

The Secretary and Defendants have agreed to resolve all matters in controversy in this action between them (except for the imposition by Plaintiff of any penalty pursuant to ERISA §502(l), 29 U.S.C. §1132(l), and any proceedings related thereto), and said parties do now consent to entry of a Consent Order and Judgment by this Court.

Now, therefore, upon consideration of the record herein, and as agreed to by the parties hereto, the Court finds that it has jurisdiction to enter this Consent Order and Judgment, and being fully advised in the premises, it is

ORDERED, ADJUDGED AND DECREED that:

A. Defendants are permanently enjoined from violating the provisions of Title I of ERISA;

B. Defendants are removed from any positions that they now have as fiduciaries to the Plan;

C. Defendants are permanently enjoined from serving as fiduciaries or service-providers to any ERISA-covered employee benefit plan;

D. Defendants are jointly and severally liable to the Plan in the amount of \$83,500, for engaging in or failing to prevent or take corrective action for prohibited transactions involving the transfer of plan assets from the Plan to Orland Fasel and Margaret Fasel from December 15, 2006 to February 22, 2010.

E. In reliance on Defendants' representations, in the documents provided by each of them to the Secretary, including executed Declarations of Financial Status and their last three years of U.S. tax returns, that they are presently unable to pay the amounts owed to the Plan, the Secretary agrees to forbear immediate collection of the restitution amount referenced in paragraph D of this Consent Order and Judgment.

F. In return for the Secretary's forbearance, Defendants will provide copies of their tax filings for 2013 through 2019 within seven days of each Defendant's tax filing. In addition the Defendants will provide financial disclosure statements signed under penalty of perjury annually at the same time copies of his/her annual tax returns are due. The copies of the tax filings and financial disclosure statements shall be sent directly to the Regional Director, United States Department of Labor, Employee Benefits Security Administration, 230 S. Dearborn Street, Suite 2160, Chicago, Illinois 60604 ("Regional Director").

G. If any of the Defendant's annual income² exceeds \$60,000, he/she shall restore a percentage of his/her income, as set forth below, to the participants in the Plan, until the liability to the Plan is paid in full:

10% of all income, at such time as his/her income exceeds \$60,000, but is less than \$70,000;

20% of the portion of income that exceeds \$70,000, but less than \$90,000; and

30% of the portion of income that exceeds \$90,000.

H. If any of the Defendants receives any lump-sum award,³ he/she shall forward 100% of the award to the participants in the Plan to satisfy the amounts owed and outstanding pursuant to this Consent Order and Judgment, within 14 days of receiving the lump-sum award.

I. In restoring the amounts set forth in paragraph D, pursuant to paragraphs G and H, Defendants shall make payments to the individual Plans' participants on a pro rata basis, based on the losses set forth in Exhibit A. Payments shall be made annually on or before

² Income is defined as all income reported on IRS Form 1040/1040A (U.S. Individual Income Tax Return) before adjustments and credits.

³ The term "lump-sum award" is defined as a single payment of money, excluding salary and wages, in excess of \$5,000 received from any source, including monies received as a bonus, lottery/gambling winnings, bequests, or insurance proceeds.

December 31st of each year in which any of the Defendant's income exceeds \$60,000 or as specified in Paragraph H. Within 10 days of any payments made to participants, the responsible Defendant shall provide written proof of payment, copies of checks, and contact information for the individual participants to the Regional Director.

J. The Defendants shall exercise reasonable care and diligence to identify and locate each participant and beneficiary of the Plan who is eligible to receive a payment under the terms of this Consent Order and Judgment and to disburse to each such eligible participant or beneficiary the payment to which he or she is entitled. Defendants shall comply with the guidance in EBSA Field Assistance Bulletin 2004-02, Fiduciary Duties and Missing Participants in Terminated Defined Contribution Plans (Sept. 30, 2004) available at <http://www.dol.gov/ebsa/regs/fab2004-2.html>, in attempting to locate participants and handling missing participants.

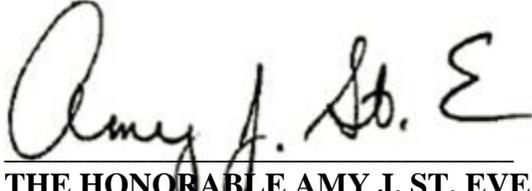
K. If the Defendants fail to comply with the requirements of this Consent Order and Judgment or if it is found that the documents they provide or have provided are incomplete or falsified, the full amount of losses owed to the Plan in paragraph D (minus any payments made by any party towards these amounts) shall immediately become due and payable together with post-judgment interest pursuant to 28 U.S.C. § 1961.

L. Nothing in this Consent Order and Judgment is binding on any government agency other than the United States Department of Labor.

M. Each party agrees to bear his own attorneys' fees, costs, and other expenses incurred by such party in connection with any stage of this proceeding to date including, but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

N. The Court retains jurisdiction for purposes of enforcing compliance with the terms of this Consent Order and Judgment.

IT IS SO ORDERED THIS 10th DAY OF SEPTEMBER, 2013.

A handwritten signature in black ink, reading "Amy J. St. Eve". The signature is written in a cursive style with a large initial "A" and a stylized "E".

**THE HONORABLE AMY J. ST. EVE
UNITED STATES DISTRICT COURT JUDGE**

The undersigned apply for and consent to the entry of this Consent Order and Judgment this 10th of September, 2013.

For the Defendants:

/s/ Bernice Fasel
Bernice Fasel

By: /s/ Edward Fasel
With: Power of Attorney

/s/ Edward Fasel
Edward Fasel

For the Secretary of Labor:

M. PATRICIA SMITH
Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor

/s/ Bruce C. Canetti
Bruce C. Canetti
Attorneys for THOMAS E. PEREZ
Secretary of Labor, Plaintiff