

# News Release



U.S. Department of Labor  
Office of Public Affairs  
Washington, D.C.  
Release Number 04-812-ATL

For Immediate Release  
Date: May 6, 2004  
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## **U.S. Labor Department Obtains Judgment Against Florida Dentist And Medical Practice to Restore Retirement Assets**

**MIAMI**--The U. S. Department of Labor has obtained a default judgment requiring a Bay Harbor Islands, Fla., dentist and the Morton Rosenbluth, D.D.S., Professional Association to repay \$205,787 as restitution for diverting plan assets of the association's money purchase and profit sharing plans to pay federal income taxes and penalties they owed the U.S. federal government.

"The defendants diverted plan assets for their personal gain, which this department will not tolerate," said Secretary of Labor Elaine L. Chao. "This case sends a clear message that this administration will aggressively enforce the law to protect workers' benefits."

The association also must pay mandatory employer contributions owed to the money purchase plan for the years Sept. 30 1999 through Sept. 30, 2002. Dr. Rosenbluth also is barred from service to any plan governed by the Employee Retirement Income Security Act (ERISA).

On June 19, 2003, the department sued Dr. Rosenbluth for violating his duties as an ERISA plan trustee. He allegedly transferred assets of the plans to pay personal and corporate taxes and penalties owed to the Internal Revenue Service. Rosenbluth also allegedly failed to allocate any of the profit sharing plan assets to five eligible participants and to make mandatory employer contributions owed to the money purchase plan from 1999 through 2002.

The dental practice sponsored the retirement plans for up to eight participants and had cumulative assets of \$262,397.87, according to the latest financial information available to the department.

The judgment, entered in federal district court in Miami, resulted from an investigation conducted by the Miami district office of the department's Employee Benefits Security Administration (EBSA). Employers and workers can contact the regional office at (954) 424-4022 or EBSA's toll free number, **1-866-444-EBSA (3272)**, for help with any problems relating to private-sector pension and health plans.

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(Chao v. Dr. Morton Rosenbluth)  
Civil Action No. 03-CV-21676

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