

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THOMAS E. PEREZ,
SECRETARY OF LABOR,
UNITED STATES
DEPARTMENT OF LABOR,

Plaintiff,

v.

FRANK ROBINO COMPANIES, LLC
MICHAEL STORTINI,
PAUL ROBINO,
BARBARA BECKER-GRAHAM,
FRANK ROBINO COMPANIES, LLC
401(K) PLAN

Defendants.

Civil No: 1:14-cv-00685-RGA

CONSENT JUDGMENT

Plaintiff, Secretary of Labor, United States Department of Labor ("Secretary"), has filed a Complaint in this action pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001 *et seq.*, alleging certain violations by Defendants Frank Robino Companies, LLC ("Frank Robino LLC"), Michael Stortini, Paul Robino and Barbara Becker-Graham. The Frank Robino Companies, LLC 401 (k) Plan (the "Plan") was joined as a party defendant under Fed. R. Civ. P. 19(a) solely to assure that complete relief could be granted.

Counsel for the Secretary has engaged in settlement discussions with defendants. The parties have agreed to resolve this case without further litigation. Frank Robino LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham waive answering the Complaint and consent to the entry of this Consent Judgment against them by this Court, the terms of which are set forth herein:

1. The Secretary's Complaint alleges that Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham violated Sections 403, 404, 405 and 406 of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1103, 1104, 1105 and 1106.

2. For purposes of this Consent Judgment, Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham admit that the Court has jurisdiction over them and the subject matter of this action.

3. The Secretary has agreed to resolve all claims against Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham for the following relief:

- a. agreement by Frank Robino, LLC, Mr. Stortini and Mr. Robino that they are liable jointly and severally to make full restitution to the Plan;
- b. waiver by Ms. Becker-Graham of her right to receive repayment of any sum owing to her Plan account;
- c. removal of Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham as Trustees of the Plan and removal of the Frank Robino, LLC as Plan Administrator;
- d. permanent injunction against Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham from serving as trustees, fiduciaries, advisors, service providers, or administrators to any employee benefit plan covered by ERISA; and

- e. payment by Frank Robino, LLC, Mr. Stortini, and Mr. Robino of the costs and expenses of an independent fiduciary to the Plan (“independent fiduciary”) who will be appointed by the Court to administer, manage and distribute Plan assets.

4. The Secretary, Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham understand and agree that entry of this Consent Judgment is without prejudice to the Secretary’s right to investigate and redress violations of ERISA, if any, not alleged in the Complaint, including the Secretary’s right to institute future enforcement actions with respect to any other such matter. It is further understood that this paragraph shall not constitute a waiver by Frank Robino, LLC, Mr. Stortini, Mr. Robino or Ms. Becker-Graham of any defenses, legal or equitable, to any such future action.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

- a. This Court has jurisdiction over this action and Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham.
- b. Frank Robino, LLC, Mr. Stortini and Mr. Robino jointly and severally shall restore \$466,945.96 to the Plan (\$393,557.14 in missing Plan assets and \$73,388.82 in lost opportunity costs) and that Frank Robino, LLC, Mr. Stortini and Mr. Robino shall further restore an amount not to exceed \$8,795.00 to the Plan for the costs and expenses of the independent fiduciary. The total amount restored to the Plan shall be \$475,740.96. Payment of \$427,551.06 shall be made no later than ten (10) days from the entry of this Consent Judgment. The balance of the restitution, \$48,189.90, shall be paid within thirty-five (35) days of the

initial payment. Pursuant to paragraphs 3(b) and 4(d), no part of the amount restored to the Plan shall be paid to Ms. Becker-Graham.

- c. In the event that Frank Robino LLC, Mr. Stortini and Mr. Robino fail to make the second restitution payment of \$48,189.90 within thirty-five (35) days after the initial payment, Ms. Becker-Graham shall restore this amount to the Plan and shall pay the independent fiduciary an additional \$5,000.00 to cover any additional independent fiduciary costs. Ms. Becker-Graham's payment shall be made no later than sixty-five (65) days after the initial payment was due.
- d. Ms. Becker-Graham is a participant in the Plan and waives her right to receive any of the restitution paid pursuant to this Consent Judgment. The Plan is deemed amended to allow waiver of any restitution owing to Ms. Becker-Graham as authorized by Section 1502 of the Taxpayer Relief Act of 1991, Pub. L. No. 105-34, § 1502, 111 Stat. 788 (1997). A copy of this Consent Judgment shall be filed with the Plan records.
- e. Ms. Becker-Graham's spouse has waived his rights to any qualified joint and survivor annuity/or qualified preretirement survivor annuity form of benefit, pursuant to Section 205 (c) of ERISA, 29 U.S.C. § 1055(c). A copy of the executed waiver is attached as Exhibit A.
- f. The following participants have signed notarized statements acknowledging prior receipt of all monies owed to each of them as a result of their participation in the Plan: Shaun Baynum, Patricia Center, Carole McCambridge, Charles Robino, Philip Robino, William Warrington and Joseph Zambanini. A copy of the

notarized statement for each of these participants is attached hereto as Exhibit B.

Further, Mr. Stortini has provided canceled checks and copies of Internal Revenue Service form 1099 representing repayments made to Eugene Chance and Jennifer Robino. Redacted copies of these documents are attached hereto as Exhibit C.

For these reasons, none of the restitution owed to the Plan as a result of this Consent Judgment shall be allocated to these nine (9) participants.

- g. If Frank Robino, LLC, Mr. Stortini, Mr. Robino or Ms. Becker-Graham file for bankruptcy in the future prior to the full payment of \$475,740.96 to the Plan, Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham will not oppose any proof of claim that the Secretary files in any future bankruptcy proceeding for any amount still owing to the Plan pursuant to this Consent Judgment, and Mr. Stortini, Mr. Robino and Ms. Becker-Graham agree that this debt is nondischargeable in any individual bankruptcy.
- h. Within thirty (30) days of making the required restitution payments, Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham shall provide written confirmation to EBSA's Regional Director at EBSA's Philadelphia Regional Office, The Curtis Center, Suite 870 West, 170 S. Independence Mall West, Philadelphia, PA 19106-3317 that the restitution required by this Consent Judgment has been made. The written confirmation shall include a copy of all bank statements, checks, IRA statements, or any other information and documents deemed necessary by EBSA to confirm compliance with this Consent Judgment.

- i. Upon receiving proof of payment of restitution, the Secretary shall assess a penalty against Frank Robino, LLC, Mr. Stortini and Mr. Robino of 20 percent of the applicable recovery amount pursuant to ERISA § 502(l), 29 U.S.C. § 1132(l). Unless they apply for a waiver, Frank Robino, LLC, Mr. Stortini and Mr. Robino shall pay any applicable penalty within ten days of receipt of the notice of assessment. If Frank Robino, LLC, Mr. Stortini and Mr. Robino apply for a waiver to reduce or eliminate the penalty amount pursuant to ERISA § 502(l)(3), 29 U.S.C. § 1132(l)(3), and are denied such waiver by the Secretary, Frank Robino, LLC, Mr. Stortini and Mr. Robino shall pay any applicable penalty amount within ten days of the Secretary's denial.
- j. In the event that Ms. Becker-Graham pays restitution under paragraph 4(c), the Secretary shall assess a penalty against her of 20 percent of the recovery amount attributable to her pursuant to ERISA § 502(l), 29 U.S.C. § 1132(l) and the penalty assessed against Frank Robino, LLC, Mr. Stortini and Mr. Robino shall be reduced accordingly. Unless she applies for a waiver, Ms. Becker-Graham shall pay any applicable penalty within ten days of receipt of the notice of assessment. If Ms. Becker-Graham applies for a waiver to reduce or eliminate the penalty amount pursuant to ERISA § 502(l)(3), 29 U.S.C. § 1132(l)(3), and is denied such waiver by the Secretary, Ms. Becker-Graham shall pay any applicable penalty amount within ten days of the Secretary's denial.
- k. Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham are removed as Trustees and fiduciaries of the Plan.

- l. Metro Benefits, Inc. is appointed as the independent fiduciary of the Plan with plenary authority over Plan administration, management and disposition of the Plan's assets, including termination of the Plan. Metro Benefits, Inc. shall be compensated for the performance of its duties and costs incurred an amount not to exceed \$13,795.00 as set forth in Exhibit D. That amount shall be paid from the Plan's assets, but Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham shall reimburse the Plan in that same amount as provided in paragraph 4(b) and (c) herein.
- m. Frank Robino, LLC, Mr. Stortini, Mr. Robino, Ms. Becker-Graham and the Plan, their agents, representatives, servants and employees and all persons acting by or under his authority shall cooperate with the independent fiduciary in the performance of its duties. Frank Robino, LLC, Mr. Stortini, Mr. Robino, Ms. Becker-Graham and the Plan shall provide their full cooperation to the independent fiduciary relative to any need for participant or financial data that may exist with regard to any record of the Plan.
- n. Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham are permanently enjoined from serving as trustees, fiduciaries, advisors, or administrators to any employee benefit plan, as that term is defined at Section 3(3) of ERISA, 29 U.S.C. § 1002(3). Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham are permanently enjoined from serving in any capacity that involves decision-making authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan.

- o. The Secretary, Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham shall each bear their own costs, expenses, and attorneys' fees incurred to date in connection with any stage of this proceeding, including but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.
- p. This Consent Judgment shall operate as a final disposition of all claims asserted by the Secretary against Frank Robino, LLC, Mr. Stortini, Mr. Robino and Ms. Becker-Graham in the Complaint.
- q. This Consent Judgment may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together shall constitute on and the same instrument.
- r. Nothing in this Consent Judgment is binding on any governmental agency other than the United States Department of Labor.
- s. This Court retains jurisdiction of this action for purposes of enforcing compliance with the terms of this Consent Judgment.

t. The Court directs the entry of this Consent Judgment as a final order.

Date: _____

Defendant Michael Stortini
waives filing an Answer and consents
to entry of this Consent Judgment

Michael Stortini

Date: _____

Defendant Paul Robino
waives filing an Answer and consents
to entry of this Consent Judgment

Paul Robino

Date: _____

Richard G. Andrews
United States District Judge

M. Patricia Smith
Solicitor of Labor

Oscar L. Hampton III
Regional Solicitor

Joanne Roskey
Regional Counsel



Jodeen M. Hobbs
Attorney

Office of the Solicitor
170 S. Independence Mall West
Suite 630 E, The Curtis Center
Philadelphia, PA 19147
(215) 861-5143

U.S. DEPARTMENT OF LABOR

t. The Court directs the entry of this Consent Judgment as a final order.

Date: _____

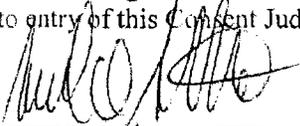
Richard G. Andrews
United States District Judge

M. Patricia Smith
Solicitor of Labor

Oscar L. Hampton III
Regional Solicitor

Joanne Roskey
Regional Counsel

Defendant Michael Stortini
waives filing an Answer and consents
to entry of this Consent Judgment



Michael Stortini

Date: 11/19/14

Jodeen M. Hobbs
Attorney

Office of the Solicitor
170 S. Independence Mall West
Suite 630 E, The Curtis Center
Philadelphia, PA 19147
(215) 861-5143

U.S. DEPARTMENT OF LABOR

Defendant Paul Robino
waives filing an Answer and consents
to entry of this Consent Judgment

Paul Robino

Date: _____

t. The Court directs the entry of this Consent Judgment as a final order.

Date: _____

Richard G. Andrews
United States District Judge

M. Patricia Smith
Solicitor of Labor

Oscar L. Hampton III
Regional Solicitor

Joanne Roskey
Regional Counsel

Defendant Michael Stortini
waives filing an Answer and consents
to entry of this Consent Judgment

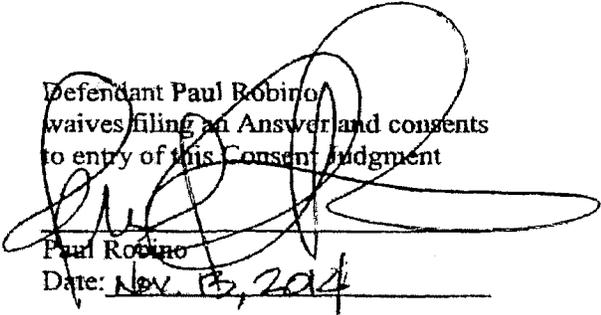
Michael Stortini
Date: _____

Jodeen M. Hobbs
Attorney

Office of the Solicitor
170 S. Independence Mall West
Suite 630 E, The Curtis Center
Philadelphia, PA 19147
(215) 861-5143

U.S. DEPARTMENT OF LABOR

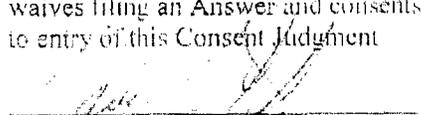
Defendant Paul Robino
waives filing an Answer and consents
to entry of this Consent Judgment



Paul Robino

Date: Nov. 13, 2014

Defendant Barbara Becker-Graham
waives filing an Answer and consents
to entry of this Consent Judgment



Barbara Becker-Graham

Date: 11-14-14

Defendant Frank Robino, LLC
waives filing an Answer and consents
to entry of this Consent Judgment

By: Michael Stortini, Managing Member

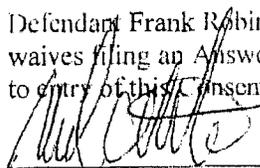
Date: _____

Michael J. Scali, Esquire
Counsel to Frank Robino, LLC

Defendant Barbara Becker-Graham
waives filing an Answer and consents
to entry of this Consent Judgment

Barbara Becker-Graham
Date: _____

Defendant Frank Robino, LLC
waives filing an Answer and consents
to entry of this Consent Judgment



By: Michael Stortini, Managing Member
Date: 11/19/14

Michael J. Scali, Esquire
Counsel to Frank Robino, LLC

Defendant Barbara Becker-Graham
waives filing an Answer and consents
to entry of this Consent Judgment

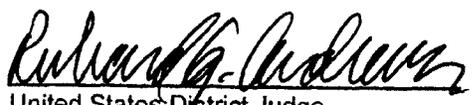
Barbara Becker-Graham
Date: _____

Defendant Frank Robino, LLC
waives filing an Answer and consents
to entry of this Consent Judgment

By: Michael Stortini, Managing Member
Date: _____



Michael J. Scali, Esquire
Counsel to Frank Robino, LLC

SO ORDERED this 18th day of Nov, 2014


United States District Judge

CONSENT OF SPOUSE TO WAIVER OF BENEFITS

Frank Robino Companies, LLC 401(k) Plan
(hereinafter, the "Plan")

I, Bobby G. Graham, declare that:

1. I am the spouse of Barbara Becker-Graham and hereby consent to my wife's waiver of restitution to the Plan consistent with the terms of the Consent Judgment that she entered into with the United States Department of Labor and that is attached hereto ("judgment amount"). I waive all rights to receive benefit payments and return of contributions from the Plan, including my interest in receiving survivorship benefits under the Plan for the judgment amount.

2. This waiver constitutes an effective waiver of any right I may have to that portion of the qualified joint and survivor annuity and/or qualified preretirement survivor annuity form of benefit, pursuant to Section 205(c) of ERISA, 29 U.S.C. § 1055(c).

Date:

9.8.14

Signature

Sworn and subscribed before me

this 8 day of September, 2014

NOTARY PUBLIC



My Commission Expires:

DOROTHY R. NOVAK
Notary Public
STATE OF DELAWARE
My Commission Expires March 7, 2015

(Knowingly and willfully making false, fictitious, or fraudulent statements to the United States Department of Labor is punishable under Title 18 § 1001, United States Code.)

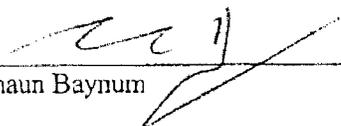


*NOTARIZED STATEMENT OF
PARTICIPATION and PAYOUT
FRANK ROBINO COMPANIES, LLC-
401(k) Plan*

I, Shaun Baynum, acknowledge payment in full on March 18, 2010 of all monies distributed to me due to my past participation in the Frank Robino Companies, LLC, 401(k) Plan. I acknowledge receipt of Internal Revenue Form 1099-R 2010 which included Federal and State withholdings. I accept full responsibility for all tax implications regarding the full payout of my account within the 401(k) Plan.

Further, I hold harmless Michael A. Stortini and Paul A. Robino as Trustees for the Frank Robino Companies, LLC, 401(k) Plan and the United States Department of Labor as it relates to my participation in the Plan and my full payout.

I acknowledge receipt of copies of the documentation regarding this transaction and have initialed each page.



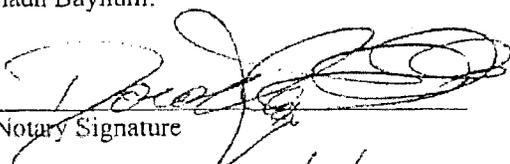
Shaun Baynum

7/30/14

Date

State of Delaware:
County of New Castle:

The foregoing instrument was acknowledged before me this 30 July, 2014 by Shaun Baynum.



Notary Signature

3/7/15

Commission Expiration

DOROTHY R. NOVAK
Notary Public
STATE OF DELAWARE
My Commission Expires March 7, 2015



*NOTARIZED STATEMENT OF
PARTICIPATION and PAYOUT
FRANK ROBINO COMPANIES, LLC-
401(k) Plan*

I, Patricia Center, acknowledge payment in full on March 30, 2012, of all monies distributed to me due to my past participation in the Frank Robino Companies, LLC, 401(k) Plan. I acknowledge receipt of Internal Revenue Form 1099-R 2012 and accept full responsibility for all tax implications regarding the full payout of my account within the 401(k) Plan.

Further, I hold harmless Michael A. Stortini and Paul A. Robino as Trustees for the Frank Robino Companies, LLC, 401(k) Plan and the United States Department of Labor as it relates to my participation in the Plan and my full payout.

I acknowledge receipt of copies of the documentation regarding this transaction and have initialed each page.

Patricia M. Center
Patricia Center

7-29-14
Date

State of Delaware:
County of New Castle:

The foregoing instrument was acknowledged before me this 29 July, 2014 by Patricia Center.

[Signature]
Notary Signature

3/7/15
Commission Expiration

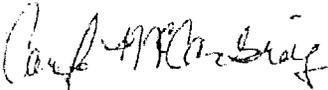
DOROTHY R. NOVAK
Notary Public
STATE OF DELAWARE
My Commission Expires March 7, 2016

**NOTARIZED STATEMENT OF
PARTICIPATION and PAYOUT
FRANK ROBINO COMPANIES, LLC-
401(k) Plan**

I, Carole McCambridge, acknowledge payment in full on April 29, 2009, of all monies distributed to me due to my past participation in the Frank Robino Companies, LLC, 401(k) Plan. My entire Frank Robino Companies LLC 401(k) account was rolled over into Robino Stortini Holdings LLC, IRA account established in my name. I acknowledge receipt of Internal Revenue Form 1099-R 2009, which was reported on my 2009 Form 1040 accordingly. In addition, I acknowledge receipt of Internal Revenue Form 1099-R 2010, which was issued in error. Further, I acknowledge and accept full responsibility for all tax implications regarding the full payout of my account within the 401(k) Plan.

Further, I hold harmless Michael A. Stortini and Paul A. Robino as Trustees for the Frank Robino Companies, LLC, 401(k) Plan and the United States Department of Labor as it relates to my participation in the Plan and my full payout.

I acknowledge receipt of copies of the documentation regarding this transaction and have initialed each page.



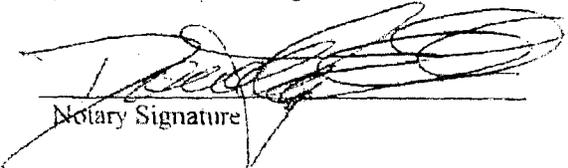
Carole McCambridge

8/5/2014

Date

State of Delaware:
County of New Castle:

The foregoing instrument was acknowledged before me this 5 . August . 2014
by Carole McCambridge.



Notary Signature

3/7/15
Commission Expiration

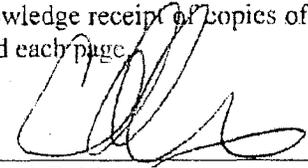
DOROTHY R. NOVAK
Notary Public
STATE OF DELAWARE
My Commission Expires March 7, 2015

**NOTARIZED STATEMENT OF
PARTICIPATION and PAYOUT
FRANK ROBINO COMPANIES, LLC-
401(k) Plan**

I, Charles J. Robino, acknowledge payment in full on May 20, 2009, of all monies distributed to me due to my past participation in the Frank Robino Companies, LLC, 401(k) Plan. I acknowledge and accept full responsibility for all tax implications regarding the full payout of my account within the 401(k) Plan.

Further, I hold harmless Michael A. Stortini and Paul A. Robino as Trustees for the Frank Robino Companies, LLC, 401(k) Plan and the United States Department of Labor as it relates to my participation in the Plan and my full payout.

I acknowledge receipt of copies of the documentation regarding this transaction and have initialed each page.



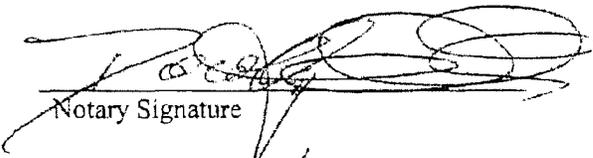
Charles J. Robino

7.24.14

Date

State of Delaware:
County of New Castle:

The foregoing instrument was acknowledged before me this 29 July, 2014 by Charles J. Robino.



Notary Signature

DOROTHY R. NOVAK
Notary Public
STATE OF DELAWARE
My Commission Expires March 7, 2018

3/7/15

Commission Expiration

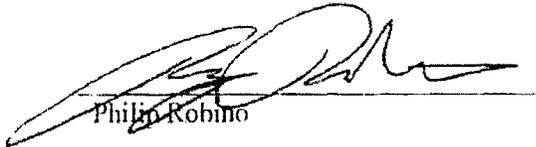


**NOTARIZED STATEMENT OF
PARTICIPATION and PAYOUT
FRANK ROBINO COMPANIES, LLC-
401(k) Plan**

I, Philip Robino, acknowledge payment in full on May 22 and June 4, 2009, of all monies due to my past participation in the Frank Robino Companies, LLC. 401(k) Plan. I instructed my father, Paul A. Robino, and Michael Stortini, to use my Frank Robino Companies, LLC 401(k) distribution dollars to pay on my behalf vendors who had performed work on a house located at 37450 Basin Road, Rehoboth Beach, Delaware that was being built for my personal use. I acknowledge and accept full responsibility for all tax implications regarding the full payout of my account within the 401(k) Plan.

Further, I hold harmless Michael A. Stortini and Paul A. Robino as Trustees for the Frank Robino Companies, LLC, 401(k) Plan and the United States Department of Labor as it relates to my participation in the Plan and my full payout.

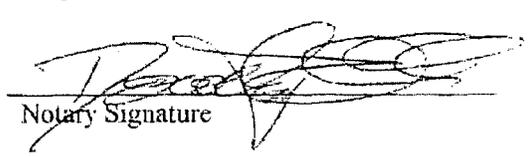
I acknowledge receipt of copies of the documentation regarding this transaction and have initialed each page.


Philip Robino

7/30/14
Date

State of Delaware:
County of New Castle:

The foregoing instrument was acknowledged before me this 30 July, 2014 by Philip Robino.


Notary Signature

DOROTHY R. NOVAK
Notary Public
STATE OF DELAWARE
My Commission Expires March 7, 2015

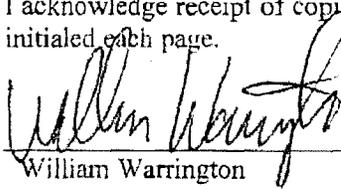
3/7/15
Commission Expiration

**NOTARIZED STATEMENT OF
PARTICIPATION and PAYOUT
FRANK ROBINO COMPANIES, LLC-
401(k) Plan**

I, William Warrington, acknowledge payment in full on July 31, 2009 of all monies distributed to me due to my past participation in the Frank Robino Companies, LLC, 401(k) Plan. I acknowledge receipt of Internal Revenue Form 1099-R 2009 which included Federal and State withholdings. I accept full responsibility for all tax implications regarding the full payout of my account within the 401(k) Plan.

Further, I hold harmless Michael A. Stortini and Paul A. Robino as Trustees for the Frank Robino Companies, LLC, 401(k) Plan and the United States Department of Labor as it relates to my participation in the Plan and my full payout.

I acknowledge receipt of copies of the documentation regarding this transaction and have initialed each page.



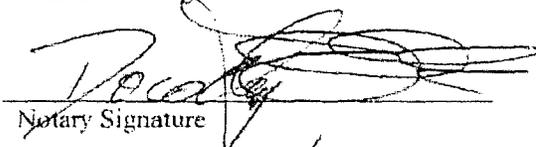
William Warrington

July 29 2014

Date

State of Delaware:
County of New Castle:

The foregoing instrument was acknowledged before me this 29 July, 2014 by William Warrington.



Notary Signature

3/7/15

Commission Expiration

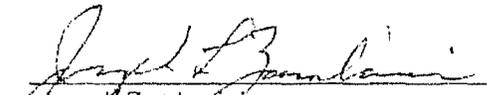
DOROTHY R. NOVAK
Notary Public
STATE OF DELAWARE
My Commission Expires March 7, 2015

**NOTARIZED STATEMENT OF
PARTICIPATION and PAYOUT
FRANK ROBINO COMPANIES, LLC-
401(k) Plan**

I, Joseph Zambanini, acknowledge payment in full on May 30, 2008, of all monies distributed to me due to my past participation in the Frank Robino Companies, LLC, 401(k) Plan. I acknowledge and accept full responsibility for all tax implications regarding the full payout of my account within the 401(k) Plan.

Further, I hold harmless Michael A. Stortini and Paul A. Robino as Trustees for the Frank Robino Companies, LLC, 401(k) Plan and the United States Department of Labor as it relates to my participation in the Plan and my full payout.

I acknowledge receipt of copies of the documentation regarding this transaction and have initialed each page.



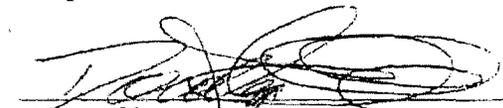
Joseph Zambanini

7/30/14

Date

State of Delaware:
County of New Castle:

The foregoing instrument was acknowledged before me this 30 July, 2014 by Joseph Zambanini.



Notary Signature

DOROTHY R. NOVAK
Notary Public
STATE OF DELAWARE
My Commission Expires March 7, 2015

3/7/15

Commission Expiration

COPY U.S. GOVERNMENT PRINTING OFFICE: 2010-501-10430187

7898 <input type="checkbox"/> VOID <input type="checkbox"/> CORRECTED PAYER'S name, street address, city, state, and ZIP code FRANK ROBINO COMPANIES, LLC 401(K) PLAN 102 ROHINO COURT, SUITE 301 WILMINGTON, DE 19804 (302) 543-4910		1 Gross distribution \$ 7,721.36 2a Taxable amount \$ 7,721.36 2b Taxable amount not determined <input type="checkbox"/>	CMB No. 1545-0119 2010 Form 1099-R Total distribution <input checked="" type="checkbox"/>	Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.
PAYER'S federal identification number [REDACTED]	RECIPIENT'S identification number [REDACTED]	3 Capital gain (included in box 2a) \$	4 Federal income tax withheld \$ 1,544.27	Copy A For Internal Revenue Service Center File with Form 1096.
RECIPIENT'S name EUGENE CHANCE		5 Employee contributions / Designated Roth contributions or insurance premiums \$	6 Net unrealized appreciation in employer's securities \$	For Privacy Act and Paperwork Reduction Act Notice, see the 2010 General Instructions for Certain Information Returns.
Street address (including apt. no.) [REDACTED]		7 Distribution code(s) 1 <input type="checkbox"/> IRA/SEP/SIMPLE <input type="checkbox"/>	8 Other \$	
City, state, and ZIP code CAMDEN, DE 19934		9a Your percentage of total distribution %	9b Total employee contributions \$	
1st year of desig. Roth contrib.		10 State tax withheld \$ 386.07	11 State/Payer's state no. [REDACTED]	12 State distribution \$
Account number (see instructions) [REDACTED]		13 Local tax withheld \$	14 Name of locality \$	15 Local distribution \$



Transaction History

Transactions Retirement Summary Check Summary Deposit Summary Categories Reports

Account: Madeline R/O IRA - 1705

Madeline R/O IRA - 1705

Transaction: All Types Show: Non-Cash Transactions Sweep Activities

Net Value \$45,298.33

Time Period: Custom Time Period From: 06/02/2010 To: 06/02/2010

2010 Contributions \$0.00
 Distributions \$0.00
 2009 Contributions \$0.00
 Distributions \$0.00
 Contribution Amounts and Deadlines

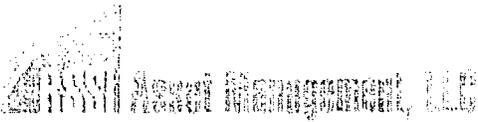


**END THE CLUTTER
 WITH FREE ELECTRONIC STATEMENTS**

E*TRADE SECURITIES LLC

ENROLL NOW
 In Under a Minute

Date	Type	Description (show categories)	Amount (\$)
06/02/10	Other	WIRE OUT	-7,285.22
06/02/10	Fee	OUTGOING WIRE FEE	-25.00



Frank Robino, Jr. Corporate Center + 102 Robino Court + Suite 101 + Wilmington, DE 19804 + 302.995.7011 + FAX 302.691.0164

June 2, 2010

Attn: Taylor Crawley (via Facsimile)
E*TRADE
Tel: (800) 355-8888 x3032376
Fax: (678) 624-6443
E-mail: platinum15@ctrade.com

RE: Madeline Stortini IRA R/O E*TRADE Account [REDACTED]

Dear Taylor:

Please wire \$7,285.22 from Madeline Stortini's IRA R/O E*TRADE account [REDACTED] to third party, Eugene Chance, as follows:

Bank Name: Wilmington Trust
Bank Location: 4899 Limestone Road
Wilmington, Delaware 19808
Tel: (302) 472-3309

ABA No.: [REDACTED]
Account No.: [REDACTED]
Account Name: Eugene Chance
[REDACTED]
Camden, DE 19934

Should you have any questions, please do not hesitate to contact Michelle Eichholz or myself at (302) 995-7011

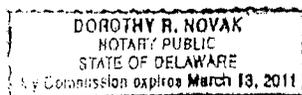
Thank you

Michael A. Stortini
On behalf of Madeline Stortini IRA R/O as Power of Attorney

Sworn to before me this

2 day of June, 2010


Notary Public



9898 VOID CORRECTED

PAYER'S name, street address, city, state, and ZIP code FRANK ROBINO COMPANIES, LLC 401(K) PLAN 102 ROBINO COURT, SUITE 301 WILMINGTON, DE 19804 (302) 543-4910		1 Gross distribution \$ 3,434.68	OMB No 1545-0119 2010 Form 1099-R	Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.
		2a Taxable amount \$ 3,434.68	Total distribution <input checked="" type="checkbox"/>	
PAYER'S federal identification number	RECIPIENT'S identification number	3 Capital gain (included in box 2a) \$	4 Federal income tax withheld \$	Copy A For Internal Revenue Service Center File with Form 1096.
		5 Employee contributions / Designated Roth contributions or insurance premiums \$	6 Net unrealized appreciation in employer's securities \$	
RECIPIENT'S name JENNIFER M. ROBINO	Street address (including apt. no.) [REDACTED]	7 Distribution code(s) 1	8 Other \$ %	For Privacy Act and Paperwork Reduction Act Notice, see the 2010 General Instructions for Certain Information Returns.
City, state, and ZIP code WILMINGTON, DE 19804	1st year of desig. Roth contrib.	9a Your percentage of total distribution %	9b Total employee contributions \$	
Account number (see instructions)		10 State tax withheld \$	11 State/Payer's state nu. \$	12 State distribution \$
		13 Local tax withheld \$	14 Name of locality \$	15 Local distribution \$

GPO: U.S. GOVERNMENT PRINTING OFFICE: 2010-654-1048/50167

THE FACE OF THE INSTRUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

 *Frank Robino*
COMPANIES, LLC
WILMINGTON, DE 19804

WILMINGTON SAVINGS FUND SOCIETY
WILMINGTON, DELAWARE
OPERATING ACCOUNT

82-10
311

CHECK NO.
007989

FIVE THOUSAND AND 00/100-----DOLLARS

PAY TO THE ORDER OF
 JENNIFER ROBINO

CHECK DATE
3/19/2010

AMOUNT
\$ 5,000.00

AUTHORIZED SIGNATURE *[Signature]*

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈007989⑈ [REDACTED]

Date: 03/22/2010 Account: [REDACTED] Amount: \$5,000.00 Serial: [REDACTED] TR: [REDACTED]

[REDACTED]

Jennifer Robino
Deposit Only
03/19/2010

Metro Benefits, Inc.
8150 Perry Highway
Suite 311
Pittsburgh, PA 15237
Phone (412) 847-7600 Fax (412) 847-7601
www.metrobenefits.com

Proposal for : Plan Termination
June, 2014

Prepared by : David M. Lipkin, F.S.A. and Leigh A. Lewis, QPA, QKA
Metro Benefits, Inc.

WHO ARE WE?

Metro Benefits, Inc. is a third-party administration firm, which provides a wide array of pension administration and actuarial services for qualified retirement plans. We can provide you with plan implementation and ongoing administrative services.

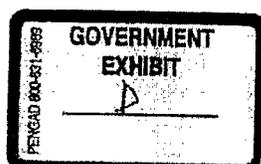
Metro Benefits, Inc. was established in 1986, and employs a staff of 30 people. Our goal is to "align employee benefits with corporate objectives".

HOW CAN WE ASSIST YOU?

Our services are:

- Efficient
- Flexible
- User-friendly
- Designed to minimize your workload
- On Time
- Accurate
- Delivered in a Professional Manner

A binder of sample materials is also available upon request. Please call us at (412) 847-7600 or visit our Web Site at www.metrobenefits.com for more information.



Prepared 6/2014

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PLAN FEE AND SERVICE SCHEDULE

The following outlines the fees for the administrative and consulting services which Metro Benefits, Inc. can provide on behalf of the plan to take over as the Independent Fiduciary with the intention of terminating it and paying out all remaining participants.

Services	Fee
1. Initial review of Plan information and files <ul style="list-style-type: none"> ▪ 2 hours @ \$175/hour 	\$ 350.00
2. Take custody of plan assets; retitle, trust reconciliation, allocate repayments - no schedule <i>(assumes allocation basis will be provided)</i> <ul style="list-style-type: none"> ▪ 10 hours @ \$175/hour 	\$ 1,750.00
3. Preparation of employee distribution packages and coordination of distributions in accordance with Participant elections <i>(including setup of any default IRA's, for non-locatable/ non-responding participants and coordination and deposit of any Federal tax withholding, if needed, using the IRS EFTPS) All prepared in accordance with FAB 2004-02</i> <ul style="list-style-type: none"> ▪ 42 participants @ \$75 per participant 	\$ 3,150.00
4. Preparation of Form 1099-R and Form 945 <ul style="list-style-type: none"> ▪ 43 forms @ \$65 per form 	\$ 2,795.00
5. Preparation of Final (Terminal) Form 5500 and Required schedules	\$ 750.00
Total Charges	\$ 8,795.00 *

Prepared 6/2014

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PLAN FEE AND SERVICE SCHEDULE

* For each additional year that the plan must remain open due to additional repayments that need made, allocated and subsequently distributed, an additional \$5,000 per year will apply.

Prepared 6/2014

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the Motion to Approve and Enter Consent Judgment and Consent Judgment were forwarded this November 18, 2014, by U.S. Mail to following:

Frank Robino, LLC
c/o Michael Stortini
847 Cranbrook Drive
Wilmington, DE 19803

Frank Robino Companies, LLC 401(k) Plan
c/o Michael Stortini/Paul A. Robino
847 Cranbrook Drive
Wilmington, DE 19803

Michael Stortini
847 Cranbrook Drive
Wilmington, DE 19803

Paul Robino
100 Bancroft Mills Road
Wilmington, DE 19806

Barbara A. Becker-Graham
510 North Walnut Street
Bestfield
Wilmington, DE 19804

Shawn Weede, AUSA
1007 Orange Street
Suite 700
Wilmington, DE 19801

/s/Jodeen M. Hobbs
Jodeen Hobbs
Attorney