UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

LUBBOCK DIVISION

UNITED STATES OF AMERICA	**)**	**Criminal No. 5-99-CR 093**
	)	
v.	**)**	**Filed: August 26, 1999**
	)	
LUBBOCK GLASS & MIRROR CO., and	**)**	**Violation:**
DELBERT SANDERS,	**)**	**15 U.S.C. § 1**
	)	
Defendants.	**)**	

INFORMATION

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

I.

DESCRIPTION OF THE OFFENSE

1. Lubbock Glass & Mirror Co. and Delbert Sanders are hereby made defendants on the charge stated below.

2. Beginning at least as early as March 1991, and continuing thereafter until at least May 1998, the exact dates being unknown to the United States, the defendants and others entered into a combination and conspiracy to suppress and eliminate competition by rigging bids for the award and performance of contracts to supply architectural flat glass to general contractors in the Lubbock, Texas area, in unreasonable restraint of interstate trade and commerce, in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and coconspirators, the substantial terms of which were:

(a) to submit collusive, noncompetitive and rigged bids to general contractors for contracts to supply architectural flat glass on projects in the Lubbock, Texas area;

(b) to increase the profit markups on bids to general contractors for contracts to supply architectural flat glass on projects in the Lubbock, Texas area.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants and coconspirators did those things that they combined and conspired to do, including, among other things:

(a) discussing among themselves the submission of prospective bids to supply architectural flat glass;

(b) agreeing on which corporate coconspirator would be the low responsive bidder for the contract to supply architectural flat glass; and

(c) submitting collusive, noncompetitive and rigged bids with increased profit markups to general contractors.

II.

DEFENDANT AND COCONSPIRATORS

5. Lubbock Glass and Mirror Co. is a corporation organized and existing under the laws of the State of Texas, with its principal place of business in Lubbock, Texas. During the period covered by this Information, Lubbock Glass & Mirror Co. was engaged in the business of selling and installing architectural flat glass in the Lubbock, Texas area.

6. During the period covered by this Information, Delbert Sanders was an officer and director of Lubbock Glass & Mirror Co. and was engaged in the sale and installation of architectural flat glass in the Lubbock, Texas area.

7. Various corporations and individuals, not made defendants in this Information, participated as coconspirators in the offense charged, and performed acts and made statements in furtherance thereof.

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

III.

TRADE AND COMMERCE

9. Architectural flat glass, as distinct from container glass and automotive replacement glass, is that which is fabricated into windows, doors and curtain walls in new and renovation construction projects.

10. During the period covered by this Information, the defendant and coconspirators purchased substantial quantities of architectural flat glass produced in states other than Texas which were transported to Texas in a continuous and uninterrupted flow of interstate commerce. Defendants and coconspirators resold this architectural flat glass to general contractors and retail customers.

11. The business activities of the defendant and coconspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

IV.

JURISDICTION AND VENUE

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

ALL IN VIOLATION OF TITLE 15 U.S.C. § 1.

_____"/s/"_____
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_____"/s/"_____
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