

ORIGINAL

**Michael J. Martin Investigations**

PI15112  
P.O. Box 1507 Jackson, CA 95642  
(888)577-7341 (209) 296-2350

October 13, 2008

Donald S. Clark  
Office of the Secretary  
Federal Trade Commission  
Room H-135  
600 Pennsylvania Avenue, NW  
Washington, DC 20580



Re: Proposed Consent Order In the Matter of Reed Elsevier and ChoicePoint, FTC File No. 081-0133

Dear Mr. Clark:

I'm writing as a member of the California Association of Licensed Investigators regarding the proposed consent order and acquisition of ChoicePoint by Reed Elsevier. Our association is comprised of investigators who provide critical services to government agencies, attorneys, state and US courts and others. We rely extensively on services provided by both Reed Elsevier (in the form of the subsidiary Lexis-Nexis) and ChoicePoint and their subsidiaries to assist us in serving these clients.

Over the past several years there has been tremendous consolidation among providers of public records services. This proposed acquisition will further reduce competition in the industry. Although there are several providers of data services in the marketplace, they are resellers of data provided by the respondents. Public record data is the life blood of most background investigations and many litigation-related investigations.

The Commission's complaint found that this acquisition would be anticompetitive and a violation of antitrust law in the market for the sale of public records information to law enforcement agencies. The same effects would be felt in the market for sale of public records to the private sector. Some subsidiaries of the involved entities in the instant matter offer such investigations and the further linking of them with the data sources allows them the power to exclude us, the competitors for the investigative business, from access to data.

If is important to have access to data from several suppliers during the conduct of an investigation. Limited resources reduce both the quality and quantity of information available. Many of our members are, like me, small businesses and do not have the financial weight or volume of use to bargain effectively with large entities in a non-competitive environment.

We urge that the Commission not approve the acquisition until respondents can divest themselves of public records services provided to private industry as well as to law enforcement.

Unless an appropriate remedy is offered, our members and their clients will suffer irreparable harm. When competition is reduced, incentives for innovation are reduced, prices rise and service suffers.

Thank you for your consideration,

Michael J. Martin  
Licensed Private Investigator