

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA )

v. )

CHAD VAN ZEE, )

Defendant. )  
\_\_\_\_\_ )

Criminal No.: CR10-4108 MWB

Filed:

Violation: 15 U.S.C. § 1

INFORMATION

The United States of America charges:

I.

**DESCRIPTION OF THE OFFENSE**

1. Beginning at least as early as January 2006 and continuing until as late as August 2009, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing prices for sales of ready-mix concrete in the Northern District of Iowa. The combination and conspiracy engaged in by the defendant and his 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).

2. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action between the defendant and his co-conspirators, the substantial terms of which were to fix prices for sales of ready-mix concrete in the Northern District of Iowa.

II.

**MEANS AND METHODS OF THE CONSPIRACY**

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

- (a) engaging in discussions in the Northern District of Iowa concerning price increases for their companies' annual price lists for ready-mix concrete sold in the Northern District of Iowa;
- (b) agreeing during those discussions to raise prices on their companies' respective price lists for ready-mix concrete sold in the Northern District of Iowa;
- (c) selling ready-mix concrete at collusive and noncompetitive prices in the Northern District of Iowa; and
- (d) accepting payment for sales of ready-mix concrete at collusive and noncompetitive prices in the Northern District of Iowa.

III.

**DEFENDANT AND CO-CONSPIRATORS**

4. During the period covered by this Information, Chad Van Zee was the President of a ready-mix concrete company ("Company A") and managed business operations, including making pricing decisions. During the period covered by this Information, Company A was a corporation organized and existing in the State of Iowa with its principal place of business in Rock Valley, IA. During the period covered by this Information, Company A was a producer and

seller of ready-mix concrete in the Northern District of Iowa.

5. Steven VandeBrake was an executive of another corporation ("Company B") and its predecessor entity, a producer and seller of ready-mix concrete in the Northern District of Iowa. VandeBrake and Company B (including its predecessor entity) participated as co-conspirators in the offense charged in this Information and performed acts and made statements in furtherance thereof.

6. 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.

#### IV.

#### TRADE AND COMMERCE

7. Ready-mix concrete is a product whose ingredients include cement, aggregate (sand and gravel), water, and, at times, other additives. Ready-mix concrete is used in various types of construction projects, including buildings and roads. Ready-mix concrete generally is produced in a concrete plant and is transported to work sites by concrete-mixer trucks.

8. During the period covered by this Information, substantial quantities of equipment and materials necessary to produce ready-mix concrete, deliveries of ready-mix concrete, and/or payments for ready-mix concrete, traveled in interstate commerce.

9. During the period covered by this Information, the business activities of the defendant and his co-conspirators in connection with sales of ready-mix concrete that are the subject of this Information were within the flow of, and substantially affected, interstate

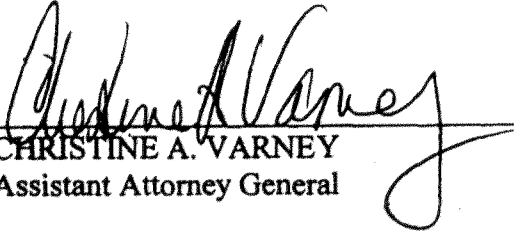
commerce.

V.

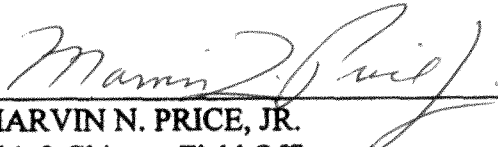
**JURISDICTION AND VENUE**


10. The combination and conspiracy charged in this Information was carried out within the Northern District of Iowa within the five years preceding the date of this Information.

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

  
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