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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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April 26, 2007

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The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

We are writing to request that the Department of Justice (DOJ) investigate whether certain individuals committed Federal crimes related to identity theft, wire fraud, improper use of social security numbers, unauthorized access to computer information, and pretexting. In support of this request, we are providing records and information contained in over 47,000 e-mails subpoenaed during a recent investigation by the Committee on Energy and Commerce (Committee) that substantiate numerous transactions involving several different data brokers or "pretexters"—more than two dozen in all—in the act of procuring and selling consumers' cell phone records and other confidential information.

Last year during the 109th Congress, the Committee conducted an eight-month investigation into the business activities of data brokers who operate on the Internet. Our investigation revealed that many of these data brokers procure and sell consumers' personal and confidential information without the individuals' knowledge or consent. For example, the Committee discovered that data brokers were procuring and selling: itemized calling logs for cell phones, landlines, voice-over-Internet-protocol (VOIP) lines, and pagers; unpublished phone numbers; unlisted addresses; "blind" credit reports; bank and other financial account activity; itemized credit card transaction statements; college class schedules; names and addresses underlying post office boxes or private mail boxes; passwords for email accounts; and other personal data.

In the course of the investigation, the Committee held four hearings, including the one on September 28, 2006, regarding the pretexting scandal at Hewlett-Packard Company. During the course of the hearings, a total of 21 individuals who owned or operated data broker, private investigation, or pretexting businesses were invited to testify. Many of them had to be located by U.S. Marshals and

compelled by Committee subpoenas to appear at the hearings. Only 2 of these 21 witnesses testified, while the others invoked their Fifth Amendment right against self-incrimination.

The Committee also sought records and information from 18 data brokers, including a data broker company based in Granbury, Texas, named PDJ Services, Inc. (PDJ). PDJ remains in business today, and is owned and operated by an individual named Patrick Baird. Mr. Baird also operated under the name "Chris Garner." Mr. Baird owns and operates numerous domain names on the Internet that serve as data broker Web sites, including *pdjservices.com*, *phonebust.com*, *pdjinvestigations.com*, and *catchcheaters.com*, among others. After Mr. Baird refused to provide the requested records, the Committee issued a subpoena for the documents, and Mr. Baird was served on April 3, 2006, by U.S. Marshals.

On April 21, 2006, Mr. Baird turned over numerous documents to the Committee, chief among them a computer disk containing over 47,000 e-mails related to his Internet data broker businesses. The e-mails date from September 8, 2005, to April 19, 2006. The records show, in great detail and in their entirety, numerous transactions involving phone records, credit reports, financial records, post office box information, social security numbers, and other sensitive information. For example, by appropriately sorting the data, one can see: the request for records by the purchaser; the e-mail from PDJ forwarding that request to the third-party that would procure the records through pretext or other inappropriate means; any follow-on e-mails between PDJ and the third party discussing the data requested; and the e-mails providing the procured records back to PDJ, and from PDJ back to the purchaser.


These records show the activities of dozens of third-party pretexters. In fact, the e-mails illustrate the dealings of several individuals who refused to testify at the Committee's hearings, including Mr. Charles Kelly, Mr. Darren Brost, and Mr. Steven Schwartz. Yet other e-mail transactions show various data brokers that the Committee investigated—such as Universal Communications Co., and *abika.com*—purchasing their information, in "daisy-chain" fashion, from PDJ. We are also including a copy of a document produced by PDJ that lists all of the company's third-party providers of the confidential records and information.

In making our request, we emphasize that we have not made any judgments about whether the records being provided are evidence of crimes under Federal law. As Members of Congress, we believe it is our obligation to forward specific and credible information in our possession that could suggest a Federal crime has been committed, or that could possibly assist your department in an ongoing investigation. We also note that much of the information contained in these e-mails is personal and confidential, and therefore ask that DOJ utilize and store the data accordingly.

The Honorable Alberto R. Gonzales
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If you have any questions about the records or the information they contain, please contact us or have your staff contact John Sopko with the Committee Majority staff at (202) 226-2424, or Alan Slobodin with the Committee Minority staff at (202) 225-3641. Thank you for your consideration of this matter.

Sincerely,



John D. Dingell
Chairman



Joe Barton
Ranking Member



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations



Ed Whitfield
Ranking Member
Subcommittee on Oversight and Investigations

Attachment