

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA)
)
 v.)
)
 KENT ROBERT STEWART,)
 a/k/a KENT STEWART)
)
 Defendant.)

Criminal No.: **CR10-4028 DEO**

Filed:

Violation: 15 U.S.C. § 1

INFORMATION

The United States of America charges:

I.

DESCRIPTION OF THE OFFENSE

1. Beginning at least as early as January 2008 and continuing until as late as August 2009, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing prices and rigging bids for the sales of ready-mix concrete in the Northern District of Iowa. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were to fix prices and rig bids for the sales of ready-mix concrete in the Northern District of Iowa.

II.

MEANS AND METHODS OF THE CONSPIRACY

3. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

- (a) engaging in discussions in the Northern District of Iowa concerning project bids for sales of ready-mix concrete in the Northern District of Iowa;
- (b) agreeing during those discussions to submit rigged bids at collusive and noncompetitive prices to customers in the Northern District of Iowa;
- (c) submitting bids and selling ready-mix concrete at collusive and noncompetitive prices in the Northern District of Iowa; and
- (d) accepting payment for sales of ready-mix concrete at collusive and noncompetitive prices in the Northern District of Iowa.

III.

DEFENDANT AND CO-CONSPIRATORS

4. During the period covered by this Information, Kent Stewart was the President of a ready-mix concrete company ("Company A") and managed business operations. During the period covered by this Information, Company A was a corporation organized and existing in the State of Iowa with its principal place of business in Ocheyedan, IA. During the period set forth in this Information, Company A was a producer and seller of ready-mix concrete in the Northern District of Iowa.

5. Another corporation and other individuals, not made defendants in this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

6. Whenever in this Information reference is made to any act, deed or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or other representatives while they were actively engaged in the management, direction, control or transaction of its business or affairs.

IV.

TRADE AND COMMERCE

7. Ready-mix concrete is a product whose ingredients include cement, aggregate (sand and gravel), water, and, at times, other additives. Ready-mix concrete is used in various types of construction projects, including buildings and roads. Ready-mix concrete generally is produced in a concrete plant and is transported to work sites by concrete-mixer trucks.

8. During the period covered by this Information, substantial quantities of equipment and materials necessary to produce ready-mix concrete, and/or payments for such ready-mix concrete, traveled in interstate commerce.

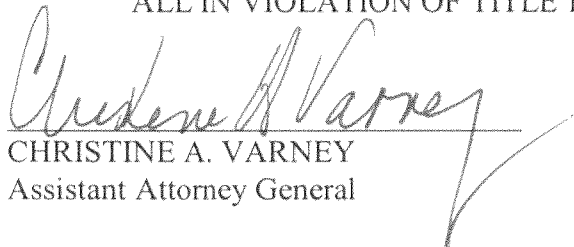
9. During the period covered by this Information, the business activities of the defendant and his co-conspirators in connection with the sales of ready-mix concrete that are the subject of this Information were within the flow of, and substantially affected, interstate commerce.

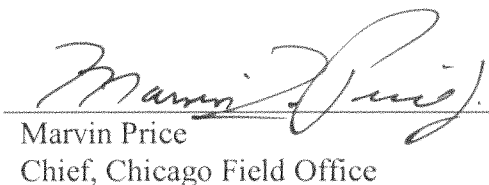
VI.

JURISDICTION AND VENUE

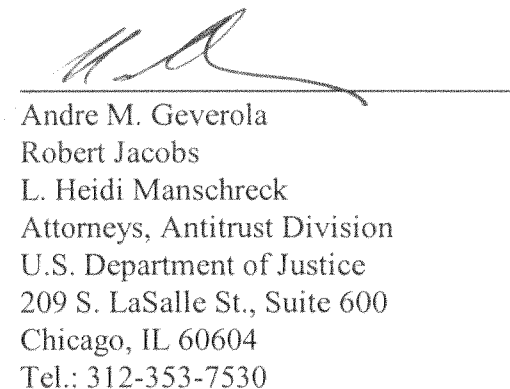
10. The combination and conspiracy charged in this Information was carried out within the Northern District of Iowa within the five years preceding the date of this Information.

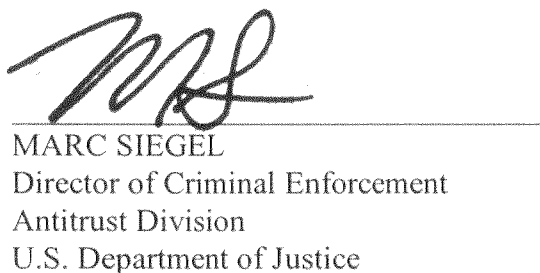
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.


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