

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

HILDA L. SOLIS,)	FILE NO.
Secretary of Labor,)	
United States Department of Labor,)	
)	3:11-cv-00664
Plaintiff,)	
)	
v.)	
)	
CAMERON GARRISON and GARRISON)	
ENTERPRISES 401(k) PLAN,)	
)	
Defendants.)	
)	
v.)	
)	
GARRISON ENTERPRISES INC.,)	
)	
)	
Third Party Defendant.)	

CONSENT JUDGMENT AND ORDER

Plaintiff, Secretary of Labor, United States Department of Labor, pursuant to her authority under §§ 502(a)(2) and 502(a)(5), 29 U.S.C. §§ 1132(a)(2) and 1132(a)(5), of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001 et seq., ("ERISA") filed a Complaint against Defendants Cameron Garrison and Garrison Enterprises 401(k) Profit Sharing Plan. Defendant Cameron Garrison filed a third party complaint against Defendant Garrison Enterprises on May 29, 2012. Defendants and the Secretary have agreed to resolve all matters in controversy in this action, 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 Judgment and Order by this Court in accordance herewith.

A. The Secretary's Complaint alleges that Defendant Cameron Garrison breached his fiduciary duties with respect to Garrison Enterprises 401k Profit Sharing Plan (the "Plan") by failing to discharge his duties under the Plan and by violating provisions of §§ 403, 404 and 406 of ERISA, 29 U.S.C. §§ 1103, 1104 and 1106, as set forth in the Complaint.

B. Defendants hereby admit to the jurisdiction of the Court over them and over the subject matter of this action. Defendants admit that this Court has the authority to enforce this Order and that this Court is the most appropriate venue for any enforcement action which may be required as a result of this Order.

C. Defendants expressly waive any and all claims of whatsoever nature that they have or may have against the Secretary, or any of her officers, agents, employees, or representatives, arising out of or in connection with the filing, prosecution, and maintenance of this civil action.

D. Defendant Cameron Garrison is permanently enjoined from acting as a fiduciary, trustee, agent, or representative in any capacity to any employee benefit plan, as defined by ERISA.

E. This Order represents a complete settlement of all the Secretary's claims asserted in this action against Defendants. This Order is not binding upon any government agency other than the U.S. Department of Labor and only resolves claims arising out of this action between the Secretary and Defendants.

F. The Secretary and Defendants expressly waive Findings of Fact and

Conclusions of Law, except as otherwise set forth and addressed herein, and consent to the entry of this Order as a full and complete resolution of all of the Secretary's claims and issues.

Accordingly, it is ORDERED, ADJUDGED AND DECREED that:

1. The Court has jurisdiction over the parties to this Order and the subject matter of this action and is empowered to provide the relief herein.

2. Defendants Garrison Enterprises, Inc. and Garrison Enterprises 401(k) Plan represent that they have paid \$115,981.45 in restitution for all losses to the Plan, including interest and lost opportunity costs, since the Employee Benefits Security Administration ("EBSA") began its investigation of the Plan.

3. Defendants Garrison Enterprises, Inc. and Garrison Enterprises 401(k) Plan agree to ensure that all fiduciaries to the Plan receive six (6) hours of fiduciary education relevant to the fiduciary obligations imposed by Title I of ERISA within ninety (90) days of the filing of this consent judgment. Within seven (7) days of completing this requirement, Garrison Enterprises, Inc. will provide the Secretary with written proof of the completion of such. This documentation should be mailed to the following address:

U.S. Department of Labor, Employee Benefits Security Administration
Attention: Regional Director
61 Forsyth Street, Suite 7B54
Atlanta, Georgia 30303

4. This Consent Judgment resolves all of the Secretary's claims in this Complaint with the following exceptions:

a. This Judgment does not affect or bind any governmental agency other than the United States Department of Labor.

b. This Court retains jurisdiction for purposes of enforcing

compliance with the terms of this Consent Order and Judgment.

5. Defendants agree not to pursue any costs or expenses against the Plaintiff, including attorney's fees, arising in connection with this proceeding, including but not limited to, attorney's fees which may be available under the Equal Access to Justice Act, as amended.

Signed: May 20, 2013


Frank D. Whitney
United States District Judge



[Signatures on the following pages]

