

## Super Searchers Go To the Source

### Lynn Peterson: Public Records "To the Ends of the Earth", Part 2

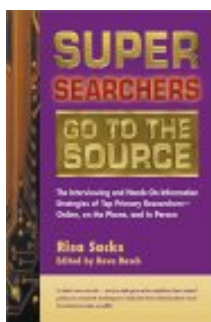
*By Risa Sacks*

[Risa Sacks](#) is president of Risa Sacks Information Services, a research firm located in Worcester, Massachusetts, specializing in custom tailored phone interviews that provide clients with hard-to-get details, often unavailable by online research. She has extensive experience in locating information in areas such as expert witnesses, due diligence and prior art for law firms with unusual demands. Ms. Sacks has provided research and writing services to businesses, government agencies and individuals for over 20 years and is the author of *Super Searchers Go To The Source*, a collection of interviews with the country's top primary researchers in diverse fields. She can be reached at 508 799-8810 or [risa@rsacksinfo.com](mailto:risa@rsacksinfo.com).

[Lynn Peterson](#) is president of [PFC Information Services, Inc.](#), a public records research firm located in Oakland, California. Lynn has been quoted on public records research in a variety of sources including The Wall Street Journal, Kiplinger's Personal Finance Magazine, and The Information Broker's Handbook. PFC Information Services provides public records research for law firms, corporations, lenders, venture capitalists, employers, the media, and other information research firms.

*Published May 15, 2002*

For Part 1 of this article, please see: <http://www.llrx.com/features/peterson.htm>



Excerpted from the book, *Super Searchers Go To the Source: the Interviewing and Hands-On Information Strategies of Top Primary Researchers-Online, on the Phone, and in Person*, by Risa Sacks; edited by Reva Basch (2001). Information Today, Inc., Medford, New Jersey USA. ISBN: 0-910965-53-6). Copyright ©2001 by Risa Sacks. Used by permission.

**Have you found that, over the years, you're using the Web more?**

I'm using it quite a bit more and I'm certainly using it faster. There is a lot more information available, and it's getting more efficient to find and use. I don't have DSL. I want it, but I'm concerned about getting an adequate firewall installed, because of the sensitivity of the information that I access.

### **That brings us to legal and ethical aspects. Are there areas that you're particularly aware of, or about which you're particularly concerned?**

There are lots of ethical issues involved in what I do, areas where you have to make some judgment calls. For example, I've done quite a bit of opposition research for political campaigns. I may not like the side that my client is taking on a particular issue, or I may not like the candidates, but I don't make judgments about those things. If it's a lawsuit and I'm doing some work for a law firm, I don't make judgments about the rightness or wrongness of my client's position.

I had one case, though, that just broke my heart. It was a woman who was suing a Fortune 100 company for racial discrimination, and they were trying to find out what her motivation was. Usually in these scenarios they tell me, "Find any dirt you can come up with, and I mean anything." I found a small claims case in someplace like Apache County, Colorado. Big deal, just a small claims judgment. The client wanted copies of everything, and it was the middle of the winter, so I sent this poor retriever off in a snowstorm to go get this information, because it had to be at my client's the next day. She went and copied the information, got back safe and sound, and faxed it to me. It turned out that this small claims judgment involved medical bills that had been unpaid to the subject's pediatrician for her child, but it was a superbill, which is a term used by the insurance industry, where the diagnosis is shown. The child had HIV, and I was really unhappy about finding that information. The poor woman obviously needed the money. Even though medical records are private information, when they get entered into the public record they become public.

Where I do draw the line, however, has to do with work for individuals. I have a policy relating to finding people. I get calls, for example, where someone wants to find birth parents or a child that was put up for adoption. Usually those searches come to me through an attorney, but if they come from an individual, my policy is: I would be happy to do the research for you. However, if I find the person, I will not disclose their whereabouts unless they agree that they want to be in contact with you. And if they don't want to be, then you still have to pay me. And nine times out of ten they go away, which to me is not a good sign. I can't play God. When I don't know who I'm dealing with, I will not provide sensitive information to individuals.

### **How about liability issues and liability insurance?**

I carry a million dollars worth of Errors and Omissions insurance. Also, with all the changes that have gone on in terms of laws pertaining to the retrieval of personal information, most notably [FCRA](#), the Federal Fair Credit Reporting Act, which was revised in September of '97, I don't think I would sleep at night if I did not carry liability insurance.

Under FCRA there are certain "permissible" purposes for which you can obtain information, purposes like employment, issuance of insurance, issuance of credit. If a situation falls under FCRA, particularly employment, the applicant needs to give permission. I won't do anything unless I have the forms that we need in order to conduct that background check. Also, if we find something derogatory about the person, like a criminal record, it is essential that the client understand the procedures to be followed. These are adverse action procedures, where the applicant who is being denied employment must receive a copy of the report and be advised of their rights and given an opportunity to rebut the information.

I'm totally in favor of safeguards like that. Even though we put disclaimers on everything, information can be missed or be wrong. We try to take pains to advise people that this information can serve as a tool, but that's all it is.

### **Can we talk a bit about the four major categories of public records research that you**

## **describe in The Information Broker's Handbook<sup>1</sup> — preemployment, asset location, missing people, and CI?**

Sure. Up until now, we've been talking more about esoteric types of research that don't come up all the time. They may never come up again, or the same issue might not come up for another ten years. On the other hand, some kinds of public records research do come up all the time. One is preemployment, which we've already touched upon. The kinds of things that we look at with preemployment are criminal records, civil litigation, workers' compensation claims, bankruptcies, liens and judgments, driving records, educational verifications, professional licenses, Social Security number verifications, and so on.

### **And you're pretty much able to do all of these online?**

No. Except for the driving records, in fact, we are prevented. The vendors have joined together to form something called the [IRSG](#), which is the Individual Reference Services Industry Group. They have made certain decisions about who they're going to give access to and what kinds of information they're going to provide. While, for example, I could certainly go to CDB Infotek and get criminal records from, say, Los Angeles County, we are prevented from doing that for preemployment. The opening screen on the database advises you that you cannot use their data for any permissible purpose under FCRA.

I think it's a good thing because, if you're doing a preemployment check and you find a criminal record, how do you know that "Joe Blow" is your Joe Blow? There's no date of birth, there's nothing there to tell you. Furthermore, in many states we are precluded from disclosing information about criminal records that do not result in convictions, so how do you know the guy was convicted? Therefore, in situations involving civil or criminal records that are being researched for the purposes of a preemployment background check, we send someone out physically to search those records.

### **And you do that based on the history they've given you of where they've lived?**

No, not exclusively. They do sign a release form. They do tell us information about other names they may have used and other addresses within the past seven or ten years. Then we obtain information, for example, from credit bureaus that would show different names or different addresses. If something shows up that they didn't list—a name, an address, a previous employer—that's a red flag. Also, people with derogatory information in their backgrounds may play little games with their Social Security number or their date of birth. By doing more than one kind of search—for example, obtaining a driving record where the date of birth is displayed—we're able to cross-check and verify that information.

### **How about asset searching?**

Asset searching is something that I get involved in fairly frequently. I always find it ironic, kind of sad, actually, when attorneys come to me and say, "I want an asset search; I won a hundred-thousand-dollar judgment." Nine times out of ten, particularly if they have taken the case on contingency, if they had done the asset search first, they would know the person doesn't have any assets. I had one case like that where the attorney said, "We won a half-million dollar judgment." First, we couldn't even find the defendant, and when I did find him, it turned out he was incarcerated. The only asset he had was probably the money he earned making license plates.

We do not search bank accounts and things like that. People always say, "I want to know all their stocks and bonds and their bank accounts"—sorry, that's off-limits. That kind of information has traditionally been retrieved by PIs who either use pretexts or inside sources at banks or whatever to obtain that information. That is not part of an asset search. It's not legal, it's not something I do—unless, within the context of public records research, I find something in the public record.

Most often that happens on a divorce case where you find a whole listing of assets including what they've

got in their bank accounts. We look more for things like real property records. That's usually the largest asset that any individual has. We may look for vehicles, we may look for business ownership.

We often look at UCC (Uniform Commercial Code) filings because, if we do find assets, it may be because they've been put up as collateral in transactions secured by that collateral. Just as a pink slip indicates ownership of an automobile, a UCC filing indicates ownership of a particular piece of equipment or some other asset that's been put up as collateral. In a lease situation, if a person or business is leasing a piece of equipment, it connotes that someone else owns the equipment. If you find out that the equipment had been used as collateral, guess what? That's not going to help you very much, because the actual owner has dibs on it.

On the other hand, if you find that your subject is the secured party in a UCC filing, if the person who had borrowed from your subject defaults, then things like trailers, yachts, and so on could potentially become assets. I would probably go to CDB Infotek for that kind of search.

## **And missing persons?**

Missing persons is my favorite game. If I could just do one thing, I would want to do that because it's so much fun. One of the reasons I like it is that it's finite. You either find the person or you don't. You know when you've hit a home run.

Most often I'm looking for missing persons not for some glamorous reason, but for some really boring reason. Maybe it's a witness that I want to locate, or there's a patent issue where a missing inventor wrote something twenty years ago and my client wants to invalidate a patent position.

## **How would you start looking for a missing person?**

It depends so much on what kind of information I have to go on. If it's just a name, it can be very, very difficult. If you have a Social Security number, a date of birth, a last known address, the name of a spouse, or if the name is really uncommon, you're much more likely to be able to find a person. I had an interesting case involving William Saroyan, the author. Stanford University wanted to acquire Saroyan's papers, and they hired me to track down his heirs. First I got his will from Fresno County. I think he had a son and a daughter; I remember there were two granddaughters. I'll never forget this case, because their names were Strawberry and Cream Saroyan. How did those girls get those names? With females, too, it's more difficult because they often change their names. I don't think either of these women were still Saroyans. There were probably ten Strawberrys in the United States, and maybe three Creams. I found them. It was so easy because you can search just by first name if you want.

That was a case where I used DBT. I would generally not use the Web to find individuals. If their name is at all common, it can be just ridiculous, unless you have some other fact about them that you can plug in—for example, the companies that they're affiliated with or, if it's an inventor, the type of technology. You might start there and get lucky, but most of the time you won't.

I had a Catholic religious order that wanted to locate all of their ex-priests because they wanted to have a big reunion and start an online mailing list. I had five thousand ex-priests to locate. It was very challenging, because, one, they didn't have a whole lot of budget to work with. Two, for many of these people, all I had to go on was their birth dates, and for a lot of them, all I had was the Latin name that they had taken when they became priests. So it might be Father Veritas or maybe just the Latin version of their given name. That was mostly DBT again.

## **So you just tracked down various leads? You'd try these twelve that might be him, or find somebody who might know somebody who knows him?**

Exactly. Then we sent out a mailing with the ones I'd found. It went on for months and months and months, but I got eighty percent of them.

If it's somebody who has not surfaced in some time, it will almost always involve manual research at some courthouse somewhere. It may involve marriage records. If I'm trying to find somebody and I know the name of the spouse but I can't find either one of them, I might pull their marriage record and find out who witnessed their wedding, and then find that person.

### **That's great. So you're always thinking outside the box. Which brings us to competitive intelligence or CI work.**

I would rather call it company research. I think that's a better term, because the context within which that research might be done can vary. It could be some sort of litigation research, it could be CI, or it could be a venture capital situation. There could be a multitude of reasons why you're conducting that research. Depending upon the kind of company, you could go so many different places for information.

Typically, if it's a corporation, you search the corporate records. You want to know if they're in good standing with the Secretary of State. You want to know who the corporate officers are. I might get a Dun and Bradstreet BIR (Business Information Report), and that might point me toward other information. We search for litigation, we search UCCs. We might search environmental records or real property holdings. If the business is involved in retail, we might look at their sales and use tax permits.

Certainly, if it were a CI situation, I'd look at the company Web site. And frankly, a lot of the CI stuff, in my public records world, would reside in court records. I might find something juicy in a court file.

### **How about instances where phone research has been involved?**

There are some cases where I've done extensive phone research. I'll tell you about one phone situation involving CI, because you won't generally find anything too revealing on their Web site or in the public records that are available online. You've got to go to the actual physical case files or whatever; you might find something good there. But usually these scenarios involve really talking to people.

I had one case where they wanted to find out who was working in the research and development department of a company that manufactured a particular type of watercraft. Through newspaper searching, I found an article about NOx and emissions and changes in EPA standards. So I called this guy who was head of their NOx R&D department, and I waltzed him around for half an hour about NOx, emissions, two-stroke engines, four-stroke engines, whatever. And at the end I said, "Oh, is there anybody else in your department I could talk to?" And he was so kind as to give me five or six different names. I talked to those guys and asked the same questions. When I was done, I had the whole organizational structure of the R&D department.

Another example dealt with solid waste baffle systems used in sewage treatment plants. It was a patent case, and my task was to find out what kind of baffle system each sewage plant in Connecticut had, and when it had been installed. So I had to talk with engineers at each sewage plant in Connecticut. It was absolutely horrifying when I started, with sewage tanks, sludge, pictures of floating turds. I thought, "How am I ever going to be able to talk to these people about solid waste?" But I really got into it and found that the people I talked to were the most wonderful, communicative group that I have ever had to interview. If I missed them they would even call me back. It was great.

### **What do you like best about public records research?**

As I said, missing persons are my favorite. And, really, really juicy, difficult cases where budget is unlimited. The client gives me the problem, and it's up to me to figure out how we're going to find that information. I have done many projects with whole teams of people working on different elements, calling upon people with

different areas of expertise or people in different geographic areas, all contributing to the project.

## What do you like least?

Doing preemployment background checks, because it's very repetitive. However, it is really important. Employers have become sensitized to the need for this information, largely due to negligent hiring lawsuits. If an employee who's hired has a propensity for a particular type of criminal behavior, and the employer fails to ascertain that by doing a background check in the preemployment screening process, then when the person commits a crime in the context of their job, the employer can be liable. There is a famous case involving a repeat sex offender who learned TV repair in prison. He got out of prison and got hired by a TV repair company. They didn't do a background check on him, like most of these companies don't. They sent him out to some woman's home. He got the layout, figured out how to get in, came back that night and raped and beat her. He was not very swift and was caught, but the employer was sued for negligent hiring.

Employers have seen too many pictures of employees coming in and shooting up a building, so they are very concerned about this. There's a whole lot more preemployment background checking being done today than five years ago. But with that have come a lot of supposed background-checking companies that are less than professional, that charge rates that are completely unrealistic: For \$29.95 you can get this, this, and this. It is impossible to do a good job at the rates they charge. My concern is that people will be lulled into a false sense of security. There will be some disasters, I think. These companies are all over the Internet, advertising that they can do anything for almost no money. Sorry, you get what you pay for.

There are companies out there that say they can do "nationwide" criminal records checks. There ain't no such thing. The only national criminal database is the FBI database, which I mentioned in an [LLRX](#) article I wrote about criminal records called "[Navigating the Maze of Criminal Records Retrieval](#)". That's not public record. What these companies are actually doing is searching newspapers looking for any mention of a crime in connection with a particular name. The gaps are just absurd.

People say, "I see five sites right here in front of me on the Internet where I can get a national criminal record. Why can't you?" It drives me crazy. There are a lot of companies out there offering information they cannot provide, period, let alone at the cost they're saying they can do it.

## What other changes have you seen over the last five or ten years?

This whole field has evolved radically over the past decade. I do many things differently than I did ten years ago. So much more information is available online. I'd say that fewer than ten percent of public records were available online ten years ago, and I'd double that number now. In that [LLRX](#) article, I talked about what's happening with information that's now becoming available online. We've always been able to get docket sheets from the federal court, for instance, but now you can get the actual documents. All you need is Adobe Acrobat and, voila, there they are. In the past, you had to—and I still do, every day of the week—send letters out to retrieve documents from those courts. Of course the older cases are not online, but the newer stuff, more and more of it, is available. That's changed things drastically.

Part of the reason why more and more information in this sphere is becoming available online is that various governmental agencies have seen the value in doing it. Rather than having to pay a bunch of clerks to sit there and provide copies, some agencies are even charging for the information online. There's a cost benefit involved, so that's one reason we're going to see more and more available online. I think we'll continue to see an explosion of information online, though it's not going to solve the problem of obtaining records that are historical.

We have an opposite trend occurring simultaneously. With growing concerns about privacy and personal data, information is becoming harder to retrieve, and can only be retrieved under very rigid guidelines.

## **What do you think will happen with this trend? How do you see things changing over the next five years?**

There is pending legislation and litigation on curtailing access to what we've always called credit headers. That's the top part of the credit report, which contains the person's name and Social Security number and addresses, but no credit information. That identifying information is integral to much of the research I do. That's often the first step in doing legitimate research. Much of the research that I do also involves fraud investigation. Without access to that kind of information, I don't know how we're going to do it. With due diligence research, where I need to find any kind of civil litigation or tax liens or bankruptcies or judgments involving an individual, how am I to know where to begin looking without having that information available to me?

I think it's an over-reaction. Individual privacy needs to be protected, but I don't think the answer is to cut off access to professionals who are engaged in legitimate research for business reasons. Information should not be out there on the Internet for Joe Blow, who wants to be nosy, to grab. The IRSG has established a set of standards and controls. They're not going to let just anybody have access to their databases. They really check you out. I was shocked that I had to provide references when I signed up with DBT. They actually called them up, and their questions really pertained to the kind of research I do, my ethics, my professionalism, and so forth. So the vendors are taking seriously the threat to the availability of information.

A couple years ago I wrote a rather long article, "[Online Personal Information: Access vs. Excess](#)". I was on my soapbox about why I feel so strongly that this information must continue to be open. I can go to the [Privacy Rights Clearinghouse](#) Web site and see all this stuff about identity theft. For the most part, this is anecdotal evidence. I do not think that identity theft is occurring wholesale across the nation because of people accessing online data. I think it's happening more as the result of low-tech crime, where people are throwing things like bank statements, credit card receipts, and documents containing their social security numbers out in their trash, or not being careful about revealing personal information. I think that there's far greater danger in that.

I support the IRSG principles that the vendors have put in place whereby they define the situations in which you can access information that they provide. As I said, they are very, very cautious about who they grant access to. I am very much opposed to sensitive personal information being available to anybody who can provide a credit card number over the Internet. I think information can do great harm or great good, depending on who uses it and how.

## **What changes in technology might affect public records searching?**

Just as I mentioned, documents becoming available in federal courts, among others, private entrepreneurs out there are thinking along the same lines. They're thinking about taking portable scanners to courthouses and scanning records on demand, and then transmitting them via the Internet. So, rather than sending someone out to get the file, photocopy it, and FedEx it to me, I get instant transmission instead. I look at the documents I've gotten and say, "I think I also want this document and that document." They'll get those too, and boom, I've got it. That'd be way cool.

## **Do you anticipate an upsurge in the number of people at your level of public record searching? People who do really thorough, complex jobs?**

I certainly hope so. I have kind of a special niche. I'm hoping that more and more law firms will see the benefit in outsourcing this kind of research rather than having their law librarians try to tackle it.

## **What qualities make a good public records researcher?**

Detail orientation is absolutely essential. A person shouldn't even think about doing this kind of research

unless they really love detail, unless they're anal about detail. They also need the ability to think both analytically and creatively.

It's very much like making a quilt. It's about taking lots of little bits of information and sifting through them, and finding a pattern so that a picture emerges, and then putting it all together so that it can warm you at night. You take the data, sift through it, figure out what it means, and then give that information back to the client, telling him, "This is what you've got."

There's a bit of intuition involved, too. Maybe that's part of creativity. A lot of this is about following hunches. But in order to have those hunches in the first place, you have to know what's possible and what kinds of records are out there.

**So, having done your homework and having had the experience is what enables you to have the hunches. Your brain is back there processing without your knowing it, sifting things. Any other last comments to people who might be thinking about going into the field?**

It's important to be an apprentice. I mentioned at the beginning that I view this not as a profession per se, but as more of a craft. I think you do need somebody to teach you. I have told most people whom I have advised in the last couple of years to join PRRN and learn how to be a public records retriever, before they even think about searching online for the records. That's often a good way to begin because there's very little overhead, much to be learned, and an immediate source of income.

I do consulting with aspiring public records researchers. I also consult with other kinds of researchers who want to know more about public records so they can utilize them more often or more efficiently in the context of the other research they do. I tell those people that they should start, not with learning how to search records online, but with getting down to the courthouse and digging through records. Use your neighbor's name, if you want to be nosy, and find out all you can. Actually learn what the records are like in their primary state, rather than in the abstract, because it will make a world of difference in your understanding of public records.

The gold nuggets are seeing the records in your hands, seeing all the information they contain. You can't get that from an online listing.

## **Super Searcher Tips**

- Public records research is not a profession, but a craft that you can only learn through experience. It helps enormously to have a mentor who can march you down to the courthouse and say, "This is how you do this."
- In most places, an online search will tell you the date a lawsuit was filed, the case number, the plaintiff, the defendant, maybe the attorneys of record, and maybe some notation so you know what kind of case it is. It doesn't tell you what the case is about. The real information lies in the actual case files.
- When I call records retrievers, I ask some questions to prescreen them: "If it's civil litigation and I expect the amount to be over \$100,000, where would that case be?" There are a lot of Tom, Dick, and Harrys out there who really don't know what they're doing.
- The primary reason I use DBT is for locating people. They have the best people-finding tool imaginable, called Faces of the Nation.
- You have to be cautious with online searching because vendors say "statewide" or "nationwide," but you have to call customer service and ask, "What exactly am I getting with this search and what are

the inclusion dates?"

- If it's a company, before I launch myself in a thousand directions obtaining other kinds of public record information, I crawl all over their Web site, do newspaper searching, and look at SEC filings.
- In the preemployment context, people with derogatory information in their backgrounds may play games with their Social Security number or their date of birth. By doing more than one kind of search, for example, a driving record where their date of birth is displayed, we're able to cross-check and verify that information.
- People always say, "I want to know all their stocks and bonds and their bank accounts." That's not legal unless it's within the context of public records. Most often that happens when you find a divorce case with a whole listing of assets including what they've got in their bank accounts.
- If I'm trying to find somebody, know the name of their spouse, and can't find either one of them, I could pull their marriage record, find out who witnessed their wedding, and locate that person.
- Often civil court documents don't contain any identifiers at all, just the name of the plaintiff or the defendant. If I can find notarized documents in the case file itself, I call the notary and ask for a copy of the notary log, which contains things like date of birth, driver's license number, and address. That's a way to discern whether or not it's the person you want.

## Footnotes

<sup>1</sup> Ruge, Sue and Alfred Glossbrenner, *The Information Broker's Handbook*, 3rd ed., McGraw-Hill, 1997.  
<[back to text](#)>