



0000120258

ORIGINAL

COPY

NAME: Kyle Schmierer RECEIVED
ADDRESS: 220 W. Behrend Dr.
CITY & STATE: Phoenix, AZ
ZIP: 85027
PHONE: 602-218-5057

NOV 19 2010

MICHAEL K. JEANES, CLERK
S. STULZ
DEPUTY CLERK



AZ CORP COMMISSION
DOCKET CONTROL

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Kyle Schmierer

CASE NO.: LC 2010-00685

TITLE: Motion to vacate
all charges & fines

PLAINTIFF,

vs.

AZ Corporation

Commission - Securities Div.
DEFENDANT.

Arizona Corporation Commission
DOCKETED

NOV 24 2010

DOCKETED BY

11-19-2010

5-20651A-09-0029

Case No: LC2010-000685

Motion to vacate all the charges and fines by Arizona Corporation Commission Securities Division against Kyle Schmierer - PGI

I respectfully request and call on Judge McClellan to vacate all the charges and fines against me, Kyle Schmierer, immediately.

If you are not able to vacate and dismiss the decision and fines of the AZ Corporation Commission, I then request a jury trial of my peers. A trial de novo with a jury is hereby officially "demanded" again. The details, arguments, and laws cited for the request for a new trial are detailed in the original Complaint filed September 2nd, 2010.

If all fines and charges are vacated immediately by the Superior Court and an independent investigation is ordered, then no trial will be required or needed.

Grounds upon which to vacate all charges and fines:

Most recently, the attorneys of the Arizona Corporation Commission Securities Division deliberately lied to the Superior Court with the intent to dismiss a legitimate case. As I stated and proved in my initial complaint, I received the decision from the Arizona Corporation Commission thru a certified letter sent by the Arizona Corporation Commission. The receipt (a copy is provided in Exhibit A attached here and in the original complaint) clearly and undeniably proves that I got the letter on 7-30-2010 at 10:46 AM. The Superior Court received my complaint on 8-02-2010. That is proven by the date stamp on the Complaint with the Case No: LC2010-000685. If you do the simple math anyone must conclude that Kyle Schmierer filed the complaint within the required 30 days.

The Corporation Commission sent the letter, and a Certified Letter by the US Postal service provides proof and notice to the sender (Arizona Corporation Commission) of exactly when the addressee (Kyle Schmierer) actually got the letter. So they knew and know that I got the letter on 7-30-2010 at 10:46 AM.

Kyle Schmierer filed a copy of the complaint within the required 10 days to the Arizona Corporation Commission in their Docket Control office on 8-09-2010. This is proven in Exhibit B attached which is a scan of the date stamp by the Arizona Corporation Commission Docket Control office. **All documents have been sent to their Docket Control office for the past, faulty administrative process and are being sent there still for this Superior Court Case. Thus proof of delivery and all past, current, and future documents can easily be found online at their website: <https://edocket.azcc.gov> and doing a docket search for Docket No. S-20651A-09-0029**

Thus the Arizona Corporation Commission attorneys knew and know when I got the letter and when I filled the complaint. There can be no doubt they knew and know that there is no basis to dismiss the case. The fact that they deliberately lied to the Superior Court with the intent to dismiss a legitimate case clearly demonstrates their illegal and immoral behavior to win at all cost regardless of the facts, truth and justice.

That the attorneys for the Corporation Commission would lie to the Superior Court is very disturbing and outrageous, yet it was not a total surprise to me as they have lied and abused their power throughout the over one year ordeal and malicious prosecution.

Case No: LC2010-000685

Motion to vacate all the charges and fines by Arizona Corporation Commission Securities Division against Kyle Schmierer – PG2

They lied to me, attempted to extort a \$5,000 fine from me and then blocked my ability to subpoena witnesses to their lies, intimidation and extortion.

Then they lied about their illegal and immoral actions to the Administrative Judge and then they lied to the Commissioners themselves.

Now they have lied to the Superior Court. They lied then and now because their case against Kyle Schmierer has no factual merits. Their hope then and now is that I will just be intimidated and pay the money. They constantly abuse their power and knowledge of the law to win with legal tricks and technicalities.

They know I do not have an attorney and so they lie to the Superior Court to get the complaint dismissed on a technicality. They are relying on lies and legal maneuvers. Why? ... Because: their argument has no truthful merit. Their actions even now are revealing their corrupt character.

Additional proof of the immoral behavior of the attorneys for the Corporation Commission is documented in Exhibit C attached. This Exhibit C is a scan of a letter from the Office of the Attorney General, State of Arizona. The letter says that my account is delinquent due to my \$1,000 fine by the AZ the Corporation Commission. It is a collection letter saying I am already delinquent on a payment of a fine that I am appealing at this very Superior Court. This means that the attorneys for the Corporation Commission proceeded with the fine during the appeal process. They also did not inform me of their actions. I had to call the Attorney General's Office and inform them my case is in appeal after I got this shocking letter. They never called me back as promised. But the damage is done. My credit has already been ruined. Even if I can get it fixed it will take huge amount of time and energy to do so.

My first notice of this injustice is this delinquency collection letter. This means they have purposely ruined my good credit rating. This causes direct economic harm and threatens my survival. Intentionally and maliciously destroying my credit rating is not just about my name, loans or interest rates but makes it even harder to get a paying job. This personal attack against me is ruthless and immoral. It is extra evidence of their pattern of abusive, immoral and illegal behavior by abusing the power and resources of the State Of Arizona against an honest and good citizen of America!

The immoral and illegal actions of the attorneys for the Corporation Commission are a great danger to democracy. It is tyranny and unjust. It must be stopped. The power of the state must be used carefully and putting truth and justice at the forefront.

Many members of the Securities Division of the Corporation Commission exhibit actions and an attitude that only their opinions matter and they will win at all costs with no regard to the facts, truth or what is right.

Now that the Superior Court has hard evidence and personal experience of the intentional lies by the attorneys for the Corporation Commission, I request corrective action.

Case No: LC2010-000685

Motion to vacate all the charges and fines by Arizona Corporation Commission Securities Division against Kyle Schmierer – PG3

I respectfully request and call on Judge McClellan to vacate all the charges and fines against me, Kyle Schmierer, immediately.

Not only have the attorneys for the Corporation Commission unjustly prosecuted and committed great harm to Kyle Schmierer, the justice system and democracy over more than a year (detailed below), they also continue their immoral and illegal behavior and disrespect the Superior Court (described above).

OVERVIEW of CASE: DOCKET NO. S-20651A-09-0029 - Arizona Corporation Commission:

Extortion, abuse of power, dirty tactics, lies and intimidation.... no it's not the mafia but our own state government! This is a threat to the economic health of the state and a cancer attacking our democracy.

This state agency is waging war against entrepreneurs and small businesses, when the state should be helping entrepreneurs and small business grow and do what they do best - create innovation, jobs and generate revenues and taxes.

On 2-26-2009 I, Kyle Schmierer, attended an informational hearing by the Arizona Corporation Commission Securities Division. It turned out to be an inquisition. I was faced with angry intimidation tactics by their counsel Wendy Coy and a silent associate (her name is being blocked and illegally withheld). I was threatened with felony charges, for what - they refused to tell me. Later I learned that Wendy Coy very deviously had ordered the court reporter to be off the record every time she threatened me. They said I must pay their \$5,000 fine or face felony charges. They attacked me and tried to trick me throughout this supposed hearing. There was no interest in the truth or providing me with information like law abiding government agencies do.

After months of hard work, I finally managed to determine what the false charges against me are. When I checked the laws and interpretations on the Securities Division's own website, it became very clear they had no authority to charge me with any felonies. I found out that these charges were completely baseless. They said I had to register, while both Federal SEC rules and State laws allow for exemptions in my case were I am offering investments in my own company to only wealthy/savvy accredited investors. They also falsely claimed I was acting as an unregistered broker, when in fact I am the owner of the company who makes no commission.

On both their civil administrative charges, by their own definition in fact I have not violated any laws or rules whatsoever. I am just an honest entrepreneur and artist who is trying to raise money for his project.

This is what we are supposed to do in a free capitalist country. The Securities Division is acting like we are in the old Soviet Union, but this is America and we are still a free country.

All our freedom is threatened by government agencies that are arrogant and out of control. The Securities Division has no interest in finding the truth, only collecting their fines.

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Motion to vacate all the charges and fines by Arizona Corporation Commission Securities Division against Kyle Schmierer – PG4

Government is supposed to serve and protect the people not destroy good innocent people and their dreams!

Clearly the Securities Division made illegal threats to pressure me to pay the fine. It almost worked. I was very scared, confused and shocked. Normally a company would cave in and pay the fine even when innocent because it is easier and cheaper than fighting it. That is their illegal and immoral tactic. That is a text book definition of extortion.

Abusing the power the State with a team of lawyers against innocent entrepreneurs is reprehensible and dangerous. Naively I was honest with my inquisitors, because I thought they wanted the truth. But as soon as I told them I could not afford an attorney they became like hungry sharks smelling the blood. I submitted a great deal of sensitive personal information to these criminals to prove I could not afford it. All they did was lower the fine to \$1,000. Well that might as well have been a million to me and my financial statements proved that. Why should I have to be in debt or starve to pay a fine for false charges? They have no interest in the truth or getting compliance, it is all about fines and prosecution. Threat, lies and intimidation to get money and win at all cost - this is the ethos and morality of the Arizona Corporation Commission Securities Division.

Since they now know I cannot afford an attorney they continue to play dirty tricks and block me from being able to show the truth and defend myself. The administrative judge at first suggested mediation, but the Arizona Corporation Commission Securities Division refused and from that point the judge has done nothing to protect my legal rights. I have asked for the names and contact information for several key witnesses that are essential to the truth and will prove my innocence and the extortion by the Arizona Corporation Commission Securities Division. Over and over I have made motions, while attending college fulltime, to get basic information I must have to defend myself. Yet they continue to fight my motions instead. This proves they have no interest in the truth. Why try to confuse me and not know the charges. Why block witnesses? Why not seek the truth and justice? Why must they threaten and lie and cheat? If the Securities Division is ever investigated I am certain you will find others who are innocent like me that were threatened and extorted for fines. I am all for laws to protect investors and grandmas of their savings, but most business people and entrepreneurs are not criminals. There is nothing wrong with a business owner trying to find investors for his or her business. I have very carefully and strictly followed SEC Regulation D practices even though they are very restrictive, unjust and unfair to normal and middle class people who cannot afford all the vast attorney fees for a stock offering.

Entrepreneurship is not immoral or illegal, yet that is how the Arizona Corporation Commission Securities Division treats us.

The Arizona Corporation Commission Securities Division continues to deny me due process and basic legal rights guaranteed by the US Constitution to be able to confront my accusers and question essential witnesses. The immoral scoundrels at the Securities Division continue to block information I need to defend myself.

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Motion to vacate all the charges and fines by Arizona Corporation Commission Securities Division against Kyle Schmierer – PG5

They continue to cover up their illegal extortion efforts and exploited their close relationship with the administrative judge and commissioners, my lack of legal knowledge, and my inability to hire an attorney in order to abuse their power with lies, threats, continual efforts to block witnesses and hide the truth, and hide their evil attempts at extortion.

When a government agency ruthlessly, callously, and continuously abuses its power and unjustly persecutes a law abiding citizen merely trying to fulfill her or his dreams and create much needed jobs, it is not only morally despicable but a threat to freedom and a cancer infecting our fragile democracy.

There can be no excuse and no justification for threatening me with felony charges unless I paid a \$5,000 fine when I did nothing wrong and when the division has no authority to charge a felony for their trumped up charges. This is the text book definition of extortion! There can be no excuse and no justification for blocking the names and contact information of witness I must have to defend myself. This is abuse of power. The behavior of the Securities Division is outrageous. This agency is out of control and must be stopped!

They also stated they will block my ability to register in the future. They claim I must register but then will also not allow it? I offered to register even though I do not believe the law requires me to as a gesture of good will to resolve the matter quickly. Their blocking of their own demand demonstrates their concern only for fines and winning cases not justice or protecting anyone

Their views of the laws are self serving to allow them to threaten and attempt extortion on more law abiding honest citizens and entrepreneurs. Their unduly strict and improper interpretation of the laws is not in line with the intent of the law makers or the standards of the community. No one has been hurt in this ordeal but me - the plaintiff.

The intentions of the plaintiff, Kyle Schmierer, were always and remain honest, equitable, moral and legal. It must not be illegal for a business owner to seek fair financing for a legitimate and legal business, especially from savvy wealthy investors as allowed under Regulation D. I am operating under Regulation D of the SEC and am exempt from filing. I have or will seek accredited investors for a legitimate and legal investment. This makes me exempt under Federal Law and therefore also state law.

I am asking you to do the right thing. I ask you to be a moral leader and protect our democracy. There must be severe consequences for agencies that become tyrannical.

Whereas I (plaintiff) have been illegally and immorally denied essential information, specifically the full contact details to be able to subpoena and get testimony from Peggy Scozzari. Peggy Scozzari is listed as the person that misrepresented themselves as an accredited investor and lied to get proprietary and confidential business property that the AZ Corporation Commission abused in their malicious prosecution for the purpose of extortion of the plaintiff, Kyle Schmierer.

Case No: LC2010-000685

Motion to vacate all the charges and fines by Arizona Corporation Commission Securities Division against Kyle Schmierer – PG6

And whereas I (plaintiff) have been illegally and immorally denied essential information, specifically the full contact details to be able to subpoena and get testimony from the unnamed investigator and the court reporter (whose names were both illegally withheld from me) who were both witnesses to the attempted extortion and abuse of power by lead counsel Wendy Coy, that I have repeatedly requested in discovery motions.

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 charges and fines against the Kyle Schmierer must be dismissed.

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, all the charges and fines against, Kyle Schmierer, must be vacated immediately.

Whereas, the AZ Corporation Commission Securities Division has from the beginning and continually lied to the Respondent, all the charges and fines against, Kyle Schmierer, must be vacated 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, all the charges and fines against, Kyle Schmierer, must be vacated immediately.

Whereas, the AZ Corporation Commission Securities Division has conducted unfair business practice by abusing their authority of a state agency, all the charges and fines against, Kyle Schmierer, must be vacated immediately.

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, all the charges and fines against, Kyle Schmierer, must be vacated immediately without prejudice or delay, if fairness and justice are of any import to this court.

The nefarious, egregious, illegal and immoral behavior of attempted extortion by malicious prosecution demands justice - that all the charges and fines against Kyle Schmierer be vacated immediately.

Sincerely, Kyle Schmierer writer-producer-director www.Amadin.biz

PH: 602-218-5057 Email: Amadin7@aol.com

 11-19-2010

Case No: LC2010-000685

Motion for the judge to appoint an independent prosecutor to investigate the Securities Division - EXHIBITS A, B, & C

EXHIBITS A, B, & C

Exhibits are attached after this cover sheet. All Exhibits are scans of original documents.

EXHIBIT A - a certified letter sent by the Arizona Corporation Commission. The receipt clearly and undeniably proves that Kyle Schmierer got the letter on 7-30-2010 at 10:46 AM, and that the Arizona Corporation Commission attorneys knew and know when Kyle Schmierer got the letter and when Kyle Schmierer filled the complaint. There can be no doubt they knew and know that there is no basis to dismiss the case.

EXHIBIT B - the top sheet of the Complaint submitted to Superior Court with the Case No: LC2010-000685 with date stamps by Superior Court and Arizona Corporation Commission Docket Control. This proves the dates the Complaint was filed with the Superior Court and submittal date of the copy to the Defendant: Arizona Corporation Commission Securities Division

All documents have been sent to their Docket Control office for the past process and are being sent still for the Superior Court Case. Thus proof of delivery and all past, current, and future documents can easily be found online at their website: <https://edocket.azcc.gov> and doing a docket search for Docket No. S-20651A-09-0029

EXHIBIT C - a letter from the Office of the Attorney General, State of Arizona. The letter says that Kyle Schmierer's account is delinquent due to a \$1,000 fine by the AZ Corporation Commission. It is a collection letter saying Kyle Schmierer is already delinquent on a payment of a fine that he is appealing at the Superior Court. This means that the attorneys for the Corporation Commission proceeded with the fine during the appeal process. They also did not inform Kyle Schmierer of their actions.

This demonstrates the AZ Corporation Commission attorneys have purposely ruined Kyle Schmierer's good credit rating. This causes direct economic harm and threatens Kyle Schmierer's survival. Intentionally and maliciously destroying Kyle Schmierer's credit rating is not just about name, loans or interest rates but makes it even harder to get a paying job. It is extra evidence of their pattern of abusive, immoral and illegal behavior by abusing the power and resources of the State Of Arizona against an honest and good citizen of America!

Arizona Corporation Commission
1200 W. Washington - Docket Control
Phoenix, Arizona 85007

CERTIFIED MAIL™



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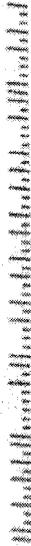
Kyle Schmierer
Kyle Schmierer
220 West Behrend Drive
Phoenix, AZ 85027

91-16
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1st NOTICE
2nd NOTICE
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\$05.71
07/14/2010

Mailed From 85007
US POSTAGE



85027\$4445 C070

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PHOENIX, Arizona
850279998

0363680090-0094

07/30/2010 (800)275-8777 10:46:33 AM

Sales Receipt

Product Description	Sale Unit Qty	Price	Final Price
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Mail Pickup	Delivered		
Label #	7105452264400016876		
# of Mailpieces :	1		
Mail Pickup Date:	07/30/2010 10:45 AM		

Total: \$0.00

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SEP 02 2010

NAME: Kyle Schmierer
ADDRESS: 220 W. Belmont Dr.
CITY & STATE: Phoenix AZ
ZIP: 85027
PHONE: 602-218-5057

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CORP COMMISSION
DOCKET CONTROL

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

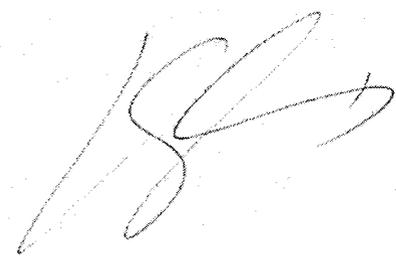
Kyle Schmierer

PLAINTIFF,
vs.
AZ Corporation

Commission Securities Div.
DEFENDANT.

CASE NO.: LC2010-000685
TITLE: Complaint:
to Superior Court for an
Appeal of decision by
AZ Corp. Commission
in case: Docket NO.
S-20651A-09-0029

see attached

 9-2-2010



Terry Goddard
Attorney General

Office of the Attorney General
State of Arizona

Writer's Direct Line:
(602) 542-8358

October 15, 2010

Kyle Schmierer
dba Amadin
220 West Behrend Drive
Phoenix, AZ 85027

Re: Arizona Corporation Commission
State of Arizona v. Schmierer
Amount Due: \$1,000.00 (plus accruing interest)
Attorney General File Number: BCE10-04103

Dear Mr. Schmierer:

The above referenced delinquent account has been assigned to this office for collection. In order to prevent further action being taken against you, please remit payment in full or contact the undersigned within ten days. Your check should be made payable to the ARIZONA ATTORNEY GENERAL and mailed to:

OFFICE OF THE ATTORNEY GENERAL
BANKRUPTCY & COLLECTION ENFORCEMENT SECTION
1275 WEST WASHINGTON
PHOENIX, AZ 85007

If we do not hear from you within ten days of the date of this letter, appropriate legal action will be taken against you.

Sincerely,

/s/
Andi Kral
Collector III

1200550:LL

1275 W. Washington, Phoenix, Arizona 85007-2926
Phone 602-542-1719 Fax 602-542-4273