

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

FILED  
2008 SEP 10 PM 3:51  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_  
DEPUTY

UNITED STATES OF AMERICA )  
 )  
 v. ) Criminal No.: EP-07-CR-2371  
 )  
 ERIC EDWARD MIJARES, ) Violation: 15 U.S.C. § 1  
 )  
 Defendant. ) Filed:

SUPERSEDING INFORMATION

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

I

DESCRIPTION OF THE OFFENSE

1. Eric Edward Mijares is made a defendant on the charge stated below.
2. Beginning at least as early as 2000, and continuing until at least May 2006, the exact dates being unknown to the United States, the defendant entered into and participated in an ongoing combination and conspiracy to suppress and eliminate competition by rigging bids and allocating customers for certain contracts to supply and install doors and hardware for construction projects in the El Paso, Texas, area. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate trade and commerce in violation of Section 1 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 defendant and co-

conspirators, the substantial terms of which were to rig bids and allocate customers for certain contracts to supply and install doors and hardware for construction projects in the El Paso, Texas, area.

## II

### MEANS AND METHODS OF THE CONSPIRACY

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:
- (a) participated in meetings and engaged in discussions concerning upcoming quotes or bids for certain contracts to supply and install doors and hardware for construction projects in the El Paso, Texas, area;
  - (b) agreed during those meetings and discussions not to compete on quotes or bids for certain contracts to supply and install doors and hardware for construction projects in the El Paso, Texas, area;
  - (c) agreed during those meetings and discussions on which corporate co-conspirator would be designated the low bidder for particular contracts to supply and install doors and hardware for construction projects in the El Paso, Texas area;
  - (d) agreed during those meetings and discussions to allocate particular customers to designated corporate co-conspirators,

- and to refrain from bidding or submitting competitive quotes or bids to a customer allocated to another corporate co-conspirator;
- (e) gave to and obtained from co-conspirators information that was used to prepare and submit intentionally high, complementary and noncompetitive quotes or bids for certain contracts to supply and install doors and hardware for construction projects in the El Paso, Texas, area;
  - (f) refrained from bidding or submitted intentionally high, complementary and noncompetitive quotes or bids for certain contracts to supply and install doors and hardware for construction projects in the El Paso, Texas, area; and
  - (g) supplied and installed doors and hardware on construction projects pursuant to certain contracts awarded at collusive and noncompetitive prices, and received compensation therefor.

### III

#### BACKGROUND

5. Door and hardware companies supply and install doors and hardware for new construction and renovation projects. In most instances, they submit quotes or bids to general contractors who, in turn, submit an overall bid to the contracting authority responsible for the project. The successful door and hardware supplier enters into a contract with the general contractor to provide and install the necessary doors and hardware for the project, and receives payment from the

general contractor for the goods and services provided. In other instances, door and hardware companies submit quotes or bids directly to the contracting authority responsible for the project, and, if selected, provide and install the necessary doors and hardware for the project, and receive payment from the contracting authority for the goods and services provided.

#### IV

#### DEFENDANT AND CO-CONSPIRATORS

6. During the period set forth in this Information, Eric Edward Mijares was an employee of Architectural Products Co., Inc. ("Architectural Products"). In approximately 2003, he was named vice president of the company, and, in approximately 2004, received the title of executive vice president. Also during this period, Architectural Products was a corporation organized and existing under the laws of the State of Texas with its principal place of business in El Paso, Texas, and was engaged in the business of supplying doors and hardware in the El Paso, Texas, area.

7. 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.

8. Whenever in this Information 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, agents, employees, or other representatives while they were actively engaged in the

management, direction, control or transaction of its business or affairs.

V

TRADE AND COMMERCE

9. During the period covered by this Information, Architectural Products and its co-conspirators purchased door and hardware products from manufacturers outside of the state of Texas and resold them to customers located within the state of Texas in a continuous and uninterrupted flow of interstate trade and commerce. In addition, substantial quantities of door and hardware products, as well as payments for these products, traveled in interstate commerce.

10. During the period covered by this Information, the business activities of defendant and his co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Information was carried out, in part, within the Western District of Texas within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

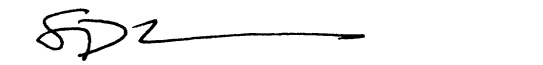
Dated: Sept 10, 2008



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