UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	:	
v.	:	**Criminal No.: 96CR904**
PONTERIO & ASSOCIATES, INC.,	:	**Filed: [9/26/96]**
	:	**15 U.S.C. §1**
Defendant.	:	**Judge: Stanton**

INFORMATION

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

1. Ponterio & Associates, Inc. is made a defendant herein.

I

DESCRIPTION OF THE OFFENSE

2. Beginning in June 1991 and continuing to at least August 1991, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and participated in a conspiracy to engage in collusive bidding for the purchase of numismatic items at a public auction entitled "Ancient, Foreign and United States Coins Together With Banknotes From The Archives of the American Bank Note Company" ("Chiquita Sale"), conducted in New York, New York by Christie, Manson and Woods International, Inc. on June 5, 1991, in unreasonable restraint of

interstate and foreign trade and commerce in violation Section 1 of the Sherman Act (15 U.S.C. §1).

3. The charged conspiracy consisted of an agreement, understanding and concert of action among the defendant and co-conspirators, the substantial term of which was to refrain from bidding competitively against one another for the purchase of numismatic items at the Chiquita Sale.

4. For the purpose of forming and effectuating the charged conspiracy, the defendant and co-conspirators did those things which they combined and conspired to do.

II

DEFENDANT AND CO-CONSPIRATORS

5. Ponterio & Associates, Inc. is a corporation organized and existing under the laws of the State of California and has its principal place of business in San Diego, California. During the period covered by this Information, Ponterio & Associates, Inc. was engaged in the purchase of numismatic items for resale.

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

III

INTERSTATE AND FOREIGN TRADE AND COMMERCE

7. Owners of numismatic items frequently consign them to auctioneers to sell at public auctions. Auctioneers attempt to maximize the compensation consignors receive from the sale of

their numismatic items at public auctions by soliciting open and competitive bids from potential purchasers, including the defendant and its co-conspirators. Auctioneers receive commissions for their services based on a percentage of the sale prices they obtain at public auctions.

8. The Chiquita Sale was advertised in newspapers, periodicals and catalogs which were published and/or distributed in states and countries other than the state and country in which the auction was held.

9. A substantial number of the potential purchasers at the Chiquita Sale, including the defendant and various co-conspirators, traveled across state lines and/or international boundaries to attend the Chiquita Sale.

10. A substantial number of the numismatic items purchased at the Chiquita Sale subsequently were transported across state lines and international boundaries in a continuous and uninterrupted flow of interstate and foreign commerce by or on behalf of the purchasers thereof, including the defendant and various co-conspirators.

11. During the period covered by this Information, the activities of the defendant and co-conspirators, as charged in this Information, were within the flow of, and substantially affected, interstate and foreign trade and commerce.

IV

JURISDICTION AND VENUE

12. The aforesaid combination and conspiracy was formed and carried out, in part, within the Southern District of New York, and is not barred by the Statute of Limitations.

Dated:

"/s/"
ANNE K. BINGAMAN
Assistant Attorney General
Antitrust Division

"/s/"
JOHN J. GREENE

"/s/"
GARY R. SPRATLING
Deputy Assistant Attorney General

"/s/"
PATRICIA L. JANNACO

"/s/"
RALPH T. GIORDANO

Attorneys, Antitrust Division
United States Department
of Justice

"/s/"
JULIETTE P. TUGANDER

Attorneys, Antitrust Division
United States Department
of Justice
26 Federal Plaza, Room 3630
New York, New York 10278
(212) 264-0650

"/s/"
MARY JO WHITE
United States Attorney
Southern District of New York