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DOCKET NO. S-20651A-09-0029

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MOTION: Request a formal investigation into the abusive behavior of the Securities Division

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

I request a formal investigation into the behavior of the Securities Division.

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.

Furthermore, the Securities Division is applying the law according to the whims of the employees instead of the intent of the legislature as required by law.

A thorough and truthful investigation will reveal a pattern of abuse of authority and improper intimidation by the Securities Division Enforcement Division. They are enforcing the law to their own will and opinion against the intent of the legislature. There is a pattern of intentional misrepresentation, unfair business practice and harassment. Julie Coleman also blocked me from getting advice from the compliance section of the Securities Division. Unlike most government agencies that try to help companies get into compliance with any rules the agencies feels are being violated, this agency is concerned only with assessing and collecting fines. I request that an investigation must be made to determine if they are abusing their authority to extort fines from honest and legitimate businesses.

I believe they are engaging in malicious prosecution of entrepreneurs. Entrepreneurs create new jobs and this division is damaging the state's economy, democracy and justice itself. The Securities Division is not following the intent of the law created by the law makers. In fact, Julie Coleman, Chief Counsel of Enforcement of the Arizona Corporation Commission, told me angrily that only her interpretation of the law mattered. In point of fact, America is a democracy and her opinions are not important. Her duty is to enforce the laws as the law makers intend and their interpretation of the laws. In a democracy, her opinions are not supreme as she claims. Her attitude is extremely dangerous and arrogant. Her action and the actions of the entire enforcement division have crossed the line and this agency is dangerously out of control

They have continually tried to intimidate me ever since I disclosed I could not afford an attorney to fight their unjust charges. I request an investigation into the behavior of the Securities Division in my case and with other cases against AZ entrepreneurs and businesses.

Sincerely, Kyle Schmierer 6-24-2009  
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6-24-09