

STATE OF COLORADO
IN THE OFFICE OF THE SECRETARY OF STATE

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

JIM MCNAIR,

Respondent.

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into between the Elections Division of the Colorado Secretary of State (“Division”) and Jim McNair (“Respondent”).

RECITALS

A. Respondent Jim McNair is the CEO of Shaman Botanicals LLC, a limited liability company registered in Missouri.

B. On June 23, 2025, the Division received a Complaint filed by Jonathan Walker Emord, counsel to Global Kratom Coalition. The Complaint alleged Shaman Botanicals LLC had engaged in lobbying by soliciting its customers to contact members of the Colorado General Assembly and ask that they oppose Senate Bill 25-072. The Complaint included a video showing Shaman Botanical’s website. A section of the website asked customers to email a member of the General Assembly with a pre-written text to oppose Senate Bill 25-072. The website offered customers \$9.99 worth of products in exchange for emailing a member of the General Assembly.

C. The Division conducted an investigation pursuant to Rule 5.3.1 of the Secretary of State’s Rules Concerning Lobbyist Regulation (8 CCR 1505-8). In its investigation, the Division determined that Respondent met the definition of a professional lobbyist under Colorado law. The Division also determined that between April 30, 2025 and May 23, 2025, Respondent and two employees of Shaman Botanicals LLC solicited customers, through its website, to (1) contact members of the General Assembly to oppose Senate Bill 25-072 and (2) contact the Governor to veto Senate Bill 25-072. Ultimately, two customers sent emails – one emailed a member of the General Assembly and another emailed the Governor. Each customer was given \$9.99 worth of products. Additionally, the Division confirmed that before soliciting others to

lobby members of the General Assembly and the Governor, Respondent had not registered as a lobbyist with the Secretary of State as required by section 24-6-303(1), C.R.S.

D. The Division has filed an Administrative complaint 2025 AHO 32 to initiate a hearing with a hearing officer pursuant to Rule 5.6.1 (8 CCR 1505-8). However, the Division will move to dismiss the Administrative Proceedings upon the Deputy Secretary's approval of this Settlement Agreement.

E. The Division and Respondent desire to resolve this matter without the expense of continued litigation.

THEREFORE, IN CONSIDERATION OF the mutual covenants contained in this Agreement, the parties agree and covenant as follows:

AGREEMENT

Section 1. Recitals are part of the Agreement.

The foregoing recitals are true and correct, binding on the parties hereto, and are part of the terms of this Settlement Agreement.

Section 2. Deputy Secretary of State Approval

This Settlement Agreement and all promises contained within are contingent upon approval of the Deputy Secretary of State, which approval will be demonstrated by the Deputy Secretary's signature to this Settlement Agreement. In the event the Deputy Secretary does not approve this Settlement Agreement, nothing in this Settlement Agreement shall be binding upon, or enforceable against, the Division or Respondent.

Section 3. Payment of Stipulated Penalty

Within 14 calendar days from when the Division sends an invoice to Respondent, **Respondent must pay a stipulated penalty in the amount of \$500.00** to the Division. Additionally, Respondent must register as a professional lobbyist with the Colorado Secretary of State and complete and file all disclosure statements related to Respondent's lobbying activities in Colorado as required by the Division's Compliance Department. Respondent shall initiate contact and speak with the Division's Compliance Department for assistance in completing the registration and disclosure reports. Any late penalties that may be assessed or due in connection with such filings in compliance with this Settlement Agreement will be waived by the Division. If Respondent fails to comply with this term or any other terms of the Settlement Agreement, the Division shall be entitled to pursue all remedies allowed under state or federal law.

Section 4. Determination of Stipulated Penalty and Other Requirements

This stipulated penalty derives from Rule 5.6.2(a) and 5.6.2(f) of the Secretary of State's Rules Concerning Lobbyist Regulation. Rule 5.6.2(a) allows the imposition of penalties. Rule 5.6.2(f) allows remedies in accordance with sections 24-6-301 et seq., C.R.S., which pertain to the regulation of lobbyists. Rule 5.6.2(f) does not restrict a remedy to only those set forth in section 24-6-305, C.R.S., so long as the remedy is in accordance with section 24-6-301, C.R.S. through section 24-6-309, C.R.S. Consequently, a remedy that requires the Respondent to comply with the registration and disclosure requirements of sections 24-6-302 and 24-6-303, C.R.S., is appropriate and consistent with the goals of transparency and openness of government under the Colorado Sunshine Law, including sections 24-6-301 et. eq. C.R.S.

The Secretary of State's Rules Concerning Lobbyist Regulation do not include a provision pertaining to aggravating and mitigating factors; however, whether expressly stated or not, such considerations routinely are considered when determining in an administrative proceeding the appropriate sanction for the violation of a statute or rule. There are aggravating factors in this matter.

Respondent's violation was extensive. Respondent's lobbyist activities involved soliciting customers in two instances. First, via his business's website, Respondent solicited customers to lobby the General Assembly to oppose Senate Bill 25-072. Thereafter, Respondent – again via his business's website – solicited customers to lobby the Governor to veto the bill. Accordingly, the Division finds that a penalty of \$500.00 for Respondent's violations is appropriate, as well as requiring Respondent to register and file the disclosure statements required of a lobbyist.

Section 5. Dismissal of Administrative Complaint

The Division will move to dismiss the Administrative Complaint with prejudice following the Deputy Secretary of State's approval of the Settlement Agreement.

Section 6. Admissions

Respondent admits that Respondent violated section 24-6-303, C.R.S. by failing to register with the Secretary of State as a professional lobbyist and section 24-6-302, C.R.S. by failing to file with the Secretary the disclosure statements required of a professional lobbyist.

Section 7. Release and Covenant Not to Sue

Respondent Jim McNair, for himself and for Shaman Botanicals LLC, their respective employees, agents, assigns, representatives, attorneys, and subrogees, release and forever discharge the Division, the Secretary of State, and the State of Colorado, and all of their former, current, and successor officers, employees, agents, and attorneys, from any and all claims, actions, causes of action, debts, demands, liabilities, losses, injuries, and/or damages arising from or relating to the Complaint filed June 23, 2025, the Division's investigation of the Complaint, and the Administrative Proceedings. Respondent further expressly agrees and covenants that it will not sue or assert any cause of action, at law or in equity and whether before a court of law or an administrative agency, against the Division, the Secretary of State, or the State of Colorado, or any of their former, current, and successor officers, employees, agents, and attorneys, for any claim arising from or related to the Complaint filed June 23, 2025, the Division's investigation of the Complaint, or the Administrative Proceedings.

Section 7. Waiver of Appeal Rights

Respondent expressly waives any right for further administrative or judicial review of any matter related to the Administrative Proceedings or this Settlement Agreement, including but not limited to any rights provided by §§ 24-4-105 and 22-4-106, C.R.S.

Section 8. Public Records

Respondent understands and agrees that this Agreement may be made available to the public on the Secretary of State's Lobbyist Complaint docket and may also be made available to members of the public who serve a valid request under the Colorado Open Records Act, § 24-72-101, *et seq.*, C.R.S. (2021).

Section 9. Full and Complete Agreement

This Settlement Agreement constitutes the full and complete agreement of the parties and shall supersede any and all prior understandings, whether written or oral.

Section 10. Final Agency Action

Upon its approval by the Deputy Secretary of State, this Settlement Agreement shall become final agency action under the State Administrative Procedure Act, §§ 24-4-101 *et seq.*

Section 11. Warranties

Respondent and the Division expressly warrant that they have carefully and completely read the terms of this Agreement. The parties expressly warrant that they have had adequate opportunity to consult with legal counsel before executing this Agreement, that they fully understand the terms of this Agreement, and that they enter into this Agreement knowingly and voluntarily, and without coercion, duress or undue influence. Respondent and the Division warrant that, in signing the Settlement Agreement, neither has relied upon any promise, warranty, or representation made by anyone, including but not limited to Respondent or the Division, except as such promises, warranties, or representations are expressly stated in this Settlement Agreement.

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ELECTIONS DIVISION OF THE SECRETARY OF STATE

01/29/2026

DATE

By: Alex Gentry
Campaign Finance Enforcement Analyst

January 29, 2026

DATE

By: Jim McNair

ADOPTED AND APPROVED BY:

2/3/2026

DATE

By: Andrew Kline
Deputy Secretary of State