

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	)	
	)	Criminal No.: 1:00CR. 375
v.	)	
	)	Filed: 06/02/2000 (Under Seal)
THE WICKLIFFE SERVICES	)	Seal Lifted: 09/20/2000
COMPANY, INC. and	)	
JERRY R. WICKLIFFE,	)	Violation: 15 U.S.C. § 1
	)	
Defendants.	)	

INFORMATION

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

I.

DESCRIPTION OF THE OFFENSE

1. THE WICKLIFFE SERVICES COMPANY, INC. ("WICKLIFFE SERVICES") and JERRY R. WICKLIFFE are made defendants on the charge stated below.
2. Beginning in or about January 1994 and continuing thereafter at least through April 24, 1998, the exact dates being unknown to the United States, in the Northern District of Georgia and elsewhere, the defendants and others 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 defendants,

WICKLIFFE SERVICES and JERRY R. WICKLIFFE, and their co-conspirators to rig bids for the sale of valves (including various types of butterfly valves), venturi flow tubes, aeration equipment, grit removal equipment, and other materials and related services (hereinafter collectively referred to as “water and wastewater treatment materials”) used in the construction and maintenance of water and wastewater treatment plants in the States of Alabama and Georgia.

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

- a. discussing among themselves collusive bidding for the sale of water and wastewater treatment materials;
- b. submitting collusive and rigged bids for the sale of water and wastewater treatment materials;
- c. agreeing not to bid on certain water and wastewater treatment materials contracts;
- d. designating that WICKLIFFE SERVICES, a co-conspirator, or a particular manufacturer or supplier of water and wastewater treatment materials would be the low bidder for water and wastewater treatment materials contracts;
- e. making telephone calls to further bid rigging on water and wastewater treatment materials;

- f. holding face-to-face meetings with co-conspirators to further bid rigging on water and wastewater treatment materials;
- g. receiving through the arranged scheme the benefit of contracts for water and wastewater treatment materials;
- h. receiving payments in connection with contracts for water and wastewater treatment materials;
- ¶. designating that WICKLIFFE SERVICES would receive payments from a co-conspirator in furtherance of the conspiracy;
- j. submitting collusive and rigged bids to general contractors bidding on water and wastewater construction projects, including:
 - i. City of Atlanta, Georgia Hemphill Pump Station and Clearwell Improvements (approximate bid date--May 22, 1994);
 - ii. City of Atlanta, Georgia Chattahoochee Clearwell (approximate bid date--June 6, 1995);
 - iii. Gwinnett County, Georgia Lanier Filter Plant Expansion and Upgrade (approximate bid date--July 20, 1995);
 - iv. Jefferson County, Alabama Commission Trussville Wastewater Treatment Plant (approximate bid date-- February 21, 1996); and
 - v. Macon Water Authority, Macon, Georgia Town Creek Water Treatment Plant Contract 5 (approximate bid

date--August 29, 1996);

- k. rigging bids to the Unified Government of Athens-Clarke County, Georgia for the conversion of W.P.C. Digester Improvement (approximate bid date--September 28, 1995); and
- l. discussing the possibility of rigging bids in addition to those listed in paragraph 4 j. and k. above.

II.

DEFENDANTS AND CO-CONSPIRATORS

5. WICKLIFFE SERVICES is a corporation organized and existing under the laws of the State of Georgia with its principal place of business in Alpharetta, Georgia. During the period covered by this Information, WICKLIFFE SERVICES was engaged in the business of arranging for the sale of water and wastewater treatment materials. During the period covered by this Information, JERRY R. WICKLIFFE was engaged in the business of arranging for the sale of water and wastewater treatment materials in his capacity as an owner and officer of WICKLIFFE SERVICES and as an owner and officer of another co-conspirator.

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 this Information refers 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, the defendants and their co-conspirators purchased equipment, or arranged for the purchase of equipment, from manufacturers and suppliers located outside the States of Alabama and Georgia and caused that equipment to be shipped across state lines for use in the above projects to fulfill the contracts awarded as a result of the offense charged herein.

9. The business activities of the defendants and their co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate 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.

“/s/”

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