



Department of State

Tennessee State Library and Archives
403 Seventh Avenue North
Nashville, Tennessee 37243-0312

MEMORANDUM

TO: All County Archivists, Historians, and Genealogists

FROM: Dr. Wayne Moore, Assistant State Archivist

RE: Illegal sale of county records on Ebay

Recently there has been an increased level of illegal trafficking in county records on Ebay. The sale of any government record is illegal in Tennessee according to the Replevin law, TCA § 39-16-504 (see attached). This law includes all records created by state, county, or municipal government. Violation of this law is a Class A misdemeanor.

We urge you to set up an account on Ebay so that you can regularly monitor the items for sale. Historical records can be found under the "Antiques/Books, Manuscripts/American" category listings, although they can be listed under several other categories, including "Collectibles/Postcards & Paper, Documents." As you gain familiarity with Ebay, you will be able to find targeted items more effectively and efficiently.

If you discover that your county's records are being bought and sold on Ebay, we recommend the following steps:

- (1) Notify your county mayor immediately. He or she will be able to work with the county attorney and county sheriff in pursuing the matter. It is difficult to contact Ebay directly, but they will respond to law enforcement inquiries. The published fax number to reach them is 408-967-9915 and the published email is stopfraud@ebay.com. Ebay does not have a published phone number. Only law enforcement can find out the true identify of the seller, although it is possible for any Ebay subscriber to contact Ebay sellers through email.
- (2) Contact our office at the Tennessee State Library and Archives. Dr. Wayne Moore can be reached at (615) 253-3458 or Gwynn Thayer (615) 253-3469. We can offer advice as to how to handle the problem, but we are unable legally to take direct action. However, we have in the past attended meetings with county officials in order to assist in recovering the documents. We have had success in several Tennessee counties.