

STATE OF COLORADO
SECRETARY OF STATE
1700 Broadway, Suite 550
Denver, Colorado 80290

Case No. **2026 AHO 02** (Notary)

IN THE MATTER OF:

THE SECRETARY OF STATE OF COLORADO,

Complainant

v.

GARY PAUL BROWN, NOTARY PUBLIC, ID NO. 20224023588

Respondent

RESPONSE TO MOTION FOR DFAULT JUDGMENT

Comes now Respondent through his attorney, Meissa Drazen-Smith Esq., of MDS Legal Consultants, and files this Response to the Notary Division of the Colorado Secretary of State's Motion for Default Judgment.

1. Attorney for Respondent entered an appearance on the 24th of February 2026.
2. That same day, counsel for both parties spoke on the phone and exchanged emails seeking a resolution to the case. We spoke and emailed extensively (at least 50 emails) until Thursday March 5 at 6:10 PM when attorney for the State said she had spoken to her client and got approval for a proposed disposition of the matter. The disposition was accepted by both the Department and the Respondent at that time.
3. On March 6, 2026 at 4:01 PM attorney for the State sent the following email . . .

The way I'm pretty sure this will work is that I'll draft an order and stipulation to suspension and send it to you for your review. Upon your approval, the Deputy Secretary of State will

sign and then Mr. Brown will. At that point I'd file a motion to dismiss the administrative complaint.

I do just want to confirm that you're accepting the offer to suspend pending notary training if he accepts responsibility for the disqualifying interest claim. If you're accepting, I'll get started on drafting that. I just don't want to spend the time drafting it if your client hasn't confirmed he'll do this.

4. I responded at 4:11 PM...

"Confirmed. We will do this. Melissa"

5. Instead of completing the paperwork for the agreement, on March 12, 2026, Counsel for the State began sending emails requesting discovery and stating that she would file a Motion for Default Judgment.

6. The undersigned attorney made it clear that her client didn't want to expend additional resources on the matter and that he should not have to. I also made clear that in my opinion filing a motion for Default when a disposition had been reached was inappropriate especially for a government attorney in a prosecutorial role. Nonetheless, the attorney filed her motion for default Judgment.

7. The attorney for the State is acting on behalf of the State in an unconscionable manner. The Motion for Default is wildly inappropriate and shocking to the conscious.

Wherefore Respondent requests the court DENY the Motion and sanction the attorney by ordering a dismissal of this matter.

Respectfully submitted this 16th day of March, 2026.

Melissa Drazen-Smith, ESQ., 23161

/s/ Melissa Drazen-Smith

Attorney for Respondent Gary Paul Brown

Melissa Drazen-Smith, #23161

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true pdf copy of the above and foregoing **Motion** was served by electronic mail upon counsel of record referenced below and Word copies were filed by electronic mail to the **Hearing Officer** pursuant to Rules 3.5.1 and 3.5.2 of the General Policies and Administration, 8 CCR 1505-3 on this 16th day of March, 2026.

Hearing Officer
Colorado Secretary of State
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_AdministrativeHearingOfficer@coloradosos.gov

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/s/Melissa Drazen-Smith