

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Criminal No.:

21cr172 ECT

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLARENCE OLSON,

Defendant.

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INFORMATION

15 U.S.C. § 1

THE UNITED STATES OF AMERICA CHARGES THAT:

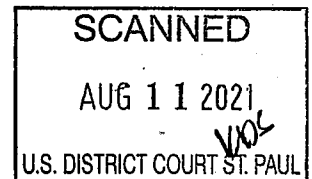
COUNT 1

(Conspiracy to Restrain Trade)

DESCRIPTION OF THE OFFENSE

1. From at least as early as September 2012 and continuing through at least as late as July 2017, in the District of Minnesota and elsewhere, Defendant CLARENCE OLSON and his co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by rigging bids for concrete repair and construction contracts submitted to municipalities in the state of Minnesota, including the City of Eden Prairie, City of Plymouth, Eden Prairie Schools, and Wayzata Public Schools. The combination and conspiracy engaged in by Defendant and his co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among Defendant and his co-conspirators, the substantial terms of which were to rig bids for concrete repair and construction contracts submitted to the



City of Eden Prairie, City of Plymouth, Eden Prairie Schools, and Wayzata Public Schools in the District of Minnesota.

BACKGROUND

3. During the period covered by this Information, Minnesota's Uniform Municipal Contracting Law, Minnesota Statutes § 471.345, governed the contracting process for counties, towns, cities, and school districts in the state of Minnesota (collectively, "municipalities") when entering into contracts for the construction, alteration, repair, or maintenance of real or personal property. The law required that municipalities obtain two or more quotations from bidders before awarding a contract for an amount above a certain threshold. At times, municipalities set policies requiring two or more quotations at a lower threshold amount than that required by state law.

4. During the period covered by this Information, the City of Eden Prairie, City of Plymouth, Eden Prairie Schools, and Wayzata Public Schools were municipalities subject to the Minnesota Uniform Municipal Contracting Law. During the period covered by this Information, the City of Eden Prairie, City of Plymouth, Eden Prairie Schools, and Wayzata Public Schools solicited quotations for contracts to perform concrete repair and construction projects.

DEFENDANT AND CO-CONSPIRATORS

5. During the period covered by this Information, Defendant was a resident of Minnesota and employed by COMPANY A. COMPANY A was a corporation organized and existing under the laws of Minnesota, and engaged in the business of concrete repair and construction within the District of Minnesota. On behalf of COMPANY A, Defendant submitted quotes to provide concrete repair and constructions services.

6. During the period covered by this Information, INDIVIDUAL B, a resident of Minnesota, was the Chief Executive Officer of COMPANY B. COMPANY B was a corporation organized and existing under the laws of Minnesota, and engaged in the business of concrete repair and construction within the District of Minnesota. On behalf of COMPANY B, INDIVIDUAL B submitted quotes to provide concrete repair and construction services to COMPANY B's customers, including Minnesota municipalities.

7. During the period covered by this Information, Defendant and INDIVIDUAL B prepared, submitted, and caused to be submitted quotations for concrete repair and construction projects to a number of Minnesota municipalities, including the City of Eden Prairie, City of Plymouth, Eden Prairie Schools, and Wayzata Public Schools.

8. Others, not made defendants in this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance of the conspiracy.

9. 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.

MEANS AND METHODS OF THE CONSPIRACY

10. For the purpose of forming and carrying out the charged combination and conspiracy, Defendant and his co-conspirators did those things that they combined and conspired to do, including, among other things:

- a. engaging in discussions and communications with each other about concrete repair and construction contracts with municipalities, during which INDIVIDUAL B requested that Defendant submit quotations from COMPANY A for such contracts and provided prices for Defendant to use in COMPANY A's quotations;
 - b. agreeing that COMPANY A would submit quotations intended to be losing quotations containing prices higher than the prices contained in COMPANY B's quotations;
 - c. submitting and causing to be submitted quotations from COMPANY A that were intentionally higher than COMPANY B's quotations for the same contracts, to make it appear to the municipalities that COMPANY A had competed for the contracts, when, in fact, Defendant and INDIVIDUAL B knew that COMPANY A's quotations were intended to lose to COMPANY B's quotations;
 - d. submitting rigged quotations to City of Eden Prairie, City of Plymouth, Eden Prairie Schools, and Wayzata Public Schools;
 - e. COMPANY B being awarded concrete repair and construction contracts, for which COMPANY A had submitted intentionally losing quotations;
- and

- f. COMPANY B accepting payment for concrete repair and construction contracts awarded at collusive and noncompetitive prices.

TRADE AND COMMERCE

11. During the period covered by this Information, COMPANY B purchased supplies containing raw materials cement and fly ash, and other products, necessary to perform the work required pursuant to the concrete repair and construction contracts that are the subject of this Information, which raw materials and products were produced and shipped from outside of the state of Minnesota, in a continuous and uninterrupted flow of interstate trade and commerce.

12. During the period covered by this Information, the business activities of Defendant and his co-conspirators in connection with the concrete repair and construction contracts that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

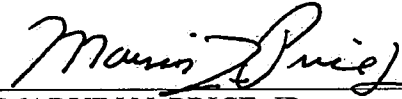
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Date: August 10, 2021

U.S. DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION, BY



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