

## **US Labor Department seeks to recover more than \$436,000 for 2 employee benefit plans of Columbus, Ohio-based Clark Graphics**

Article By:

U.S. Department of Labor

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### ***Suit alleges plan administrator mismanaged retirement funds***

**COLUMBUS, Ohio** – The U.S. Department of Labor has filed a complaint in federal court seeking to restore \$436,322.07 to two benefit plans of Columbus-based Clark Graphics. Based on the findings of an investigation by the department's Employee Benefits Security Administration, the lawsuit alleges that the plans' administrator, Pension Retirement Planning, along with its president, Marcia Dowdell, failed to account for money deposited to the plans in violation of the Employee Retirement Income Security Act.

Additionally, the suit alleges that the owners of Clark Graphics – Mary Clark, James Clark and Stephen Clark – failed in their fiduciary responsibilities as plan trustees by neglecting to monitor the actions of Dowdell and Pension Retirement Planning. They failed to review and reconcile account statements for EBSA Form 5500 filings, review participant distribution calculations and require Pension Retirement Planning to issue participant statements.

"Our legal action underscores the Labor Department's commitment to hold accountable those who are entrusted with the assets of workers' retirement plans," said EBSA Assistant Secretary Phyllis C. Borzi. "We will continue to help workers obtain their rightful benefits when plan fiduciaries violate the law."

Specifically, the suit alleges that Dowdell failed to account for \$326,147.22 out of more than \$1.1 million that was transferred into a trust account maintained by Pension Retirement Planning on behalf of the Clark Graphics Profit Sharing Plan from May 30, 2000, to Aug. 31, 2009. Additionally, Dowdell failed to account for \$110,174.85 out of \$1 million placed by the Clark Graphics Defined Benefit Plan in the trust during the same period. Dowdell failed to maintain accurate records for participants in both plans; consequently, some participants have not received the correct retirement benefits.

The complaint seeks the restoration of all plan losses for which the defendants are liable, with appropriate interest. It also seeks to permanently enjoin all four individuals from serving as a fiduciary or service provider to any employee benefit plan subject to ERISA.

Pension Retirement Planning provided third-party record-keeping services to as many as 51 ERISA-covered pension plans during the decade leading up to 2010, when the company ceased operations.

EBSA's Cincinnati Regional Office conducted the investigation, and the case is being litigated by the Labor Department's regional solicitor in Chicago. For help with problems related to private sector retirement and health plans, employers and workers can reach EBSA's Chicago office at 312-353-0900 or toll-free at 866-444-3272. Additional information can be found at [www.dol.gov/ebsa](http://www.dol.gov/ebsa).

Solis v. Clark Graphics Inc., Mary Clark, James Clark, Stephen Clark, Marcia Dowdell, Clark Graphics Defined Benefit Plan and Clark Graphics Profit Sharing Plan  
Civil Action Number: 2:11-cv-00870

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