News Release

U.S. Labor Department Sues Former Minnesota CEO
For Using 401(k) Plan Assets For Personal Use

ST. PAUL, Minn. -- The U. S. Department of Labor sued the former chief executive officer of D.B. Welliver & Co. Inc. of St. Paul, Minn., for illegally transferring assets from the company's retirement savings plan to his personal bank account.

"This action demonstrates the department's commitment to protecting the retirement benefits promised to America's workers," said Robert L. Webber, acting director of the Kansas City regional office of the department's Employee Benefits Security Administration (EBSA), which investigated the case.

The suit alleges that David B. Welliver, the plan trustee, authorized $28,750 in wire transfers from the plan to his personal bank account on May 29, June 2 and June 15, 1998, in violation of the Employee Retirement Income Security Act (ERISA).

The suit, filed in federal District Court in St. Paul, requires Welliver to restore all losses to the plan, including lost opportunity costs, and to correct the prohibited transactions. The suit also seeks to permanently bar him from serving as a fiduciary to any employee benefit plan covered by ERISA.

In a related action, the department expects to file an adversary complaint in federal Bankruptcy Court in St. Paul to prevent Welliver from discharging any debt he owes to the plan.

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 the Chicago office at (312) 353-0900 or through EBSA's toll-free number, **1-866-444-EBSA (3272)**, for help with problems relating to private-sector retirement and health plans.

(Chao v. Welliver)
Civil Action No. 04-2762
Adversary Complaint No. 98-34454