

1           FREDERICK A. BLACK  
2           United States Attorney  
3           JOSEPH F. WILSON  
4           Assistant U.S. Attorney  
Suite 500, Sirena Plaza  
108 Hernan Cortez Ave.  
Hagåtña, Guam 96910  
PHONE: (671) 472-7332

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6 RICHARD B. COHEN  
7 MATTHEW D. SEGAL  
8 Trial Attorneys  
9 Antitrust Division  
U.S. Department of Justice  
450 Golden Gate Avenue  
Box 36046, Room 10-0101  
San Francisco, California 94102  
Telephone: (415) 436-6660

Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

15 UNITED STATES OF AMERICA ) No. CR  
16 v. )  
17 ) VIOLATION:  
18 KENNETH KOO LEE, ) 15 U.S.C. § 3  
19 ) CONSPIRACY TO RESTRAIN TRADE  
Defendant. )

## INFORMATION

21 The United States of America, acting through its attorneys,  
22 charges:

I.

**DESCRIPTION OF  
DEFENDANT AND CO-CONSPIRATORS**

1. KENNETH KOO LEE is made a defendant on the charge stated below.

1        2.     LEE is a resident of the District of Guam. During the period covered by  
2 this Information, LEE gave price quotations in response to construction services  
3 solicitations offered by the Department of Parks and Recreation (“DPR”), an agency of  
4 the Government of Guam, for construction work to repair damage Typhoon Paka  
5 caused to the Ypao Beach cabanas and pavilion and to a Paseo Stadium light tower.  
6 (These repair projects are hereinafter referred to as “the Ypao Beach Project” and “the  
7 Paseo Light Tower Project.”)

8       3.     Various corporations and individuals not made defendants in this  
9  
10      Information participated as co-conspirators in the offense charged herein and  
performed acts and made statements in furtherance of it.

II.

## DESCRIPTION OF THE OFFENSE

13       4. Beginning at least as early as December 17, 1997 and continuing at least  
14 until May 26, 1998, the exact dates being unknown to the United States, in the District  
15 of Guam and elsewhere, LEE and one or more co-conspirators, did participate in a  
16 combination and conspiracy in unreasonable restraint of territorial trade and  
17 commerce in violation of Section 3 of the Sherman Act, 15 U.S.C. §3. The charged  
18 combination and conspiracy consisted of a continuing agreement, understanding, and  
19 concert of action among the defendant and co-conspirators, the substantial terms of  
20 which were to rig price quotations and allocate contracts offered by DPR for  
21 construction work to repair damage caused by Typhoon Paka.

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

- (a) participating in conversations to discuss price quotations for upcoming projects to repair DPR facilities damaged by Typhoon Pak;
- (b) submitting artificially high, non-competitive price quotations for the Paseo Light Tower Project;
- (c) submitting artificially high, non-competitive price quotations for the Ypao Beach Project;
- (d) performing work for the Paseo Light Tower Project and the Ypao Beach Project;
- (e) submitting invoices to the DPR for work done on the Paseo Light Tower Project and the Ypao Beach Project; and
- (f) receiving funds from the Government of Guam for work done on the Paseo Light Tower Project and the Ypao Beach Project.

## COMMERCE

6. During the period covered by this Information, the activity that was the object of the conspiracy was within the flow of, and substantially affected, commerce in the Territory of Guam, between the Territory of Guam and the State of California, and between the Territory of Guam and the Country of Australia.

## JURISDICTION AND VENUE

7. The combination and conspiracy charged in this Information was formed and carried out, in part, within the District of Guam, within five years preceding the filing of this Information.

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1                   ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 3  
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3                   Dated:

5                   \_\_\_\_\_  
6                   Joel I. Klein  
7                   Assistant Attorney General

5                   \_\_\_\_\_  
6                   Christopher S Crook  
7                   Chief, San Francisco Field Office

8                   \_\_\_\_\_  
9                   James M. Griffin  
10                  Deputy Assistant Attorney General

8                   \_\_\_\_\_  
9                   Richard B. Cohen  
10                  Trial Attorney

11                  \_\_\_\_\_  
12                  Scott D. Hammond  
13                  Director of Criminal Enforcement  
14                  Antitrust Division  
15                  U.S. Department of Justice

11                  \_\_\_\_\_  
12                  Matthew D. Segal  
13                  Trial Attorney  
14                  Antitrust Division  
15                  U.S. Department of Justice  
16                  450 Golden Gate Avenue  
17                  Box 36046, Room 10-0101  
18                  San Francisco, California 94102  
19                  Telephone: (415) 436-6660

19                  \_\_\_\_\_  
20                  Frederick A. Black  
21                  United States Attorney  
22                  District of Guam