

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

MOTION TO SET ASIDE DEFAULT JUDGMENT

Comes now Respondent through his attorney, Melissa Drazen-Smith Esq., of MDS Legal Consultants, and files this Motion to Set Aside Default Judgment.

1. This Court Granted Complainant Motion for Default Judgment on March 31, 2026. The Order expressed considerable impatience with the Respondent.
2. § 24-4-105(1), C.R.S. (2025) provides: “In order to assure that ***all*** parties to any agency adjudicatory proceeding are accorded due process of law, the provisions of this section shall be applicable.” It also provides in Seciton (2) for a Default Judgment to be set aside if good cause is shown.
3. Counsel for the State has acted in a manner that this attorney has found to be unconscionable. The attorneys in this case reached an agreement for a settlement. The agreement was made prior to the date the Answer was due. Counsel misrepresented to this Court that the agreement was reached. The only reason it was not finalized was due to the dilatory tactics of Counsel for the State.
4. Counsel also was aware that filing an answer and filing motions was an additional cost to Respondent which was unnecessary due to the settlement agreement. Her failure to agree to a Stay is also insupportable.
5. Instead of completing the paperwork for the settlement, which also could have been done before an Answer was due, Counsel waited for the due date and filed her Motion for Default.

She misrepresented to this Court that the negotiations were ongoing. That is an outright lie. There was offer and acceptance of a disposition **which she said was approved by her client.**

6. Her behavior is fundamentally dishonest, unfair and beyond what is acceptable for a government attorney prosecuting a citizen. I communicated this to Counsel and asked for her supervisors' name; she informed me that she would not give me her supervisor's name or contact information.

7. That set in to motion an extensive quest for information from the Office of the Attorney General. Undersigned counsel then spent the next week and one half trying to reach anyone at the Attorney General's Office. I sent emails, left voice mails and finally tried to reach the elected Attorney General on InstaGram.

8. Undersigned counsel emailed Counsel for the State nearly every day to ask about the paperwork for the disposition. She finally informed me that she was not doing the paperwork because she was waiting for the Default.

9. A representative from the Attorney General tried to reach me, but then went out of town for the entirety of last week.

10. Yesterday, March 30, 2026, I went to the Office of the Attorney General and met with an administrator. He informed me that they had assigned my issue to someone and that they would get back to me. Today, I sent another email to the person who purported to be Ms. Russo's supervisor with no response.

11. Respondent simply wants the benefit of the bargain he struck with the State. In retrospect it would have been less expensive for Respondent to file the Answer.

12. It is entirely due to undersigned counsel's belief that a settlement had been reached and that the Attorney for the State would act in a fair manner as she is required to do by the rules of Professional Conduct, that the Answer was not filed. Respondent should not be punished for that calculation.

13. Moreover, the Court's impatience with a typographic error in the Response is also entirely my responsibility and should not be attributed to the Respondent.

14. The Court also expressed concern that Respondent did not respond initially to the Complaint. This was due to the investigator from the Secretary of State only reaching out by email and not sending information to the Respondents mailing address.

15. Respondent is anxious to conclude this matter by explaining what he did and did not do with his notary powers. However, this matter should not be litigated, it is one which should be and can be settled by the parties as they have already agreed to.

Wherefore Respondent requests the court Set Aside the Default Judgment, Grant Respondent an additional 30 days to file an Answer and ORDER the State to complete the paperwork for the settlement it agreed to.

Respectfully submitted this 31st day of March, 2026.

Melissa Drazen-Smith, ESQ., 23161

/s/ Melissa Drazen-Smith

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true pdf copy of the above and foregoing **Motion To Set Aside Default Judgment** 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