

News Release



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Minnesota Engineering Firm and Owners Ordered to Repay More Than \$13,000 to 401(k) Plan

MINNEAPOLIS, Minn. – The U.S. Department of Labor today obtained a consent judgment and order requiring Accutech Mold & Engineering, Inc., Little Falls, Minn., and its owners to pay \$13,199 to the company's SIMPLE IRA Plan as restitution for failing to timely forward employee contributions to the plan.

The judgment also requires Michael Rutten and Heather Rutten to credit the restitution to the accounts of existing participants and to make additional payments to individuals who have received their plan account balances. The plan covered as many as 10 participants and had \$7,402 in assets as of Nov. 13, 2000.

“The Department of Labor will aggressively enforce the law to protect the retirement funds of this nation’s hardworking men and women,” said Steven Eischen, director of the Kansas City regional office of the Employee Benefits Security Administration (EBSA). “Our legal action will ensure that these workers receive future benefits owed to them.”

On Oct. 21, 2004, the Labor Department sued the company and its owners for violating the Employee Retirement Income Security Act (ERISA) by failing to forward employee contributions from October 2000, to November 2001. Accutech Engineering is a manufacturer of plastic injection moldings based in Little Falls, Minn.

Employers with similar problems, and who are not yet the subjects of an investigation by EBSA, may be eligible to participate in the department’s Voluntary Fiduciary Correction Program (VFCP). Participation in the VFCP requires employers to make workers whole but allows them to avoid EBSA enforcement actions and civil penalties as well as any applicable excise taxes. For more information about the VFCP, see www.dol.gov/ebsa.

The suit, filed in the federal district court in Minneapolis, resulted from an investigation conducted by EBSA’s Kansas City regional office. In fiscal year 2004, EBSA achieved record monetary results totaling \$3.1 billion for retirement, 401(k), health and other programs. Employers and workers can reach EBSA’s regional office at (816) 426-5131 or through EBSA’s toll-free number at **1-866-444-EBSA (3272)**, for help with problems relating to private-sector retirement and health plans.

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(Chao v. Accutech Mold & Engineering, Inc.)
Civil Action No. 04-CV-4566

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