Real Estate. Staff anticipates 10 to 15 will apply before the deadline.

### **Tax Credit Certificates:**

Staff provided an update on the application, proposed rules, and process in which the Tax Credit Certificate will be administered. Staff sought the advice on specific questions related to the process. The Commission's advice was as follows:

1. The Division of Real Estate does not need to request the 8283
2. The appraisal affidavit will be submitted with the application
3. The Division should not book the value of the credit until the application is complete
4. "Ineligible" conservation easements need to be clarified and based on objective criteria
5. The process should accommodate adjustments to claims that are based on a change in the appraised value
6. Tax Credit Brokers should not be the main contact regarding the submission of the application

Staff will continue to work on the rules, application, and process for the Tax Credit Certificate. A rule making hearing will be set in early November.

## **Certification Review:**

### **Applicant 200914:**

Jordan Beezley, Compliance Investigator, presented the Commission with a report on the organization's application to reapply for certification. Staff recommended a motion to approve the applicant with a suggestion that projects will be reviewed by the Division during the renewal process. A discussion by the Commission followed.

**Motion:** It was moved by Commissioner Lair and seconded by Commissioner Vezzani to recommend approving the applicant with the understanding that new project will be reviewed with the renewal application.

**Motion unanimously carried.**

### **Applicant 200919:**

Jordan Beezley, Compliance Investigator, presented the Commission with a report on the organization's application to reapply for certification. Staff recommended a motion to approve the applicant with a suggestion that projects will be reviewed by the Division during the renewal process. A discussion by the Commission followed.

**Motion:** It was moved by Commissioner Winner and seconded by Commissioner Lair to deny the applicant for certification.

**Motion carried 7 to 1 (Commissioner Vezzani voted no)**

## **Selection of a new chair and vice-chair:**

Commissioner Lair motioned to nominate Vice-Chair Cochran to Chair of the Conservation Easement Oversight Commission. The nomination was seconded by Commissioner Weston.

**Motion unanimously carried.**

Commissioner Winner motioned to nominate Commissioner Whisman to Vice-Chair of the Conservation Easement Oversight Commission. The nomination was seconded by Commissioner Aangeenbrug.

**Motion unanimously carried.**

**Adjournment:**

**Motion:** It was moved by Commissioner Weston and seconded by Vice-Chair Cochran to adjourn the meeting.

**Motion unanimously carried.**

The meeting adjourned at 2:45 PM on May 17, 2010.

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Lisa Aangeenbrug, Great Outdoors  
Colorado

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Absent  
Doug Robotham, Colorado Department of  
Natural Resources

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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, Acting Director  
Colorado Division of Real Estate