



# Department of Justice

FOR IMMEDIATE RELEASE  
WEDNESDAY, JANUARY 12, 2000  
WWW.USDOJ.GOV

AT  
(202) 514-2007  
TDD (202) 514-1888

## **GEORGIA METAL BUILDING INSULATION COMPANY CHARGED IN PRICE FIXING CONSPIRACY**

WASHINGTON, D.C. -- The Department of Justice today charged a Georgia metal building company with conspiring to fix the price of metal building insulation sold nationwide.

The one-count information, filed today in U.S. District Court in Houston, Texas, charges Mizell Bros. Co. Inc., of Atlanta, Georgia, and unnamed co-conspirators with participating in a conspiracy to suppress and eliminate competition in the metal building insulation industry by raising, fixing, and maintaining prices for the sale of metal building insulation sold nationwide. The conspiracy took place from as early as January 1994 until at least June 1995. Insulation for use in metal buildings is made of fiberglass coated with aluminum or plastic.

“The Antitrust Division is committed to prosecuting conduct that prevents free and open competition in any market,” said Joel I. Klein, Assistant Attorney General in charge of the Department’s Antitrust Division. “These agreements to raise, fix, and maintain the price of metal building insulation sold to customers nationwide corrupted the competitive process,” said Klein.

The prosecution of Mizell Bros. is the latest to arise out of an ongoing nationwide investigation into suspected price fixing in the metal building insulation industry. To date, one corporation and three individuals have pleaded guilty to conspiring to fix prices in violation of the Sherman Act. Brite Insulation, of Houston, and two of its vice-presidents, Jerry

Killingsworth and Peter Yueh, as well as Mizell Bros.' former vice president for sales, Huber Wallace ("Wally") Rhodes. In addition, Mark Albert Maloof, regional sales manager for Bay Insulation Supply Co., was sentenced to serve 30 months in jail and to pay a fine of \$30, 847 for his role in the conspiracy. The Maloof case is currently on appeal.

The investigation is being conducted by the Antitrust Division's Dallas Field Office, with the assistance of the Federal Bureau of Investigation, Houston Field Office.

The maximum penalty for a corporation convicted of violating the Sherman Act is a fine of \$10 million. The maximum fine for corporations may be increased to twice the gain derived from the crime or twice the loss suffered by the victims of the crime, if either of those amounts is greater than the statutory maximum fine.

Anyone with information concerning price fixing in the metal building insulation industry should contact the Houston Field Office of the FBI at (713) 693-5000.

###

99-018