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(13) 00447

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

SETH D. HARRIS, Acting Secretary of Labor, :
United States Department of Labor, :
 : Civil Action File
Plaintiff, :
 : No.
v. :
 :
PEOPLE OF COLOR IN CRISIS 403(B) :
RETIREMENT PLAN, :
 :
Defendant. :

COMPLAINT

Plaintiff, Seth D. Harris, Acting Secretary of Labor, United States Department of Labor (the "Secretary"), to the best of his knowledge, information and belief alleges:

1. This action arises under Title I of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §§ 1001 *et seq.*, and is brought by the Secretary against the People of Color in Crisis 403(b) Retirement Plan (the "Plan") to enjoin practices in violation of Title 1 of ERISA and to obtain such further equitable relief as may be appropriate to redress violations and to enforce the provisions of Title I of ERISA.

JURISDICTION AND PARTIES

2. The Plan is an employee pension benefit plan within the meaning of ERISA § 3(3), 29 U.S.C. § 1002(3) and is covered by ERISA, pursuant to ERISA § 4(a), 29 U.S.C. § 1003(a). The Plan was sponsored by People of Color in Crisis, Inc. ("The Company"). The Plan's last known address was 468 Bergen Street, Brooklyn, NY 11217.

3. This Court has jurisdiction over this action pursuant to ERISA §502(e)(1), 29 U.S.C. § 1132(e)(1).

4. Venue of this action lies in the Eastern District of New York pursuant to ERISA § 502(e)(2), 29 U.S.C. § 1132(e)(2), because the Plan was administered in Brooklyn, New York, within the Eastern District of New York.

5. The Secretary has the authority to bring this action pursuant to ERISA § 502(a)(5), 29 U.S.C. § 1132(a)(5).

FACTUAL ALLEGATIONS

6. The Plan was established on or about November 1, 2002 by the Company.

7. Gary English, Plan Administrator at all relevant time to this action, signed the Service Agreement with MetLife for the Plan in his capacity as Executive Director for the Plan.

8. Upon information and belief, Kevin Williams served as Operations Director for the Company and as Plan Administrator from approximately September 2007 until December 2008.

9. The Company ceased operations in December 2008.

10. Metropolitan Life Insurance Company, ("MetLife"), located at 1095 Avenue of the Americas, New York, NY 10036, is and has been the Plan Custodian at all times relevant to this action. As of September 30, 2012 MetLife has held \$39,133.41 in assets of the Plan.

11. From at least 2008, no individual or entity has come forward to assume fiduciary responsibility for the Plan or to distribute the Plan's its assets to the Plan's five participants, and there is no fiduciary actively functioning on behalf of the Plan.

12. Without a duly appointed Trustee or other fiduciary of the Plan to instruct an asset custodian to distribute the Plan's assets, the Plan's participants are unable to obtain distributions of funds from the Plan.

VIOLATION

13. By the conduct and circumstances described in paragraphs 6-12, the Plan exists without a named fiduciary and without its assets being held in trust by a trustee in violation of ERISA §§ 402 and 403, 29 U.S.C. §§ 1102 and 1103.

PRAYER FOR RELIEF

WHEREFORE, the Secretary requests that this Court enter an Order:

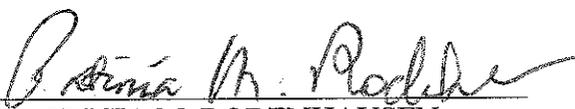
- A. Appointing an independent trustee and fiduciary to administer the Plan and distribute the Plan's assets to its participants and beneficiaries; and
- B. Ordering such further relief as is appropriate and just.

DATED: June 12, 2013
New York, NY

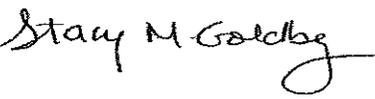
Respectfully submitted,



M. PATRICIA SMITH
Solicitor of Labor



PATRICIA M. RODENHAUSEN
Regional Solicitor



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Acting Secretary of Labor, Plaintiff

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