

ORIGINAL



DOCKET NO. S-20651A-09-0029

RECEIVED

MOTION TO GET MEDIATION AND SET DATE FOR MEDIATION

2009 APR -2 A 11:45

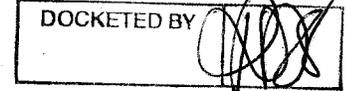
Arizona Corporation Commission

DOCKETED

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

AZ CORP COMMISSION
DOCKET CONTROL

APR 2 2009



Pursuant to the option presented my Administrative Law Judge, Mr. Marc E. Stern, at the pre-hearing on 3-23-09, I, Kyle Schmierer, formally request an official and binding arbitration session with an impartial Judge as the mediator to settle the dispute regarding the false and unjust complaint against me in DOCKET NO. S-20651A-09-0029, by the Arizona Corporation Commission.

On 3-30-2009 Julie Coleman, Chief Counsel of Enforcement of the Arizona Corporation Commission, told me that Judge Stern was wrong and that mediation could not and would not take place. I was told I would have the opportunity to go over the proposed consent order and note which parts I did not agree with and wanted to change. Yet only a day later a request for a hearing was sent. This bypasses the binding oral agreement that I would be given time to negotiate the consent order as Judge Stern wanted. Additionally, the enforcement division is trying to stop me from requesting mediation by stating it was not possible even though Judge Stern granted me this option.

I thus see no option but to request mediation be granted and that the motion for a hearing date be delayed until the mediation process is completed.

The request for a hearing date by the Arizona Corporation Commission submitted by them on 3-31-09 is premature and improper. I request an investigation into the behavior of the Securities Division in my case.

I formally request an official and binding arbitration session with an impartial Judge as the mediator to settle this matter as soon as possible.

I request a copy of this letter be sent to Mr. Marc E. Stern, Administrative Law Judge.

Sincerely, Kyle Schmierer

4-2-09

Kyle Schmierer 15651 N 27th Street, Ste. 218, Phoenix, AZ 85032 (602)218-5057