



Department of Justice

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ARKANSAS LAND SURVEYORS INDICTED FOR PRICE FIXING

WASHINGTON, D.C. -- The Department of Justice announced that a federal grand jury in Arkansas returned a two-count indictment today against five individual land surveyors and the Northwest Chapter of the Arkansas Society of Professional Surveyors on charges of price fixing. One surveyor was charged with an additional count of mail fraud.

The indictment, returned in U.S. District Court in Fayetteville, named as defendants the Northwest Chapter of the Arkansas Society of Professional Surveyors and five Arkansas businessmen: F. Lewis Steenken III of Fayetteville, Thomas W. Copelin of Rogers, Jack E. Stiffler of Huntsville, Frank W. Blew of Fayetteville, and Donald R. Phillips of Rogers. Steenken also was charged with mail fraud.

This is the first criminal case involving price fixing on land surveys brought by the Antitrust Division that named individuals as defendants, the Department said.

The indictment charged that beginning as early as September 1990 and continuing until at least January 1992, Steenken, Copelin, Stiffler, Blew, Phillips and the Northwest Chapter conspired with others to raise, fix and maintain the

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minimum price of lot and block surveys in the Arkansas counties of Benton, Washington, Madison, Carroll, Boone, Newton, Crawford, Franklin, Johnson and Pope in violation of Section 1 of the Sherman Act. Lot and block surveys are conducted to establish an accurate legal description for the conveyance of real property or for establishing and reestablishing the boundary of a parcel of property.

The indictment also charged Steenken with mail fraud in connection with a letter he sent to all area surveyors confirming their agreement to raise and fix prices for lot and block surveys.

The lot and block surveys affected by the conspiracy were performed as a prerequisite to loan closings incident to sales and the refinancing of residential property. A substantial portion of these lot and block surveys were performed to insure that mortgages would be guaranteed under federal programs of the Department of Veterans Affairs and the Department of Housing and Urban Development.

Charles A. James, Acting Assistant Attorney General in charge of the Antitrust Division, said the charges resulted from an investigation by a federal grand jury in Fort Smith, Arkansas, into alleged antitrust violations in the land surveying industry in northwest Arkansas.

The investigation is being conducted by the Antitrust

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Division's Dallas field office with the assistance of the Federal Bureau of Investigation and is continuing, James said.

The maximum penalty for an individual convicted of a Sherman Act violation occurring after November 16, 1990 is three years in prison and a fine that is the greatest of \$350,000, twice the pecuniary gain the individual derived from the crime, or twice the pecuniary loss caused to the victims of the crime. If convicted, the Northwest Chapter is subject to a maximum fine of \$500,000.

The maximum penalty for an individual convicted under the mail fraud statute is five years in prison and a fine of \$250,000.

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