

ORIGINAL

Arizona Corporation Commission

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DOCKET NO. S-20651A-09-0029

JAN - 6 2010

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Motion to Dismiss Case & Impose Sanctions

Respondent: Kyle Schmierer



2010 JAN - 6 P 1:09

Docket Control Arizona Corporation Commission 1200 West Washington Phoenix AZ 85007

DOCKET CONTROL

Whereas, the AZ Corporation Commission Securities Division has denied the respondent information required for a fair trial and to subpoena witnesses and the court has abrogated its legal and moral duty to compel the Securities Division to follow the law, the case must be dismissed and the Securities Division must be sanctioned a minimum of \$1,500,000.00 USD for malicious prosecution, attempted extortion, and repeated attempts to deny the respondent a fair trial.

Whereas both the SEC and Arizona Securities Act allow for "statutory private offering exemption" and even the AZ Corporation Commission Securities Division's supposed evidence clearly demonstrates the Respondent was following SEC Regulation D and therefore is exempt from registration from both the Federal Government and the state of Arizona and whereas no law has been broken, this case must be immediately dismissed.

Whereas, the AZ Corporation Commission Securities Division has from the beginning and continually lied to the Respondent, this case must be dismissed immediately without prejudice or delay.

Whereas, the AZ Corporation Commission Securities Division has from the beginning and continually abused their power with complete disregard for democracy and the intent of the legislature that created the securities laws, this case must be dismissed immediately without prejudice or delay.

Whereas, the AZ Corporation Commission Securities Division has conducted unfair business practice by abusing their authority of a state agency, this case must be dismissed immediately without prejudice or delay.

Whereas, the AZ Corporation Commission Securities Division has from the beginning and continually practiced harassment, intentional misrepresentation, and breach of fiduciary duties in the pursuit of a malicious prosecution, thereby, this case must be dismissed immediately without prejudice or delay, if fairness and justice are of any import to this court.

Additionally, this nefarious, egregious, illegal and immoral behavior of attempted extortion by malicious prosecution demands sanctions against AZ Corporation Commission Securities Division.

Because such malicious prosecution and attempted extortion have prevented Respondent from raising money for his business to create jobs and tax revenue for the state and federal government, and to prevent such illegal and immoral behavior in the future, the Arizona Corporation Commission Securities Division should be additionally sanctioned a minimum of \$1,500,000.00 USD for malicious prosecution and attempted extortion.

Sincerely, Kyle Schmierer 1-06-2010