

ORIGINAL



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DOCKET NO. S-20651A-09-0029

RECEIVED

MOTION: ORAL CONTRACT OF MEDIATION OPTION MUST BE UPHELD

2009 AUG 12 P 4: 16

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

AZ CORP COMMISSION
DOCKET CONTROL

Pursuant to the option presented as a promise in the form of a binding oral agreement by Administrative Law Judge, Mr. Marc E. Stern, at the pre-hearing on 3-23-09, I, Kyle Schmierer, formally demand the promise of an official arbitration session be fulfilled 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. To deny this right to me is to break a binding oral agreement.

If the court does not keep its promises and binding oral agreements then all credibility and authority of that body is also broken. If the courts and those in the legal branch of our democracy do not follow the rule of law and do not keep their agreements, then those parties have no moral authority or legal standing. Promises made by the legal system must be kept to the citizens they are supposed to serve. Government is here created by the people to serve the people.

The motion by the Securities Division that claims their inconvenience has any legal standing or relevance is asinine. They can and should dismiss the case at any time. Their duty is to the truth and to the full mission of the Securities Division not to their convenience nor the collection of fees to fill their corrupt coffers. Also their ridiculous argument assumes that they will not honor mediation. Since they have tried to deviously and illegally lie to me and the Judge to stop mediation, this is no surprise to me.

This request for mediation in no way waives my right to a settlement, or hearing until and unless all parties accept the mediation and it's officially approved by the Commissioners. I was told that the 5 member elected board of the AZ Corporation Commission must accept any mediation or any settlement in order for it to be legally binding, therefore I hereby retain my right to a hearing and a trial by a jury of my peers as guaranteed by the Constitution of the United States of America until and unless the mediation or settlement is approved by the Commissioners.

I formally demand that the oral contract by the Judge be kept and thereby an official arbitration session with an impartial Judge as the mediator to settle this matter as soon as possible be scheduled.

Sincerely, Kyle Schmierer 8-12-2009

8-12-09

Kyle Schmierer 220 West Behrend Dr., Phoenix, AZ 85027 (602)218-5057

Arizona Corporation Commission

DOCKETED

AUG 12 2009

DOCKETED BY