

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 04-CR-053
(WCG Green Bay)
Filed: March 9, 2004

STREU CONSTRUCTION COMPANY,
VINTON CONSTRUCTION COMPANY,
ERNEST J. STREU, a.k.a. "E.J.",
JOHN STREU,
JAMES J. MAPLES, and
MICHAEL J. MAPLES,

[15 U.S.C. § 1]

Defendants.

INDICTMENT

THE GRAND JURY CHARGES:

Description of the Offense

1. Beginning by approximately 1997, and continuing until on or about January 13, 2004, the exact dates being unknown to the Grand Jury, in Manitowoc County, in the State and Eastern District of Wisconsin, and elsewhere,

**STREU CONSTRUCTION COMPANY,
VINTON CONSTRUCTION COMPANY,
ERNEST J. STREU, a.k.a. "E.J.",
JOHN STREU,
JAMES J. MAPLES, and
MICHAEL J. MAPLES,**

the defendants herein, and others known and unknown to the Grand Jury, engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in violation of Section 1 of

the Sherman Act (15 U.S.C. § 1).

2. The combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and their coconspirators to submit non-competitive and “rigged” bids to the State of Wisconsin and various other bidding authorities within the state of Wisconsin for public road, highway, bridge, street and airport construction projects (“highway construction projects”), the vast majority of which were also federally funded.

3. For the purpose of forming and carrying out the combination and conspiracy, the defendants and their coconspirators took various actions, including among other things:

- a. Discussing among themselves the prospective submission of bids for highway construction projects;
- b. Allocating highway construction projects among themselves;
- c. Designating which coconspirator would submit the low bid for the project and which of the coconspirators would submit higher, complementary bids for the project or would not submit a bid at all for the project;
- d. Submitting non-competitive, rigged bids to the State of Wisconsin and others as agreed upon;
- e. Accepting payment from the State of Wisconsin and others for work done on highway construction projects awarded as a result of non-competitive and rigged bids submitted in furtherance of the conspiracy; and
- f. Concealing and attempting to conceal the conspiracy.

Defendants and Coconspirators

4. Defendant STREU CONSTRUCTION COMPANY is a corporation organized and existing under the law of the State of Wisconsin, with its principal place of business in Two Rivers,

Wisconsin. During the conspiracy, defendant STREU CONSTRUCTION COMPANY was engaged in the highway construction industry in Wisconsin.

5. Defendant VINTON CONSTRUCTION COMPANY is a corporation organized and existing under the law of the State of Michigan, with its principal place of business in Manitowoc, Wisconsin. During the conspiracy, defendant VINTON CONSTRUCTION COMPANY was engaged in the highway construction industry in Wisconsin.

6. During the conspiracy, defendant ERNEST J. STREU was engaged in the highway construction industry in his capacity as President of Streu Construction Company.

7. During the conspiracy, defendant JOHN STREU was engaged in the highway construction industry in his capacity as Secretary / Treasurer of Streu Construction Company.

8. During the conspiracy, defendant JAMES J. MAPLES was engaged in the highway construction industry in his capacity as President of Vinton Construction Company.

9. During the conspiracy, defendant MICHAEL J. MAPLES was engaged in the highway construction industry in his capacity as Vice President of Vinton Construction Company.

10. Whenever in this Indictment 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.

Trade and Commerce

11. During the conspiracy, substantial quantities of essential materials and equipment were transported across state lines in a continuous and uninterrupted flow of interstate commerce and in a manner substantially affecting interstate commerce, for use in highway construction projects rigged by the defendants and their coconspirators. Some highway construction projects rigged pursuant to the

conspiracy were part of the interstate highway system, and the vast majority of the highway construction projects rigged were also federally funded. This resulted in the transfer of a substantial amount of federal funds from outside of the State of Wisconsin into the State of Wisconsin. In addition, the defendants and their coconspirators electronically submitted bids, including numerous rigged bids, from Wisconsin to a data processing company in Florida for retransmittal back to Wisconsin after the bids were closed.

12. The business activities of the defendants and their coconspirators that are the subject of this Indictment were within the flow of, and substantially affected, interstate commerce.

All in violation of Title 15, United States Code, Section 1.

A TRUE BILL:

Dated: 3/9/04

/s/
FOREPERSON

/s/
STEVEN M. BISKUPI
United States Attorney

/s/
R. HEWITT PATE
Assistant Attorney General
Antitrust Division