

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)	
)	
)	CRIMINAL NO. 95-414-A
v.)	
)	VIOLATION: 15 U.S.C. § 1
)	(Bid Rigging)
DONALD M. KOTOWICZ,)	
)	FILED: [SEPTEMBER 27, 1995]
Defendant.)	

INFORMATION

THE UNITED STATES CHARGES THAT:

1. From approximately September 1991 through approximately April 1995, in the Eastern District of Virginia and elsewhere,

DONALD M. KOTOWICZ,

defendant herein, and others entered into and engaged in a combination and conspiracy to rig bids at certain public real estate auctions in the Eastern District of Virginia.

2. The charged 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:

- (a) to suppress competition by agreeing to refrain from full competitive bidding against each other at certain public real estate auctions, and
- (b) to conduct second, secret auctions at which the conspirators rebid the properties they won at the public auctions, and divided among themselves the difference between the public and secret auction prices.

The proceeds of the secret auctions were distributed as payoffs to the conspirators in return for suppressing competition at certain public real estate auctions.

3. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did the following, among other things:

- (a) designated, in various ways, a bidder to bid at the public auction for the group of conspirators;
- (b) held secret auctions, open only to members of the conspiracy, to rebid the property won by the designated bidder at the public auction;
- (c) awarded the property to the conspirator who submitted the highest bid at the secret auction, and
- (d) distributed the proceeds of the secret auction as payoffs based on a predetermined formula agreed upon by the members of the conspiracy.

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

(A violation of Title 15, United States Code, Section 1.)

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