



Fall 2014



### President's Message

Ronnie Davenport, Chapter President  
WP&BC San Diego Chapter

Come out and join us at our first luncheon meeting of the 2014-2015 membership year.

**TUESDAY,  
September 16, 2014**

**From a TRUSTED SOURCE—  
The Department of Labor's VFCP and Abandoned Plans and Enforcement Programs.**

**Our guest speaker is Wendy Morgan with the U.S. Department of Labor.**



Welcome back from the summer break! My two year term as your San Diego Chapter President begins this year and I look forward to my continued service with the chapter.

Our membership drive is in full-swing, and now is the time to renew your membership or join us anew to be sure to receive the most benefit from your membership.

We have an exciting year lined up for you. Your programs committee has been diligently working to find speakers and topics that will provide you with the tools, knowledge, and education needed to remain current with new laws, evolving regulations, and hot topics in the retirement and benefits industry.

This year we are looking forward to our first luncheon meeting on Tuesday September 16<sup>th</sup> with Wendy Morgan of the Department of Labor (DOL). Ms. Morgan will engage us in an in-depth conversation about the DOL's Voluntary Fiduciary Compliance Program (VFCP), Abandoned Plans, and the availability of additional resources under their compliance and enforcement programs.

Our luncheon meetings continue in October and November as follows:

**October 23<sup>rd</sup>** - Ken Guidroz, Director of Cash Balance Plans of Kravitz, will speak on "Greater Tax Savings using Cash Balance Plans in 2014 and beyond".

**November 18<sup>th</sup>** - The Internal Revenue Service will be our guest speaker. Don't miss out on the opportunity to hear what's new within their organization. More information will follow. Be sure to check your emails.

Stay tuned for additional information on our technical "Seminars on Demand" scheduled for December and March, and please refer to the remaining list of luncheon meetings on the next page for your continued education. We will send updates as they occur and you can always check our chapter website at [www.wpbcсандiego.org](http://www.wpbcсандiego.org) for more information.

The Western Benefits Conference was held in Las Vegas in July. The conference draws well known speakers from the government and private firms who present on a wide variety of retirement and benefit issues. If you missed this, hopefully you will consider attending the conference next July 19-22 in beautiful San Francisco. We will have more information for you in the coming months.

#### Table of Contents:

|                         |   |
|-------------------------|---|
| President's Message     | 1 |
| Hot Topics/Calendar     | 2 |
| Trivia and History      | 3 |
| Membership Appreciation | 4 |
| Board Members           | 5 |

As a reminder, our luncheon meetings and Seminars on Demand are eligible for the following continuing education credits:

- ASPPA
- CPA
- NIPA
- ERPA
- MCLE
- JBEA (*coming soon*)

As always, if you would like more information about our chapter, please feel free to reach out to our Chapter Administrator Lori Mason at (619) 405-3874 [info@wpbcсандiego.org](mailto:info@wpbcсандiego.org) or to me or any one of our board members. We would be more than happy to answer your questions.

---

## September 2014 Hot Topics

**Reporting of employer-provided health insurance offer and coverage.** The IRS recently released draft forms and instructions for use by providers of minimum essential health coverage to report coverage information to the IRS and furnish individual statements to individuals, as required by the Affordable Care Act. Employers will use Forms 1094-C and 1095-C to report information regarding the health coverage offered to its employees. Other coverage providers will use Forms 1094-B and 1095-B. The IRS has posted questions and answers regarding the reporting requirements on its website. The reporting requirements are first effective for coverage provided in 2015, with the first reports due in early 2016.

**DOL requests information regarding brokerage windows in participant-directed individual account retirement plans.** The Department of Labor (“DOL”) has requested information regarding standards for brokerage windows in participant-directed individual account retirement plans. The request for information includes 39 questions and covers a number of topics, including (1) the definition and scope of a plan brokerage window; (2) the characteristics of a plan’s brokerage window and its relationship with designated investment alternatives; (3) the demographics of, restrictions on, and outcomes of participation in brokerage windows; and (4) reporting of brokerage windows on Form 5500 and quarterly benefit statements. The DOL has stated that it will use the information it receives to determine whether, and to what extent, regulatory standards or other guidance concerning the use of brokerage windows by plans are necessary to protect participants’ retirement savings.

**DOL releases updated guidance on missing or unresponsive participants.** In Field Assistance Bulletin 2014-01, the Department of Labor (“DOL”) updated its guidance for fiduciaries of terminating defined contribution plans regarding missing or unresponsive participants. The new Field Assistance Bulletin replaces the DOL’s previous guidance in Field Assistance Bulletin 2004-02 and reflects the fact that both the IRS and Social Security Administration have discontinued their letter-forwarding services. The new guidance requires fiduciaries to take the following steps in their search for missing participants: (1) use certified mail, (2) check related plan and employer records, (3) check with designated beneficiary, and (4) use free electronic search tools (such as internet search engines, public record databases, obituaries, and social media). If a missing participant cannot be found, the new guidance provides that a direct rollover of the participant’s benefit into an individual retirement account is preferred. If no willing individual retirement account can be found, the DOL provides two alternatives: (1) open an interest-bearing federally-insured bank account in the name of the missing participant or (2) transfer the account balance to a state unclaimed property fund.

---

### *Our upcoming meetings*

---

|            |   |  |
|------------|---|--|
| 09/16/2014 | <i>Lunch Meeting:</i> Voluntary Fiduciary Correction Program  | Wendy Morgan, U.S. Department of Labor   |
| 10/14/2014 | <i>Lunch Meeting:</i> Greater Tax Savings using Cash Balance Plans  | Ken Guidroz, Kravitz   |
| 11/18/2014 | <i>Lunch meeting:</i> Come out and hear what’s new with the IRS   | <i>Guest speakers from the IRS</i>   |
| December   | <i>“Seminars on Demand” - Topic to be announced</i>   |  |
| 01/20/2015 | <i>Lunch meeting:</i> ERISA Litigation and Washington Update  | Jamie Fleckner, Partner with Goodwin Proctor’s ERISA Litigation Practice in Boston |
| 02/17/2015 | <i>Lunch meeting:</i> Health and Welfare  | Magan, Ray, Greenberg Traurig LLP  |
| March      | <i>“Seminars on Demand” - Topic to be announced</i>   |  |
| 04/21/2015 | <i>Lunch meeting:</i> Does our Employee Benefit Plan benefit more Employees than you thought it did? Application of the Controlled and Affiliated Service Group Rules | Brian Katusian, Associate with Seltzer Caplan McMahon Vitek                        |

---

---

# Happy Birthday ERISA!!!



**Q:** What date was ERISA signed into law?

A: Labor Day, September 2, 1974

**Q:** Which President signed into law the Employee Retirement Security Act (ERISA)?

A: President Gerald Ford

**Q:** Why was ERISA signed into law?

A: To protect the pension benefits of employees from abuse by employers

**Q:** What did ERISA do?

A: Created the Pension Benefit Guaranty Corporation (PBGC) and expanded the government's role in regulating private sector retirement plans. Through the Employee Benefits Security Administration (EBSA), the Department of Labor is responsible for reporting and disclosures and duties of fiduciaries. The Internal Revenue Service (IRS) is responsible for participation, funding and vesting rules. The Pension Benefit Guaranty Corporation (PBGC) is responsible for providing insurance to protect the benefit promises to plan participants by plan sponsors of defined benefit plans.

## **Other famous birthdays on Sep. 2nd**

- ◆ Actor Mark Harmon
- ◆ Actress Salma Hayek

## **Did you know?**

- ◆ In 1875 the American Express Company established the first private pension plan in the United States.
- ◆ In 1935 President Franklin D. Roosevelt signed the Social Security Act.

**June 16th**  
**Membership Appreciation Night at the Padres..... What a great night.....**



---

## San Diego Chapter Board

---

### **Board Members**

Ronnie Davenport, President—OneAmerica Retirement Services, LLC  
Andrew Gregor, President-Elect—Foley & Lardner LLP  
Elizabeth Van Clief, Secretary—Butterfield Schechter & Van Clief, LLP  
Barbara Connell, Treasurer—Atéssa Benefits, Inc.  
Denise C. Mehus, Past-President—First American Trust, FSB

### **Programs Committee**

Eva Ayala—OneAmerica Retirement Services, LLC

Kristi Olivas—Buck Consultants (First Year) - Kristi is a Director & Consulting Actuary in the Health & Productivity Department of Buck Consultants. She has over 20 years providing health care and actuarial consulting to employer groups, plan sponsors, insurance companies and provider groups. Kristi is a Fellow in the Society of Actuaries, a Member of the American Academy of Actuaries, and a Fellow in the Conference of Consulting Actuaries. She belongs to the SOA Health Section and Entrepreneurial Actuarial Section. She also belongs to the Health Care Reform Committee of the CCA.

Teena Sarkissian—Nyhart Epler (First Year) - Teena Sarkissian has more than 20 years of experience working with clients of all sizes. As an actuary and plan design consultant, she is responsible for all aspects of defined benefit and defined contribution administration for many of Nyhart's West Coast clients. Nyhart clients turn to Teena for advice on matters of plan asset review, compliance testing, actuarial valuations, balance forward allocations, special studies, VCP submissions, annual filings for the Internal Revenue Services (IRS) and Pension Benefit Guaranty Corporation (PBGC), and the design and preparation of plan documents. In addition to her active involvement within the actuarial community, Teena is currently serving a 3-year term in the Pacific Coast Area TE/GE council which meets with agents of the IRS and DOL several times a year.

### **Publicity Committee**

Missy Groh, Publicity—Wells Fargo Institutional Ret. & Trust

Sarah Rodgers, Publicity—Means & Associates, LLC (First Year) - Sarah is a Senior Retirement Plan Consultant at Means & Associates, LLC. She joined Means in 2006 and primarily works on 401(k) plans focusing on large plan filers, controlled groups, plan mergers due to business acquisitions, and both ERISA and non-ERISA tribal plans. Sarah has been working in the retirement plan industry for 14 years. She is currently a member of the American Society of Pension Professions and Actuaries (ASPPA) and holds the designations of Qualified Pension Administrator (QPA) and Qualified 401(k) Administrator (QKA) as well as serving as a member of the ASPPA Government Affairs 401(k) Sub-committee.

### **Membership Committee**

Peggy Haflinger, Membership—Haflinger & Associates, CPA's  
Scott Ann Setzer, Membership—Polycomp Administrative Services, Inc.

Lori Foresz, Membership—AKT Retirement Plan Services (First Year) - Lori is a senior administrator in the compliance group at AKT Retirement Plan Services. Lori has over 25 years of experience focused specifically on compliance and administration for qualified retirement and non-profit 457 plans. Lori began her career at KPMG after graduating from UC Santa Barbara and joined AKT Retirement Plan Services in 2003. She has experience working with many types of plans, including defined benefit/defined contribution combination plans and employee stock ownership plans. Lori enjoys helping clients better understand their existing retirement plans as well as design and implement new plans.

### **Chapter Administrator**

Lori J. Mason—Wells Fargo Institutional Ret. & Trust  
Western Pension & Benefits Council, San Diego Chapter  
P.O. Box 600302  
San Diego, CA 92160-0302  
[info@wbcsandiego.org](mailto:info@wbcsandiego.org)  
(619) 405-3874  
[www.wpbcsandiego.org](http://www.wpbcsandiego.org)  
EIN: 95-3864207