



2018 ASPPA Eastern Regional Conference:

P H I L A D E L P H I A





2018 EASTERN REGIONAL CONFERENCE COMMITTEE

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Craig Hoffman, Esq., APM, General Counsel, American Retirement Association

AGENDA

THURSDAY, APRIL 26, 2018

7:00 a.m. – 8:00 a.m.

REGISTRATION AND BREAKFAST

8:00 a.m. – 8:15 a.m.

WELCOME & INTRODUCTIONS

8:15 a.m. – 9:30 a.m.

GENERAL SESSION 1: WASHINGTON UPDATE

| CE: ASPPA, ERPA, JBEA Core

Events in Washington continue to significantly affect retirement plans. The enactment of the Tax Cuts and Jobs Act means changes to the qualified plan rules. That, in turn will require implementing guidance from the IRS. With new leadership in place at the Department of Labor, several regulatory initiatives are expected to be moving forward in 2018. And Congress is still considering various “pension reform” proposals. After attending this session, attendees will be able to:

- Understand how tax reform will impact qualified retirement plans;
- Identify the latest pension reform proposals; and
- Prepare for upcoming regulatory initiatives.

Craig P. Hoffman, Esq., APM, General Counsel, American Retirement Association

9:30 a.m. – 9:45 a.m.

BREAK

9:45 a.m. – 11:00 a.m.

GENERAL SESSION 2: IRS UPDATE

| CE: ASPPA, ERPA, JBEA Non-Core

Donald J. Kieffer, Jr., Tax Law Specialist, Internal Revenue Service, TE/GE



11:00 a.m. – 12:15 p.m.

GENERAL SESSION 3: DOL UPDATE
| CE: ASPPA, ERPA, JBEA Non-Core

*Joe Canary, Deputy Director of Regulations and Interpretations,
United States Department of Labor (Invited)*

12:15 p.m. – 1:05 p.m.

LUNCH BUFFET

1:05 p.m. – 2:20 p.m.

CONCURRENT WORKSHOPS

**WORKSHOP 1: RETIREMENT PLAN ELIGIBILITY,
SUITABILITY, AND TAX ISSUES FOR PEOPLE
WHO LIVE OR WORK BEYOND THE UNITED
STATES.**

| CE: ASPPA, ERPA, JBEA Non-Core

Do you know whether your client has workers who are not U.S. citizens? What if an employee is a Canadian citizen who lives in Canada but crosses the border every day for work; is she eligible for the 401(k) plan? And if she does, will the contributions and retirement savings be double-taxed? What about a Canadian citizen who lives and works in the U.S.; even if he's eligible for the 401(k) or 403(b) plan, is it tax-wise for him to make voluntary contributions? What about your client's new employee whose previous jobs were in Australia and England; is she permitted to rollover her retirement savings from plans in those nations into the U.S. employer's plan. What about your client's manager who supervises services in India; is it appropriate to cover him in the U.S. retirement plan? After attending this session, attendees will be able to:

- Learn a framework for confidently approaching these and more international issues.
- Learn how to handle the issues and communications without rendering tax advice you're not licensed to give.

David W. Powell, Principal, Groom Law Group

**WORKSHOP 2: ESOPS – TO USE, OR NOT TO
USE, THAT IS THE QUESTION**

| CE: ASPPA, ERPA, JBEA Non-Core

ESOPs can offer significant tax and succession planning benefits. They are also prized as the ultimate in employee motivation as they make the employee into a vested owner of the

company. We will examine the key features and considerations as well as instances where ESOPs make sense. Learn what factors about the employer, owners and business timeline make it attractive to use an ESOP. Upon completion of the session, the attendee will be able to:

- Determine whether an ESOP is appropriate to accomplish a client's goals;
- Explain the succession and tax planning opportunity
- Discuss administrative considerations; and
- Outline steps to implement an ESOP

John N. Vitucci, Principal, PKF O'Connor Davies

2:20 p.m. – 2:30 p.m.

BREAK

2:30 p.m. – 3:45 p.m.

CONCURRENT WORKSHOPS

**WORKSHOP 3: LET'S GO CRAZY WITH
ADVANCED 401(k) PLAN DESIGN**

| CE: ASPPA, ERPA, JBEA Core

This workshop is aimed toward experienced practitioners and will focus on plan designs that can maximize contributions to small business owners. The session will use case studies to demonstrate the advanced compliance testing (§410(b) coverage testing and §401(a)(4) nondiscrimination testing) involved in these plan designs. The session learning objectives include understanding:

- The methods of satisfying §410(b) coverage testing;
- The steps involved in cross-testing; and
- When and how to perform compensation testing.

Kevin J. Donovan, MSPA, President, Pinnacle Plan Design, LLC

**WORKSHOP 4: WHAT TPAS CAN LEARN FROM
ERISA LITIGATION**

| CE: ASPPA, ERPA, JBEA Core

Even if you're sure you'll never be sued, litigation other retirement-services providers suffered illustrates ways to improve and protect your business. This session's learning objectives include understanding:



- How to avoid fiduciary responsibility for suggesting investment-menu choices.
- How to avoid getting sued when an employer didn't pay contributions.
- How to use a contractual statute of limitations to "put a period behind" your liability exposures.
- How to use an exclusive-venue clause to get your "home-court" advantage.
- How to use Form 5500 to limit lawsuits against, and investigations of, the plan's sponsor (and so cut off problems that would drag in your TPA).

Matthew I. Whitehorn, Attorney, Dilworth Paxson LLP

3:45 p.m. – 4:00 p.m.

■ BREAK

4:00 p.m. – 5:15 p.m.

■ CONCURRENT WORKSHOPS

■ WORKSHOP 5: DB PLANS 101
| CE: ASPPA, ERPA, JBEA Core

This workshop is aimed toward DC plan practitioners who want to understand the basic concepts of DB plans. The session will explain the fundamental similarities and differences between DB and DC plans. The session learning objectives include understanding:

- The qualified plan concepts that apply to both DC and DB plans;
- The concept of accrued benefits under a DB plan; and
- Various types of DB plans and benefit formulas including hybrid plans.

Kevin J. Donovan, MSPA, President, Pinnacle Plan Design, LLC

■ WORKSHOP 6: EMPLOYEES, QUASI-EMPLOYEES AND NON-EMPLOYEES: WHO ARE YOU AND WHAT ARE YOU DOING IN MY PLAN?
| CE: ASPPA, ERPA, JBEA Core

One would think that the concept of an "employee" is fairly straightforward, but as anyone who has attempted to administer a plan knows, it is not. This session will explore the practical issues arising in determining the proper classification of individuals who may be covered by a plan, who must be, and

who may not be. Among the topics explored will be leased employees and employees of PEOs, employees of related entities, LLC members (sometimes receiving W-2s in addition to K-1s), part-time, temporary and seasonal employees, and excludible employees. Attendees will learn:

- How to identify employees who are, and are not, covered by the terms of the document.
- How to identify excludible employees and determine how they are treated under the plan.
- How to use employee classifications to achieve optimal results in plan design.

Robert M. Kaplan, CPC, QPA, Director of Technical Education, American Retirement Association

5:15 p.m. – 6:15 p.m.

■ NETWORKING RECEPTION

FRIDAY, APRIL 27, 2018

7:00 a.m. – 8:00 a.m.

■ BREAKFAST

8:00 a.m. – 9:40 a.m.

■ GENERAL SESSION 4: ETHICS – CASE STUDIES FOR PENSION PROFESSIONALS
| CE: ASPPA Ethics, ERPA Ethics, JBEA Core, JBEA Ethics

ASPPA members (and other members of the American Retirement Association) are subject to an ethical code of professional conduct. Pension Professionals who interact with the IRS are also subject to the requirements of Circular 230. This session will provide a brief overview of the ARA Code of Professional Conduct (CPC) and how it relates to Circular 230. In addition, real life case studies will be presented that you will have an opportunity to discuss with other attendees, and decide if and how the CPC applies to it. As an attendee you will:

- Gain a deeper understanding of the ARA Code of Professional Conduct and the IRS Circular 230
- Be presented with scenarios that raise ethical concerns and discuss how to deal with them
- Takeaway some ideas for recognizing situations that should cause concern for practitioners



Robert M. Kaplan, CPC, QPA, Director of Technical Education, American Retirement Association

Ilene H. Ferenczy, Esq, CPC, Attorney, Ferenczy Benefits Law Center, LLP

9:40 a.m. – 9:55 a.m.

■ BREAK

11:20 a.m. – 12:15 p.m.

■ LUNCH BUFFET

9:55 a.m. – 11:10 a.m.

■ CONCURRENT WORKSHOPS

12:15 p.m. – 1:30 p.m.

■ CONCURRENT WORKSHOPS

WORKSHOP 7: HOW HAS THE FIDUCIARY RULE CHANGED RETIREMENT SERVICES?

| CE: ASPPA, ERPA, JBEA Core

Despite a loop of politics and lobbying, the Labor department’s investment-advice fiduciary rule is law—it became effective April 2016, and became applicable June 9, 2017. Although some conditions of some prohibited-transactions exemptions are excused through June 2019, many compliance steps are not excused. And the rule has resulted in many new services and new ways of doing business. The session learning objectives include understanding:

- Which provisions and disclosures are not delayed;
- Understanding why the relaxation of some conditions increases the burdens of plan sponsor fiduciaries, especially for smaller plans;
- Learning how to optimize your services.

Peter Gulia, Attorney, Fiduciary Guidance Counsel

WORKSHOP 8: MERGERS AND ACQUISITIONS – AND HOW THE PLAN IS ALWAYS THE FORGOTTEN STEPCHILD IN THE TRANSACTION

| CE: ASPPA, ERPA, JBEA Core

Do the issues that arise when one company acquires another continue to confuse and frustrate you? Does the mere mention of “410(b) (6) employees” cause your blood pressure to rise? Do you think M&A is really a pain in the A? This will be a discussion of not just what the rules are, but the nuts and bolts of dealing with them. After attending this session, attendees will be able to:

- Distinguish between the different M&A transaction structures;
- Know how to review M&A situations;
- Understand the basic issues that arise;
- Evaluate what happens in the plan after the transaction.

WORKSHOP 9: PLAYING NICE IN THE SANDBOX - HOW CAN INVESTMENT ADVISORS, AUDITORS AND TPAS WORK BETTER TOGETHER

| CE: ASPPA, ERPA, JBEA Non-Core

This panel discussion will explore the respective roles of the TPA, financial advisor and auditor in providing services to the client, and the best practices in avoiding conflict and frustration that arises when each perceives the others as overstepping their boundaries in the course of carrying out their responsibilities. Learning objectives include:

- How the various plan service providers can work together in the client’s best interests.
- What issues arise in the course of the annual audit of the plan, how they should be addressed and by whom.
- How proposed plan design changes must be addressed to satisfy client objectives with a minimum of disruption.

*Andrew Dugery, Consultant, Wealth Advisory Group, Inc.
Maria T. Hurd, Director- Retirement Plan Audit Services, Belfint, Lyons & Shuman, PA
James R. Nolan, QPA, Chairman of the Board, The Nolan Company*

WORKSHOP 10: CORRECTING 401(k) AND 403(b) PLAN ERRORS

| CE: ASPPA, ERPA, JBEA Non-Core

This workshop will help practitioners identify plan failures and determine the appropriate correction. The session will use examples to explain plan corrections using the guidance in EPCRS. The session learning objectives include understanding:

- The latest changes to the EPCRS;
- Best practices for plan corrections; and
- Communicating plan corrections to clients.

Ilene H. Ferenczy, Esq, CPC, Attorney, Ferenczy Benefits Law Center, LLP



1:30 p.m. – 1:45 p.m.

■ **BREAK**

1:45 p.m. – 3:00 p.m.

■ **GENERAL SESSION 5: ASK THE EXPERTS**

| **CE: ASPPA, ERPA, JBEA Non-Core**

Ilene H. Ferenczy, Esq, CPC, Attorney, Ferenczy Benefits Law Center, LLP

Peter Gulia, Attorney, Fiduciary Guidance Counsel

Craig P. Hoffman, Esq., APM, General Counsel, American Retirement Association

Robert M. Kaplan, CPC, QPA, Director of Technical Education, American Retirement Association

James R. Nolan, QPA, Chairman of the Board, The Nolan Company

3:00 p.m.

■ **CONFERENCE ADJOURNS**

CONTINUING EDUCATION INFORMATION

■ **ASPPA MEMBERS**

This conference offers up to 15.5 hours of ASPPA CE credits, including 2 ethics credits.

■ **ATTORNEYS**

Approved: California

■ **ACCOUNTANTS**

This conference is a “group-live” event and will grant a total of 15.5 CE credits.

The American Society of Pension Professionals & Actuaries (ASPPA) is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing education on the National Registry of CE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CE Sponsors through its website: www.learningmarket.org.

■ **ENROLLED ACTUARIES (JBEA)**

The conference is designed to provide up to 15.5 Formal JBEA credits, including 2 Ethics credits, with core and non-core sessions offered. The final decision as to the number of JBEA credits rests solely with the Joint Board for the Enrollment of Actuaries (JBEA).

■ **ENROLLED RETIREMENT PLAN AGENTS (ERPA)**

This conference qualifies for up to 15 ERPA credits, including 2 ERPA Ethics credits. The final decision as to the number of ERPA credits rests solely with the Internal Revenue Service.



■ CONTINUING EDUCATION CREDIT APPROVAL

For other types of continuing education credit, including CLE, CE or state insurance credit, please [click here](#) to submit by March 26, 2018 to submit your request for pre-approval. ASPPA staff will apply for advance approval of the program if the application process and filing fees are not prohibitive.

Please check the website periodically for updates. We will post approved credit and credit applied for as it is available.

GENERAL CONFERENCE INFORMATION

■ CONFIRMATION

All attendees will receive an electronic confirmation sent to the email address listed on the registration form. This confirmation/receipt verifies your address information, the event(s) you have signed up for and how much you have paid. Attendees are urged to review their confirmation and print for their records. If you have not received your confirmation within three weeks of registering, please contact the American Retirement Association Customer Care department at customer care@usaretirement.org.

■ BADGES

Attendees registering in advance may pick up their badge and on-site materials at the Registration Desk during conference hours. If you do not check in at the Registration Desk to pick up your badge, you will be deemed a no-show and continuing education credit will not be issued. No refunds will be given for no-shows. Attendees will not be allowed to pick up other attendee badges/materials.

■ DRESS CODE

Attire at the conference is business casual. Feel free to be comfortable in slacks, polo shirts, sweaters, blazers and blouses. Remember that hotel meeting rooms tend to be cool, so be sure to bring a sweater or light jacket.

■ DISCLAIMER

The statements and materials presented at ASPPA conferences are solely the opinions of the speaker and do not represent the opinion or position of ASPPA. ASPPA assumes no responsibility for the content of the statements and materials presented by speakers at ASPPA conferences.

■ QUESTIONS

If you have any questions, contact the American Retirement Association Conferences department at 703.516.9300 or email us at customer care@usaretirement.org.



ASPPA

Making Retirement Plans Work

A Part of the American Retirement Association