

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	Crim No. 1:05-cr-159-GLS
v.	:	Filed: 4/1/05
SEAN MORAN,	:	Violations: 15 U.S.C. § 1
Defendant.	:	

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INFORMATION

SHERMAN ACT CONSPIRACY
(15 U.S.C. § 1)

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

1. Sean Moran (“Moran”) is hereby made a defendant on the charge stated below.

I. DEFENDANT AND CO-CONSPIRATORS

During the period covered by this Information:

2. Moran, a resident of Delmar, New York, was a representative of a manufacturer of roofing products.

3. Various persons and companies, not made defendants herein, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

II. DESCRIPTION OF THE OFFENSE

4. The defendant and co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (Title 15, United States Code, Section 1). The defendant joined and participated in the conspiracy from sometime in 1996 until at least July 2001, the exact dates being unknown to the United States.

5. The aforesaid 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 for and allocate roofing contracts awarded by the General Electric Company at its Waterford, New York plant (“GE Waterford”), Albany Medical Center (“AMC”) and other purchasers of roofing products and services in the State of New York.

6. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendant and co-conspirators did those things which they combined and conspired to do, including, among other things:

- (a) discussed the submission of prospective bids or quotations on certain roofing contracts;
- (b) agreed among themselves which company would be the low bidder on each of the contracts discussed; and
- (c) arranged for co-conspirators to submit bids or quotations that were intentionally higher (“complementary” bids) in order to create the false

appearance that a competitive bidding policy was being followed.

III. TRADE AND COMMERCE

7. During the period covered by this Information, defendant and co-conspirators were engaged in the roofing business in the State of New York. They provided roofing products and services to GE Waterford, AMC and others.

8. During the period covered by this Information, the co-conspirators purchased substantial quantities of roofing products from manufacturers outside the State of New York, including defendant's employer.

9. During the period covered by this Information, the activities of defendant and co-conspirators with respect to the provision of roofing products and services were within the flow of, and substantially affected, interstate trade and commerce.

IV. JURISDICTION AND VENUE

10. The aforesaid combination and conspiracy was carried out, in part, within the Northern District of New York within the five years preceding the filing of this Information.

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

Dated:

/s/ _____
R. HEWITT PATE
Assistant Attorney General

/s/ _____
RALPH T. GIORDANO
Chief, New York Office

/s/ _____
SCOTT D. HAMMOND
Deputy Assistant Attorney General

/s/ _____
MELVIN LUBLINSKI

/s/ _____
MARC SIEGEL
Director of Criminal Enforcement

/s/ _____
EDWARD FRIEDMAN

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