

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

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|---------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | Case: 2:24-cr-20504 |
| |) | Assigned To : Berg, Terrence G. |
| Plaintiff, |) | Referral Judge: Grand, David R. |
| |) | Assign. Date : 9/12/2024 |
| v. |) | Description: INFO USA V. |
| |) | BAUGHER (DJ) |
| |) | |
| TIMOTHY BAUGHER, |) | INFORMATION |
| |) | |
| Defendant. |) | Count I: 15 U.S.C. § 1 |

INFORMATION

THE UNITED STATES OF AMERICA, ACTING THROUGH ITS ATTORNEYS,
CHARGES:

DEFENDANT AND CO-CONSPIRATORS

1. TIMOTHY BAUGHER is hereby made defendant on the charge contained in this Information.
2. During the period covered by this Information, Defendant held a variety of sales and management positions with ASPHALT SPECIALISTS LLC (“ASI”), a corporation organized and existing under the laws of Michigan and with its principal place of business in the Eastern District of Michigan. During the period covered by this Information, ASI was engaged in the provision of asphalt paving services in the State of Michigan.
3. In June 2019, Defendant became President of ASI and a four-percent owner of non-voting stock.
4. Another corporation and other individuals 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.

5. 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.

BACKGROUND OF THE OFFENSE

6. During the period covered by this Information, F. ALLIED CONSTRUCTION COMPANY, INC. (“ALLIED”) was a corporation with its principal place of business in Clarkston, Michigan, and engaged in the provision of asphalt paving services within the State of Michigan.

7. During the period covered by this Information, ASI and ALLIED provided a range of asphalt paving services to customers in the State of Michigan, including to customers in the Eastern District of Michigan. These asphalt paving services included, but were not limited to, asphalt paving projects such as large driveways, parking lots, and private roadways.

DESCRIPTION OF THE OFFENSE

8. Beginning at least as early as July 2017 and continuing until at least as late as May 2021, the exact dates being unknown to the United States, in the Eastern District of Michigan, Defendant and ASI entered into and engaged in a combination and conspiracy with ALLIED and other co-conspirators to suppress and eliminate competition by agreeing to rig bids for contracts to provide asphalt paving services in the State of Michigan. The combination and conspiracy engaged in by Defendant and his co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

9. 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 contracts to provide asphalt paving services in the State of Michigan.

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 conversations and communications to discuss which asphalt paving services contracts each co-conspirator company wanted to win;
- b. agreeing, during these conversations and communications, to rig bids for asphalt paving services contracts;
- c. soliciting intentionally non-competitive bids from each other so that an agreed-upon co-conspirator company would win a particular contract to provide asphalt paving services;
- d. exchanging pricing-related information to enable co-conspirators to submit non-competitive bids for asphalt paving services contracts to potential customers so that an agreed-upon co-conspirator would win the contract;
- e. submitting, and causing to be submitted, non-competitive bids for asphalt paving services contracts containing higher prices than those prices submitted by the agreed-upon winning co-conspirator, in accordance with the agreement; and
- f. providing asphalt paving services and accepting payment in accordance with contracts that were obtained through a collusive and non-competitive process.

TRADE AND COMMERCE

11. During the period covered by this Information, Defendant and his co-conspirators

provided asphalt paving services in a continuous and uninterrupted flow of interstate trade and commerce. In addition, records and documents necessary for the sale and provision of such services, as well as payments for those services, traveled in 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 provision of asphalt paving services that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

VENUE

13. During the period covered by this Information, acts in furtherance of this conspiracy were carried out within the Eastern District of Michigan. Asphalt paving services that were the subject of this Information were provided by one or more of the co-conspirators to customers in the Eastern District of Michigan.

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

Date: September 12, 2024

U.S. DEPARTMENT OF JUSTICE,
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