



## OFFICE OF ATTORNEY GENERAL TOM HORNE

### BUSINESS & FINANCE DIVISION

## MEMORANDUM

TO: Affected State Agencies

FROM: *JS* Vicki Salazar, Division Director of Business & Finance

DATE: January 20, 2011

RE: Microsoft Settlement Distribution

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A settlement has been reached in the antitrust class action lawsuit of *Daisy Mountain Fire District v. Microsoft Corp.*, which was brought on behalf of all Arizona government entities that licensed Microsoft Operating System or Application software. Pursuant to the court approved Settlement Agreement, the state entities' share of the settlement proceeds were made available to the Attorney General Office for disbursement. Attached is a distribution list that describes the court ordered distribution by agency. The General Accounting Office (GAO) of the Arizona Department of Administration has agreed to establish a statewide fund and procedures to assist in the distribution. Distributions will be made on a reimbursement basis. Specific accounting procedures will be provided by GAO.

Attached is a letter from Microsoft outlining the allowable uses of the settlement funds. Note that these purchases are subject to audit by Microsoft to determine that they have been used for allowable purposes.

Attachments (2)

February 5, 2010

Dear Recipient:

Enclosed is your portion of the Settlement Benefits from the settlement reached in the case of *Daisy Mountain Fire District v. Microsoft Corp.*, Civil Action No. JFM-07-2851, *In Re Microsoft Corp. Antitrust Litigation*, MDL Docket No. 1332.

The government entity receiving and accepting these Settlement Benefits agrees to the terms of the Release set forth in Section III of the Settlement Agreement. The terms of the Release are set forth on the receipt attached to your Settlement Benefits check.

The government entity accepting these Settlement Benefits agrees to use them to purchase Qualifying Hardware or Qualifying Software, as defined in Section I.(S) and I.(T) of the Settlement Agreement. Those definitions are set forth below:

S. "Qualifying Hardware" means any new desktop, laptop or tablet computer for any operating system platform and/or the following devices or components: printers, scanners, monitors, keyboards and pointing devices, e.g., mouse, trackball, etc. Qualifying Hardware excludes all other devices and components (including, but not limited to, cables, speakers or other external devices, internal or external storage units, internal or external CD-Rom, DVD or other read/write devices, zip drives, tape backup or storage units, memory, video or audio cards, motherboards or CPUs) that are not included as part of the purchase of a computer. Qualifying Hardware also excludes servers, PDAs and other hand-held devices.

T. "Qualifying Software" means any non-custom software title, including any software title not published by Microsoft, that (a) is designed for use with any Qualifying Hardware described in section I(S) above, and (b) is not software designed to operate exclusively on servers, PDA or other hand-held devices.

You may be subject to audit by Microsoft to determine that the Settlement Benefits are used to purchase Qualifying Hardware or Qualifying Software.

Yours truly,

Microsoft Corporation

**Daisy Mountain Fire District v. Microsoft Corp.**  
**PHX-ATU-2010-0184**  
**PSR 29992**  
**PCA (NEW - Requested Feb 18, 2010)**  
**February 2010**

|            | Agency/Board/Commission  | Billing Address                  | City    | State | ZIP        | Amount    |
|------------|--|----------------------------------|---------|-------|------------|-----------|
| <b>ABA</b> | Accountancy Board  | 100 N 15th Avenue Suite 103      | Phoenix | AZ    | 85007      | 111.25    |
| <b>ADA</b> | Department of Administration                                     | 100 N 15th Avenue Suite 101      | Phoenix | AZ    | 85007      | 7,365.90  |
| <b>ADA</b> | Department of Administration - Capital Outlay Stabilization Fund | Attn: Barbara Pipkin             | Phoenix | AZ    | 85007      | 42.79     |
| <b>ADA</b> | State Boards' Office   | 1400 W Washington #230           | Phoenix | AZ    | 85007      | 17.12     |
| <b>AEA</b> | Radiation Regulatory Agency                                      | 4814 S 40th Street               | Phoenix | AZ    | 85040      | 282.42    |
| <b>AGA</b> | Office of the Attorney General                                   | 1275 W Washington                | Phoenix | AZ    | 85007      | 5,459.16  |
| <b>AHA</b> | Department of Agriculture  | 1688 W Adams                     | Phoenix | AZ    | 85007      | 2,004.29  |
| <b>ANA</b> | Board of Acupuncture Examiners                                   | 1400 W Washington Room 230       | Phoenix | AZ    | 85007      | 8.56      |
| <b>APA</b> | Arizona Board of Appraisal                                       | 1400 W Washington Suite 360      | Phoenix | AZ    | 85007      | 38.51     |
| <b>ASA</b> | Arizona State University - Main Campus                           | PO Box 877705                    | Tempe   | AZ    | 85069      | 58,524.95 |
| <b>ASA</b> | Arizona State University - East Campus                           | 7001 E Williams Field Rd         | Mesa    | AZ    | 86011      | 4,201.99  |
| <b>ASA</b> | Arizona State University - West Campus                           | PO Box 37100                     | Phoenix | AZ    | 85721      | 6,983.35  |
| <b>ATA</b> | Automobile Theft Authority                                       | 1400 W Washington Suite 270      | Phoenix | AZ    | 85007      | 51.35     |
| <b>AUA</b> | Auditor General  | 2910 N 44th Street Suite 410     | Phoenix | AZ    | 85018      | 1,578.10  |
| <b>BBA</b> | Arizona Board of Barbers   | 1400 W Washington Suite 230      | Phoenix | AZ    | 85007      | 34.23     |
| <b>BDA</b> | Department of Financial Institutions                             | 2910 N 44th Street Suite 310     | Phoenix | AZ    | 85018-7270 | 471.55    |
| <b>BHA</b> | Board of Behavioral Health Examiners                             | 13443 North Central Avenue #1700 | Phoenix | AZ    | 85012      | 111.25    |
| <b>BNA</b> | State Board of Nursing   | 4747 N 7th St Suite 200          | Phoenix | AZ    | 85014      | 344.03    |
| <b>BRA</b> | Arizona Board of Regents   | 2020 N Central Avenue Suite 230  | Phoenix | AZ    | 85004      | 238.77    |
| <b>CBA</b> | Board of Cosmetology   | 1721 E Broadway Road             | Tempe   | AZ    | 85282      | 209.67    |
| <b>CCA</b> | Corporation Commission   | 1200 W Washington                | Phoenix | AZ    | 85007      | 2,724.02  |
| <b>CEA</b> | Board of Chiropractic Examiners                                  | 5060 N 19th Avenue Suite 416     | Phoenix | AZ    | 85015      | 42.79     |
| <b>CLA</b> | Exposition and State Fair Board                                  | 1826 W McDowell                  | Phoenix | AZ    | 85007      | 1,591.79  |
| <b>COA</b> | Court of Appeals Division I                                      | 1501 W Washington Suite 203      | Phoenix | AZ    | 85007      | 1,245.19  |
| <b>CSA</b> | State Board of Charter Schools                                   | 1700 W Washington Room 164       | Phoenix | AZ    | 85007      | 85.58     |
| <b>DCA</b> | Department of Corrections  | 1601 W Jefferson                 | Phoenix | AZ    | 85007      | 83,243.11 |
| <b>DEA</b> | Department of Economic Security                                  | 1717 W Jefferson                 | Phoenix | AZ    | 85007      | 33,593.69 |
| <b>DFA</b> | Arizona Commission for Deaf and Hard of Hearing                  | 1400 W Washington Room 126       | Phoenix | AZ    | 85007      | 128.37    |
| <b>DJA</b> | Department of Juvenile Corrections                               | 1624 W Adams                     | Phoenix | AZ    | 85007      | 10,130.14 |
| <b>DOA</b> | Board of Dispensing Opticians                                    | 1400 W Washington St Suite 230   | Phoenix | AZ    | 85007      | 8.56      |
| <b>DTA</b> | Department of Transportation                                     | 206 S 17th Avenue Room 135       | Phoenix | AZ    | 85007      | 40,145.72 |
| <b>DXA</b> | Board of Dental Examiners  | 5060 N 19th Avenue Suite 406     | Phoenix | AZ    | 85015      | 85.58     |
| <b>EDA</b> | Department of Education  | 1535 W Jefferson                 | Phoenix | AZ    | 85007      | 2,155.77  |

|            |   |                                |            |    |            |           |
|------------|---|--------------------------------|------------|----|------------|-----------|
| <b>EPA</b> | Department of Commerce  | 1700 W Washington Suite 600    | Phoenix    | AZ | 85007      | 641.00    |
| <b>EQA</b> | State Board of Equalization                                       | 100 N 15th Avenue Suite 130    | Phoenix    | AZ | 85007      | 59.91     |
| <b>EVA</b> | Department of Environmental Quality                               | 1110 W Washington              | Phoenix    | AZ | 85007      | 3,666.26  |
| <b>FDA</b> | Board of Funeral Directors and Embalmers                          | 1400 W Washington Suite 230    | Phoenix    | AZ | 85007      | 34.23     |
| <b>GFA</b> | Department of Game and Fish                                       | 5000 W Carefree Hwy            | Phoenix    | AZ | 85086      | 2,349.18  |
| <b>GMA</b> | Department of Gaming  | 202 E Earll Drive Suite 200    | Phoenix    | AZ | 85012      | 1,009.85  |
| <b>GSA</b> | Arizona Geological Survey   | 416 W Congress Suite 100       | Tucson     | AZ | 85701      | 105.26    |
| <b>GTA</b> | Government Information Technology Agency (GITA)                   | 100 N 15th Avenue Suite 440    | Phoenix    | AZ | 85007      | 179.72    |
| <b>GVA</b> | Governor's Office of Equal Opportunity (part of GVA)              | 1700 W Washington Suite 156    | Phoenix    | AZ | 85007      | 34.23     |
| <b>GVA</b> | Governor's Office of Strategic Planning & Budgeting               | 1700 W Washington St Suite 500 | Phoenix    | AZ | 85007      | 222.51    |
| <b>HAD</b> | Arizona Department of Housing                                     | 1700 W Washington Suite 310    | Phoenix    | AZ | 85007      | 77.02     |
| <b>HAS</b> | Department of Health Services                                     | 150 N 18th Avenue              | Phoenix    | AZ | 85007      | 14,456.23 |
| <b>HCA</b> | Arizona Health Care Cost Containment System (AHCCCS)              | 801 E Jefferson                | Phoenix    | AZ | 85034      | 13,840.90 |
| <b>HEA</b> | Arizona Board of Homeopathic Medical Examiners                    | 1400 W Washington Suite 230    | Phoenix    | AZ | 85007      | 8.56      |
| <b>HGA</b> | Office of Administrative Hearings                                 | 1400 W Washington Suite 101    | Phoenix    | AZ | 85007      | 128.37    |
| <b>HIA</b> | Arizona Historical Society  | 949 E 2nd Street               | Tucson     | AZ | 85719      | 512.63    |
| <b>HUA</b> | Commission on the Arts  | 417 W Roosevelt                | Phoenix    | AZ | 85003      | 98.42     |
| <b>IAA</b> | Commission on Indian Affairs                                      | 1700 W Washington Suite 156    | Phoenix    | AZ | 85007      | 25.67     |
| <b>ICA</b> | Industrial Commission   | 800 W Washington               | Phoenix    | AZ | 85007      | 2,439.04  |
| <b>IDA</b> | Department of Insurance   | 2910 N 44th Street 2nd Floor   | Phoenix    | AZ | 85018-7256 | 911.43    |
| <b>JCA</b> | Criminal Justice Commission                                       | 1110 W Washington Suite 230    | Phoenix    | AZ | 85007      | 59.91     |
| <b>JCA</b> | Drug & Gang Prevention Resource Center                            | 641 E Van Buren St             | Phoenix    | AZ | 85004      | 53.92     |
| <b>JLA</b> | Joint Legislative Budget Committee (JLBC)                         | 1716 W Adams                   | Phoenix    | AZ | 85007      | 299.53    |
| <b>LAA</b> | Library, Archives and Public Records                              | 1700 W Washington Suite 200    | Phoenix    | AZ | 85007      | 991.02    |
| <b>LCA</b> | Legislative Council   | 1700 W Washington Suite 100    | Phoenix    | AZ | 85007      | 426.19    |
| <b>LDA</b> | Arizona State Land Department                                     | 1616 W Adams                   | Phoenix    | AZ | 85007      | 1,822.00  |
| <b>LLA</b> | Department of Liquor Licenses and Control                         | 800 W Washington 5th Floor     | Phoenix    | AZ | 85007      | 403.94    |
| <b>LOA</b> | Arizona State Lottery Commission                                  | 4740 E University Drive        | Phoenix    | AZ | 85034      | 941.38    |
| <b>LWA</b> | Law Enforcement Merit System Council                              | 2102 W Encanto Suite 230       | Phoenix    | AZ | 85005      | 8.56      |
| <b>MAA</b> | Department of Emergency and Military Affairs (DEMA)               | 5636 E McDowell Rd             | Phoenix    | AZ | 85008-3495 | 818.15    |
| <b>MEA</b> | Arizona Medical Board   | 9545 E Doubletree Ranch Road   | Scottsdale | AZ | 85258      | 500.64    |
| <b>MIA</b> | Mine Inspector  | 1700 W Washington 4th Floor    | Phoenix    | AZ | 85007-2805 | 145.49    |
| <b>MMA</b> | Department of Fire, Building and Life Safety                      | 1110 W Washington St Suite 100 | Phoenix    | AZ | 85007      | 445.02    |
| <b>MNA</b> | Department of Mines and Mineral Resources                         | 1502 W Washington              | Phoenix    | AZ | 85007      | 59.91     |
| <b>NAA</b> | Northern Arizona University                                       | PO Box 4092                    | Flagstaff  | AZ | 86011      | 17,858.04 |
| <b>NBA</b> | Naturopathic Physicians Board of Medical Examiners                | 1400 W Washington Suite 230    | Phoenix    | AZ | 85007      | 51.35     |
| <b>NCA</b> | Board of Nursing Care Administrators and Assisted Living Facility | 1400 W Washington Room B-8     | Phoenix    | AZ | 85007      | 42.79     |
| <b>NSA</b> | Arizona Navigable Stream Adjudication Commission                  | 1700 W Washington Suite 404    | Phoenix    | AZ | 85007      | 17.12     |
| <b>OBA</b> | State Board of Optometry  | 1400 W Washington Room 230     | Phoenix    | AZ | 85007      | 17.12     |

|            |  |                                  |            |    |            |           |
|------------|--|----------------------------------|------------|----|------------|-----------|
| <b>OSA</b> | Arizona Board of Osteopathic Examiners in Medicine & Surgery | 9535 E Doubletree Ranch Rd       | Scottsdale | AZ | 85258-5539 | 47.07     |
| <b>OTA</b> | Examiners Board of Occupational Therapy                      | 5060 N 19th Avenue Suite 209     | Phoenix    | AZ | 85015      | 25.67     |
| <b>PBA</b> | Personnel Board  | 1400 W Washington Suite 280      | Phoenix    | AZ | 85007-2939 | 25.67     |
| <b>PDA</b> | Capital Postconviction Public Defender Office                | 620 W Jackson St Suite 4015      | Phoenix    | AZ | 85003      | 59.91     |
| <b>PEA</b> | Arizona Commission for Postsecondary Education               | 2020 N Central Avenue Suite 650  | Phoenix    | AZ | 85004-4503 | 68.46     |
| <b>PHA</b> | Prescott Historical Society                                  | 415 W Gurley Street              | Prescott   | AZ | 86301      | 136.93    |
| <b>PIA</b> | Arizona Pioneer's Home                                       | 300 S McCormick Street           | Prescott   | AZ | 86303      | 991.02    |
| <b>PMA</b> | Pharmacy Board   | 1700 W Washington Suite 250      | Phoenix    | AZ | 85007      | 145.49    |
| <b>PPA</b> | Board of Executive Clemency                                  | 1645 W Jefferson Suite 101       | Phoenix    | AZ | 85007      | 136.93    |
| <b>PRA</b> | Department of Parks  | 1300 W Washington                | Phoenix    | AZ | 85007      | 2,133.52  |
| <b>PSA</b> | Department of Public Safety                                  | 2102 W. Encanto Blvd PO Box 6638 | Phoenix    | AZ | 85005-6638 | 17,713.41 |
| <b>PTA</b> | State Board of Physical Therapy                              | 4205 N 7th Avenue Suite 208      | Phoenix    | AZ | 85013      | 25.67     |
| <b>PVA</b> | Board of Private Postsecondary Education                     | 1400 W Washington Room 260       | Phoenix    | AZ | 85007      | 34.23     |
| <b>RBA</b> | Board of Respiratory Care Examiners                          | 1400 W Washington Suite 200      | Phoenix    | AZ | 85007      | 34.23     |
| <b>RCA</b> | Department of Racing   | 1110 W Washington Suite 260      | Phoenix    | AZ | 85007      | 397.95    |
| <b>REA</b> | Department of Real Estate                                    | 2910 N 44th Street Suite 100     | Phoenix    | AZ | 85018      | 559.70    |
| <b>RGA</b> | Registrar of Contractors                                     | 3838 N Central Avenue Suite 400  | Phoenix    | AZ | 85012      | 1,187.85  |
| <b>RTA</b> | Retirement System  | PO Box 33910                     | Phoenix    | AZ | 85067-3910 | 1,976.91  |
| <b>RVA</b> | Department of Revenue  | 1600 W Monroe                    | Phoenix    | AZ | 85007      | 9,824.62  |
| <b>SBA</b> | Structural Pest Control Commission                           | 9535 E Doubletree Ranch Road     | Scottsdale | AZ | 85258-5514 | 299.53    |
| <b>SDA</b> | State Schools for Deaf & Blind                               | PO Box 88510                     | Tucson     | AZ | 85754      | 5,025.28  |
| <b>SFA</b> | School Facilities Board                                      | 1700 W Washington, Suite 230     | Phoenix    | AZ | 85007      | 154.04    |
| <b>SPA</b> | Superior Court   | 1501 W Washington Suite 415      | Phoenix    | AZ | 85007      | 1,946.10  |
| <b>SPA</b> | Supreme Court  | 1501 W Washington Suite 415      | Phoenix    | AZ | 85007      | 1,661.97  |
| <b>STA</b> | Secretary of State   | 1700 W Washington 7th Floor      | Phoenix    | AZ | 85007      | 413.35    |
| <b>SYA</b> | State Board of Psychologist Examiners                        | 1400 W Washington, Suite 235     | Phoenix    | AZ | 85007      | 34.23     |
| <b>TEA</b> | Board of Technical Registration                              | 1110 W Washington Suite 240      | Phoenix    | AZ | 85007      | 162.60    |
| <b>TOA</b> | Office of Tourism  | 1110 W Washington Suite 155      | Phoenix    | AZ | 85007      | 308.09    |
| <b>TRA</b> | Office of Treasurer  | 1700 W Washington 1st Floor      | Phoenix    | AZ | 85007      | 285.84    |
| <b>TXA</b> | Board of Tax Appeals   | 100 N 15th Avenue Suite 140      | Phoenix    | AZ | 85007      | 34.23     |
| <b>UAA</b> | University of Arizona - Main Campus                          | 1401 E University Blvd           | Tucson     | AZ | 85721-0066 | 47,853.94 |
| <b>UAA</b> | University of Arizona - Health Sciences Center               | PO Box 210202                    | Tucson     | AZ | 85721-0066 | 7,875.96  |
| <b>UOA</b> | Residential Utility Consumers Office                         | 1110 W Washington Suite 220      | Phoenix    | AZ | 85007      | 102.70    |
| <b>VSA</b> | Department of Veterans Services                              | 4141 N 3rd Street                | Phoenix    | AZ | 85012-1832 | 2,775.37  |
| <b>VTA</b> | Veterinary Medical Examining Board                           | 1400 W Washington Room 240       | Phoenix    | AZ | 85007      | 47.07     |
| <b>WCA</b> | Department of Water Resources                                | 3550 N Central                   | Phoenix    | AZ | 85012      | 1,820.29  |
| <b>WMA</b> | Department of Weights and Measures                           | 4425 W Olive Avenue Suite 134    | Glendale   | AZ | 85302      | 345.74    |

**TOTAL** 435,693.62