UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

UNITED STATES OF AMERICA) Criminal No.: 97-40113
vs.)) Filed: 10/23/97)
ANDREW J. VENA,) Violations:) 18 U.S.C. §1343
Defendant.)) Judge Piersol
]	<u>INDICTMENT</u>
,	WIDE EDAIID

The Grand Jury for the District of South Dakota charges:

1. ANDREW J. VENA is hereby indicted and made a defendant on the charge stated below.

I.

(18 U.S.C. §1343)

BACKGROUND

- 2. The city of Sioux Falls, South Dakota provides water to its citizens through a series of water main lines. These water main lines require periodic cleaning and relining to assure that they operate properly. Contracts are awarded annually to contractors who perform this work.
- 3. The city of Sioux Falls, South Dakota seeks to have this work performed competently at the least cost to its citizens. To accomplish this goal the city requests bids from various contractors.

4. In 1996 the city of Sioux Falls sought competitive bids from contractors for a water main cleaning and lining contract. One of the contractors invited to bid was Creamer Brothers, Inc.

II.

<u>DEFENDANT</u>

5. During the relevant time period, Andrew J. Vena was the Assistant Secretary and an estimator for Creamer Brothers, Inc. Creamer Brothers, Inc. is a New Jersey company located in Hackensack, New Jersey. Creamer Brothers, Inc. is a contractor who performs water main line cleaning and lining work throughout the country.

III.

DESCRIPTION OF THE OFFENSE

- 6. Beginning at least as early as February 1996 and continuing at least until mid-March 1996, the exact dates being unknown to the Grand Jury, Andrew J. Vena knowingly devised and intended to devise a scheme and artifice to defraud the city of Sioux Falls, South Dakota of its right to free and open competition.
- 7. It was part of the scheme and artifice to defraud that Andrew J. Vena would submit a noncompetitive rigged bid to the city of Sioux Falls for the 1996 water main line cleaning and lining contract.
- 8. It was further part of that scheme and artifice to defraud that Andrew J. Vena would receive a \$10,000 payment from a competitor of Andrew J. Vena's for its 1996 Sioux Falls water main cleaning and lining contract if, pursuant to the scheme, that competitor received the contract.
- 9. On or about February 29, 1996, Andrew J. Vena, for the purpose of executing and carrying out the scheme and artifice to defraud and attempting to do so,

did knowingly and willfully transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain signs, signals or sounds; namely a telephone conversation between Andrew J. Vena in Stockton, New Jersey and the aforementioned competitor in Sioux Falls, South Dakota, in the District of South Dakota.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, $\S1343$.

A TRUE BILL	
Dated:	
"/s/" FOREPERSON	
"/s/" JOEL I. KLEIN Assistant Attorney General	"/s/" JAMES E. GROSS
	FRANK J. VONDRAK
Deputy Assistant Attorney General	Attorneys, Antitrust Division U.S. Department of Justice Suite 600 209 S. LaSalle Street Chicago Illinois COCOA
Director of Criminal Enforcement	Chicago, Illinois 60604 (312) 353-7530
"/s/" MARVIN N. PRICE Assistant Chief Midwest Field Office	
"/s/" KAREN E. SCHREIER United States Attorney	
District of South Dakota	