

STATE OF NEW YORK BINGHAMTON CITY COURT
COUNTY OF BROOME CITY OF BINGHAMTON

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

MISDEMEANOR
COMPLAINT

BERT J. ADAMS (DOB 12/30/1984),

Defendant.

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Docket No. *AL* 00254818

Mary A. Gorman
Assistant Attorney General
(315) 448-4824

Investigator Joel Cordone, a police officer with the New York State Office of the Attorney General (OAG), and the Complainant herein, accuses the defendant, Bert J. Adams, with having committed the crime of Attempted Combination in Restraint of Trade and Competition

COUNT ONE

The defendant, Bert J. Adams, committed the crime of ATTEMPTED COMBINATION IN RESTRAINT OF TRADE AND COMPETITION, a class A misdemeanor, in violation of New York State Penal Law § 110 and New York State General Business Law §§ 340 and 341, when, in or about July 2014 through in or about May 2016, in the City of Binghamton, County of Broome, State of New York, he attempted to enter into or engage in or continue to engage in, a contract, agreement, arrangement, or combination in unreasonable restraint of competition and the free exercise of activity in the conduct of business, trade, and commerce, *to wit*,

the defendant, an employee of Bert Adams, Disposal, Inc., a corporation in the business of waste-hauling and recycling, while acting in concert with others, knowingly and intentionally attempted to enter into a contract, agreement, arrangement, or combination thereof, with an employee from Taylor Garbage Service, Inc., a competitor in the waste-hauling and recycling business, to restrain trade and competition in the waste-hauling industry, in which the defendant and the Taylor Garbage Service, Inc. employee agreed to rig bids, allocate customers and fix prices in the City of Binghamton and elsewhere.

This Complaint is based on information and belief, the sources of which are my investigation conducted on behalf of the OAG, including but not limited to, the review and analysis of business records, telephone records and other records, interviews of witnesses, and other investigative techniques, among other sources.

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FACTUAL ALLEGATIONS

1. Bert J. Adams (hereafter the “defendant”) is currently an employee of Bert Adams Disposal, Inc. (“Bert Adams Disposal”), a family-owned corporation established in 1976, incorporated under the laws of New York State, and located at 521 Main Street, Chenango Bridge, New York 13745 in Broome County.
2. Bert Adams Disposal provides various waste-management services, including trash collection, transfer and disposal, recycling services, commercial dumpsters, roll-off container rentals, and delivery and pick-up.
3. Bert Adams Disposal serves a variety of residential, commercial and municipal customers in New York State, including Broome, Chenango, Delaware, Cortland, Madison and Otsego counties.
4. From 2014 through 2016, the defendant was employed by Bert Adams Disposal.
5. Beginning in or around July 2014, the defendant and others conspired with individuals from competitor Taylor Garbage Service, Inc. (“Taylor Garbage”) to rig bids, allocate customers and fix prices for Bert Adams Disposal’s waste management services.
6. The defendant and others at Bert Adams Disposal and Taylor Garbage initiated and continued this conspiracy through in-person meetings, phone calls, text messages and email exchanges.
7. For example, in or about July 2014, the defendant and an employee of Taylor Garbage, an employee at Taylor Garbage, had an in-person meeting where the two entered into an arrangement in which they would not pursue the business of each other’s current customers through active solicitation or through price competition, including customers located in the City of Binghamton and elsewhere.
8. The attempted arrangement between the Taylor Garbage employee, the defendant and others, also included an agreement to rig bids in the City of Binghamton and elsewhere in Broome County, by:
 - a. agreeing in advance which company would win a particular bid and then either agreeing not to submit a bid to ensure that the agreed-upon company would win the contract, or by submitting deliberately inflated bids and price quotes to prospective customers to ensure that the incumbent would keep its customers. These “cover bids” were submitted because an outright refusal to submit a bid to a prospective customer could have caused that customer to suspect collusion between Bert Adams Disposal and Taylor Garbage; and
 - b. agreeing to fix or increase the prices of products and services; and

- c. agreeing in certain cases not to compete with one another with respect to specified customers and geographical territories.

Notice: *False statements made herein are punishable as a Class A misdemeanor pursuant to New York State Penal Law § 210.45*

Dated: April 4th, 2018

Joel S Cordone #2377
INVESTIGATOR JOEL CORDONE
New York State Attorney General's Office

