

O'Donnell, Ficenec, Wills & Ferdig

Certified Public Accountants

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June 8, 1993

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Steven M. Povich, C.P.A.

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Gregory A. Harr, C.P.A.
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Daniel A. Dudley, C.P.A.
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U. S. Department of Labor
Pension and Welfare Benefits
Administration
Room N-5644
200 Constitution Avenue
Washington, D. C. 20210

Gentlemen:

We are returning your form letter which is not dated but which we received in your U. S. Department of Labor envelope bearing a Washington, D. C. postmark of June 2, 1993. Attached to this form letter was our letter to the Department dated September 30, 1992 which bears your receipt mark of October 8, 1992. We are returning our letter herewith.

As a CPA firm, we cannot understand the following:

1. Why your Department did not receive our September 30, 1992 letter until October 8, 1992.
2. Why, if you took the trouble to read our letter, you did not reply to it prior to December 31, 1992 as we stated explicitly in our letter that we wanted our clients to comply with your amnesty program and to be sure they filed any forms or statements required prior to December 31, 1992.

In any event, the body of our letter contained questions we were asking in connection with various clients of ours so that we would be sure that they complied with DOL Regulation Section 2520.104-23 by December 31, 1992.

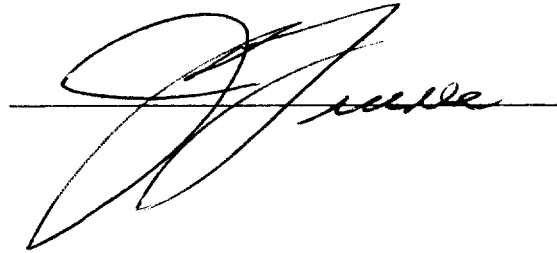
We fail to see why the Department wants our employer identification number but we wish to state that our full partnership name is reflected on our September 30, 1992 letter and our employer identification number is 47-0387937.

U. S. Department of Labor
June 8, 1993
2

As a CPA firm with numerous CPAs involved, we are all very disappointed in the way the DOL handled our correspondence when we were attempting to do everything possible to make sure that our clients complied with one of your regulations.

Very truly yours,

O'DONNELL, FICENEC, WILLS & FERDIG

A handwritten signature in black ink, appearing to read "J. Ferdig", is written over a horizontal line. The signature is stylized and cursive.

JF:nc



Dear Sir/Madam;

We are in receipt of your statement filed with the Secretary of Labor registering your deferred compensation plan (under 29 CFR 2520.104-23) for the above company.

The following information was omitted in the initial filing. Please furnish the necessary information indicated so we may complete your file.

Employer Identification Number (EIN) (9 digits) 47-0387937

Address of participating company _____

Declaration (e.g., plan is for highly compensated employee(s))

Number of employees participating in the plan(s) _____

Number of plans _____

Other: _____

If the plan has terminated, please give the date of termination: ___/___/___

Please return this letter with the appropriate items completed within 30 days to:

Pension and Welfare Benefits Administration
U.S. Department of Labor
Frances Perkins Building, Room N-5644
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Sincerely

Files and Disclosure Program Manager
Office of Program Services

Q'Donnell, Ficenec, Wills & Ferdig

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September 30, 1992

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Top Hat Plan Exemption
Pension and Welfare Benefits
Administration
Room N-5644
U. S. Department of Labor
200 Constitution Avenue
Washington, D. C. 20210

Gentlemen:

Re: Department of Labor Amnesty Program

The Federal Register Notice indicated that the U. S. Department of Labor Pension and Welfare Benefits Administration has announced that it is extending until December 31, 1992, the grace period to file overdue annual reports for 1988 and subsequent plan years.

As our firm has clients who have nonqualified deferred compensation plans, we are very interested in finding out directly from the DOL whether any of these clients are subject to DOL Reg. Sec. 2520.104-23 in that they had to file a one-time statement within 120 days of plan inception to fulfill the requirements as stipulated in this DOL Regulation and whether they were subject to the penalties for failure to file if they had not done so.

The following is a list of questions in connection with the above:

1. Would a nonqualified deferred compensation plan covering only employee owners of a corporation be subject to DOL Reg. Sec. 2520.104-23?
2. Would a nonqualified deferred compensation plan covering only one owner employee be covered by that regulation?
3. Would any penalty in connection with the failure of a plan administrator to file a one-time statement only in connection with an unqualified plan be applicable to this one-time statement? We ask this

Top Hat Plan Exemption

September 30, 1992

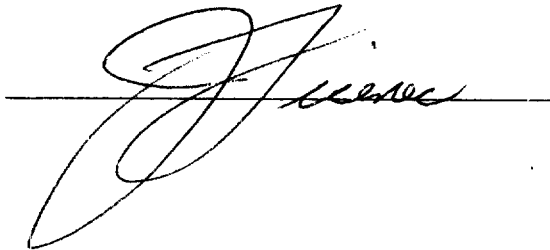
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question as in reviewing all information we have the phrase "Overdue Annual Reports" seemed to be the criteria for any penalty if said reports are not filed on time. This phrase, "Overdue Annual Reports", even appears in the latest Federal Register Notice which extends the grace period to December 31, 1992.

A prompt reply will be greatly appreciated as our firm wants to make absolutely sure that if we have any clients who must file this one-time statement by December 31, 1992 and also remit a \$1,000.00 check in order to fall under the amnesty program, they do so.

Very truly yours,

O'DONNELL, FICENEC, WILLS & FERDIG

A handwritten signature in cursive script, appearing to read "J. Ferdig", is written over a horizontal line.

JF:nc