

STATE OF COLORADO SECRETARY OF STATE Administrative Hearing Officer 1700 Broadway, Suite 550 Denver, CO 80290	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
BUSINESS AND LICENSING DIVISION of the SECRETARY OF STATE,  Complainant,  v.  IVAN GARCIA-HERNANDEZ, NOTARY PUBLIC ID NO. 20094001689  Respondent.	
<p style="text-align: center;"><b>MOTION FOR ENTRY OF DEFAULT JUDGMENT</b></p>	

The Notary Division of the Colorado Department of State moves for an entry of default judgment under section 24-4-105(2)(b), C.R.S. (2024), and Rule 3.6.2 of the Secretary of State Administrative Hearing Rules, 8 CCR 1505-3, Rule 3.6.2.

1. On September 30, 2025, the Notary Division served Respondent Ivan Garcia-Hernandez with the Notice of Duty to Answer, Notice of Hearing, and Complaint (“Complaint”) by email and First-Class U.S. mail. The Complaint seeks the revocation of Garcia-Hernandez’s notary commission and advised Garcia-Hernandez of his procedural rights and duties in this proceeding.

2. Service was made on Garcia-Hernandez by mailing the Complaint to the last home and work addresses he furnished to the agency, and it was not returned. *See* Ex. 1 (Wade Decl.). Service was also made by emailing the Complaint to the last email address he furnished the agency, and it was not returned.

3. According to both rule and the scheduling order entered by the Administrative Hearing Officer on October 3, 2025, Garcia-Hernandez’s answer was due on October 30, 2025, 30 days after the Complaint was originally sent to the last addresses provided to the Notary Division. As of the date of this motion, no answer has been received.

4. Section 24-4-105(2)(b) provides that if an individual fails to file an answer within 30 days after the mailing of the complaint, a hearing officer, “upon motion, may enter a default.”

5. Rule 3.6.1(a) of the Secretary of State Administrative Hearing Rules, 8 CCR 1505-3, similarly provides that “a hearing officer may enter a default against” a respondent who fails to timely answer. Rule 3.6.2 requires the party filing a motion for default to serve the motion on all parties to the proceeding, and to provide an affidavit establishing service of the notice and motion for default.<sup>1</sup>

6. The Complaint sent to Garcia-Hernandez advised: “If you fail to file your written answer within **thirty (30) days**, an order entering a default decision may be issued. The issuance of a default decision may result in the revocation of your notary commission, and such other relief as provided for by law, without further notice.”

7. A copy of this motion is being served on Garcia-Hernandez by email and U.S. mail as indicated in the Certificate of Service attached to this motion and in the Wade Declaration.

**THEREFORE**, the Secretary respectfully requests that the Administrative Hearing Officer enter an Initial Decision revoking Respondent Ivan Garcia-Hernandez’s notary commission.

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<sup>1</sup> C.R.C.P. 108 permits the use of unsworn declarations under section 13-27-101, *et seq.*, C.R.S., whenever a procedural rule requires an affidavit. *See also* Secretary of State Administrative Hearing Rule 3.12.1 (Rules of Civil Procedure generally apply to matters before the Hearing Officer). The Notary Division is submitting a declaration that conforms with section 13-27-101, *et seq.* in lieu of an affidavit.

Respectfully submitted 3rd day of November, 2025.

PHILIP J. WEISER  
Attorney General

*/s/ Lane Towery*

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**CERTIFICATE OF SERVICE**

According to 8 CCR 1505-3, Rule 3.5, I certify that I will cause the foregoing **MOTION FOR ENTRY OF DEFAULT JUDGMENT** be served this 3rd day of November, 2025, by email and First-Class U.S. mail, addressed as follows:

Hearing Officer  
Colorado Secretary of State  
AdministrativeHearingOfficer@ColoradoSOS.gov

Ivan Garcia-Hernandez  
2570 W 66th Place  
Denver, CO 80221  
ivan@silvercloudinsurance.com  
*Respondent*

Deputy Jeremy McLaughlin  
jmclaughlin@weld.gov  
*Third-Party Complainant*

/s/ Lane Towery