



TO: TACA MEMBERSHIP
FROM: TACA PRESIDENT MICHAEL K. STEWART
DATE: APRIL 15, 2010
RE: FEDERAL ANTITRUST LAW

The intent of this correspondence is to inform you of a violation of the antitrust statement pursuant to the members of the Texas Aggregates and Concrete Association. A copy of the association's antitrust statement has been attached for your reference.

During a presentation titled "When the Going Gets Tough...the 2009 Industry Data Survey, How Texas Compares, and Thoughts About the Recovery" at TACA's Short Course, information was presented to the members in attendance that was in direct violation of our association's antitrust statement. This finding has been confirmed by numerous antitrust lawyers on our behalf. As you are aware, TACA insists upon absolute compliance of federal antitrust laws at any and all of our association meetings. It should also be noted that presentations, such as the aforementioned, are intended for educational purposes only and do not replace independent judgment. Statements of fact and opinions expressed are those of the participants individually and, unless expressly stated to the contrary, are not the opinion or position of the Texas Aggregates and Concrete Association.

If you have any further questions on this or any other matter, please do not hesitate to contact me at 512.451.5100 or via email to stewartm@tx-taca.org.

ANTITRUST STATEMENT

The President of TACA reminds all association members that certain topics are not proper subjects for discussion and consideration at any association meeting of members, officers, directors, or committees, whether formal or informal. While it is entirely appropriate to meet as an association to discuss common problems and areas of interest, it must be kept in mind that the members are competitors and any action taken to eliminate, restrict, or govern competition among members is a violation of the antitrust laws. If there is any discussion at association meetings relating to significant factors of competition among the members, an inference may be raised that such a discussion among competitors is for the purpose of agreeing upon a common course of business conduct.

Examples of subjects which should never be discussed at association meetings are pricing, surcharges, conditions, terms and prices of service, allocating or sharing of customers, and refusing to deal with a particular supplier or class of suppliers. Agreements among competitors relating to any of these subjects are per se violations of the antitrust laws, and can lead to severe criminal and civil penalties.

It is essential, therefore, that all necessary steps be taken to prevent any association meeting from becoming a forum for those types of discussions which might lead to an understanding or agreement, expressed or implied, with respect to any essential element of competition.

We urge you to be most vigilant to make certain that your discussions do not stray from the prepared agenda.