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Filed October 24, 2000  
Underseal

Made Public January 31, 2001

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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE TERRITORY OF GUAM  
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13 UNITED STATES OF AMERICA	)	CRIMINAL CASE NO.
	)	
14 v.	)	<b>INFORMATION</b>
	)	
15 PRIMITIVO DUQUE CARLOS,	)	<b>CONSPIRACY TO RESTRAIN TRADE</b>
	)	[15 U.S.C. § 3][18 U.S.C. § 2]
16 Defendant.	)	
	)	
17 _____	)	

18 INFORMATION

19 The United States of America, acting through its attorneys,  
20 charges:

21 **CONSPIRACY TO RESTRAIN TRADE** [15 U.S.C. § 3] [18 U.S.C. § 2]

22 DESCRIPTION OF THE OFFENSE

- 23 1. **PRIMITIVO DUQUE CARLOS** is hereby made a defendant on the charge  
24 stated below.
- 25 2. Beginning as early as December 17, 1997 and continuing at least until  
26 July 17, 1998, the exact dates being unknown to the United States, the defendant and  
co-conspirators entered into and engaged in a combination and conspiracy to rig price

1 quotations for a contract with the Territorial Government of Guam's Department of  
2 Parks and Recreation ("DPR") to repair damage done by Typhoon Paka to the Agaña  
3 Tennis Court and Paseo de Susanna ("the Typhoon Damage Repair Contract"), in  
4 unreasonable restraint of territorial trade and commerce in violation of the Sherman  
5 Antitrust Act, Title 15, United States Code, Section 3, and Title 18, United States  
6 Code, Section 2.

#### 7 THE DEFENDANT AND THE CO-CONSPIRATORS

8 3. During the period covered by this Information, **PRIMITIVO DUQUE CARLOS**  
9 was a resident of the Territory of Guam and a citizen of the United States of America.

10 4. Various individuals and corporations, not made defendants in this Information,  
11 participated as co-conspirators in the offense charged herein, and performed acts and  
12 made statements in furtherance thereof.

#### 13 AIDING AND ABETTING

14 5. Defendant **PRIMITIVO DUQUE CARLOS** aided, abetted, counseled,  
15 commanded, induced, and procured the combination and conspiracy; and willfully  
16 caused others to perform acts and make statements in furtherance of the combination  
17 and conspiracy.

#### 18 THE CONSPIRACY

19 6. The charged combination and conspiracy consisted of an agreement,  
20 understanding, and concert of action, among the defendant and co-conspirators, the  
21 substantial term of which was to rig price quotations to be offered for the Typhoon  
22 Damage Repair Contract.

23 7. For the common purpose of forming and carrying out the charged combination  
24 and conspiracy, the defendant and co-conspirators did those things which they  
25 combined and conspired to do. Among other things, they:

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- 1 a. discussed price quotations on the upcoming Typhoon Damage Repair
- 2 Contract;
- 3 b. agreed on the price quotations they would submit on the Typhoon
- 4 Damage Repair Contract;
- 5 c. submitted artificially high, non-competitive amounts in their price
- 6 quotations offered for the Typhoon Damage Repair Contract;
- 7 d. performed work required by the Typhoon Damage Repair Contract at
- 8 artificially high, non-competitive prices and received compensation
- 9 therefor; and
- 10 e. distributed the proceeds from the Typhoon Damage Repair Contract
- 11 among themselves and to a co-conspirator who was an official of the
- 12 Government of Guam.

13 COMMERCE

14 8. During the period covered by this Information, the activity that was the object  
15 of the conspiracy was within the flow of, and substantially affected, commerce in the  
16 Territory of Guam, in that the Typhoon Damage Repair Contract was offered, quoted,  
17 awarded, performed, and paid for in the Territory of Guam.

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