

News Release



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U. S. Department of Labor Obtains Judgment Appointing Trustee for Ohio 401(k) Plan

CINCINNATI -- The U.S. Department of Labor obtained a consent judgment and order that appoints Anthony Troehler of St. Augustine, Fla., as the trustee of the retirement savings plan of Cincinnati-based CFC Interiors, Inc. The trustee will distribute the pension assets to participants and terminate the plan.

“The department took actions to protect the retirement benefits of these workers,” said Joseph Menez, director of the department’s Cincinnati regional office of the Employee Benefits Security Administration (EBSA), which investigated the case.

A lawsuit filed simultaneously with the judgment alleges Kenneth M. Suttles, the former owner of the company and trustee of the 401(k), served as a plan fiduciary despite being criminally indicted. Suttles’ criminal conviction prohibits him from serving as a fiduciary or a service provider to an employee benefit plan governed by the Employee Retirement Income Security Act. The defendant had been indicted for embezzling, stealing and converting \$87,892 of participants’ money for his personal use in November 2002. Suttles pled guilty to theft in September 2003, and subsequently made restitution to the plan.

CFC Interiors, Inc., which sold and installed commercial and industrial floor coverings, has ceased operations. The company’s 401(k) plan was established in November 1994. As of December 2003, the plan had six participants and held approximately \$88,300 in assets.

The Labor Department actions were filed in federal district court in Cincinnati. In fiscal year 2003, EBSA achieved record monetary results of \$1.4 billion related to the pension, 401(k), health and other benefits of millions of American workers and their families.

Employers and workers can reach EBSA’s Cincinnati regional office at (859) 578-4680 or through EBSA’s toll-free number, **1-866-444-EBSA (3272)**, for help with problems relating to private-sector retirement and health plans.

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(Chao v. Suttles)
Civil Action No. 1:04-CV-00382-SAS

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