

Inside Bay Area

Background check proposals whip up controversy

By David Morrill, BUSINESS WRITER

IN ITS most basic sense, True.com is like nearly every other online dating site out there. It creates profiles for customers to try and match them with others for casual dating or long-term relationships.

But there's also a big difference. Every person who signs up goes through a mandatory criminal and marital status screening.

And True.com has decided to take it one step further.

"We have proposed legislation in several states that would require Internet dating sites to make full disclosures as to whether or not they do background checks on their customers," said Herb Vest, the chief executive and founder of True.com.

If controversial topics could make a sound, this one would mirror a buzz saw. While Vest believes this is a great idea, the rest of the industry is outraged.

"There's so many things wrong with this effort, I don't even know where to start," said Robert Dombkowski, chairman of the Singles Industry Trade Association, or SITRAS. "Basically it would force companies to have large bold print on their home pages that say they don't do background checks, which gives the perception that some of their members must be convicted felons."

The idea for True.com came from wanting to provide a "safe and wholesome environment for courtship," Vest said.

In a study, Vest said, he found that women believe that 30 percent of the men on dating sites are married.

"I honestly don't believe it is that high by any means, but that is perception," he said. "So by doing a background check, you can change that perception and bring hoards of new customers into the online dating world."

Even though Vest's ultimate goal is to weed out all the convicted felon's and married people, he admits there are holes in the systems and a small percentage of jurisdictions aren't covered by the database his company uses.

On top of not wanting to be regulated by the government, others in the industry believe that bringing required background checks into the fold could cause more problems than good.

"What Herb is asking for is to rely on a background system that is already extremely flawed," said Nelson Rodriguez, president and chief executive of LoveAccess.com.

"What happens when the results come back that a person's fine but that's because he was married in Mexico and spent 5 years in prison there for sexual assault."

For True.com customers who are convicted felons or married and make it past the background check, Vest says his company will prosecute to the fullest extent.

"We will do everything we can to make their lives miserable," Vest said.

Thus far, the company hasn't prosecuted anyone, but is looking into five potential situations, he said.

One fear is that background checks will give people who go on dates with people they met online a false sense of security.

"People might think that they don't have to go through the common sense precautions such as meeting in a public place for the first time because the person didn't have a criminal record that showed up," said Joe Tracy, publisher of Online Dating Magazine.

And if a person does get assaulted by someone, there's the fear that the person who did the background check could be sued.

"Who is more liable if someone is injured by someone from an online dating service, the one who did the background check or the one that didn't?" Tracy said. "I would think it's the one that did the background check."

There's also the issue of how far background checks should go.

"Do we do a background check on a person's mental health status or their medical status?" he said.

When the controversy first made its way around the industry, it began as just a rumble. But now it's a big issue because of the aggressive lobbying efforts Vest is making, Dombkowski said.

"Normally, it would just be silly folly that you would just ignore, but when it's a billionaire behind the folly, then you just can't dismiss the issue," Dombkowski said.

Currently True.com is working to get legislation through five states — Texas, Ohio, Michigan, Virginia and Florida. Legislation in California so far is only being considered.

Vest doesn't understand why he is the "lone wolf" on the issue because he says he is doing this to make the entire industry better.

"I have no idea why nobody would embrace this," he said.

But competitors say it's all about himself and True.com.

"It is almost appalling and envious at the same time," said Rodriguez. "I'm appalled because he is trying to legislate his own business model on everyone else, but then I'm envious because I think, **'Hey, that's a pretty smart idea, why didn't I think of that.'**"