JUDGE FRANK MONTALVO

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

FILED
SEP 25 2007
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

UNITED STATES OF AMERICA	)	
	)	Criminal No.:
v.	)	
	)	Violation: 15 U.S.C. § 1
ERIC EDWARD MIJARES,	)	
	)	Filed:
Defendant.	)	

E 07CR2371

INFORMATION

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

I

DESCRIPTION OF THE OFFENSE

1. Eric Edward Mijares is made a defendant on the charge stated below.

2. Beginning at least as early as 2000, and continuing until at least May 2006, the exact dates being unknown to the United States, the defendant entered into and participated in an ongoing combination and conspiracy to suppress and eliminate competition by rigging bids and allocating customers for contracts to supply and install doors and hardware for construction projects, and fixing prices on doors and doors frames sold to retail customers, in the El Paso, Texas, area. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate 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 defendant and co-conspirators, the substantial terms of which were to rig bids and allocate customers for contracts to supply and install doors and hardware for construction projects, and fix prices on doors and door frames sold to retail customers, in the El Paso, Texas, area.

II

MEANS AND METHODS OF THE CONSPIRACY

4. 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) participated in meetings and engaged in discussions concerning upcoming quotes or bids for contracts to supply and install doors and hardware for construction projects, and prices of doors and door frames to retail customers, in the El Paso, Texas, area;

(b) agreed during those meetings and discussions not to compete on quotes or bids for contracts to supply and install doors and hardware for construction projects, or on the prices of doors and door frames to retail customers, in the El Paso, Texas, area;

(c) agreed during those meetings and discussions on which corporate co-conspirator would be designated the low bidder for particular contracts to supply and install doors and hardware

for construction projects in the El Paso, Texas area;

(d) agreed during those meetings and discussions to allocate particular customers to designated co-conspirators, and to refrain from bidding or submitting competitive quotes or bids to a customer allocated to another co-conspirator;

(e) agreed during those meetings and discussions to raise and maintain the prices of doors and door frames to retail customers in the El Paso, Texas, area;

(f) gave to and obtained from co-conspirators information that they used to prepare and submit intentionally high, complementary and noncompetitive quotes or bids for contracts to supply and install doors and hardware for construction projects in the El Paso, Texas, area;

(g) refrained from bidding or submitted intentionally high, complementary and noncompetitive quotes or bids for contracts to supply and install doors and hardware for construction projects in the El Paso, Texas, area;

(h) supplied and installed doors and hardware on construction projects pursuant to contracts awarded at collusive and noncompetitive prices, and received compensation therefor; and

(i) sold doors and door frames to retail customers at intentionally high, collusive and noncompetitive prices, and received

compensation therefor.

III

BACKGROUND

5. Door and hardware companies supply and install doors and hardware for new construction and renovation projects. In most instances, they submit quotes or bids to general contractors, who, in turn, submit an overall bid to the contracting authority responsible for the project. The successful door and hardware supplier enters into a contract with the general contractor to provide and install the necessary doors and hardware for the project, and receives payment from the general contractor for the goods and services provided. In other instances, door and hardware companies submit quotes or bids directly to the contracting authority responsible for the project, and if selected, provide and install the necessary doors and hardware for the project, and receive payment from the contracting authority for the goods and services provided.

6. Door and hardware companies also sell doors, door frames and hardware to retail customers. These sales are usually made at their business locations to various individuals or entities, including members of the general public, at listed prices, and not through the bidding process.

IV

DEFENDANT AND CO-CONSPIRATORS

7. During the period covered by this Information, Eric Edward Mijares was an employee of Architectural Products Co., Inc. ("APCO") and held the titles of

vice president and executive vice president. During the period covered by this Information, APCO was a corporation organized and existing under the laws of the State of Texas with its principal place of business in El Paso, Texas. Also during the period covered by this Information, APCO was a door and hardware company that sold, supplied and installed doors, door frames and hardware and was engaged in selling and installing doors, door frames and hardware in the El Paso, Texas, area.

8. Various corporations and 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.

9. 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.

V

TRADE AND COMMERCE

10. During the period covered by this Information, APCO and its co-conspirators purchased door, door frame and hardware products from manufacturers outside of the state of Texas and resold them to customers located within the state of Texas in a continuous and uninterrupted flow of interstate commerce. In addition, substantial quantities of door, door frame and hardware

products, as well as payments for those products, traveled in interstate commerce.

11. During the period covered by this Information, the business activities of defendant and his co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

VI

JURISDICTION AND VENUE

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

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

Dated: 25 September 2007

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