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

Case No.

2025 AHO 02 (Notary)

IN THE MATTER OF:

THE SECRETARY OF STATE OF COLORADO,

Petitioner

v.

WYATT COLON LOSS, NOTARY PUBLIC, ID NO. 20174040045

Respondent

RESPONDENT'S AMENDED ANSWER TO NOTICE OF CHARGES

Respondent, Wyatt Colon Loss, by and through his attorneys Gordon Rees Scully Mansukhani, LLP, submits the following Amended Answer to the Secretary of State's Notice of Charges ("Notice") as directed by the Hearing Officer's Scheduling Order, dated March 27, 2025:

INTRODUCTION

1. In response to the allegations in paragraph 1, Respondent admits that he notarized one document on March 7, 2023 and that Peter McNally filed a complaint against him regarding the notarization. Respondent denies that his notarization was "pervaded with errors." Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in paragraph 1 and, therefore, denies the same.

2. Deny.

3. In response to the allegations in paragraph 3, Respondent admits he was not physically present with the signors on March 7, 2023. Respondent further states that he verified the signors' identities by looking at electronic copies of Krystal Medrano's Colorado identification card and Robert Ramos-Esparza's driver license and observed them signing documents on FaceTime.

4. Deny.

5. In response to the allegations in paragraph 5, Respondent admits he did not include the name of the approved remote notary provider used to perform the remote notarization in his journal. The remaining allegations in paragraph 5 are denied.

6. Deny.

7. Deny.

PARTIES AND JURISDICTION

8. Admit.

9. Admit.

10. Admit.

11. Paragraph 11 is a statement of law, which does not require a response. To the extent a response is deemed necessary, Respondent lacks sufficient knowledge or information to admit or deny the allegations in paragraph 11 and, therefore, denies the same

STATEMENT OF FACTS

12. In response to the allegations in paragraph 14, Respondent admits Peter McNally filed a complaint with the Department. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in paragraph 12 and, therefore, denies the same.

13. In response to the allegations in paragraph 13, Respondent states the power of attorney documents included one 8-page document entitled: "Statutory Form Power of Attorney"; and one 5-page document entitled: "Colorado Durable Power of Attorney for Health Care." Respondent denies the remaining allegations in paragraph 13.

14. In response to the allegations in paragraph 14, Respondent admits he listed his name and the name of his wife, Mitzi Loss, on one witnessing statement for a document entitled: Power of Attorney for My Health Care, which did not appear to require notarization. Respondent denies the remaining allegations in paragraph 14.

15. In response to the allegations in paragraph 15, Respondent admits he was not physically present in the same room with Krystal Marie Medrano and Robert Ramos-Ezparza but notarized the Statutory Form Power of Attorney document after verifying their identities and witnessing them signing the documents. Respondent denies any remaining allegations in paragraph 15.

16. Admit.

17. In response to the allegations in paragraph 17, Mr. Loss admits he notarized one document entitled Statutory Form Power of Attorney, signed the Power of Attorney for Health Care form as a witness, and then scanned and emailed them to Krystal Marie Medrano and Robert Ramons-Ezparza after witnessing them sign via FaceTime. Any remaining allegations in paragraph 17 are denied.

18. In response to the allegations in paragraph 18, through the course of these proceedings, Respondent admits he discovered his remote notarization was not renewed. Respondent further states he believed he was an approved remote notary at the time of the notarization on March 7, 2023.

19. In response to the allegations in Paragraph 19, Respondent admits he did not use approved audio-video technology for the March 7, 2023 notarization because it was not available to the signers. Respondent further states he used FaceTime to perform the remote notarization because it was the best means to do so under the circumstances.

20. Admit. Respondent further states that he notarized one Power of Attorney form for Ms. Medrano on Marh 7, 2023.

21. In response to the allegations in paragraph 21, Respondent admits the two power of attorney documents were different and contained separate signature pages. One form had a notarial certificate and one did not. Respondent denies notarizing the Colorado Durable Power of Attorney for Health Care document. Respondent denies signing, notarizing or exchanging with Ms. Medrano a document entitled Colorado Advanced Directive: Durable Power of Attorney for Health Care and Living Will. Respondent denies Exhibit 1 is an accurate copy of the documents signed by Ms. Medrano on March 7, 2023 and denies any remaining allegations in paragraph 21.

22. In response to the allegations in paragraph 22, Respondent admits one power of attorney form was listed in his journal for Krystal Medrano and further states he did not notarize any other forms for her. Any remaining allegations in paragraph 22 are denied.

23. In response to the allegations in paragraph 23, the referenced entry describes a notarization in which Respondent could see and hear the signer in person through a glass window such that an audio-visual provider was unnecessary. Respondent denies the remaining allegations in paragraph 23.

24. Deny.

25. Admit.

26. Admit.

27. Admit.

28. Admit.

29. In response to the allegations in paragraph 29, Respondent admits the Colorado Department of State sent Respondent a letter, dated July 19, 2023, which is self-evident, and denies any characterizations or quotations inconsistent therewith.

30. In response to the allegations in paragraph 30, Respondent admits he received notices of admonishment dated February 21, 2020, September 2, 2022, October 11, 2022, and October 13, 2022, which are self-evident, and denies any characterizations or quotations inconsistent therewith.

31. In response to the allegations in paragraph 31, Respondent admits his notary public commission was suspended from February 10, 2022 to March 11, 2022 as set forth in an Order and Stipulation for suspension, dated January 27, 2022, which is self-evident, and denies any characterizations or quotations inconsistent therewith.

Count One

(Notarizing a document in which the notary has a disqualifying interest)
(Violation of § 24-21-504(2), C.R.S.)

32. Respondent incorporates by reference all of his responses to paragraphs 1-31 as if fully set forth herein.

33. Admit.

34. Admit.

35. Deny.

36. Deny.

Count Two

(Failure to adhere to personal appearance requirements for notarization)
(Violation of § 24-21-506, C.R.S.)

37. Respondent incorporates by reference all of his responses to paragraphs 1-36 as if fully set forth herein.

38. Deny.

39. Deny.

40. In response to the allegations in paragraph 40, Respondent admits he notarized the Statutory Power of Attorney document and signed the Colorado Durable Power of Attorney for Health Care document as a witness and scanned them back to Ms. Medrano after watching her and Mr. Ramos-Esparza sign the documents via FaceTime. Respondent denies any remaining allegations in paragraph 40.

41. In response to the allegations in paragraph 41 through the course of these proceedings, Respondent admits he discovered his remote notarization was not renewed. Respondent further states he believed he was an approved remote notary at the time of the notarization on March 7, 2023. Respondent admits he did not technically follow remote notarization protocol for the March 7, 2023 notarization by using FaceTime but believes it was the best means to do so under the circumstances.

42. Deny.

Count Three

(Improper or missing notarial certificate)

(Violation of § 24-21-515(1), C.R.S.)

43. Respondent incorporates by reference all of his responses to paragraphs 1-42 as if fully set forth herein.

44. Admit.

45. Deny.

46. Deny.

Count Four

(Failure to maintain a journal and inaccurate entries)

(Violation of § 24-21-519, C.R.S.)

47. Respondent incorporates by reference all of his responses to paragraphs 1-46 as if fully set forth herein.

48. Admit.

49. Admit.

50. In response to the allegations in paragraph 50, Respondent admits he did not include the name of the remote notary provider in his journal. Respondent further states he logged one power of attorney document as that was the only document he notarized. Respondent denies any remaining allegations in Paragraph 50.

51. In response to the allegations in paragraph 51, the referenced entry describes a notarization in which Respondent could see and hear the signer in-person through a glass window such that an audio-visual provider was unnecessary. Any remaining allegations in paragraph 51 are denied.

52. Deny.

Count Four [sic]
(Unauthorized Practice of Law)
(Violation of § 24-21-525(1)(a), C.R.S.)

53. Respondent incorporates by reference all of his responses to paragraphs 1-52 as if fully set forth herein.

54. Admit.

55. Deny.

56. In response to the allegations in paragraph 56, Respondent admits he walked Ms. Medrano through each page but denies the remaining allegations.

57. Admit.

58. Deny.

59. Deny.

60. Deny.

GENERAL DENIAL

Respondent denies all allegations in the Notice of Charges not expressly admitted herein, including all prayers for relief set forth in the remedies sought by Petitioner.

AFFIRMATIVE DEFENSES

Without representing or conceding that any of the following constitute affirmative defenses within the meaning of C.R.C.P. 8(c) or that Respondent would have the burden of proof or persuasion with respect to the same, Respondent asserts that any or all of the following may preclude the Secretary of State's charges, cause said charges to fail, and/or bar or reduce the relief sought, in whole or in part:

1. Petitioner fails to state a claim upon which relief can be granted.
2. Petitioner's charges may be barred by the equitable doctrines of estoppel, waiver, laches, and/or release.
3. Respondent believed he added or renewed his remote notary certification when he renewed his license in 2022 and that he was an approved remote notary at all times relevant to this matter.
4. Respondent affirmatively explained to Krystal Medrano and Robert Ramos-Ezparza that he was not an attorney and could not provide them with legal advice and did not provide any legal advice.

5. Respondent did not notarize the witness signatures of himself or his wife.
6. Respondent watched Ms. Medrano and Mr. Esparza sign the documents in real time.
7. Respondent complied as closely with the RULONA rules as was possible under the circumstances and urgency expressed by Ms. Medrano.
8. The documents Peter McNally sent to the Department were not the same documents Respondent notarized or witnessed Ms. Medrano and Mr. Esparza sign.
9. Respondent interacted with Kyrstal Medrano for enough time on March 7, 2023 to determine she was of sound mind and not under duress. Respondent did not know or have any reason to know she was on any kind of mental health hold as stated by Mr. McNally in his complaint.
10. Respondent's conduct does not warrant the severe sanction of revocation.
11. Respondent is willing to complete any additional notary public training courses the Hearing Officer deems necessary, including retaking the Colorado Notary Public Examination.

WHEREFORE, Respondent respectfully requests that the Hearing Officer deny the Petitioner's request for a decision revoking his Notary Public Commission and instead impose lesser penalties in the event there are any findings of violations of the Colorado Notary Public Act.

Respectfully submitted this 11th day of April, 2025.

GORDON REES SCULLY MANSUKHANI LLP

/s/ Melissa A. Wiese

Melissa A. Wiese

Attorney for Respondent Wyatt Colon Loss

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true pdf copy of the above and foregoing **Amended Answer** was served by electronic mail upon counsel of record referenced below and true pdf 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 11th day of April.

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/s/ _____