

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 1:07-cr-00090-WYD

FILED: November 20, 2007

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. B&H MAINTENANCE & CONSTRUCTION, INC., a New Mexico corporation;
2. JON PAUL SMITH a/k/a J.P. SMITH; and
3. LANDON R. MARTIN,

Defendants.

UNITED STATES' FORMAL BILL OF PARTICULARS

Pursuant to the Court's Order of November 15, 2007 (Docket # 128), the United States has, by means of this filing, converted its Voluntary Bill of Particulars into a Formal Bill of Particulars.¹

Consistent with the Court's Order, the United States discloses the following information in response to requests made by Defendants:

A. Members of the Conspiracy

¹ The Voluntary Bill of Particulars was originally filed as Part III of "United States' Response to 'Defendant B&H's Motion for a Bill of Particulars' (Docket # 42) and 'Landon Martin's Motion for Leave to Join in Defendant B&H's Motion for a Bill of Particulars and Supplemental Statement in Support Thereof' (Docket # 48)" [Docket # 59].

The various individuals and corporations who participated as coconspirators are:

Jon Paul Smith	B&H Maintenance & Construction, Inc.
Landon R. Martin	B&H Maintenance & Construction, Inc.
Kenneth L. Rains	Flint Energy Services, Inc.

Defendant, coconspirator B&H participated in the conspiracy by and through the acts of Smith, the vice president and general manager of its Bloomfield, NM regional office, and Martin, marketing manager of its Bloomfield, NM regional office. Flint Energy Services, Inc. ("Flint") participated in the conspiracy through the acts of Rains, then regional manager and head of Flint's Farmington, NM regional office. Both Flint and Rains have pled guilty to participating in this conspiracy. (*United States v. Flint Energy Services, Inc. and Kenneth L. Rains*, 06-cr-00264 PSF) There are no additional coconspirators.

B. Time Frame of the Conspiracy

As the Indictment alleges, the conspiracy began in or about June 2005 and continued until as late as December 2005. Coconspirators B&H, Smith, Flint and Rains joined the conspiracy prior to the time that B&H and Flint submitted bids to the victim, BP America Production Company ("BP America") for the Bayfield 20" Main Loop project in July 2005, and at least by July 7, 2005. Martin joined the conspiracy no later than September 23, 2005. The conspiracy was on-going on December 15, 2005, when Rains was confronted by his superiors at Flint about his bid-rigging activities.

C. The Pipeline Construction Projects that were the subject of the Bid Rigging Conspiracy

The pipeline constructions projects that were rigged by the conspirators are:

Bayfield 20" Main Loop
(also identified as Bayfield Main Loop)
Salvador 10" Loop
(also identified as Salvador SW Loop)

Buford Waytt GU No. 2
Lash Ute GU No. 2
Martinez BU/B No. 1
Schofield GU No. 2
Southern Ute 2-21X No. 2

Mayfield South Loop
Sauls Creek Loop

All of the projects were let by the victim, BP America. The Bayfield and Salvador projects were let in July 2005. The Buford Waytt, Lash Ute, Martinez, Schofield and Southern Ute projects were let in September 2005. Prices for the Lash Ute and Southern Ute projects were combined into one single bid by B&H, and submitted as two separate bids by Flint. The Mayfield and Sauls Creek projects were let in October 2005. Documents relating to all of these projects were produced to Defendants on April 25, 2007.

Respectfully Submitted,

s/Diane C. Lotko-Baker

DIANE C. LOTKO-BAKER

s/Carla M. Stern

CARLA M. STERN

s/Andre M. Geverola

ANDRE M. GEVEROLA

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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2007, I electronically filed the foregoing "United States' Formal Bill of Particulars" with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

gjohnson@hmflaw.com

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I hereby certify that I have mailed or served the document or paper to the following non CM/ECF participants in the manner indicated by the non-participant's name:

None.

Respectfully Submitted,

s/Diane C. Lotko-Baker

DIANE C. LOTKO-BAKER

s/Carla M. Stern

CARLA M. STERN

s/Andre M. Geverola

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