

DEPARTMENT OF GAMING RACING DIVISION

PUBLIC RECORDS REPRODUCTION REQUEST FORM INFORMATION AND INSTRUCTION SHEET

Requesting Party: Please read and note the following information and instructions.

Pursuant to A.R.S. § 39-121.03, a person requesting copies, printouts or photographs of public records shall, upon making a request, provide a CERTIFIED STATEMENT setting forth the commercial purpose, if any, for which the copies, printouts or photographs will be used.

A person stating that the reproductions will not be used for a commercial purpose will be furnished such reproductions at a reasonable fee, not exceeding a commercial rate for like services. A person providing a certified statement setting forth the commercial purpose for which the reproduction will be used, may be furnished such reproductions by the custodian of records after having received approval from the Director or Deputy Director, as determined on a case by case basis. Charges shall be based on the following:

1. A portion of the cost to the State for obtaining the documents or records to be reproduced;
2. A reasonable fee covering the cost of time, equipment and personnel in making the reproduction, and;
3. The value of reproduction on the commercial market.

If the custodian of a public record believes that the commercial purpose of a reproduction is a misuse of public records or an abuse of the right to receive them, he or she may refuse a request for reproduction of such records for said commercial purpose and may request the Governor to prohibit the furnishing of reproductions for such commercial purposes by Executive Order. If an Executive Order is not issued within thirty (30) days of the custodian's application, the requesting party shall be furnished such reproductions for the commercial purpose set forth in his or her certified statement upon payment of the fee determined pursuant to the above guidelines.

"Commercial purpose" is broadly defined by statute as "any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record."
A.R.S. § 39-121.03(D).

"Commercial purpose" includes copies of records for sale or resale and copies of printouts of names and addresses for purpose of solicitation of business.

IMPORTANT: A.R.S. § 39-121.03(C) and (D) state:

A person who obtains a public record for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses it for a commercial purpose shall in addition to other penalties be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorney fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records.

For the purposes of this section, "commercial purpose" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body.

PUBLIC RECORDS REPRODUCTION REQUEST

Requesting Party: _____ Date: _____
Please Print
Telephone No. _____ Fax No. _____ Email Address: _____
Address: _____
Description of Public Records requested: _____

Indicate whether the records are to be used for: Non-Commercial Purposes Commercial Purposes

If the records are to be used for commercial purposes, specifically state those purposes:

CERTIFIED STATEMENT

I, the requesting party, declare that I have read the information and instruction sheet accompanying this form and understand the contents therein. I further declare that I have reviewed the definition of commercial and non-commercial purposes; that I understand the cost of a copy reproduction is \$1.00 for the first 5 pages then \$0.50/page for each additional page, or the cost incurred by the Department for replication of oversized documents; and that the cost of replication must be paid **prior** to replication. I further declare that such copies or reproductions will not be used directly or indirectly for a different purpose other than described above.

I further declare under penalty of perjury that the foregoing is correct and true.

Signature of Requesting Party Date: _____

FOR OFFICE USE ONLY

APPROVALS:
Director _____ Approved / Denied (circle one) Date _____

REASON DENIED: Misuse of Public Records or Abuse of the Right to Receive Public Records
 Request Made to Governor for Executive Order Date _____
 Executive Order Received within 30 days Date Received _____
 No Executive Order Received - Reproductions Furnished Date _____

Custodian of Records: _____ Title _____

Cost of Reproduction:	<ul style="list-style-type: none">• First 5 pages @ \$1.00 per 8.5x11" page• 50¢ each for all additional 8.5x11" pages• Electronic Copies @ 25¢ each	<ul style="list-style-type: none">• Audio CDs – \$5 per CD• Video DVD – \$5 per DVD• Mailing Lists (Commercial Use) - \$1 per name• Delivery Charges – Actual cost of postage or delivery
# of 8.5x11" Pages Reproduced/Provided:	_____	
# of Pages @ \$1.00:	_____ = \$ _____	
# of Pages @ 50¢:	_____ = + _____	
or Commercial Use Charges (if different):	\$ _____	TOTAL DUE \$ _____
Commercial Use Mailing Lists # of Names @ \$1 ea:	_____	TOTAL DUE \$ _____
# of Audio CDs Reproduced @ \$5 ea:	_____	TOTAL DUE \$ _____
# of Video DVDs Reproduced @ \$5 ea:	_____	TOTAL DUE \$ _____
Processing Time @ \$10.00 per hour:	_____	TOTAL DUE \$ _____
Postal or Other Delivery Charges:	\$ _____	TOTAL DUE \$ _____
		TOTAL DUE FOR ALL RECORDS PROVIDED \$ _____
Payment Received: <input type="checkbox"/> Cash <input type="checkbox"/> Check # _____		
Documents Mailed/Faxed/Provided on (Date) _____		and Receipt Issued by _____