



0000120260

ORIGINAL  
COPY

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

RECEIVED

NOV 19 2010

2010 NOV 24 P 4:



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

PLAINTIFF,

vs.

AZ Corporation

Commission - Securities Div.  
DEFENDANT.

CASE NO.: LC 2010-000685

TITLE: Response to:  
AZ Corporation Commission  
Motion to dismiss

Arizona Corporation Commission  
DOCKETED

NOV 24 2010

DOCKETED BY

*[Handwritten signature]* 11-18-2010

S-20051A -09-0029

Case No: LC2010-000685

Response to: motion to dismiss by Arizona Corporation Commission - Securities  
Division - PG1

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.

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. 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.

KSS 11-18-2010

Case No: LC2010-000685

Response to: motion to dismiss by Arizona Corporation Commission - Securities  
Division – PG2

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 of the intentional lies by the attorneys for the Corporation Commission, I request corrective action.

I respectfully request and call on Judge McClellan to appoint an independent prosecutor to immediately investigate the Securities Division for lies, abuse of power, attempted extortion, and malicious prosecution. I believe thorough, independent investigation will reveal many cases of this behavior – not just in my case.

Additionally, 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. 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.

KSS 11-18-2010

Case No: LC2010-000685

Response to: motion to dismiss by Arizona Corporation Commission - Securities  
Division – PG3

I also respectfully request and call on Judge McClellan to seriously consider imposing sanctions upon Arizona Corporation Commission Securities Division at a minimum of \$3,500,000.00 USD for obstruction of justice thru lies, malicious prosecution, abuse of power and attempted extortion. This is just not merely for compensation from harm caused to Kyle Schmierer and his legal business from an ordeal over one year, but also to prevent such illegal and immoral behavior in the future by other attorneys and representatives of the State. Their illegal and immoral actions have also tarnished my good name business name and professional reputation. Such malicious prosecution and attempted extortion have prevented the Plaintiff from raising money for his business to create jobs and tax revenue for the state and federal government.

Sincerely, Kyle Schmierer writer-producer-director [www.Amadin.biz](http://www.Amadin.biz)

PH: 602-218-5057 Email: [Amadin7@aol.com](mailto:Amadin7@aol.com)

 11-18-2010

Case No: LC2010-000685

Response to: motion to dismiss by Arizona Corporation Commission - 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

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!

EXHIBIT A

049182033336  
\$05.71  
07/14/2010  
Mailed From 85007  
US POSTAGE

CERTIFIED MAIL™



7105 4522 5440 0001 6676

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

9-16-10  
NR  
1st NOTICE  
2nd NOTICE  
RETURNED

8502734445 0070

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

SIERRA ADOBE STA  
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

Mail Pickup Label # 71054522644000016676  
Delivered  
# of Mailpieces : 1  
Mail Pickup Date: 07/30/2010 10:45 AM

Total: \$0.00

Paid by:

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

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\*\*\*\*\*  
Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.  
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Bill#:1000601041519  
Clerk:86

All sales final on stamps and postage  
Refunds for guaranteed services only  
Thank you for your business

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\*\*\*\*\*  
HELP US SERVE YOU BETTER

Go to:  
<https://postalexperience.com/Pos>

COPY

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

RECEIVED

SEP 02 2010

2010 SEP -9 P 3:07



MICHAEL K. ZAJAC, CLERK  
DEPUTY CLERK  
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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

*[Signature]* 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