

News Release



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Labor Department Sues to Distribute More Than \$600,000 To Participants of Abandoned 401(k) Plan of Defunct Indianapolis Company

INDIANAPOLIS, Ind. – The U.S. Department of Labor sued the former president of Segno Communications, Inc., Indianapolis, to obtain appointment of an independent fiduciary to terminate the defunct company’s 401(k) plan and distribute \$618,463.36 in assets to the 51 remaining participants.

“When the defendants abandoned the plan, participants were unable to get pension distributions or make inquiries about their benefits,” said Joseph Menez, director of the Cincinnati regional office of the Employee Benefits Security Administration (EBSA) that investigated the case.

The lawsuit alleges that Mark R. Westermeier violated the Employee Retirement Income Security Act (ERISA) because he was unwilling to serve as the plan administrator giving direction and approval to Bisys Retirement Services, the custodian of the plan’s assets. The defendant also did not ensure that funds were appropriately distributed to participants or rolled over into another retirement savings program.

The suit seeks to remove Westermeier from his position with the plan and to permanently bar him from service to plans governed by ERISA. The department also seeks appointment of an independent fiduciary to terminate the 401(k) so that assets can be distributed to participants.

Segno Communications, which served as the plan administrator, was in the business of selling and servicing radio communications systems for commercial and public safety clients.

The suit was filed in federal district court in Indianapolis. Employers and workers can contact the Cincinnati regional office at (859) 578-4680. For help with problems relating to private sector pension and health plans, call EBSA’s toll free number, **1-866-444-EBSA (3272)**.

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(Chao v. Westermeier)
Civil Action No. 1:04-cv-2026-SEB-VSS