

***ATTACHMENT A TO PLEA AGREEMENT***

**THE UNITED STATES ATTORNEY & THE ASSISTANT ATTORNEY GENERAL  
FOR THE ANTITRUST DIVISION CHARGE:**

**Description of the Offense**

1. Beginning by approximately 1997, and continuing until on or about September 12, 2003, in the State and Eastern District of Wisconsin, and elsewhere,

**DANIEL D. BEAUDOIN,**

the defendant herein, and others known and unknown, engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. The combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and his coconspirators to submit non-competitive and “rigged” bids to the State of Wisconsin and various other bidding authorities within the state of Wisconsin for public road, highway, bridge, street and airport construction projects (“highway construction projects”), the vast majority of which were federally funded.

3. For the purpose of forming and carrying out the combination and conspiracy, the defendant and his coconspirators took various actions, including among other things:

- a. Discussing among themselves the prospective submission of bids for highway construction projects;
- b. Allocating highway construction projects among themselves;
- c. Designating which coconspirator would submit the low bid for the project and which of the coconspirators would submit higher, complementary bids for the project or would not submit a bid at all for the project;
- d. Submitting non-competitive, rigged bids to the State of Wisconsin and others as agreed upon;
- e. Accepting payment from the State of Wisconsin and others for work done on

highway construction projects awarded as a result of non-competitive and rigged bids submitted in furtherance of the conspiracy; and

- f. Concealing and attempting to conceal the conspiracy.

### **Defendant**

4. During the conspiracy, the defendant was engaged in the highway construction industry in his capacity as project manager for James Cape & Sons Company of Racine, Wisconsin.

### **Trade and Commerce**

5. During the conspiracy, substantial quantities of essential materials and equipment were transported across state lines in a continuous and uninterrupted flow of interstate commerce and in a manner substantially affecting interstate commerce, for use in highway construction projects rigged by the defendant and his coconspirators. Some highway construction projects rigged pursuant to the conspiracy were part of the interstate highway system, and the vast majority of the highway construction projects rigged were federally funded. This resulted in the transfer of a substantial amount of federal funds from outside of the State of Wisconsin into the State of Wisconsin. In addition, the defendant and his coconspirators caused bids, including numerous rigged bids, to be electronically submitted from Wisconsin to a data processing company in Florida for retransmittal back to Wisconsin after the bids were closed.

6. The business activities of the defendant and his coconspirators that are the subject of this information were within the flow of, and substantially affected, interstate commerce.

All in violation of Title 15, United States Code, Section 1.