

K-001R - REGULATION
PUBLIC'S RIGHT TO KNOW/FREEDOM OF INFORMATION

- A. Mohave corporate records shall be available for public inspection in accordance with the following:
- Arizona Revised Statutes, Title 10, Chapter 39.

Mohave Cooperative purchasing contract records shall be made available for public inspection in accordance with the following:

- Arizona Revised Statutes, Title 41, Chapter 23
 - Arizona Revised Statutes, Title 34, Chapter 6
 - Arizona Administrative Code, Title 7, Chapter 2, Articles 10 and 11.
- B. Mohave's primary office will be open to receive requests for records inspection or copying during normal business hours on Monday through Friday. Requests for access to records shall be made in writing on an official form provided by Mohave and shall be directed to the office of the Executive Director.
- C. Any member of the cooperative is entitled to inspect and copy any of the records of the corporation described in A.R.S. § 10-11601(E), providing the member has been a member of record at least six months immediately preceding its demand. The member must give Mohave written notice of its demand as provided in A.R.S. § 10-3141. Notice must be given at least five business days before the date on which the member wishes to inspect and copy the records. Inspection of the records shall be during regular business hours at Mohave's principal office.
- D. A member of the cooperative is entitled to inspect and copy any of the following records of the corporation, providing the member has been a member of record at least six months immediately preceding its demand. The member must give Mohave written notice of its demand as provided in A.R.S. § 10-3141. Notice must be given at least five business days before the date on which the member wishes to inspect and copy the records. Inspection of the records shall be during regular business hours at Mohave's principal office.
- Excerpts from any records required under A.R.S. § 10-11601(A), to the extent not subject to inspection under C above.
 - Accounting records of the corporation.
 - The membership list described in A.R.S. § 10-11601(C).
 - The corporation's most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations.
- E. A member of the cooperative may inspect and copy the records identified in D only if the following conditions are met:
- The member's demand is made in good faith and for a proper purpose.
 - The member describes with reasonable particularity the member's purpose and the records the member desires to inspect.
 - The records are directly connected with the member's purpose.
- F. For the purpose of communication with other members concerning a meeting that includes a vote of the membership, a member, a member's agent or a member's attorney may inspect and, subject to the limitations of A.R.S. § 10-11602(C) and A.R.S. § 10-11605, may copy the list of members receiving the meeting notice. The member, member's agent or member's attorney must give Mohave written notice of its demand to inspect the list. Inspection shall be during regular business hours at Mohave's principal office. Copying of the list shall be at the member's expense.
- G. The power of a court to compel the production of corporate records for examination is not impacted by this regulation.

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- H. Records pertaining to Mohave's cooperative purchasing contracts may be inspected if appropriate written notice is given to Mohave. Inspection shall be during regular business hours at Mohave's principal office. Copying of the records shall be at the requester's expense.
- I. All persons requesting inspection and/or copying of public records must attest that they have not requested the public records of Mohave for a commercial purpose. If the records are requested for a commercial purpose, the requester must provide a statement setting forth the commercial purpose for which the materials will be used. The declaration will be made and signed on the official form provided by Mohave requesting inspection and/or copying of public records.
- J. For C, D and F above, the Executive Director may permit access to, or provide for the copying of, the records on the date requested, providing the required notice was given. If the records cannot be produced on the requested date, the Executive Director shall provide an explanation of the further delay and give notification of the time the records will be available. If access is denied, the Executive Director will provide a written statement of the grounds for denial.
- K. For H above, the Executive Director may permit access to, or provide for the copying of, the records within a reasonable period of time following receipt of the signed request or will provide an explanation of the further delay and give notification of the time the records will be available. If access is denied, the Executive Director will provide a written statement of the grounds for denial.
- L. Requirements for access and inspection apply only to existing records and do not require creation of new records. Public inspection of a document that otherwise would be a public record may be denied by the Executive Director if (1) the record is made confidential by statute, (2) the record involves the privacy interests of persons, or (3) disclosure would be detrimental to the best interests of Mohave. If a public record contains material that is not subject to disclosure, Mohave will delete such material and make available to the requester such material in the record as is subject to disclosure.
- M. Records contained on a computer will be provided only in the form in which the information can be made available using existing computer programs. Copies of recordings, computer discs, tapes or drives, video or films, pictures, slides, graphics, illustrations, or similar audio or visual items or devices will not be furnished unless such items or devices have been shown or played at a public meeting of the Board of Trustees.
- N. When a person requests copies, printouts or photographs of public records, the person shall provide a statement setting forth the purpose if the documents will be used for a commercial purpose. Upon being furnished the Request for Inspection of Public Records Form, the custodian of such records may furnish reproductions, the charge for which shall include the following:
- A portion of the cost to the public body for obtaining the original or copies of the documents, printouts or photographs.
 - A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.
 - The value of the reproduction on the commercial market as best determined by the public body.
- O. 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 the public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body.
- P. K-001E-EXHIBIT shall be clearly filled out and submitted to Mohave via e-mail to requests@mesc.org.

Effective 2/21/06

Revised 3/26/10

Revised 3/13/15

Revised 10/16/15

Revised 9/28/17

Revised 9/27/18

Revised 9/26/19

K-001E - EXHIBIT
PUBLIC'S RIGHT TO KNOW/FREEDOM OF INFORMATION

MOHAVE EDUCATIONAL SERVICES COOPERATIVE, INC.
REQUEST FOR INSPECTION OF PUBLIC RECORDS

Name: _____

Organization: _____

Address: _____
Street City State Zip

Phone: _____ Email: _____

Fax: _____

Would like information by: _____ Please note that Mohave will make reasonable efforts to get the information by the requested date; however, no guarantee is implied.

Nature of request:☐ Review records (no original record may leave the custodian's office)☐ Copies of records (a fee will be assessed)**Records requested (Please be as specific as possible.)**_____ **Personal Use**

_____ **Commercial Use (as defined in A.R.S. 39-121-03)**
Provide details of commercial use as a separate attachment.

Signature_____
DateCompleted form must be emailed to requests@mesc.org.**MESC Use Only**

Number of copies _____

Date provided _____

Fee Amount _____

Date collected _____

*Effective 2/21/06**Revised 6/29/09**Revised 3/26/10**Revised 3/13/15**Revised 9/04/15**Revised 10/16/15**Revised 9/26/19*

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