

ADDITIONAL RECORD SHEET

Case No. 98CH12

No. 4

Nature of Case People of the State of Illinois vs Debrun

Date	Judge and Reporter	
12/16/99	SGS p.1	<p>The Court has considered the evidence admitted and the argument and authorities presented.</p> <p>The Court finds Defendant Debrun and George Hausmann, DBA Vandalia Asphalt Service, were competitors of each other for the road oil spreading work of Fayette County and the townships within Fayette County. For the years covered by the complaint, 1990 through 1996, and back through 1984 bids were submitted by Debrun and Hausmann for the Fayette County work. Shortly prior to each bid letting, Debrun and Hausmann met. At this meeting, Debrun disclosed to Hausmann his proposed bid prices which allowed Hausmann to under bid Debrun. In return, Hausmann agreed or it was understood that Hausmann would subcontract to Debrun the oil spreading work in the Fayette County townships. For the years 1984 through 1996, 69 bids were submitted by Debrun and Hausmann and Hausmann underbid Debrun on 68 of the bids.</p> <p>The Court finds tht the State has met its burden of proof in showing a violation of the Illinois Antitrust Act. Debrun entered into an agreement with Hausmann, who would have been a competitor of Defendant Debrun. The purpose of the agreement was to control or maintain prices to be charged. Further, the agreement which allowed Debrun to subcontract the road oil spreading work had the effect of allocating work to Debrun. This is a violation of the Act.</p>

In determining the amount of the civil penalty, the court in mitigation, considers the poor financial condition of the Defendant. In further mitigation, it appears that the injury to the public was not great, although difficult to quantify. Each year the work was done for less than was budgeted. The work was apparently excellent quality as the townships road commissioners continually requested Defendant.

In aggravation, these illegal acts went on for numerous years. Further, the Defendant was not cooperative with the State in connection with this matter. Deterrence of others is a primary consideration in determining the penalty to access.

The Court having considered these factors in mitigation and aggravation accesses a civil penalty in the amount of \$20,000.00

Clerk to notify attorneys.