

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	
)	Cr. No.: 1:01-CR-491
STEELE-NICKLES &)	
ASSOCIATES, INC.,)	FILED: June 28, 2001
)	
)	VIOLATION
)	15 U.S.C. § 1
Defendant.)	

INFORMATION

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

**CONSPIRACY TO RESTRAIN TRADE
(15 U.S.C. § 1)**

I.

DESCRIPTION OF THE OFFENSE

1. STEELE-NICKLES & ASSOCIATES, INC., is hereby made a defendant on the charge stated below.
2. Beginning at least as early as early 1995 and continuing thereafter at least through October 23, 1998, the exact dates being unknown to the United States, in the Northern District of Georgia and elsewhere, the defendant and its co-conspirators entered into and engaged in a combination and conspiracy in

unreasonable restraint of interstate trade and commerce, in violation 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 its co-conspirators to rig bids for the sale of equipment and other materials and related services used in the construction and maintenance of wastewater treatment plants (hereinafter collectively referred to in this Information as “wastewater treatment materials”) in the States of Alabama and Georgia.

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

- a. discussing among themselves collusive bidding for the sale of wastewater treatment materials;
- b. submitting, or causing to be submitted, collusive and rigged bids for the sale of wastewater treatment materials;
- c. designating that STEELE-NICKLES & ASSOCIATES, INC., a co-conspirator, or a particular manufacturer or supplier of wastewater treatment materials would be the low bidder for wastewater treatment materials contracts;
- d. making telephone calls and sending facsimile transmissions to further bid rigging on wastewater treatment materials contracts;

- e. holding face-to-face meetings with co-conspirators to further bid rigging on wastewater treatment materials contracts;
- f. receiving through the arranged scheme the benefit of contracts for wastewater treatment materials;
- g. receiving payments in connection with rigged contracts for wastewater treatment materials;
- h. submitting, or causing to be submitted, collusive and rigged bids to the City of Hawkinsville, Georgia for wastewater treatment materials (approximate bid date February 17, 1995);
- i. submitting, or causing to be submitted, collusive and rigged bids for wastewater treatment materials to general contractors bidding on the Trussville Wastewater Treatment Plant - Jefferson County, Alabama (approximate bid date February 21, 1996); and
- j. discussing and agreeing to submit collusive and rigged bids for wastewater treatment materials on a project for the Water, Light and Sinking Fund Commission of the City of Dalton, Georgia, which ultimately involved construction improvements to the Loopers Bend Wastewater Treatment Plant (approximate bid date January 27, 1998).

II.

DEFENDANT

5. STEELE-NICKLES & ASSOCIATES, INC. was, during the period covered by this Information, a corporation organized and existing under the laws of the State of Georgia with its principal place of business in Marietta, Georgia. During the period covered by this Information, STEELE-NICKLES & ASSOCIATES, INC. represented manufacturers and suppliers of wastewater treatment materials and was engaged in the business of arranging for the sale of wastewater treatment materials.

6. 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.

7. 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, employees, agents or other representatives while they were actively engaged in the management, direction, control or transaction of its business or affairs.

III.

TRADE AND COMMERCE

8. During the period covered by this Information, co-conspirators purchased and arranged for the purchase of substantial quantities of wastewater

treatment materials from manufacturers and suppliers located outside the State of Alabama, and those wastewater treatment materials were transported into Alabama in furtherance of and as part of the offense charged herein. During the period covered by this Information, co-conspirators purchased and arranged for the purchase of substantial quantities of wastewater treatment materials from manufacturers and suppliers located outside the State of Georgia, and those wastewater treatment materials were transported into Georgia in furtherance of and as part of the offense charged herein. During the period covered by this Information, the defendant and its co-conspirators caused written correspondence, telephone calls, facsimiles and monetary payments to cross state lines in furtherance of and as part of the offense charged herein.

9. The business activities of the defendant and its co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

IV.

JURISDICTION AND VENUE

10. The conspiracy charged in this Information was carried out, in part, within the Northern District of Georgia, Atlanta Division, within the five years

preceding the filing of this Information.

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

Dated this 12th day of June, 2001.

/S/
JOHN M. NANNES
Acting Assistant Attorney General

/S/
JOHN T. ORR
Chief, Atlanta Field Office

/S/
JAMES M. GRIFFIN
Deputy Assistant Attorney General

/S/
JOHN R. FITZPATRICK

/S/
SCOTT D. HAMMOND
Director of Criminal Enforcement

/S/
JON R. SMIBERT

Antitrust Division
U.S. Department of Justice

Attorneys
Antitrust Division
U.S. Department of Justice
75 Spring St., S.W., Suite 1176
Atlanta, GA 30303
404/331-7100
404/331-7110 - Facsimile

/S/
RICHARD H. DEANE, JR.
United States Attorney
Northern District of Georgia