

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION (CLEVELAND)

THOMAS E. PEREZ, Secretary of :  
Labor, United States Department of Labor, :  
Plaintiff, :

Case No. 1:13-cv-02474-CAB

v. :

CHARLES DAVID SNYDER; :  
JOSEPH BURMESTER; CIRRIC, :  
INC., f/k/a AVVERROCK, INC., f/k/a :  
ATTEVO, INC.; RURALOGIC, INC.; :  
and ATTEVO 401(k) RETIREMENT :  
PLAN, :

Defendants. :  
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CONSENT JUDGMENT AND ORDER

Thomas E. Perez, Secretary of Labor (“Secretary”), United States Department of Labor, filed a complaint against Charles David Snyder (“Snyder”); Joseph Burmester (“Burmester”); Cirric, Inc., (“Cirric”); and Ruralogic, Inc. (“Ruralogic”), alleging that they violated their fiduciary obligations under Title I of the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended, 29 U.S.C. §§1001, *et seq.*, with respect to the administration of the Attevo 401(k) Retirement Plan (“Plan”).

Defendants, having answered, admit to the jurisdiction of this Court over them and the subject matter of this action.

The Secretary and the Defendants agree to resolve all claims and issues between and among them regarding the captioned matter (except for the imposition by the Secretary of any penalties pursuant to ERISA §502(l), 29 U.S.C. §1132(l), and any proceeding related thereto), do

now accordingly consent to the entry of this Consent Judgment and Order (“Judgment”) by the Court.

The parties agree that, if the Secretary of Labor assesses a penalty pursuant to ERISA §502(l) in connection with the violations alleged in this matter, the “applicable recovery amount” shall include all amounts paid in accordance with this Judgment.

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 Judgment, and being fully advised in the premises, it is,

**ORDERED, ADJUDGED AND DECREED** that:

1. Defendants Snyder, Burmester, Cirric, and Ruralogic are permanently enjoined and restrained from violating the provisions of Title I of ERISA, 29 U.S.C. §§1001, *et seq.*

2. Defendants Snyder, Burmester, Cirric, and Ruralogic are removed as fiduciaries to the Plan.

3. Defendants Snyder, Burmester, Cirric, and Ruralogic are permanently enjoined from serving or acting as fiduciaries and/or service providers with respect to any employee benefit plan subject to ERISA.

4. The total losses to be restored to the Plan are \$143,481.42. Judgment is entered against Defendants Snyder and Cirric, jointly and severally, in the amount of \$143,481.42. Judgment is entered against Defendants Burmester, and Ruralogic, jointly and severally, in the amount of \$64,105.21, which is the portion of the \$143,481.42 for which they are liable.

5. The monetary portion of this Judgment shall be satisfied by Defendant Snyder making payments to the Plan in accordance with the following payment schedule:

	<b>Due Date</b>	<b>Amount</b>
1.	September 15, 2014	\$50,000.00
2.	October 15, 2014	\$6,000.00
3.	November 15, 2014	\$6,000.00
4.	December 15, 2014	\$6,000.00
5.	January 15, 2015	\$6,000.00
6.	February 15, 2015	\$6,000.00
7.	March 15, 2015	\$6,000.00
8.	April 15, 2015	\$6,000.00
9.	May 15, 2015	\$6,000.00
10.	June 15, 2015	\$6,000.00
11.	July 15, 2015	\$6,000.00
12.	August 15, 2015	\$6,000.00
13.	September 15, 2015	\$27,481.42
	<b>Total:</b>	<b>\$143,481.42</b>

6. Not later than ten days after the due date for each payment required by paragraph 5 of this Judgment, Defendant Snyder shall provide the EBSA Regional Director, 1885 Dixie Highway, Room 210, Fort Wright, KY 41011-2662 with satisfactory proof that such payment has been made.

7. The Secretary agrees to refrain from enforcing paragraph 4 of this Judgment against any Defendant, provided that Defendant Snyder makes all payments required by paragraph 5 of this Judgment in a timely manner. However, if Defendant Snyder fails to timely

make any payment required by paragraph 5 of this Judgment, the full amount of the Judgment as to each defendant, (less any amounts already paid) shall become immediately due and owing.

8. On or before August 10, 2014, Defendants shall retain a qualified Independent Fiduciary to administer and, upon collection of all payments required by this Judgment, terminate the Plan. On or before July 24, 2014, Defendants shall provide written notice to the Secretary's attorney of the proposed Independent Fiduciary. The Independent Fiduciary selected by Defendants shall be subject to the Secretary's approval. All costs associated with the retention of the Independent Fiduciary shall be paid by Defendants and shall not be paid out of Plan assets.

9. The Independent Fiduciary shall have the following powers, duties and responsibilities:

a. The Independent Fiduciary shall have the authority to administer the Plan, and collect, allocate, liquidate, manage, and distribute assets of the Plan for the benefit of the eligible participants and beneficiaries of the Plan who are entitled to receive such assets.

b. The Independent Fiduciary shall have full access to all data, information and calculations in the Plan's possession or under its control, including that information contained in the records of the Plan's custodial trustees and other service providers, bearing on the distribution of participant account balances, recovery of amounts owed to the Plan and termination of the Plan.

c. The Independent Fiduciary may retain such persons and firms, including but not limited to, accountants and attorneys, as may be reasonably required to perform his/her duties hereunder.

d. The Independent Fiduciary shall obtain bonding in an amount that meets

the requirements of ERISA §412, 29 U.S.C. §1112.

e. The Independent Fiduciary shall provide quarterly reports (which shall include such information and documentation regarding the Plan as EBSA may request) to the EBSA Regional Director, 1885 Dixie Highway, Room 210, Fort Wright, KY 41011-2662.

f. Upon collection of all payments required by this Judgment, the Independent Fiduciary shall terminate the Plan and distribute the Plan's assets in accordance with the Plan's governing documents, the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1001, *et seq.*, the Internal Revenue Code and this Judgment. The Independent Fiduciary 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 Judgment and to disburse to each such eligible participant or beneficiary the payment to which he or she is entitled.

g. Upon final termination of the Plan and distribution of the Plan's assets, the Independent Fiduciary shall provide proof of such termination and distribution of the Plan's assets to the EBSA Regional Director, 1885 Dixie Highway, Room 210, Fort Wright, KY 41011-2662.

10. Each party agrees to bear its/his/her 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.

11. The Court retains jurisdiction for purposes of enforcing compliance with the terms of this Judgment.

12. Nothing in this Judgment is binding on any government agency other than the United States Department of Labor.

DATED this 29th day of July, 2014.

s/ Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
United States District Judge

Dated: \_\_\_\_\_

CHARLES DAVID SNYDER

Dated: \_\_\_\_\_

JOSEPH BURMESTER

Dated: \_\_\_\_\_

CIRRIC, INC.  
By Charles David Snyder, its President

Dated: 7/25/14

  
MATTHEW M. SCHEFF (0082229)  
Attorney for Plaintiff

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OF COUNSEL:

M. PATRICIA SMITH  
Solicitor of Labor

CHRISTINE Z. HERI  
Regional Solicitor

BENJAMIN T. CHINNI  
Associate Regional Solicitor

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12. Nothing in this Judgment is binding on any government agency other than the United States Department of Labor.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
CHRISTOPHER A. BOYKO  
United States District Judge

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
CHARLES DAVID SNYDER

\_\_\_\_\_  
MATTHEW M. SCHEFF (0082229)  
Attorney for Plaintiff

Dated: July 27, 2014

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\_\_\_\_\_  
JOSEPH BURMESTER

OF COUNSEL:

Dated: \_\_\_\_\_

M. PATRICIA SMITH  
Solicitor of Labor

CHRISTINE Z. HERI  
Regional Solicitor

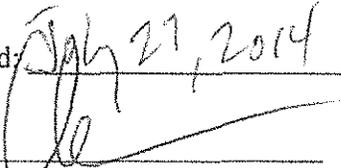
\_\_\_\_\_  
CIRRIC, INC.  
By Charles David Snyder, its President

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Associate Regional Solicitor

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DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CHRISTOPHER A. BOYKO**  
United States District Judge

Dated: July 27, 2014  
  
**CHARLES DAVID SNYDER**

Dated: \_\_\_\_\_

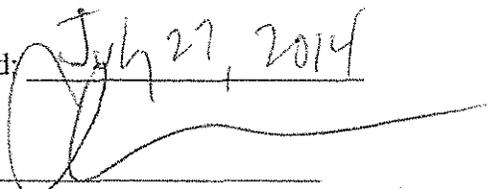
**MATTHEW M. SCHEFF** (0082229)  
Attorney for Plaintiff

Dated: \_\_\_\_\_

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**JOSEPH BURMESTER**

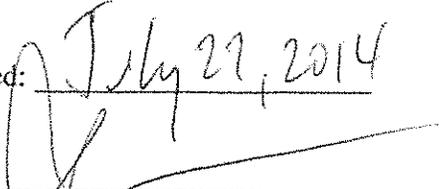
OF COUNSEL:

Dated: July 27, 2014  
  
**CIRRIC, INC.**  
By Charles David Snyder, its President

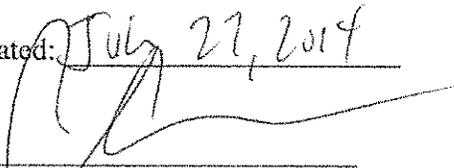
M. PATRICIA SMITH  
Solicitor of Labor

CHRISTINE Z. HERI  
Regional Solicitor

BENJAMIN T. CHINNI  
Associate Regional Solicitor

Dated: July 27, 2014  


**RURALOGIC, INC.**  
By Charles David Snyder, its Vice-President

Dated: July 27, 2014  


**ATTEVO 401(k) RETIREMENT PLAN**  
By Charles David Snyder, Trustee

Dated: \_\_\_\_\_

\_\_\_\_\_  
**LESTER W. ARMSTRONG (0036832)**  
Attorney for Defendants

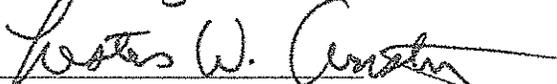
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Dated: \_\_\_\_\_

\_\_\_\_\_  
**RURALOGIC, INC.**  
By Charles David Snyder, its Vice-President

Dated: \_\_\_\_\_

\_\_\_\_\_  
**ATTEVO 401(k) RETIREMENT PLAN**  
By Charles David Snyder, Trustee

Dated: July 24, 2014  
  
\_\_\_\_\_  
**LESTER W. ARMSTRONG (0036832)**  
Attorney for Defendants

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