
State of Colorado
Secretary of State
Administrative Hearing Office
1700 Broadway, Suite 550
Denver, CO 80290

Case number: 2025 AHO 01 (Notary)

THE SECRETARY OF STATE OF THE STATE OF COLORADO,

Petitioner
v.

PATRICIA HOBODY, NOTARY PUBLIC, ID NO. 20024023185,
Respondent

INITIAL DECISION

This matter comes before the administrative court on the answer and denial by Respondent Patricia Hobdy of charges set forth in a Notice of Charges dated October 24, 2024. The Notice of Charges (Complaint) seeks a revocation of Respondent's Commission as a notary public in the state of Colorado. The Complaint alleges that Respondent knowingly or willfully violated § 24-21-506 [notarial act requires the presence of the signer] and § 24-21-519 [keeping the notary journal], C.R.S., as amended.

TABLE OF CONTENTS

Appearances	2
Exhibits	2
Applicable Law	4
24-21-506. Personal appearance required - definition.....	4
24-21-519. Journal.....	4
24-21-531. Official misconduct by a notary public.	5
Summary of Testimony	5
Detective Marissa Williams	5

Investigator Michael Watkins.....	9
Patrica Hobdy	15
Findings of Fact	18
Notarizing signatures without requiring the presence of the signer	19
Failure to keep the notarial journal.....	24
Conclusions of Law.....	29
Certificate of Service	32

APPEARANCES

1. The Secretary of State is represented by Assistant Attorney General Blake McCracken, Esq. Respondent is represented by Gregory Creer, Esq.

EXHIBITS

2. The following exhibits were received in evidence. If an exhibit is not listed below, it was not offered.

Ex. No.	Item	Admitted?
1	Signatures Notarized by Patricia Hobdy, including Exs. 1(a) through 1(nn)—Bates stamp SOS 001-SOS 041	Yes
2	Meta (Facebook) Records for Patricia Hobdy and Nicolle Lewis-McTague, including Exs. 2(a) through 2(d) —Bates stamp SOS 042-SOS 170	Yes
4	Affidavit of Patricia Hobdy Regarding Missing Notary Journals, dated July 14, 2023—Bates stamp SOS 180	Yes
5	Photographs of Patricia Hobdy’s Notary Journal on December 11, 2023—Bates stamp SOS 181-SOS 186	Yes
6	Report of Patricia Hobdy to Secretary of State’s Office Regarding Missing Notary Journals, dated July 16, 2023—Bates stamp SOS 181-SOS 187	Yes
7	Email Correspondence Between Detective Marissa Williams and David McTague, dated September 19-22, 2024—Bates stamp SOS 188-SOS 191	No
8	Transcript of Nicolle Lewis-McTague Deposition in El Paso County District Court Case No. 22DR32091—Bates stamp SOS 192-SOS 244	Yes

Ex. No.	Item	Admitted?
9	Supplemental Narrative of Detective Marissa Williams, dated July 13, 2023—Bates stamp SOS 245-SOS 253	No
10	Hobdy Notary Complaint Form by Detective Marissa Williams, dated December 21, 2023—Bates stamp SOS 254-SOS 258	Yes
11	Affidavit of Detective Marissa Williams for Arrest Warrant of Patricia Hobdy, filed January 23, 2025, Case No. 2025CR294—Bates stamp SOS 259-SOS 314	Only one page admitted: SOS-279 Admitted
12	Pending Charges Against Patricia Hobdy, Case No. 2025CR294—Bates stamp SOS 315-SOS 320	No
13	Pending Charges Against Nicolle Lewis-McTague, Case No. 2025CR450—Bates stamp SOS 321-SOS 331	No
15	Initial Complaint Letter from SOS Investigator Michael Watkins to Patricia Hobdy, dated January 8, 2024—Bates stamp SOS 345-SOS 347	Yes
16	Response to Initial Complaint Letter from Gregory Creer, dated January 19, 2024—Bates stamp SOS 348-SOS 351	Yes
17	Email Correspondence from SOS Investigator Michael Watkins to Gregory Creer, dated January 23, 2024—Bates stamp SOS 352-SOS 353	Yes
18	Supplemental Response to Initial Complaint Letter from Gregory Creer, received January 25, 2024—Bates stamp SOS 354-SOS 355	Yes
19	Letter of Final Disposition of Notary Complaint from Kathleen Wallace to Patricia Hobdy, dated June 5, 2018—Bates stamp SOS 356-SOS 359	Yes
20	Order and Stipulation for Suspension Pending Training, Notary Commission of Patricia Hobdy, signed June 21, 2018—Bates stamp SOS 360-SOS 363	Yes
21	Hobdy Certificate of Notary Training, dated June 20, 2018—Bates stamp SOS 364	Yes

Ex. No.	Item	Admitted?
22	Hobdy Certificates of Successful Completion of Notary Public Examination, dated June 21, 2018—Bates stamp SOS 365-SOS 366	Yes
23	Hobdy Certificate of Notary Training, dated April 20, 2022—Bates stamp SOS 367	Yes
24	Hobdy Certificate of Successful Completion of Notary Public Examination, dated April 21, 2022—Bates stamp SOS 368	Yes
25	Hobdy Affirmation for Appointment and Commission as a Notary Public, signed April 23, 2022—Bates stamp SOS 369	Yes
26	Hobdy Answer to Notice of Charges, filed November 21, 2024—Bates stamp SOS 370-SOS 374	Yes

APPLICABLE LAW

24-21-506. Personal appearance required - definition.

(1) If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

(2) As used in this section, "appear personally" means:

(a) Being in the same physical location as another individual and close enough to see, hear, communicate with, and exchange tangible identification credentials with that individual; or

(b) Interacting with a remotely located individual by means of real-time audio-video communication in compliance with [section 24-21-514.5](#) and rules adopted by the secretary of state.

24-21-519. Journal.

(1) A notary public shall maintain a journal in which the notary public chronicles all notarial acts that the notary public performs. The notary public shall retain the journal for ten years after the performance of the last notarial act chronicled in the journal.

* * * *

(4) A notary public is responsible for the security of the notary public's journal. A notary public shall keep the journal in a secure area under the exclusive control of the notary, and shall not allow any other notary to use the journal.

24-21-531. Official misconduct by a notary public.

(1) A notary public who knowingly and willfully violates the duties imposed by this part 5 commits official misconduct and is guilty of a petty offense.

(2) A notary public and the surety or sureties on his or her bond are liable to the persons involved for all damages proximately caused by the notary's official misconduct.

SUMMARY OF TESTIMONY

Detective Marissa Williams

Marissa Williams, after being first duly sworn, testified as follows:

3. Ms. Marissa Williams testified that she is a detective with the El Paso County Sheriff's Office. She has served there since 2012 and is currently assigned to the Investigations Division, where she investigates fraud and white-collar crimes. She is a certified peace officer under C.R.S. § 16-2.5-102 and POST certified.

4. She began investigating Patricia Hobdy after a referral from the patrol division of the Sheriff's Office, following a complaint filed by David McTague in December 2022. Mr. McTague reported that his signature had been forged on several real estate documents notarized by Ms. Hobdy, and that those documents had been filed with the El Paso County Clerk and Recorder. His complaint was that these documents were associated with refinances of properties owned by his business, Colorado Revitalized Homes, which he ran with his wife Nicolle Lewis McTague.

5. In the early phase of her investigation, she sought to verify Mr. McTague's claim by comparing the signatures on the allegedly forged documents with known authentic signatures. She obtained his DMV signature record independently and compared it to a broad range of filings Mr. McTague had made over nearly a decade of real estate transactions, beginning in 2015. She confirmed that many of those undisputed documents matched the DMV signature and were acknowledged by Mr. McTague as valid.

6. She then observed a shift beginning in 2020: documents started appearing without powers of attorney but still purported to bear Mr. McTague's signature, which he denied. Some documents attempted to justify his wife's authority to sign based on LLC membership agreements, but Mr. McTague told Ms. Williams he had not signed those either and denied giving his wife majority ownership.

7. Ms. Williams testified that she reviewed 40 documents that Ms. Hobdy notarized between June 2019 and June 2022, all of which bore notary seals and/or certificates attributed to Ms. Hobdy. This collection was admitted as Ex. 1. Ms. Williams initially said she believed there were 38 such documents, but upon review of Ex. 1 she corrected herself and confirmed there were 40. She testified that these documents bore the notarial seal and acknowledgment of Ms. Hobdy, and that she believed 35 of them were notarized outside Mr. McTague's presence.

8. She based this conclusion on multiple sources: first, from Facebook messages between Ms. Hobdy and Nicolle Lewis McTague, which she obtained via a search warrant to Meta and authenticated as Ex. 2. She testified that these messages show Ms. Hobdy agreeing to notarize documents without David McTague present, sometimes expressly against the rules. These included statements like "I can make an exception for today," "Just you is fine. I've done enough work for you, so I know it's all legit," and other messages where Nicolle Lewis McTague suggested leaving documents on a porch or under a mat, with no in-person signing.

9. Detective Williams offered these specific examples:

- a. On September 16, 2019, Nicolle wrote: "Can I go down and have him sign it and bring it to you so you can notarize it or do you have to see him sign it?" Ms. Hobdy responded: "I prefer to have him sign it in front of me, but I can make an exception for today." (Ex. 2, pp. 55–56). Detective Williams identified Ex. 1(c), p. 3 as the document apparently notarized as a result of this conversation.
- b. On the morning of December 9, 2019, Nicolle made arrangements via Facebook DM for both she and her husband to have their signatures notarized by Ms. Hobdy in a "Starbucks at barnes and powers" at 3 PM. But an hour before the appointment, Nicolle says, "Crap! My husband has to go help his sister. Could I take a picture of him signing so you know he did? And

can I bring his I'd. I totally understand if you aren't comfortable with that. Please don't hesitate to be honest. Just let me know. Thanks :-)" Ms. Hobdy messages that she is happy to comply: "Lol I know you guys. No need to bring his id." Detective Williams identified Ex. 1(d), p. 4 as the document apparently notarized as a result of this conversation.

- c. On April 14, 2020, Nicolle suggested leaving documents on the porch while Ms. Hobdy notarized them without contact. Ms. Hobdy replied, "Only for you." (Ex. 2, pp. 76–78). Detective Williams identified Ex. 1(f), p. 6 as the document apparently notarized as a result of this conversation.
- d. On July 1, 2020, Nicolle made an appointment for Ms. Hobdy to notarize another document. "Do you mind coming here? I will put it in a folder outside the storage bench out front....Its just one and we signed it yesterday. Is that OK?" to which Ms. Hobdy responded, "LOL yes." (Ex. 2, pp. 85-86). Detective Williams identified Ex. 11, p. 279 as the document apparently notarized as a result of this conversation.
- e. On November 7, 2021, in Ex. 2 at p. 105, the DMs between Nicolle and Ms. Hobdy indicate that Nicolle and her husband will sign a document in advance of the notarization and leave it in a bench outside their home. Detective Williams associates this arrangement with Ex. 1(f) on p. 17.

10. Each of these Facebook exchanges corresponded to a document in Ex. 1 bearing a notarial acknowledgment by Ms. Hobdy affirming personal appearance by Mr. McTague. Ms. Williams confirmed these discrepancies and stated that in her opinion, based on the messages and her investigation, those acknowledgments were false.

11. Ms. Williams also testified that after civil disputes arose between the McTagues, Ms. Hobdy appeared alarmed. She cited a February 2023 Facebook message in which Ms. Hobdy wrote to Nicolle "Please call me ASAP. I was contacted by a title attorney," indicating panic and an attempt to coordinate a response. (Ex. 2, p. 142).

12. Ms. Williams met with Ms. Hobdy on December 11, 2023, under the pretext of needing a notarization. Ms. Hobdy agreed to meet and brought her notary journal. Ms. Williams appeared in full uniform and identified herself to Ms. Hobdy as a detective and asked to inspect the journal. She testified that Ms. Hobdy cooperated and produced a

bound book. Ms. Williams photographed the journal and these photographs were admitted as Ex. 5.

13. She testified that the first 49 pages of the journal had been torn out. Ms. Hobdy told her it was her practice to remove prior year's pages and consolidate them into a binder, but the journal included an entry from 2022, suggesting she had not followed that practice consistently. Ms. Williams testified that she did not find Ms. Hobdy's explanation credible and that it contradicted the evidence.

14. Ms. Williams further testified that when asked whether she had ever notarized a document outside the signer's presence, Ms. Hobdy said "Never. It's illegal." Ms. Hobdy also told Ms. Williams that she had never performed remote or electronic notarizations.

15. Ms. Williams confirmed that the journal she reviewed did not contain entries for the 35 disputed notarizations. She also testified that the journal had been subpoenaed in the McTague divorce proceeding in June 2023, but Ms. Hobdy stated she had lost or misplaced the journal for the relevant years. Ms. Williams stated that the journal Ms. Hobdy provided was for 2023, though it included one entry from 2022.

16. Ms. Williams also attempted to contact Nicolle Lewis McTague for an interview, but was denied access by her attorney, who directed her instead to review Nicolle's deposition in the divorce case. Ms. Williams reviewed the 200+ page deposition and summarized it in a supplemental narrative (Ex. 9), though this narrative was excluded from evidence. The deposition itself was admitted as Ex. 8. Ms. Williams testified that in her deposition, Nicolle dodged questions about whether she signed Mr. McTague's name or whether he was present during notarizations, often responding "you'll have to ask Patty." She said this occurred in more than 50 instances.

17. Ms. Williams concluded her testimony by stating that she filed a criminal complaint against Ms. Hobdy based on the results of her investigation. An arrest warrant affidavit was offered as Ex. 11 but excluded, except for a single page (p. 279), which showed a short-term rental affidavit dated June 30, 2020, notarized by Ms. Hobdy. The single page was admitted as evidence to show an image of the document notarized by Ms. Hobdy on July 1, 2020.

18. **During cross-examination,** Williams clarified that her "assumptions" were conclusions drawn from context and other documents, not blind assumptions.

19. She acknowledged that some Facebook messages referred to documents generally (e.g., "a paper," "2 stamps") rather than specific documents.

20. Williams confirmed that the "no contact" phrase in messages referred to the COVID-19 outbreak. She was not aware of changes to in-person requirements for "wet signatures" during the pandemic. She confirmed that a message referring to "the journal" implied Ms. Hobdy kept a notary journal.

21. She stated that most information for her investigation came from El Paso County Clerk and Recorder's Records and from search warrant productions, not solely from David McTague.

22. Detective Williams internally questioned David McTague's motivations. She investigated potential "auto forgery" (deliberately signing differently to later claim forgery) by comparing disputed and undisputed signatures. She also investigated financial motivation by tracing bank records, concluding that no money was hidden, and all funds were spent on business or household expenses. She considered the possibility that he wanted his ex-wife to be stuck with the loans.

23. She confirmed that other notaries were also accused by Mr. McTague of notarizing without observing signatures, and she filed complaints against them as well. She was not surprised that other notaries were accused, and did not recall if a court found Mr. McTague not credible in the divorce proceedings.

Investigator Michael Watkins

Michael Watkins, after being first duly sworn, testified as follows:

24. Michael Watkins has been an investigator with the Secretary of State's office since 2019, investigating notary and charity cases. His job duties include accepting and reviewing complaints, creating notes, and tracking cases through an onboard system. He has conducted over 200 investigations in this role.

25. Mr. Watkins testified that he learns about violations when he receives a complaint submitted on a form through the Secretary of State's office. He reviews the

complaint, sends an acknowledgment letter to the complainant, and then generally sends an initial complaint letter to the notary (respondent). In this letter, he provides or attaches the complaint and any supporting documents, an overview of potential violations, and asks the notary to respond, usually providing a copy of their notary journal for a specific date range or the entire journal. Notaries are typically given 14 days to respond, with extensions sometimes granted. If there is no response, a second and then a third letter are sent, with the third letter alerting the notary to potential additional violations for non-response. The purpose of this initial letter is to give the notary an opportunity to respond, as there are "always two sides to a story." At this point, formal charges or revocation proceedings have not been initiated. The notary's explanation is taken into account before deciding to pursue discipline.

26. **Function and Importance of a Notary Public:** Watkins testified that a notary public is an officer with the state of Colorado who provides proof of documentation that someone has actually signed a document and presented it. This function offers a form of security for persons receiving or involved in documents, knowing that someone has signed it, appeared before the notary, and provided appropriate identification, with the notarization added to a journal entry. He stated that this function is the "first line of defense against fraud."

27. **Becoming and Renewing a Notary Commission:** A person becomes a notary by visiting the Secretary of State's website, taking an examination and a test. They must also take a training course as part of the process, which covers "everything they need to know about being a notary public," including statutory references, step-by-step processes, and information on journal contents and notarization procedures. A notary commission is valid for four years. To renew, they generally do so electronically online, but they have to take the class and pass the test again.

28. **Notary Responsibilities:** The biggest responsibility of a notary when notarizing a signed document is to ensure that the persons signing are present before them and providing appropriate identification. Notaries are also expected to keep a journal, filled out as to each notarial act at the time at the time the act is performed, with basic information entered into it as required by the statute.

29. **Allegations Against Patricia Hobdy:** Watkins' understanding of why he was testifying was that he was presented with a complaint against a notary, and the evidence

supported that a person was not present when the notary notarized the document and also did so knowingly. He identified this notary as Patricia Hobdy, whose Notary Public Commission ID starts with 2002, indicating the year she was commissioned. Her commission was valid between June 2019 and June 2022.

30. **Receiving the Complaint and Initial Process:** The division learned about the allegations against Ms. Hobdy by receiving a complaint and supporting documents from Detective Williams. Watkins confirmed that Ex. 10 is the complaint he received from Detective Williams. After receiving it, he followed the standard process of sending an acknowledgment to the detective and began reviewing the complaint and attached evidence. He confirmed that the documents in Ex. 1 were those that Patricia Hobb notarized between June of 2019 through June of 2022, and that they were provided by the detective.

31. He then sent an initial complaint letter to Ms. Hobdy. He identified Ex. 15 as the "initial complaint letter" he sent to Ms. Hobdy after receiving the complaint, noting that due to the extensive documentation, he mailed it. In this letter, he outlined several violations:

- a. **Physical Presence:** A notary may not notarize a transaction unless the signer is physically present.
- b. **Journal Requirement:** The notary is required to maintain a journal record of all notary transactions.
- c. **Willful or Knowing Violation:** A notary must not knowingly or willfully violate the duties imposed by RULONA.
- d. Charging higher fees than allowed by law.

32. **Responses from Ms. Hobdy:** Ex. 16 is the response he received from Ms. Hobdy in the form of a letter from her attorney. The response asserted that all of the notarizations were done in the presence of the signers and at the home of the signers, the McTagues.

33. Subsequently, Mr. Watkins received additional evidence from Detective Williams, which he quickly reviewed. He found it necessary to forward this new information to Ms. Hobdy's attorney. This new information was an extensive series of messages, which

he identified as Ex. 2, "an excerpt from the Facebook records I received for Patricia Hobdy's account and for Nicolle Lewis McTague's account," containing "subscriber information for both accounts as well as their Facebook Messenger content." He testified that the relevant messages were in Ex. 2(c), covering pages 51 through 142.

34. He then sent an email to Mr. Creer (Ms. Hobdy's attorney) with this additional evidence. He identified Ex. 17 as "the email that I sent to Mr. Creer regarding the additional evidence from the complainant." After sending this, he received an additional response, which he identified as Ex. 18, "the response I received to my email message about additional information."

35. From this second response (Ex. 18), Watkins learned that the response "changed from always at home, both parties present to efforts to meet them at home or at a nearby Starbucks." It also mentioned the executive order for temporary remote notarization during COVID-19, and seemed to indicate that "in some cases that someone didn't have to be physically present when notarizing your documents."

36. **Decision to Pursue Discipline:** Watkins stated that he did take Ms. Hobdy's responses into consideration, but still decided to pursue discipline. The reason was that the response changed, and "the text message or the the messaging between Ms. Hobdy and Ms. McTague clearly indicated that Ms. Hobdy was going to notarize the documents outside the presence of one of the signers," and outside of the presence of "actually one or both of the signers." Based on his investigation, he believes that Patricia Hobdy notarized documents "many times" purporting to bear David McTague's signature outside of his presence, but he did not recall the exact number.

37. **COVID-19 Regulations:** Investigator Watkins is familiar with the COVID-19 regulations for notaries, which he believes became effective in June 2020. He stated there was no alternative to the physical presence requirement during COVID, but there were opportunities to use "video equipment that was acceptable under the the executive order." The emergency COVID regulations did not permit a person to notarize pre-signed documents left on someone's porch, nor did they permit a person to have their spouse pre-sign a document and then take it to be notarized at a Starbucks. The regulations also did not waive the requirement for a notary to verify the identity or authenticity of signatures.

38. Some of the notarizations at issue happened before these regulations were in effect, and some happened after they terminated. Based on his investigation, he

believes Ms. Hobdy's notarizations during that time period were not compliant with the COVID regulations. He affirmed that these emergency regulations were appropriately published on the Secretary of State's website, and notaries were expected to know and follow them. He found Ms. Hobdy's claim of confusion about the notary requirements during COVID to be not persuasive, as notaries could have contacted the office or visited the website to confirm their duties. He later clarified that in his investigation, he did look at the information posted on their website regarding COVID requirements, but he did not recall seeing the specific email that would have gone out to notaries. He believes an email was sent out to notaries directing them to the website. He conceded on cross examination that the Secretary of State's office was not immediately able to create rules for notaries during the pandemic until June 2020.

39. **Record Keeping Violations:** Watkins outlined allegations related to record keeping. He stated that an image of Ms. Hobdy's journal, received with the complaint, appeared to show that pages containing notarization information had been torn or cut out of the journal. Ms. Hobdy did report missing journals to the division. He identified Ex. 6 as a notary history page of Patricia Hobdy showing that she reported her journal as lost on July 16, 2023. He explained that notaries report missing journals via their website, which becomes part of their notarial history. Ex. 6 is a printout of Ms. Hobdy's notarial history, showing the report of lost journals from years 2002 to 2022.

40. Notaries are required to maintain their journals until they are no longer a notary, and for a specific extensive time thereafter. He confirmed that Ex. 5, which contains pictures he reviewed, shows the cut-out pages, specifically noting that the second page of Ex. 5 shows the first 49 pages of the journal had been removed. He stated that it is not standard practice to rip out pages from a notary journal because a notary is required to maintain a complete notary journal. He also affirmed that physical notary journals are required to be in a permanent bound register.

41. Other problems or "red flags" he observed in the photographs of Ms. Hobdy's journal included an entry for 2022 in a journal purported to be for 2023, which contradicted her explanation of keeping prior year's pages together. He also found that some entries lacked complete information, such as the address of the signer, identification information, or the fee charged. He specifically noted missing information on journal page 73 (missing address, signature of signer, identification information, and fee) and journal page 115 (no fee recorded). On journal page 116, a \$40 fee was listed for one entry, but not for the other

three, and identification information was missing for the last entry. On journal page 129, address information, identification information, and document type were missing. He clarified that document type (e.g., POA) and notarization type (e.g., acknowledgment) are distinct.

42. Ms. Hobdy had been a notary for approximately 17 years by 2019. She is required to take classes and pass examinations periodically. He confirmed that Ex. 21 shows Ms. Hobdy completed notary training on June 20, 2018, and Ex. 22 shows she passed the exam on June 21, 2018. He stated that these courses teach about the personal presence requirement and journal maintenance. Ex. 23 shows she completed updated training in April 2022, and Ex. 24 shows she passed the exam on April 21, 2022.

43. When applying for or renewing a commission, notaries must submit an affirmation or oath, promising to have read and understood Colorado's notary laws and to faithfully comply with them. He confirmed Ms. Hobdy submitted such an affirmation, identifying Ex. 25 as "the affirmation for appointment of Commission as a notary public," which also provides the notary's official signature.

44. Mr. Watkins testified that Ms. Hobdy had faced prior discipline from the division for a notary violation in 2018. He described this as a case involving "election documents" where there was a question about the signer's presence, and Ms. Hobdy failed to enter correct dates. He noted that the notary's response or evidence in that case seemed to indicate the signers would have been present, but the notary still failed to enter the correct dates, resulting in a suspension with a training requirement. He identified Ex. 19 as the "final disposition of notary complaint" related to Ms. Hobdy from 2018, outlining these violations. He also identified Ex. 20 as "the order and stipulation for suspension pending training," which Ms. Hobdy signed and agreed to on June 21, 2018. This meant her commission was suspended until she retook the training and provided proof. She completed the required training, as shown in Exs. 21 and 22.

45. Based on her training received in 2018 and again in 2022, and the affirmations she signed (Ex. 25), it is Watkins' understanding that Ms. Hobdy had been sufficiently trained on legal requirements for notaries and knew what was expected of her when performing notarial acts. He believes she violated these requirements.

46. The division is seeking revocation of Ms. Hobdy's Notary Public Commission, which is the most severe penalty. The division decides when to pursue revocation by

having the investigator gather all evidence and create a recommendation report, which then goes to a lawyer for review. Factors considered for penalties include consistency in documentation and opportunities for the notary to respond. Watkins' recommendation as to Ms. Hobdy was revocation.

47. He stated that for the Division's purposes, it did not matter whether Mr. McTague's signatures were forged or genuine. This is because it is not up to the notary to know if a signature was forged; if the person had been physically present, provided appropriate ID, and signed the document, "there would have been no question." Even if all signatures were genuine, he would still recommend revocation. If Ms. Hobdy had followed legal requirements, there would be no question about the authenticity of the signatures because she would have watched that person sign that document, and also that a secondary signature would have been added to the journal at the time, plus the appropriate identification. All these things would have provided sufficient information to notarize the document.

Patrica Hobdy

Patricia Hobdy, after being first duly sworn, testified as follows:

48. Patricia Hobdy testified that she is a mobile notary public who has operated her business as a side business since 2002. She does not maintain an office, but instead travels to her clients. She testified that her relationship with Nicolle Lewis-McTague was solely professional, and they did not socialize or visit outside of business. Although some text messages contained casual or joking language, she explained that she exchanges pleasantries and jokes with many of her business clients. She identified the Facebook messages between her and Ms. Lewis-McTague as shown in Ex. 2, including a message exchange from April 14, 2020 (Ex. 2, p. 76), in which she stated, "I'm not doing any notary work until we are past this plague."

49. During the COVID-19 pandemic, she testified that she and Nicolle arranged "zero contact" notarizations. She described a procedure where she would leave her notary journal on a bench outside the McTagues' home or on the garage stairs at her own home, and they would take turns signing documents and the journal while maintaining distance. She did not see the clients in person during these exchanges but believed that both Nicolle and David McTague were present and had signed her notary journal. She said she could see them on her home security camera in some cases. She testified that she believed

these procedures complied with notary rules at the time. She testified that she had not received clear direction or training from the Secretary of State on how to proceed under pandemic conditions.

50. Regarding her notary journal, Ms. Hobdy was shown a photograph of her journal in Ex. 5 (Ex. 5, second page). She acknowledged that some pages had been removed and explained that she had followed a longstanding bookkeeping practice of tearing out pages from the current journal and placing them with the journal from the appropriate year. She stated the removed pages for 2022 were placed with the 2022 journal, which she kept in totes stored in the rafters of her garage. She testified that access to her garage was generally restricted to herself and her children, and the garage was usually kept locked. She asserted that this storage method complied with her understanding of the notary rules.

51. Ms. Hobdy testified that when she received a subpoena for her journals during the McTagues' divorce proceedings, she discovered that her prior journals from 2002 to 2022 were missing. She reported the missing journals to the Secretary of State using the form shown in Ex. 6. She explained that the loss likely occurred during a major garage cleanout after the holidays, and she did not intentionally destroy or discard the journals. She testified that, according to RULONA, she understood she was required to report the journals missing as soon as she discovered they were gone, and she did so promptly.

52. Ms. Hobdy confirmed that she notarized all 40 documents presented in Ex. 1 and explained that her standard practice when notarizing documents is to confirm the identity of the signer either by personal knowledge or by government-issued ID. She affirmed that she is the user of the Facebook account shown in Ex. 2, which contains the messages used to correlate with the documents in Ex. 1.

53. On cross-examination, Mr. McCracken asked Ms. Hobdy about messages where she appeared to agree to notarize documents outside the presence of David McTague. For instance, in a message on September 16, 2019 (Ex. 2, p. 56), she wrote, "I prefer to have him sign in front of me, but I can make an exception for today if he's not available." When asked about this, she acknowledged that the message appeared to agree to an exception but said she may have meant something else, such as an ID.

54. On page 70 of Ex. 2, another message from Nicolle Lewis-McTague suggested David would be unavailable, to which Ms. Hobdy responded, “Lol I know you guys. No need to bring his ID.” She testified that, despite these messages, she believed David was present or had signed the documents at the time, possibly earlier in the day.

55. Mr. McCracken questioned Ms. Hobdy about her understanding of the executive order issued by the Governor during the pandemic suspending the personal appearance requirement and authorizing remote notarization using real-time audio-visual communication. She acknowledged receiving the executive order and said she reviewed it, but misunderstood it to permit “no contact” notarization without using real-time audio-video technology. She confirmed that her COVID-era procedures did not involve any real-time video communication.

56. Ms. Hobdy also testified about a message she sent on February 3, 2023 (Ex. 2, p. 142) after being contacted by a title attorney. She explained that she was unaware of the McTagues’ divorce until then and contacted Nicolle Lewis-McTague to find out what was happening, as her name was mentioned. She said they did meet to discuss the situation, but did not discuss her notary journals.

57. When asked whether she was aware that notary journals must be maintained in a “permanent bound register,” Ms. Hobdy stated that she is now aware of that requirement, but she was not aware of it at the time. She testified that she began the practice of removing journal pages in 2002 and was not told in training that this was prohibited. She did take notary training courses in 2018 and 2022 and passed the related tests, and that to her understanding, she had complied with notary obligations.

58. Mr. McCracken asked whether she would “say anything to keep her notary commission” or “to stay out of jail,” given that she is currently facing criminal charges. Ms. Hobdy denied that she would do so. On redirect, Mr. Creer elicited testimony that the civil lawsuit filed by Mr. McTague against her had been dismissed, with the judge awarding attorney’s fees in her favor. She affirmed that she had not pleaded guilty to any charges and is defending herself in the criminal matters. She stated again that she never deliberately destroyed her notary journals and that her practices were in accordance with her understanding of the rules.

FINDINGS OF FACT

59. Patricia Hobdy has been a notary public in the State of Colorado since 2002. Currently, she holds Notary Commission No. 20024023185, issued by the Colorado Secretary of State. The current action is brought by the Secretary to revoke Ms. Hobdy's license based on 1) her notarizing signatures on documents without the signer being present, and 2) her failure to maintain and keep a registration journal documenting the notarial acts performed by her from June 6, 2019, Ex. 1(a), to June 3, 2022, Ex. 1(nn). The third charge brought by the Secretary is that these acts were done knowingly or willfully.

60. When Ms. Hobdy first obtained a notary commission in Colorado, there was no training or testing of notaries. An applicant paid a fee of \$10, the commission was issued, the notary bought a seal and was in business. That is no longer the case. Notary commissions are now given only to people who have taken training and passed a test. The training and the test have to be taken and passed every four years when the commission is renewed.

61. After taking the training and in order to receive a notary commission from the Colorado Secretary of State, the notary must execute an affirmation under penalty of perjury "that I have carefully read the notary law of this state, and if appointed and commissioned as a notary public, I will faithfully perform, to the best of my ability, all notarial acts in conformance with the law."

62. Investigator Watkins incorrectly testified that the emergency regulations for notarial acts were not promulgated until June 2020. SOS Emergency Rule 5 was actually adopted by the Secretary March 30, 2020—three days after the Governor's Executive Order D 2020 019 was issued on March 27, 2020.

63. Ms. Hobdy was challenged by the Secretary of State once before about her non-compliance with the law applicable to notaries in connection with notarizing four affidavits of petition circulators who collected signatures in support of ballot questions. Ms. Hobdy and the Department of State entered into an Order and Stipulation for Suspension Pending Training on June 21, 2018. This Stipulation suspended her commission and required her to go through training before the commission was reinstated. Ex. 20.

Notarizing signatures without requiring the presence of the signer

64. Exs. 2(a) through 2(d) —Bates stamp SOS 042-SOS 170—contain Facebook direct messages between Nicolle McTague and Ms. Hobdy to make arrangements for notarization of David McTague’s signature without his being in the presence of the notary. They appear to be friends; they were certainly friendly and cordial with each other and exchanged messages about a number of topics unrelated to notary services. But they also DM’d each other to make arrangements for Ms. Hobdy to notarize signatures outside of the physical presence of the signers. Two of the notarizations occurred during the pandemic.

65. Weighing all of the evidence and testimony, it is very clear that Ms. Hobdy notarized signatures purporting to be David McTague’s when Mr. McTague was not present. Documents purporting to contain David McTague’s signatures were provided to Ms. Hobdy for notarization by David’s wife, Nicolle Lewis-McTague. Ex. 1 contains 40 notarizations of the McTagues’ signatures by Patricia Hobdy. While Detective Williams presented credible testimony that 35 of the 40 notarizations of David’s signatures occurred without his being present for the notarial act, I will set out four instances where the combination of the notarial acts in Ex. 1 and the direct messages in Ex. 2 show clearly that Ms. Hobdy did in fact notarize David McTague’s signatures without his being present on September 16, 2019, on December 9, 2019, on April 14, 2020, and on July 1, 2020.

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Author Patty Kaufman Hobdy (Facebook: 1204492913)
Sent 2019-09-16 15:31:27 UTC
Body I prefer to have him sign in front of me, but I can make an exception for today, if he's not available

Author Nicolle Lewis (Facebook: 100000236539116)
Sent 2019-09-16 15:32:00 UTC
Body You are amazing!
Where can I meet you at 2?

67. Below is the Deed of Trust for 1741 Wildwood Dr. that Ms. Hobdy notarized on September 16, 2019 as a result of the above DM exchange and without Mr. McTague

Ex. 1(c), p. SOS-003

Page 20 of 32

68. **December 9, 2019, notarization of Deed of Trust for 2104 N Chestnut St.**

On the morning of December 9, 2019, Nicolle made arrangements via Facebook DM for both she and her husband to have their signatures notarized by Ms. Hobdy in a “Starbucks

Author Nicolle Lewis (Facebook: 100000236539116)

Sent 2019-12-09 20:12:10 UTC

Body **Crap! My husband has to go help his sister. Could I take a picture of him signing so you know he did? And I can bring his I'd. I totally understand if you arent comfortable with that. Please dont hesitate to be honest. Just let me know. Thanks :-)**

Author Patty Kaufman Hobdy (Facebook: 1204492913)

Sent 2019-12-09 20:26:05 UTC

Body **Lol I know you guys. No need to bring his id.**

Ex. 2, p. SOS 070

at barnes and powers” at 3 PM. But an hour before the appointment, Nicolle writes:


69. Nicolle will reward her friend with a cup of coffee at the Starbucks for Ms. Hobdy’s performing a notarial act without the presence of the signer.

2019-12-09 21:19:33 UTC

Body **You coffee is on me when I get there. You are always so amazing.**

Ex. 2, p. SOS 072

70. Ex. 1(d), SOS 004 is the Deed of Trust whereon Ms. Hobdy notarized on December 9, 2019 David McTague’s signature without his presence.

PATRICIA HOBODY NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20024023185 MY COMMISSION EXPIRES JULY 18, 2022	By <u>David McTague</u> His Authorized Representative <u>Nicolle McTague</u> Title of Authorized Representative <u>Manager</u>
STATE OF COLORADO COUNTY <u>El Paso</u>	
The foregoing instrument was acknowledged before me this <u>9</u> day of <u>December</u> , 20 <u>19</u> , by* <u>David McTague and Nicolle Lewis-McTague</u>	
Witness my hand and official seal My commission expires: <u>7/19/22</u>	
 Notary Public	

Ex. 1(d), SOS 004

71. **April 14, 2020, notarization of Deed of Trust for 5620 Shoup Rd.** This event was one month into the pandemic. Nicolle suggests a contactless notarization of her signature and Dave's by having Ms. Hobdy notarize signatures on a document left in a bench outside the McTague's house. Ex. 2, p. SOS 076.

Author Nicolle Lewis (Facebook: 100000236539116)
Sent 2020-04-14 02:43:37 UTC
Body We sign the contract and put it is the bench out front You notarize and put it in

Author Nicolle Lewis (Facebook: 100000236539116)
Sent 2020-04-14 02:43:54 UTC
Body no contact and social distancing observed

Author Patty Kaufman Hobdy (Facebook: 1204492913)
Sent 2020-04-14 02:45:01 UTC
Body Only for you ☐☐

Ex. 2, p. SOS 076.

After further discussion, they settle on Nicolle's coming to Patty Hobdy's house and leaving the documents to be notarized "under the mat." Ex. 2, p. SOS 077. Asked if Dave must come to have his signature notarized, Ms. Hobdy tells Nicolle that she will notarize Dave's signature without his being present. "Just you is fine. I've done enough work for you so I know it's all legit."

Author Nicolle Lewis (Facebook: 100000236539116)
Sent 2020-04-14 23:47:56 UTC
Body Hey, do you want both Dave and I to come?
Can he sign at home and I bring it?

Author Nicolle Lewis (Facebook: 100000236539116)
Sent 2020-04-14 23:48:07 UTC
Body Let me know i know you have rules

Author Patty Kaufman Hobdy (Facebook: 1204492913)
Sent 2020-04-14 23:51:00 UTC
Body Just you is fine. I've done enough work for you so I know it's all legit

Author Nicolle Lewis (Facebook: 100000236539116)
Sent 2020-04-14 23:51:14 UTC
Body Thanks Patty you rock.

Ex. 2, p. SOS 079


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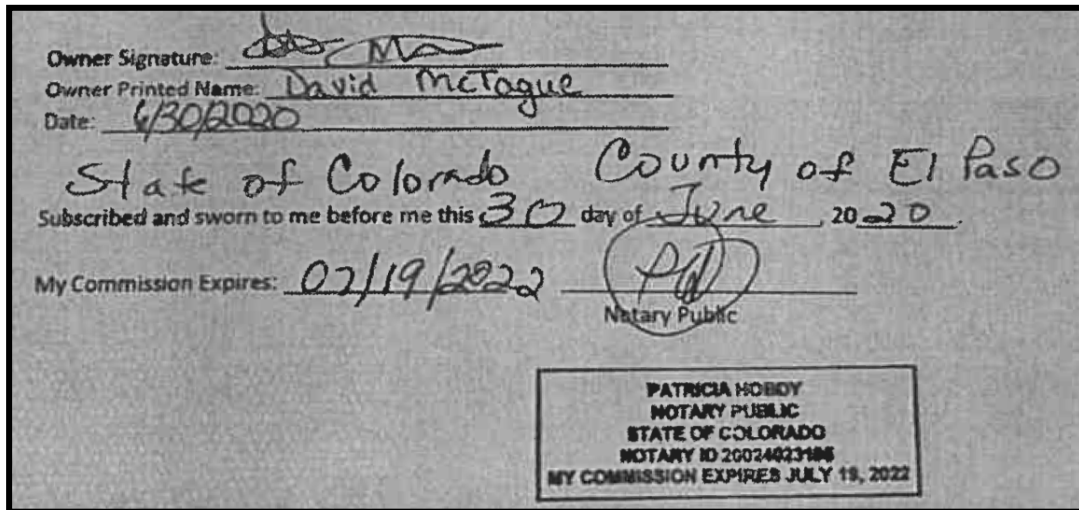
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72. Notarization of this document, as the DM messages on Ex. 2, pp. SOS-079 through SOS-082 make clear, was not accomplished until the next day, April 15, when Nicolle arrived in Ms. Hobdy's driveway. Ex. 1(f), SOS 006 is the Deed of Trust whereon Ms. Hobdy notarized David McTague's signature on April 15, 2019, without his presence.

EXECUTED BY BORROWER.	
IF BORROWER IS NATURAL PERSON(s):	
<u>David McTague</u> <u>Nicolle Lewis McTague</u> <u>Nicolle Lewis - McTague</u>	
doing business as	
IF BORROWER IS CORPORATION:	
ATTEST:	
_____	By _____
Secretary	Name of Corporation
(SEAL)	President
IF BORROWER IS PARTNERSHIP:	
_____	By _____
	Name of Partnership
	A General Partner
IF BORROWER IS LIMITED LIABILITY COMPANY:	
_____	By _____
	Name of Limited Liability Company
	Its Authorized Representative
	Title of Authorized Representative
STATE OF COLORADO	
COUNTY <u>El Paso</u>	
The foregoing instrument was acknowledged before me this <u>15</u> day of <u>April</u> , 20 <u>20</u> , by*	
<u>David McTague and Nicolle Lewis-McTague</u>	
Witness my hand and official seal.	
My commission expires: <u>07/19/2022</u>	
<div style="border: 1px solid black; padding: 5px; width: fit-content;">PATRICIA HOB DY NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20024023188 MY COMMISSION EXPIRES JUL 19, 2022</div>	<div style="text-align: center;"> _____ Notary Public</div>
<small>*If a natural person, insert name and title. If a corporation, insert, for example, John Doe as President and Jane Doe as Secretary of Doe & Co., a Colorado corporation. If a partnership, insert, for example, Sam Smith as general partner in and for Smith & Smith, a general partnership. A Statement of Authority may be required if borrower is a limited liability company or other entity (38-30-172, C.R.S.)</small>	

Ex. 1(f), p. SOS-006

73. **July 1, 2020 notarization of Dave's signature on a Short Term Rental Affidavit.** On July 1, 2020, Nicolle made an appointment for Ms. Hobdy to notarize only Dave's signature. "Do you mind coming here? I will put it in a folder onside the storage bench out front....Its just one and we signed it yesterday. Is that OK?" to which Ms. Hobdy responded, "LOL yes." (Ex. 2, pp. 85-86). Actually, Nicolle's statement was not true that "we" (both McTagues) signed yesterday. This document has only Dave's signature. Ex. 11,



Ex. 11, p. 279.

p. 279 is the document notarized as a result of this exchange.

Failure to keep the notarial journal

74. Ex. 8 is the June 22, 2023 deposition transcript of Nicolle in the McTagues' divorce case. Nicolle is asked numerous times if she signed David's name on documents affecting title to properties. She invariably gave the answer that she cannot remember if she signed Dave's name, nor whether he was present when a document with their signatures was notarized by Ms. Hobdy. Instead, she defers to Ms. Hobdy, saying:

- a. "She has her notary book of who was present for what." Ex. 3, p. SOS-200.
- b. "You'd have to check with Patty to see if he was present at that signing." SOS-204.
- c. "Patty...[is] literally going to be able to verify for you every time Dave sat in front of her and any time that Dave wasn't sitting there." Ex. 8, p. SOS-205.

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- d. See, also, SOS-200 through SOS-202, SOS-204 through SOS-205, SOS-207, SOS-213, SOS-228, and SOS-230 through SOS-232.

75. Ms. Hobdy, however, can verify none of this because she doesn't have her notary journal. For the entire 23 years that Ms. Hobdy has held a commission, the Notaries Act required notaries to record and keep in a journal a record of all notarial acts *affecting the title to real property*. § 12-55-111, C.R.S. (2008). Effective July 1, 2009, however, S.B.09-111 even expanded the journal requirement, and thenceforth required Colorado notaries to maintain a journal of *every notarial act*, not just those affecting the title of real property. §12-55-111, C.R.S. (2009). Notaries were required to notify the Secretary within 30 days if they lost their journals. § 12-55-113, C.R.S. (2009), and if they left the state for good, they were required to deliver their journals to the Secretary. § 12-55-115(2), C.R.S. (2009). If a notary died during the appointment, the heirs or personal representative were required to deliver the decedent's journal of notarial acts and seal to the Secretary. § 12-55-115(1), C.R.S. (2009). The journal, in other words was and is an important legal document.

76. In 2017, the notary journal was given even more importance when the legislature replaced the Notaries Public Act in its entirety. Formerly located in Title 12, Article 55, the new law setting forth the duties and obligations of notaries was moved to a different part of the Colorado statutes: to Title 24, Article 21. Thus, the Revised Uniform Law on Notarial Acts (RULONA), C.R.S. 24-21-502, et seq. was enacted in 2017 with an effective date of July 1, 2018.

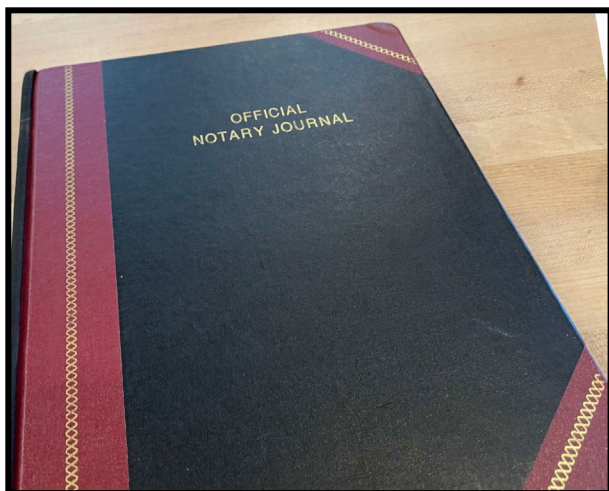
77. Like its predecessor, RULONA required notaries to keep meticulous records of all notarial acts in a journal, and those journals would have to be kept under the exclusive control of the notary for ten years "after the performance of the last notarial act chronicled in the journal." §24-21-519(1), C.R.S. RULONA left no doubt as to the duty of the notary to keep and safeguard the notary journal.

"A notary public is responsible for the security of the notary public's journal.
A notary public shall keep the journal in a secure area under the exclusive control of the notary, and shall not allow any other notary to use the journal."

§24-21-519(4).

78. Ms. Hobdy took a course of training in her notary duties and passed a test of her knowledge twice after RULONA was enacted: in 2018, Exs. 21 and 22, and again in

2022. Exs. 23 and 24. The course work included both the requirement that signatures be notarized in the presence of the notary and also that the notary journal must be completed when the notarial act is performed and that the journal must be kept for ten years. To get her current commission renewed in 2022, she affirmed “under the penalty of perjury...that I have carefully read the notary law of this state, and if appointed and commissioned as a notary public, I will faithfully perform, to the best of my ability, all notarial acts in conformance with the law.”



79. Patty Hobdy’s Official Notary Journal is handsome and firmly bound. Ex. 5, p. SOS-181 (at left). It is not a mere casual notebook or sheaf of papers. It is not wire bound, but has a spine. It bears the appearance of something that is important, with solemn entries recording the critical details of the notarial acts performed by a commissioned notary. It is the kind of journal that notaries are bound to securely keep for ten years.

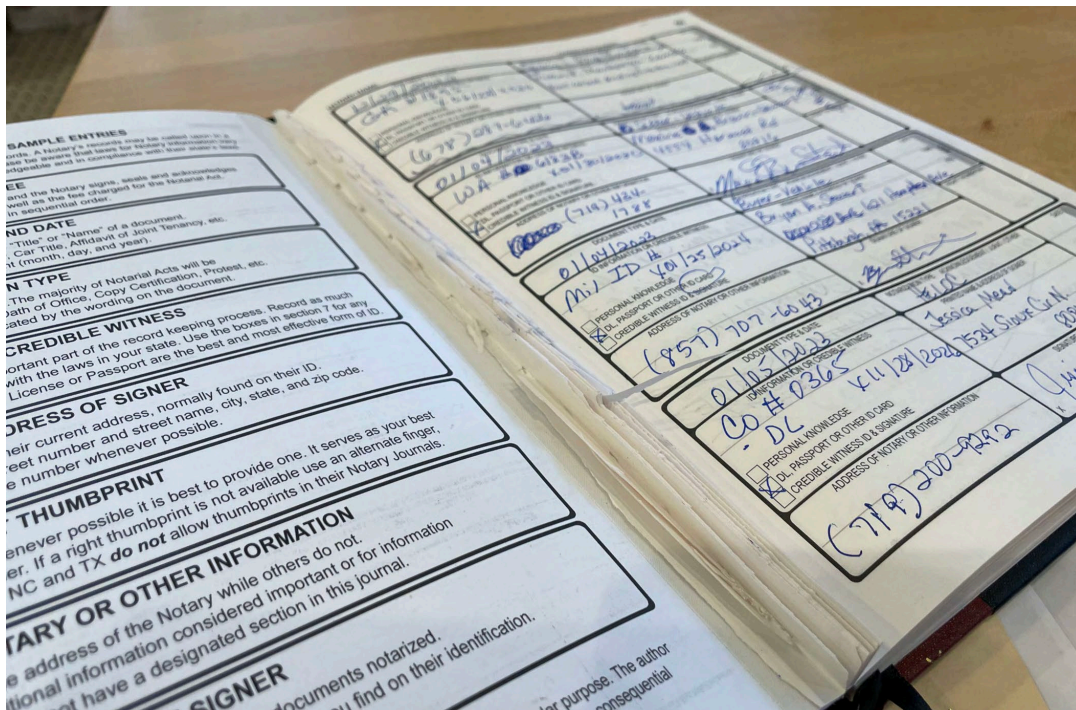
80. Ms. Hobdy reported to the Secretary of State that she had lost her journals on July 14, 2023, shortly after being served with a subpoena duces tecum for those very journals in the McTague’s divorce case. Ex. 6. Here is what she reported.

“On 07/14/2023; journal lost; After doing a thorough search, I cannot locate my notary journals for the years 2002-2022. Earlier this year, I did a major decluttering and reorganization in my home and garage. In the cleaning process, I may have inadvertently disposed of my notary journals, mistakenly believing them to be non-essential items.”

81. Ms. Hobdy was not asked at trial whether the “decluttering” occurred shortly after meeting with Nicolle, following the urgent DM to Nicolle on February 23, 2023: “Please call me asap. I was contacted by a title attorney.” Nicolle answers that she is “in the middle of an awful divorce. I will call as soon as I am done tonight to chat. When do you need to get back to them?.” To which Ms. Hobdy answers, “ASAP!!!! I’m sorry 😞. I never would have guessed you were in trouble.” Ex. 2, p. SOS-142.

82. I find that Ms. Hobdy’s explanation to the Secretary that she “inadvertently disposed of her notary journals” during a decluttering episode is not at all credible.

83. This is Patty Hobdy’s 2023 Official Notary Journal that she provided to Detective Williams on December 11, 2023, with 49 pages of it ripped and cut out of the binding. She explained that she cut the 2022 pages out to place them with her 2022 notary journal. If this was her unbroken practice of twenty years, as she testified, how can she account for leaving in the 2023 journal a single entry for a 2022 notarization?



Ex. 5, p. SOS-183.

84. Ms. Hobdy’s assertion to Detective Williams and at trial of the matter that this cutting and ripping out of pages was common practice for twenty years—that she would cut pages from one journal so that the loose pages could be stored with a journal from the previous year—makes no sense.

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85. Here is a closer look at the continuity of entries on the same page shown above. She left an entry for 2022 in the 2023 journal, defying her described practice of 20 years of storing the entries separately.

Ex. 5, p. SOS-182

86. A reasonable inference is that she tore 49 pages out of her 2023 journal, Ex. 5, in order to avoid having to disclose the evidence of 13 notarial acts she performed on the McTague signatures in 2022. Those 13 are as follows:

Date	Document	Ex. No.
April 14, 2022	Deed of Trust, for a residence at 2 Narrows Road	1(bb)
April 14, 2022	Promissory Note	1(cc)
April 14, 2022	Deed of Trust, for a residence at 4455 N. Yoder Rd.	1(dd)
April 14, 2022	Borrower Certification Agreement	1(ee)
May 6, 2022	Errors and Omissions Compliance Agreement	1(ff)
May 6, 2022	Deed of Trust, for a residence at 4620 Fountain Ave.	1(gg)
June 3, 2022	Affidavit of Non-Occupancy, for a residence at 4620 Fountain Ave.	1(hh)
June 3, 2022	Assignment of Leases and Rents, for a residence at 4620 Fountain Ave.	1(ii)
June 3, 2022	Compliance Agreement, for a residence at 4620 Fountain Ave.	1(jj)
June 3, 2022	Deed of Trust, for a residence at 4620 Fountain Ave.	1(kk)
June 3, 2022	Guaranty Agreement, for a residence at 4620 Fountain Ave.	1(ll)
June 3, 2022	Hazard Insurance Disclosure, for a residence at 4620 Fountain Ave.	1(mm)

June 3, 2022	Promissory Note, for a residence at 4620 Fountain Ave.	1(nn)
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87. Ms. Hobdy learned what was going on between Nicolle and her husband after the DM, “Please call me asap. I was contacted by a title attorney.” Once it became clear to Ms. Hobdy that there was trouble between the McTagues—a divorce, with their fix and flip properties business falling apart—and that the trouble now involved a title insurance company and “hard money” lenders, a reasonable inference is that she decided knowingly and willfully to get rid of all her notary journals rather than just the ones that covered the three years she had been notarizing documents for Nicolle.

88. It also is a reasonable inference that Nicolle’s deference in her deposition to Ms. Hobdy about who wrote David McTague’s signatures and who was present at numerous notarizations was something that may have been discussed by Nicolle and Ms. Hobdy. Nicolle could avoid answering hard questions by pointing to the best evidence of who signed what and who was present at the signings: Patricia Hobdy’s notary journals. Ms. Hobdy could avoid hard questions by getting rid of all her notary journals and then asking the Secretary of State for forgiveness.

89. It is a reasonable and almost inescapable inference that Ms. Hobdy willfully destroyed her journals and cut the first 49 pages of her 2022 and 2023 Official Notary Journal in order to conceal her records about who was present as she went through the motions of performing notarial acts for the McTagues.

CONCLUSIONS OF LAW

90. “An administrative hearing officer functions as the trier of fact, makes determinations of witness’ credibility, and weighs the evidence presented at the hearing.” *Charnes v. Lobato*, 743 P.2d 27, 32 (Colo. 1987).

91. There was no direct evidence about whether David McTague was present or not when Ms. Hobdy notarized his signature on the 40 examples in Ex. 1. But there is strong circumstantial evidence leading to that conclusion, and that evidence is detailed in ¶¶66-73.

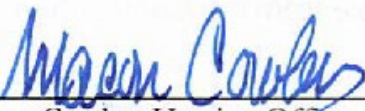
92. Based on all the facts set forth above, I find that Ms. Hobdy did notarize David McTague’s signature without his being present on at least four occasions, ¶¶66-72, and it is likely that she did so on numerous other occasions documented in Ex. 1 as well. Thus, she clearly violated §24-21-506, C.R.S. of RULONA.

93. Ms. Hobdy also violated §24-21-519 by not keeping her notary journal in a secure area under her exclusive control and not retaining her journals for 10 years after the performance of the last notarial act chronicled in the journal.

94. I also conclude that Ms. Hobdy knowingly violated §24-21-506 and she willfully violated 24-21-519 in destroying her journals. “[A]n actor's state of mind is normally not subject to direct proof and must be inferred from his or her actions and the circumstances surrounding the occurrence.” *People v. Kessler*, 2018 COA 60, ¶ 12. The job of the factfinder is “to appraise credibility, draw inferences, determine the weight to be given testimony and to resolve conflicts in the facts.” *Kenworthy v. Conoco, Inc.*, 979 F.2d 1462, 1468 (10th Cir. 1992) (quoting *Dugan v. EMS Helicopters, Inc.*, 915 F.2d 1428, 1430 (10th Cir. 1990)).

95. Ms. Hobdy committed official misconduct when she knowingly violated §24-21-506 and willfully violated 24-21-519. Therefore, pursuant to §24-21-523, notary commission No. 20024023185 issued to Patricia is hereby revoked, effective immediately.

SO ORDERED this 7th day of August 2025.



Macon Cowles, Hearing Officer

To challenge the AHO's Initial Decision, a party must file a Designation of the Record and Exceptions with the Deputy Secretary pursuant to the procedures outlined in subsections 24-4-105(14), (15), and (16), C.R.S, and; Rule 6 of the Colorado Rules of Civil Procedure. All filings and other related documents must (1) be in writing, (2) filed electronically with the Deputy Secretary at OACAppeals@ColoradoSoS.gov, and (3) served upon the opposing party at the email addresses provided in the Certificate of Service of the Initial Decision.

A. Designation of the Record

1. Any party who seeks to reverse or modify the Initial Decision must file a Designation of Record within twenty (20) days from the date of this Initial Decision and designate relevant transcript(s), or parts thereof, of the proceedings before the AHO in such Record. Section 24-4-105(15)(a), C.R.S. and Rule 3.14.3(a), 8 CCR 1505-3.

2. Any other party, including the Deputy Secretary, may file a Supplemental Designation of Record within ten (10) days after service of the Designation of Record and must specify all or part of the Record to be additionally included in the appeal. Section 24-4-105(15)(a), C.R.S.

3. A party ordering transcript(s) is responsible for ordering and filing such transcripts with the Deputy Secretary. It is recommended that a party contact the AHO and a certified court reporter for information on how to order a transcript.

B. Exceptions

1. **Exceptions.** A party filing Exceptions must file within thirty (30) days after the date of this Initial Decision; an extension of time may be granted for good cause. Section 24-4-105(14)(a)(II), C.R.S.

2. **Response.** A party may file a Response within fourteen (14) days from the date of the other party's Exceptions filing.

3. **Reply.** A party may file a Reply within seven (7) days from the date of the other party's Response filing.

4. **Proposed Order and/or Request for Oral Argument.** Any party may file a Proposed Order and/or Request for Oral Argument together with the party's Exceptions, Response, or Reply. Oral Argument must be confined to the arguments and evidence presented during the hearing or in the exceptions and responses thereto, and will be time-limited.

The ultimate Final Agency Order is subject to judicial review under section 24-4-106, C.R.S. However, if a party fails to timely appeal the Initial Decision through Exceptions, such failure operates as a matter of law as a waiver of the right to judicial review of the Final Agency Order except to the extent it differs from the Initial Decision. See § 24-4- 105(14)(c), C.R.S.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one true copy of this Initial Decision was sent via email on August 8th, 2025 to the following:

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/s/ Nathan B. Porte

Nathan Borochoff-Porte, Administrative Court Clerk