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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
AMERICAN INSTITUTE OF CERTIFIED
PUBLIC ACCOUNTANTS, INC.,
Defendant.

Civil No. 1091-72
Filed: June 1, 1972
FOR IMMEDIATE RELIEF

COMPLAINT

The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States, brings this civil action to obtain equitable relief against the above-named defendant and complains and alleges as follows:

I

JURISDICTION AND VENUE

1. This complaint is filed under Section 4 of the Act of Congress of July 2, 1890 (15 U.S.C. § 4), as amended, commonly known as the Sherman Act, in order to prevent and restrain the continuing violation by the defendant, as hereinafter alleged, of Section 1 of said Act (15 U.S.C. § 1).

2. The defendant, American Institute of Certified Public Accountants, Inc., maintains offices, transacts business, and is found within the District of Columbia.

II

DEFENDANT

3. The American Institute of Certified Public Accountants, Inc. (hereinafter referred to as the "Institute") is made the defendant herein. The Institute is a non-profit,

non-stock membership corporation with its principal place of business located in New York, New York. The Institute's membership consists of certified public accountants.

III

TRADE AND COMMERCE

4. The Institute has approximately 74,000 members located throughout the United States. These certified public accountants provide accounting services, examine financial statements and render opinions on such statements for business enterprises located throughout the United States and in foreign countries. Members of the Institute may be, and often are, licensed to perform accounting services in several states, and members regularly perform services in states other than the state in which they maintain their principal place of business.

5. There is a regular, continuous and substantial flow in interstate commerce of the services of the members of the Institute. The activities of the Institute and its members, as described herein, are within the flow of interstate commerce and have an effect upon that commerce.

6. Persons seeking accounting services may and often do invite one or more certified public accountants to submit proposals for performing accounting services. These invitations state the accounting services required and request that certified public accountants submit proposals which include a statement of the fee that will be charged for performing the requested services.

IV

OFFENSE ALLEGED

7. For many years past, and continuing up to and including the date of the filing of this complaint, the

defendant and its members have been engaged in a combination in unreasonable restraint of the aforesaid interstate trade and commerce in violation of Section 1 of the Sherman Act. Said offense is continuing and will continue unless the relief hereinafter prayed for is granted.

8. The unlawful combination has consisted of a continuing agreement, understanding and concert of action among the defendant and its members, the substantial terms of which have been and are:

(a) That defendant adopt, publish and distribute a Code of Ethics containing a provision prohibiting members of the Institute from submitting competitive bids for accounting services;

(b) That the members of the Institute abide by said provision of the Code of Ethics;

(c) That defendant and its members police said provision of the Code of Ethics.

9. For the purpose of effectuating the aforesaid combination, the defendant and its members have done those things which, as hereinbefore alleged, they agreed to do.

V

EFFECTS

10. The aforesaid combination has had the following effects, among others:

(a) Price competition among the members of the Institute in the sale of their services has been suppressed and eliminated;

(b) Customers requiring the services offered by members of the Institute have been deprived of the benefits of free and open competition in the sale of such services.

PRAYER

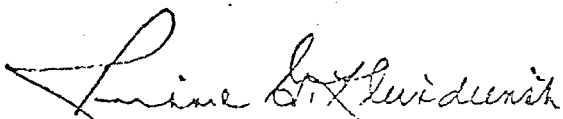
WHEREFORE, plaintiff prays:

1. That the aforesaid combination in unreasonable restraint of interstate trade and commerce be adjudged and decreed to be in violation of Section 1 of the Sherman Act.
2. That defendant and each of its officers, directors, agents, employees, and successors and assigns, and all persons acting under, through or for defendant, be perpetually enjoined from continuing, maintaining or renewing the aforesaid combination, and from entering into, maintaining or participating in any contract, agreement, understanding, plan, program or other arrangement having the purpose or effect of continuing, maintaining or renewing such combination.
3. That the defendant be required to cancel those provisions of its Code of Ethics, and every other rule, bylaw, or statement of policy, which have as their purpose or effect the suppression or elimination of price competition among defendant's members.
4. That the defendant be directed to publish the text of any final judgment entered in this case in the Journal of Accountancy and to furnish a copy of such final judgment to:
 - (a) Each of its members, and to each individual, organization, firm or corporation which hereafter becomes a member;
 - (b) Each State Society of Certified Public Accountants in each of the States in the United States and in the District of Columbia;

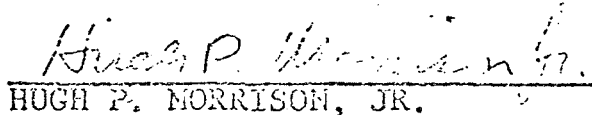
(c) Each State Board of Accountancy in each of the States in the United States and in the District of Columbia.

5. That the plaintiff have such other and further relief that the nature of the case may require and the Court may deem just and proper.

6. That the plaintiff recover the costs of this suit.

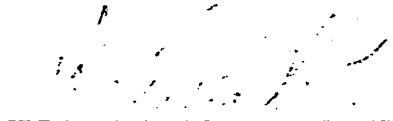


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