

REAL PROPERTY SECTION OF THE VIRGINIA STATE BAR
BOARD OF GOVERNORS AND AREA REPRESENTATIVES

WINTER MEETING

Minutes

Friday, January 24, 2020
Williamsburg Inn, VA

Chair Ron Wiley called the meeting to order at 1:00 PM.

The chair opened by welcoming all attendees, both those physically present and those via telephone. He asked all physically present to sign the list being passed around and requested that all those on the phone notify Secretary/Treasurer Kathryn Byler via text or email. The chair announced that a quorum of the Board was established. He reminded everyone that participation by area representatives is welcomed and encouraged but only board members may vote on the business of the section.

The chair called for adoption of the minutes of the fall meeting as presented by the secretary/treasurer, Kathryn Byler. Two changes were noted regarding attendees. Immediate Past-Chair Kay Creasman should be included in the attendance and both Josh Johnson and James Johnson attended. Karen Cohen noted that she is with a new firm. The revised minutes were adopted by a unanimous vote.

Chair Wiley noted that he had submitted a proposed budget for July 1, 2020 to June 30, 2021. Although the submitted budget was balanced, there was considerable discussion about a potential surplus. Past chairs Bill Nusbaum, Whitney Levin, and Kay Creasman commented about their experiences when submitting a proposed budget. There was a discussion of potentially giving free membership to new members under 30 years old. It was suggested that VA CLE might offer first-time attendees to the Annual and Advanced CLEs a 50% discount. Larry McElwain suggested an anticipated surplus could be used to bring in out-of-state speakers for the Advanced CLE. The chair encouraged everyone to think of ways that any surplus could best be spent and to send their ideas to him via email. The chair further encouraged all attending members to submit a voucher for travel.

A review of the upcoming Advanced and Annual CLE's was given by committee co-chairs, Ben Leigh and Sarah Louppe Petcher. Dates for the Advanced are March 6 and 7, 2020. The Annual Real Estate Seminars are May 6, May 19 and May 21, 2020. A review of committed speakers and topics for the Advanced ensued. Professor Carol Brown from University of Richmond Law School will speak on housing discrimination in land use. Robert Duston will speak on ADA issues in real estate development and use. Sharon Horstkampt will address e-notes and e-contracts. Everett Gardner and Kim Hart will speak on VHDA's incentive programs for efficient development and the Low Income Housing Tax Credit Program. John Altmiller will present on ethics on both Friday and Saturday. Gus Bauman will address regulatory takings and changes

since *Knick v. Township of Scott*. And, Professor Andrew Kahrl and David Cogal will speak on African American farmlands partition suits.

It was noted that the Program Committee welcomes suggestions for topics for both the Annual and the 2021 Advanced CLEs. The chair noted that some might consider the topics to advance a progressive social agenda. Any comments regarding the programming should be directed to Ron Wiley. A suggestion was made to do a presentation on time-shares.

Christina Meier addressed the group in a touching announcement of her retirement and appreciation for the professional relationships she's enjoyed over the years. As a parting contribution, Christina acknowledged the completion of the Real Estate LEO project on which she addresses 1,800 LEO's, reduces the total to 175 specifically dealing with real property, and groups them into 20 or 25 subtopics so they can be easily searched. The summary is currently available for distribution. A discussion of appropriate dissemination included suggestions of sending the summary electronically to all section members, posting on the section website, and including it in the spring Fee Simple. It was also noted that this might be a good base for an upcoming ethics CLE.

A motion was made to add three new Area Representatives. Steve Gregory nominated Hayden-Ann Breedlove who graduated from University of Richmond Law School, passed the bar, is clerking in Henrico County, and has been serving as the student assistant to the Fee Simple. Susan Pesner nominated Heather Steele and Mark Graybeal nominated Sandra "Sandy" Buchko. The nomination was seconded and, by vote, all three were approved.

Steve Gregory made a motion that a new position called co-editor of the Fee Simple be created and that Hayden-Ann Breedlove be appointed the first co-editor. The motion was seconded by Mark Graybeal. During discussion of the motion it was suggested that the stipend be split 50/50 between the editor and co-editor. Pamela Faber, Whitney Levin, and others raised concerns that a new attorney without substantial experience be given such authority. Bill Nusbaum suggested that the motion be amended so the proposed newly created position will be called assistant-editor to indicate that it was subordinate instead of equal. After more discussion, the nomination was tabled for a future date.

Mark Graybeal asked all present to make sure they have submitted a photo for the website roster. He offered to take pictures of anyone without a current photo. He also offered to switch out photos from time-to-time as desired.

A suggestion was made that each participant at the table introduce him/herself. Chair Wiley agreed and initiated a round of short, self-introductions.

It was announced that Richard Howard Smith will submit an article on Series LLC's for publication in the spring Free Simple.

The allocated time for the meeting having lapsed, the meeting was adjourned at 2:30 PM.

Respectfully submitted:



Kathryn N. Byler, secretary/treasurer

List of Attendees
Fall Board of Governors and Section Meeting
Friday, January 24, 2020

Board Members

Ronald D. Wiley, Jr., Chair
Lori H. Schweller, Vice-chair
Kathryn N. Byler, Secretary/Treasurer
Kay Creasman, Immediate Past-Chair
Richard B. "Rick" Chess
Robert E. Hawthorne, Jr.
Blake Hegeman
Whitney Levin
Steve Gregory*
Sarah Louppe Petcher*
Will Homiller, Ex-officio Board

Area Representatives

Pamela Faber
Matson Coxé
Max Wiegard, VBA representative
Brian Wesley, Young Lawyers Conference representative
Vanessa Carter
Susan Walker
Steven W. Blaine
K. Wayne Glass
Steve Wood
Susan Pesner
Paula Caplinger
Larry McElwain
Howard Gordon
Page Williams
Thomson Lipscomb
Eric Zimmerman

David Helscher
Benjamin Leigh
Bill Nusbaum
Christina Meier
Harry Purkey
Doug Dewing*
Alyssa Embree*
Pam Fairchild*
Jon Brodegard*
Cynthia Nahorney*
Reilly Cartwright*
James Johnson*
Tara Boyd*
Randy Howard*

Tracy Banks, VA CLE

*Attended by telephone conference call