

## ANTITRUST MODERNIZATION COMMISSION

### MINUTES OF MEETING ON JULY 28, 2005

The Antitrust Modernization Commission convened its sixth FACA meeting on July 28, 2005, in the Federal Trade Commission Conference Center, 601 New Jersey Avenue, N.W., in Washington, D.C. The meeting was announced to the public in advance through publication of a notice in the *Federal Register*. See 70 Fed. Reg. 37,747 (June 30, 2005). Andrew Heimert, the Executive Director & General Counsel, served as Designated Federal Officer for the meeting. Mr. Heimert called the meeting to order at 9:08 a.m. and noted a quorum. The meeting was transcribed.

#### Commissioners in Attendance:

Deborah Garza, Chair  
Jonathan Yarowsky, Vice-Chair  
Bobby Burchfield, Commissioner  
Dennis Carlton, Commissioner  
Makan Delrahim, Commissioner  
Donald Kempf, Commissioner  
Jonathan Jacobson, Commissioner  
Sanford Litvack, Commissioner  
John Shenefield, Commissioner  
John Warden, Commissioner  
Debra Valentine, Commissioner

#### Also present:

Andrew Heimert, Executive Director & General Counsel  
William Adkinson, Counsel  
Todd Anderson, Counsel  
Alan Meese, Senior Advisor  
Hiram Andrews, Law Clerk  
Kristen Gorzelany, Paralegal

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#### **I. Remarks of Chair**

The Chair welcomed the public to the meeting and set forth the meeting agenda.

#### **II. Discussion of Proposed Criminal Remedies Study Plan**

The Commission discussed a proposed study plan for criminal remedies issues. The proposed study plan was accompanied by a memorandum from the staff and study group setting forth reasons for studying the issues set forth in the proposed study plan. Consideration of these

issues, relating to how criminal antitrust fines are set, had been deferred at the Commission's January 13 meeting, pending developments after the Supreme Court's decision in *United States v. Booker*.

The study plan was made available to the public in advance of the meeting on the Commission's website. It was also distributed at the meeting.

After discussion of the study plan, a majority of the Commission voted by voice as follows.

**RESOLVED:** To adopt the proposed criminal remedies study plan and publish the questions proposed therein in the *Federal Register*.

The meeting was adjourned at 9:37 a.m., and followed by the Commission's scheduled hearings.

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I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

Deborah A. Garza  
Chair, Antitrust Modernization Commission