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UNITED STATES DISTRICT COURT

12

DISTRICT OF OREGON

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UNITED STATES OF AMERICA)

No. CR-00-187-BR

15

v.)

VIOLATION:

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BEST TREE SERVICE, INC.,)

18 U.S.C. § 371

CONSPIRACY TO DEFRAUD

17

Defendant.)

FILED: APRIL 10, 2000

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INFORMATION

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The United States of America, acting through its attorneys,

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charges:

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I.

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DESCRIPTION OF
DEFENDANT AND CO-CONSPIRATORS

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1. BEST TREE SERVICE, INC. (BEST) is made a defendant on the charge

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stated below.

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1 2. BEST is a corporation organized and existing under the laws of the state of
2 Washington with its principal place of business in Ephrata, Washington. During the
3 period covered by this Information, BEST bid on brush clearing services solicitations
4 offered by the Bonneville Power Administration (BPA), an agency of the United States
5 Department of Energy, for brush clearing work in and around BPA transmission line
6 right-of-ways located in the District of Oregon and elsewhere.

7 3. Various corporations and individuals, not made defendants in this
8 Information, participated as co-conspirators in the offense charged herein and
9 performed acts and made statements in furtherance of it.

10 4. Whenever in this Information reference is made to any act, deed, or
11 transaction of any corporation, the allegation means that the corporation engaged in
12 the act, deed, or transaction by or through its officers, directors, employees, agents, or
13 other representatives while they were actively engaged in the management, direction,
14 control, or transaction of its business or affairs.

15 II.

16 DESCRIPTION OF THE OFFENSE

17 5. Beginning at least as early as March 1996 and continuing at least until
18 September 1998, the exact dates being unknown to the United States, in the District of
19 Oregon and elsewhere, BEST and one or more co-conspirators, did unlawfully,
20 knowingly and willfully combine, conspire, confederate and agree together and with
21 each other to defraud the United States by impeding, impairing, obstructing and
22 defeating the lawful bidding system used by the BPA, in violation of 18 U.S.C. § 371.
23 They did so by devising a scheme to deceive the BPA into believing that BEST and a
24 competing co-conspirator were independent of one another and were independently
25 determining and submitting bids to the BPA for brush clearing projects. In fact, BEST
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1 and the co-conspirator were affiliated and were allocating and submitting non-
2 competitive bids to the BPA for brush clearing projects.

3 III.

4 OVERT ACTS IN FURTHERANCE OF CONSPIRACY

5 6. In furtherance of the conspiracy described in this Information, and in order
6 to effect the objects thereof, BEST and co-conspirators committed overt acts in the
7 District of Oregon and elsewhere, including but not limited to the following:

- 8 (a) not revealing to the BPA that between March 1996 and August
9 1997 Best had a contractual relationship with a co-conspirator
10 company that limited competition between BEST and that co-
11 conspirator in acquiring brush clearing work from the BPA;
12 (b) not revealing to the BPA that in August 1997 the owners of the co-
13 conspirator company obtained decision-making control of BEST; and
14 (c) meeting and agreeing with representatives of the co-conspirator
15 company to allocate and suppress competition on bids for BPA brush
16 clearing projects in eastern Washington and Oregon.
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1 ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 371

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3
4 "/s/"
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Assistant Attorney General

 "/s/"
Christopher S Crook
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7 "/s/"
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10 "/s/"
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