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Honorable Philip S. Carchman, P.J.A.D.
Acting Administrative Director of the Courts
Attention: Public Access Report Comments
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Dear Judge Carchman,

We are a New Jersey corporation that, for more than ten years, has performed pre-employment background searches for clients throughout the state of New Jersey. We employ licensed private investigators who research court records in each of the twenty-one counties.

Because we are now mandated to collect sales taxes from our New Jersey clients, our revenues have decreased by 30% in the last year. Why? The out-of-state companies buying bulk records from the New Jersey Judiciary are under-selling us in New Jersey and taking market share. New Jersey is selling bulk information to out-of-state companies that are ultimately going to put New Jersey companies out of business.

Regarding the Special Committee's report on public access to court records, have the following questions been addressed and answered?

1. How many New Jersey taxpayers are employed in the background search industry? Including companies, their employees, court researchers, and all others connected in the pre-employment background search industry. **HOW MANY NEW JERSEY CITIZENS WILL BE PUT OUT OF WORK?**
2. Is this Public Access on a "Need to Know" or "Right to Know?" Can this lead to discrimination? Will people be denied certain rights and justices by those accessing information prematurely, i.e. prior to a matter being dismissed or expunged? How many people fully understand Promis/Gavel, PTI, etc? Similarly, simply because a piece of information is a "public record," should

that information be easily accessible in one's home, office, or Blackberry, 24 hours a day, 7 days a week? Do we really want to live in a state where any person with an internet connection can essentially conduct an immediate background search on one's neighbor, physician, attorney, acquaintance, or local government official? Do we really want to live in a state where individuals terminate their physician, attorney, or accountant as a result of a search based on this newfound access to court records? Or even worse, what if that physician, attorney, or accountant just happened to share the same name and hometown as a prior offender, yet was terminated anyway? In addition, what happens when an employer turns down a qualified candidate because she happens to share the same name and hometown as a prior offender? These are all very realistic consequences of the recommendation of the Special Committee.

3. Who will pay for the resources, salaries and benefits for additional staff in the judiciary? The Committee recommends, on page 47, that entities receiving bulk information "should be required to contact the Judiciary to ascertain accuracy..." Who will take their calls? Where will an already overcrowded Judiciary system house the additional state employees? **HOW MUCH MORE IN TAXES WILL CITIZENS HAVE TO PAY?**
4. Already disadvantaged for having to collect sales tax when our competition does not, how much corporate business tax would be lost if and when:
 - a. Court records are posted on the internet?
 - b. Bulk sales of information continues?
 - c. **HOW MANY NEW JERSEY COMPANIES WILL BE PUT OUT OF BUSINESS?**
5. Can "Treasure Hunters" access those who have recently inherited assets? Will the State now make it easier for scammers surfing the internet to prey on our citizens?

Lastly, and most importantly, the recommendation of the Special Committee would ultimately bring about the demise of the compelling and indispensable services that criminal background companies perform. Under the current system, these companies

work diligently to ensure that our State's employers do not hire persons with dangerous, disruptive, or fraudulent backgrounds. Employers such as home health care service companies, private schools, hospitals, youth summer camps, and home and office cleaning companies hire licensed, professional investigators to ensure that dangerous persons are not entering our residences, offices, nursing homes, hospitals, private schools, and youth camps. Similar to a criminally accused representing herself pro se at trial, a college student trying to teach herself without a professor, or a taxpayer doing her own taxes without the assistance of an accountant, a pre-employment background search will be more thoroughly and competently conducted when performed by licensed private investigators and employment search companies. Our State's employers are safer and more efficiently operated when they rely on specialists to conduct their pre-employment background screening. However, with the recommendations of the Special Committee, this industry will be eliminated and comprehensive background screening will be left in the hands of persons with little or no expertise and knowledge of the process.

The potential benefits of the Public Access of Court Records identified by Justice Albin and the Special Committee are, without question, outweighed by the harms that will surely result. Our State will lose hundreds, possibly thousands, of small businesses. Our taxpayers will be forced to pay more tax dollars to pay for additional employees in our already over-crowded judiciary. Our State will **LOSE** taxpayer money from corporate business tax dollars. Our State will make it easier for "Treasure Hunters" and con-artists to take advantage of innocent citizens. And lastly, because employers will be more likely to conduct their own pre-employment background searches "pro se", so to speak, our State will ultimately have a greater number of dangerous persons working in our residences, nursing homes, hospitals, private schools, youth camps, and offices.

Thank you for your attention in this regard. I would welcome the opportunity to meet with you to discuss this further.

Respectfully Submitted,

Sondra Fabozzi
President, Infoscreen, Inc.