

<p>STATE OF COLORADO SECRETARY OF STATE ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290</p> <hr/> <p>BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2023-33, 2023-36</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>KWAME SPEARMAN FOR DPS,</p> <p>Respondent.</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE NUMBER</p> <p>2024 AHO 0011</p>
<p>MOTION TO DISMISS UNDER CRCP 41(a)(2)</p>	

On August 29, 2024, the Elections Division and Respondent, Kwame Spearman for DPS, agreed to a settlement. That afternoon, the Hearing Officer stayed proceedings in this matter pending the Deputy Secretary’s approval of the parties’ settlement.

The Deputy Secretary approved the Settlement on August 30, 2024. Under the terms of the parties’ agreement, that agreement constitutes final agency action on this Complaint.

Accordingly, in accordance with the Agreement, the Division moves to dismiss this action against Kwame Spearman for DPS. Under C.R.C.P 41, where a Respondent has answered the complaint, as Respondent has here, dismissal requires an Order of the Court. Here, such Order is appropriate

because the administrative proceedings are complete, and the parties' settlement explicitly contemplates that these proceedings before the hearing officer will be dismissed. Because there is nothing left to be adjudicated, and a final agency order has been entered, dismissal is appropriate.

Accordingly, the Division respectfully requests that the Hearing Officer dismiss these proceedings with prejudice.

Respectfully submitted this 6th day of September, 2024.

PHILIP J. WEISER
Attorney General

/s/ Peter G. Baumann

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CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served by email and/or email this 6th day of September 2024, addressed as follows:

Kwame Spearman for DPS
C/O Registered Agent Kwame Spearman
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Respondent

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Third-Party Complainant

/s/ Peter G. Baumann