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# MEMORANDUM

Pima County Department of Environmental Quality (PDEQ)

33 N. Stone, Suite 700  
Tucson, AZ 85701-1429

[www.deq.pima.gov](http://www.deq.pima.gov)

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**EFFECTIVE DATE:** January 1, 2008

**TO:** Public Records Requestors

**FROM:** Milena Sousa,  
Enforcement Supervisor

**PHONE:** (520) 243-7400

**FAX:** (520) 243-7370

**SUBJECT:** Public Records Request Packet

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**TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 9**

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Please select, fill out and sign one (Commercial or Non-Commercial) of the attached Public Records Reproduction Request Forms and return it to PDEQ. If you are requesting records for non-commercial purposes, you must also fill out and sign the attached Verified Statement for your request to be processed. Although PDEQ is required to fulfill all reasonable public records requests under State law, requests can take anywhere from a week to two weeks to be processed depending on the complexity of the search and the volume of records to be reproduced. Requests for multiple property searches will have a longer turn around time and may be submitted with one request form, an attached list of addresses or parcel numbers. Commercial requests with a list of properties attached will be charged the commercial fee on a per property basis. All requests are processed in the order that they are received to assure equal treatment of all requesting parties. The definition of commercial purposes, associated public records information from the Arizona Revised Statutes (A.R.S.) §39-121.03, and a PDEQ reproduction fee schedule are also attached to advise you of the reproduction costs that you will incur.

## **NON-COMMERCIAL**

Once the non-commercial request form is received, PDEQ staff will locate the record(s) and provide the requestor with an invoice of any reproduction costs to be incurred, such as scanning or copying. Records will not be released until payment is received by PDEQ. Upon receipt of the payment, the record will be emailed or mailed to you first class mail per your request. You may also request to pick up the copies at the PDEQ office at your convenience and pay at that time. If a large amount of records are gathered from the PDEQ search, you will be contacted and asked if you wish to make an appointment to go through the files to select only the records needed prior to reproduction.

## **COMMERCIAL**

Upon receipt of the commercial request form, PDEQ staff will locate the record(s) and provide the requestor with an invoice of the processing fee and any reproduction fees that are involved. Records will not be released until payment is received by PDEQ. Once payment is received, a letter detailing what information PDEQ has on the record(s) in question will be faxed or emailed to you per your request. The original hard copy letter will follow via first class mail for your files. If you need copies of the identified records in the letter you must contact PDEQ to request them. If a large amount of records are gathered from the PDEQ search, you will be contacted and asked if you wish to make an appointment to go through the files to select only the records needed prior to reproduction.

**ADVISEMENT**

PDEQ files and databases provide the most historically accurate and extensive search results when utilizing an in situ address. PDEQ is able to provide records utilizing a specific parcel number, township/range/section, property owner name, business name, or other criteria, however, the record information provided will be limited to those particular search criteria.

**IMPORTANT:** PDEQ is advising you of this to assure that parties conducting “due diligence” property inquiries comply with applicable ASTM standards to fulfill CERCLA liability requirements.

PDEQ does not have jurisdiction over all environmental issues in Pima County and the Arizona Department of Environmental Quality (ADEQ) should also be contacted regarding any regulatory records they may have pertaining to a property. The toll free number for ADEQ in Phoenix is 1-800-234-5677 or 602-771-4380.

Please feel free to contact PDEQ with any questions or comments you may have.



**COMMERCIAL PUBLIC RECORDS REQUEST FORM**

**ONLY ONE PARCEL AND/OR ADDRESS PER REQUEST** Requests are processed in the order they are received

Today's Date \_\_\_\_\_ Tracking Number (Internal Use) \_\_\_\_\_

I, THE UNDERSIGNED, HEREBY REQUEST (PLEASE PRINT CLEARLY AND CHECK ALL BOXES THAT APPLY):

- \$125 All Commercial Purposes Searches/Phase I/Due Diligence (includes PDEQ official letter)
- \$50 Limited "Specific Record" Requests, i.e. Permit/Plan Copies, Specific Document, Photos, etc (no letter)

Record Format and Delivery Requested: Please refer to fee schedule, last page (no charge for postage).

- Electronic
  - E-Mail
  - CD-Rom-Mailed First Class
- Paper Copy
  - First Class Mail
  - Fax

Method of Payment:  Cash  Check/Money Order  Deferred Account # \_\_\_\_\_

**REQUESTING PARTY INFORMATION:** ALL fields must be completed for request to be processed.

Requesting Party Name (PLEASE PRINT CLEARLY):		
Company You Are Representing: <input type="checkbox"/> None		
Address:		
City:	State:	Zip Code:
Home/Business Phone (including area code):		
E-Mail Address:		
Requestor's Signature:		

**PUBLIC RECORD INFORMATION:**

Name of Property Owner/Business (PLEASE PRINT CLEARLY):		
Address: <input type="checkbox"/> None		
City:	Zip:	
Parcel Number:		
Township (Optional):	Range (Optional):	Section (Optional):
Other (specify record):		



150 W. Congress, 1<sup>st</sup> Floor, Tucson, AZ 85701  
Phone: (520) 740-3340 Fax: (520) 882-7709

**VERIFIED STATEMENT OF COMMERCIAL PURPOSE  
PUBLIC DATA REQUEST**

Caution: Arizona Revised Statutes § 39-121.03(C) provides:

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 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.

A commercial purpose is defined by Arizona Statute as the use of public record for the purpose of:

- The sale or resale or for the purpose of producing a document containing all or part of the copy, printout, or photographs for sale, or
- Obtaining of names and addresses from public records 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.

**VERIFIED STATEMENT**

**I hereby affirm that the public records I have requested are for a “commercial purpose” as defined by A.R.S. § 39-121.03. I also hereby attest that the public records may be transmitted or sold to other persons or business entities for any commercial purpose.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Address (Please Print Clearly)**

\_\_\_\_\_  
**City, State, Zip**

\_\_\_\_\_  
**Phone #**

\_\_\_\_\_  
**Notary Public**

\_\_\_\_\_  
**Date Commission Expires**

## **PUBLIC RECORDS REPRODUCTION**

### **A.R.S. § 39-121.03**

#### **REQUEST FOR COPIES, PRINTOUTS OR PHOTOGRAPHS; STATEMENT OF PURPOSE; FEES**

A. A person requesting copies, printouts or photographs of public records for a commercial purpose shall, upon making such a request, provide a certified statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the verified statement the custodian of such records may furnish reproductions, the charge for which shall include the following:

1. A portion of the cost to the state for obtaining the original or copies of the documents, printouts or photographs.
2. A reasonable fee for the cost of time, equipment and personnel in producing such reproduction.
3. The value of the reproduction on the commercial market.

#### **COMMERCIAL PURPOSE AS ABUSE OF PUBLIC RECORD; DETERMINATION BY GOVERNOR**

B. If the custodian of a public record determines that the commercial purpose stated in the verified statement is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the governor requesting that the governor by executive order prohibit the furnishing of copies, printouts or photographs for such commercial purpose. The governor, upon application from a custodian of public records, shall determine whether the commercial purpose is a misuse or an abuse of the public record. If the governor determines that the public record shall not be provided for such commercial purpose he shall issue an executive order prohibiting the providing of such public records for such commercial purpose. If no order is issued within thirty days of the date of application, the custodian of public records shall provide such copies, printouts or photographs upon being paid the fee determined pursuant to subsection A of this section.

#### **CIVIL PENALTY**

C. A person who obtains public records 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 them 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 attorneys' 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.

#### **DEFINITION OF COMMERCIAL PURPOSE**

D. As used in 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 such public records for the purpose of solicitation or the sale of such 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 such public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in a judicial or quasi-judicial body of this state or a political subdivision of this state.

**Reproduction Fee Schedule (Letter Size)**

<b>NUMBER OF COPIES</b>	<b>COST PER PAGE (ELECTRONIC AND PAPER)</b>
1	.25
2	.50
3	.75
4	1.00
5	1.25
6	1.50
7	1.75
8	2.00
9	2.25
10	2.50
11	2.75
12	3.00
13	3.25
14	3.50
15	3.75
16	4.00
17	4.25
18	4.50
19	4.75
20	5.00
21	5.25
22	5.50
23	5.75
24	6.00
25	6.25
26	6.50
27	6.75
28	7.00
29	7.25
30	7.50
31	7.75
32	8.00
33	8.25
34	8.50
35	8.75
36	9.00
37	9.25
38	9.50
39	9.75
40	10.00
50	12.50
60	15.00
70	17.50
80	20.00
90	22.50
100	25.00

- For reproduction of construction plans the reproduction fee is **\$10.00 PER PLAN SHEET**, in addition to any outside reproduction costs incurred by PDEQ.
- For oversized documents, videos or electronic file reproduction the **MINIMUM fee is \$10.00**, in addition to any outside reproduction costs incurred by PDEQ.
- Reproduction of documents that have been previously provided to a requesting party by PDEQ will be subject to a **MINIMUM \$10.00 reproduction fee**.