

**U.S. Department of Labor**

Employee Benefits Security Administration  
Los Angeles Regional Office  
1055 East Colorado Boulevard, Suite 200  
Pasadena, California 91106-2357  
Telephone: (626) 229-1000  
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Reply to the Attention of: Case No. [REDACTED]  
[REDACTED] -EBSA, Investigator  
Direct Dial: [REDACTED]

**VIA U.S. MAIL and E-MAIL**

[REDACTED]

[REDACTED]

[REDACTED]

Re [REDACTED]  
[REDACTED]

Dear [REDACTED]:

The Department of Labor has responsibility for administration and enforcement of Title I of the Employee Retirement Income Security Act of 1974 (ERISA). Title I establishes standards governing the operation of employee benefit plans and the conduct of fiduciaries with respect to plans such as the [REDACTED]

The Plan is scheduled for review by this office. Investigative authority is vested in the Secretary of Labor by Section 504 of ERISA, 29 U.S.C. §1134, which states in part: "The Secretary shall have the power, in order to determine whether any person has violated or is about to violate any provision of this title or any regulation or order thereunder ... to make an investigation, and in connection therewith to require the submission of reports, books, and records, and the filing of data in support of any information required to be filed with the Secretary under this title ...."

As we discussed, the Plan has been selected for a limited review, and [REDACTED] was arranged as the date and time for the initial meeting. Our investigation will consist primarily of an on-site examination of Plan records for the period January 1, 2007 through the present date.

In order to facilitate the investigation, we have attached a list of documents that should be available for our inspection and retention at the time of the scheduled meeting. **We would appreciate having copies of the documents described below available at the commencement of the review and for retention in our files.** Please note that this document request is not all-inclusive, and we may need to review other documents as warranted.

[REDACTED]

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Thank you in advance for your cooperation. Should you have any questions, feel free to contact me at [REDACTED]

Sincerely,

[REDACTED], Investigator

Enclosure

[REDACTED]

ATTACHMENT "A"

PLEASE HAVE THE FOLLOWING ITEMS AVAILABLE FOR **REVIEW AND RETENTION**

**Note: Unless otherwise specified, the documents to be provided should include those covering the entire period under review — January 1, 2007, through to the present date.**

1. Plan document, Adoption Agreement, Trust Agreement, and all amendments  
(Note: Please include copies of the signed signature pages for each of the documents.)
2. Any written policy statements, guidelines, or other documents governing or concerning the operation or administration of the Plan (e.g., Plan Investment Policy, Participant Loan Policy, etc.)
3. Summary Plan Description, and all modifications
4. Most recent IRS Determination Letter
5. Fidelity bond (**current** and **complete copy**), if any, including the declarations page and any riders/endorsements identifying the Plan as a named insured and specifying the amount of coverage, the period covered, and the name of the surety company
6. Fiduciary liability insurance policy (**current** and **complete copy**), if any
7. List of Plan managers, trustees, and members of any administrative committees, along with owners of the Plan sponsor, including titles, responsibilities, and contact information
8. List of service providers (including titles and responsibilities), together with applicable contracts, agreements, management letters, and fee schedules, and points of contact information
9. Annual reports (Forms 5500 or 5500-C/R) with signed signature pages, together with all attachments, including (if applicable) the accountant's opinions, financial statements, notes to the financial statements, and management letters
10. Summary Annual Reports
11. Most recent Annual Reports (Forms 5500 or 5500-C/R) for all other sponsored plans (health, pension, benefits, etc.)
12. Most recent internal balance sheet (statement of assets and liabilities) for the Plan, including descriptions of all assets held and their locations; e.g., name of investment company, financial institution, etc., where trust assets are deposited. There should be no category marked "other" where assets are aggregated.
13. Promissory Notes and security agreements between Plan and third parties from January 1, 2007 to present.

14. Most recent Plan valuation, including a listing of participants with social security numbers, annual account allocations, and account balances (i.e., something that has the **current** Plan balance and number of participants)
15. Schedules of Plan receipts and disbursements, including supporting documentation (account statements, check registers, canceled checks, deposit slips, wire transfer confirmations, etc.)
16. Samples of participant statements provided to participants through the last Plan year provided for individual account plans with **and** without participant directed investments. Please include a sample if a participant statement has been provided to a beneficiary, as well. For defined benefit plans, please provide samples from the last year provided.
17. Plan's correspondence file (no copies required at this time; for review only)
18. Minutes of any Plan Trust or Plan Committee meetings (no copies required at this time; for review only)
19. Notices to participants regarding any blackout periods, if any.
20. If the company that sponsors the Plan has filed bankruptcy, please provide copies of the original bankruptcy filing, which would include, but is not limited to, the voluntary petition, all initial filing documents (schedules and statement of affairs), any additional initial filing documents which may have been required by the U. S. Trustee and any copies of interim statements and operating reports, a current list of creditors with respect to the bankruptcy, and the Plan of Reorganization
21. If there are employee contributions to the Plan, documents that show employee contributions due and made to the Plan for each pay date for the period indicated; January 1, 2006 through the present. These documents should include:
  - A. A payroll **summary** or register showing **an** employee contributions (payroll deductions, loan repayments, etc.) to the Plan **delineated by each pay period.**
  - B. Evidence of receipt of these monies by the Plan's trust. For example, acceptable evidence would be trust deposit statements and canceled checks with corresponding bank statements. Note: If monies deposited include employer contributions, please indicate the amounts for each period.

The purpose of this is to be able to correlate deducted amounts to deposited amounts. Often it is easiest to expedite the review process if a spreadsheet of the amounts is provided along with the backup documents.

22. If employee contributions to the Plan have been 30 days or more in arrears at any time since the Plan's inception, please provide a schedule or documentation of the delinquent contributions and actions undertaken to correct this situation.
23. Summary of Plan investments with corresponding annual rates of return for each investment for the period indicated, delineated by Plan year, and separated by quarter. (Note: The Fund Custodian can usually accomplish and provide this item easily.)
24. Signature cards from bank accounts from which employee deductions are sent.

25. Sample of documentation for loans secured by the vested interest of individual Plan participants. (including application forms, promissory note, amortization schedule, withholding authorization if applicable).
26. For all investments that are not strictly mutual funds, all supporting documents pertaining to Plan investments held or acquired (including but not limited to the following), including information pertaining to the investment decision-making process such as feasibility studies and investment advisor reports:
  - a. Bank statements, including certificates of deposit
  - b. Stock certificates, brokerage account transaction statements, mutual fund statements (and prospectuses) with the most recent financial report, or other indicia of ownership for Plan investments
  - c. Insurance contracts and statements showing current values of contract
  - d. Asset appraisals
  - e. For all loans, other than loans secured by the vested interest of individual Plan participants:
    - i. Promissory note
    - ii. Loan application, agreement (including modifications), guarantees, extensions, etc. (include all supporting documentation)
    - iii. Loan underwriting file (including credit reports)
    - iv. Documents evidencing the details of the loan transaction, including whether the borrower is a business or entity other than an individual, documents identifying the type of entity and its owners, officers and directors (where applicable), the borrower's relationship to the Plan or any parties in interest thereof (if applicable)
    - v. Loan amortization / repayment schedule
    - vi. Identification of collateral, if any, together with all applicable recorded documents (security agreements, deeds of trust, UCC-1 filings, etc.)
  - f. For all property, including land, buildings, equipment, motor vehicles, coins, etc. held by the Plan during any portion of the period under review:
    - i. Description of property, including location with street address where applicable
    - ii. Acquisition date and details of acquisition, including identity of seller and the seller's relationship to the Plan, the terms of purchase, appraisal and title policy, grant deed or other indicia of ownership, if applicable
    - iii. Value at acquisition and current market value, including any reports, studies, analyses, or appraisals performed or obtained during the period under review relating to the value of the property or to the use (or prospective use) of the property
    - iv. Information on debt financing, including identity of lender, amount financed, interest rate, payment terms and current balance (or date paid in full)
    - v. An explanation of the use made of property, if any, and by whom
    - vi. Sources and amounts of income for any income-producing property, including leases or other applicable documents evidencing the selection process for obtaining tenants
    - vii. Documents evidencing the details of the disposition of the property, including the date, amount and terms of sale / transfer (value received, financing, etc.), fees or commissions paid in connection with the sale / transfer of the property , and

documents identifying the purchaser and the purchaser's relationship to the Plan or any parties in interest thereof (if applicable)

- g. For any partnership or limited partnership investment:
  - i. Partnership Agreement and offering circular
  - ii. Most recent Schedule K-1 (Form 1065) and current market value
  - iii. Most recent partnership financial statement