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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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MAY 19 2009

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 MAY 19 A 8:09

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

DOCKET NO. S-20651A-09-0029

KYLE SCHMIERER, individually and doing
business as AMADIN,

Respondent.

THIRD
PROCEDURAL ORDER

BY THE COMMISSION:

On January 29, 2009, the Securities division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order to Cease and Desist ("T.O.") and Notice of Opportunity for Hearing ("Notice") against Kyle Schmierer, individually and doing business as Amadin and Jane Doe Schmierer, husband and wife (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of investment contracts.

The Respondents were duly served with a copy of the Notice.

On February 20, 2009, a request for hearing was filed by the Respondent, Kyle Schmierer, who represents that he is not married.

On February 24, 2009, by Procedural Order, a pre-hearing conference was scheduled on March 23, 2009.

On March 23, 2009, the Division appeared with counsel and Respondent appeared on his own behalf at the pre-hearing conference. The parties discussed the issues raised by the T.O. and Notice and possible resolution of the proceeding. Respondent Kyle Schmierer also stated that he is not married. At the conclusion of the pre-hearing conference, the parties indicated that they would continue to discuss the issues in an attempt to resolve the matter or file a motion to set a hearing or a motion for mediation/arbitration.

1 On March 31, 2009, the Division filed a motion requesting that a hearing be set.

2 On April 2, 2009, Mr. Schmierer filed two letters requesting mediation and requested that the
3 establishment of a hearing date be delayed.

4 On April 10, 2008, by Procedural Order, a procedural conference was scheduled on April 30,
5 2009, to determine whether mediation or a hearing should take place.

6 On April 30, 2009, at the procedural conference, the Division appeared with counsel and
7 Respondent appeared on his own behalf. The Division indicated that it had provided Respondent
8 with a proposed form of Consent Order, but Respondent stated that he had not yet reviewed its terms.
9 The Respondent continued to request that the matter be referred for mediation with time to review the
10 terms of the proposed Consent Order. The Division requested that a hearing date be set in the interim
11 during which time Respondent may review the proposed Consent Order and determine whether its
12 terms are acceptable to him mitigating the need for either form of proceeding.

13 Under the circumstances, in order to resolve the situation, a hearing date should be scheduled,
14 but with enough time provided for Respondent to review the proposed Consent Order to determine
15 whether he agrees to its terms. If Respondent does not agree with the proposed Consent Order's
16 terms, he should file, within 14 days of the date of receipt of this Procedural Order, a request for
17 mediation or his intention to participate in the hearing which he previously requested.

18 IT IS THEREFORE ORDERED that a **hearing** shall be held on **August 31, 2009, at 10:00**
19 **a.m.**, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona.

20 IT IS FURTHER ORDERED that Respondent shall review the terms of the proposed Consent
21 Order, and shall, within 14 days of the receipt of this Procedural Order, make a filing with the
22 Commission which either indicates to the Division whether he agrees with the terms of the Consent
23 Order or that Respondent requests mediation or wishes to proceed with an evidentiary hearing as
24 ordered hereinabove.

25 IT IS FURTHER ORDERED that the parties shall, by **June 19, 2009, exchange copies of**
26 **their Exhibits and Witness Lists**, with copies provided to the presiding Administrative Law Judge.

27 ...

28 ...

1 IT IS FURTHER ORDERED that in the event a settlement is reached in this case by means of
2 a Consent Order or any other method prior to a mediation or evidentiary hearing date, the Division
3 shall file a motion to vacate any scheduled proceeding.

4 DATED this 19TH day of May, 2009.

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7 
8 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

9
10 Copies of the foregoing mailed/delivered
this 19th day of May, 2009 to:

11 Kyle Schmierer
12 15651 N. 27th Street, Suite 218
13 Phoenix, AZ 85032
Certified and First Class Mail

14 Matt Neubert, Director
15 Securities Division
16 ARIZONA CORPORATION COMMISSION
17 1300 West Washington Street
18 Phoenix, AZ 85007

19 ARIZONA REPORTING SERVICE, INC.
20 2200 North Central Avenue, Suite 502
21 Phoenix, AZ 85004

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By: 
Debra Broyles
Secretary to Marc E. Stern