



Benefits & Retirement Plans Hot Buttons: What Employers Need to Know
August 22, 2013 – Rosewood Hall, SoHo, Birmingham
Speaker Bios

Bruce (Andy) Andrews is an Associate with the law offices of Sirote & Permutt in Birmingham. He advises clients in the areas of general business, tax and particularly health care regulator issues. Prior to practicing law, Andy worked as a certified public accountant in the tax group of a national accounting firm.

He earned his Bachelor's Degree at the University of North Carolina, his Master of Accounting at the Kenan-Flagler Business School and his J.D. at the University of North Carolina School of Law.

Andy is a member of the Alabama State Bar, the Birmingham Bar Association, the American Institute of Certified Public Accountants and serves on the Board and as treasurer for the Samaritan Health Center.

Lee Applebaum is a Senior Vice President of Alabama Operations with Plan Sponsor Consultants, a Michael M. Kane Company. Plan Sponsor Consultants is a full service independent retirement plan consulting firm, which has been recognized for expertise, on a national scale, by magazines including *Forbes*, *PlanSponsor*, *PlanAdviser* and *401(K) Wire*. Plan Sponsor Consultants assists Plan Sponsors in bringing retirement plans into line with the highest fiduciary standards, then monitoring and managing them to maintain these standards. In addition to retirement plan consulting, Plan Sponsor Consultants provides its private wealth management clients with a robust suite of wealth management and financial planning strategies.

Lee is a Certified Financial Planner (CFP®) designee, a Chartered Retirement Planning Counselor (CRPC®) as well as an Accredited Investment Fiduciary (AIF®). Lee is responsible for retirement plan development and servicing in the State of Alabama. Having worked both in a family practice dealing with individual wealth management and financial planning, as well as a financial advisor with a major wirehouse firm working with individuals and corporate retirement plans, Lee brings over 15 years' experience with him to Plan Sponsor Consultants.

As a Certified Financial Planner, Lee uses a customized level of service, education and planning to all plan participants, not just business owners; many of whom would be unable to access such planning on their own. He holds a series 7, 31, 66, and Insurance licenses, obtained his CFP® designation in 2002, his CRPC® designation in 2007, his AIF® in 2012 and is a graduate of the University of South Alabama.

Elizabeth ("Beth") G. Beaubé is a Shareholder at Maynard, Cooper & Gale, P.C. Beth is a member of the firm's Employee Benefits and Executive Compensation practice group and the Fund Formation and Investment Management practice group. Her clients include public and private corporations, non-profit organizations, and governmental employers. Beth's practice involves counseling clients in all aspects of employee benefits law, including 401(k) profit sharing plans, ESOPs and pension plans (both traditional and cash balance plans), non-qualified deferred compensation plans (including Code Section 409A compliance), and welfare benefit plans (including Health Care Reform, HIPAA and COBRA compliance).

Beth also advises clients on employee benefit plan issues that arise in mergers and acquisitions, from conducting due diligence to integrating employee benefit plans and terminating such plans. She also represents clients in preparing for and managing IRS and DOL audits and correcting defects in tax-qualified retirement plans through IRS and DOL voluntary correction programs. Additionally, Beth works with funds, investment managers and advisors, plan sponsors, trust departments and plan administrators on ERISA, fiduciary, tax, trust and corporate law issues relating to benefits and compensation.

Beth received her J.D. from The University of Alabama School of Law, *magna cum laude*, in 1994, where she was the Editor in Chief of the Alabama Law Review, received the American Jurisprudence Award, was a member of the Order of the Coif honorary society and the Bench and Bar Society. Beth received her B.A. in Mathematics from Birmingham Southern College, *cum laude*, in 1990. She is listed in *The Best Lawyers in America* (2007-2013) in the area of Employee Benefits (ERISA). *Alabama Super Lawyers* (2008-2013) lists her in Employee Benefits/ERISA. She has been named to the Top 50 Lawyers in Alabama (2009-2011), Top 25 Female Lawyers in Alabama (2009-2012), Best of Bar in Employee Benefits and Executive Compensation by the *Birmingham Business Journal* (2006), and named Top ERISA Lawyer by *Birmingham Magazine* (2011).

Beth is a member of the American, Alabama and Birmingham Bar Associations, the Alabama Profit Sharing/401(k) Council, the ESOP Association, the Southern Employee Benefits Conference, and the National Center for Employee Ownership (NCEO).

Shannon Black, CPA,CMA,CEBS has twenty years of employee benefit audit experience, nine of which were with an international accounting firm for whom she created an employee benefits plan practice and managed over 100 plan audits each year. She has extensive ERISA knowledge and regularly conducts training sessions for employee benefit plan groups. She is a graduate of the University of Alabama.

Prior to forming Black and Pinckard in 2003, she was with Warren, Averett, Kimbrough & Marino, LLC, and Ernst and Young.

Bert M. Carmody, CPA, CIMC®, AIF® is the founding Principal of Southeastern Fiduciary Services, LLC, a firm focused on improving the total fiduciary performance of plan sponsor fiduciaries. He performs independent fiduciary reviews, serves as company stock trustee in plans, serves as an independent fiduciary in transactions and performs service provider searches. He is a principal at MillenniumM Investment and Retirement Advisors, LLC, an investment firm in Charlotte. He has extensive experience in this field since the early 1980s, served in all positions of this industry from recordkeeping and back office operations to board presentations and investment reviews. Mr. Carmody swallowed the fiduciary “Kool-Aid” about 10 years ago and has focused his practice on helping plan sponsors improve their total fiduciary performance with an approach of recommending not only *what* to do but *how* to do it

Mr. Carmody received a B.A. from George Mason University and a M.B.A. from George Washington University. He is a Certified Public Accountant in Georgia. He is a Certified Investment Management Consultant (CIMC®) holds the Accredited Investment Fiduciary (AIF®) and the Chartered Global Management Accountant (CGMA) designation.

Donna Cornwell has over 29 years diverse Human Resources experience in manufacturing, non-profit, and physician practice management environments in the Birmingham area.

Donna has worked for O'Neal Steel since 1998. In her current role of Human Resources Manager, she is responsible for human resources and benefit related activities at O'Neal. Included is overseeing the company's wellness program, covering employees and families in a multi-affiliate structure, including 90 locations, spread out over 40 states with 3,000 employees. LiveSMART, O'Neal's signature wellness program, is the wellness platform for delivery of service, and in its second year offering onsite annual biometric screening, health coaching and a myriad of programs and activities for employees and their families.

Donna is a member of the Alabama Profit Sharing Council (APSC) and is a volunteer of the United Way of Central Alabama's Visiting Allocations Team. A native of upstate New York, Donna and her husband, Russell, have three children and three grandchildren.

B. David Joffe is a partner with Bradley Arant Boult Cummings LLP where he specializes in employee benefits, executive compensation and employment law. David serves as the Chairperson of the Employee Benefits and Executive Compensation Group.

His experience includes all areas of employee benefits including 401(k), defined benefit, and healthcare. Most of his work is in advising clients on benefit issues such as design, implementation and administration of qualified and non-qualified plans. David counsels employers on the tax aspects of such plans, including qualification issues and reporting obligations. He also regularly advises on related ERISA issues including reporting and disclosure requirements, participation and vesting rules, fiduciary duties, prohibited transactions and trustee obligations.

He received his B.A. in Political Science from Trinity University summa cum laude, his Masters of Liberal Arts & Sciences from Vanderbilt and his J.D. from the University of Texas School of Law with high honors. David also received the Order of the Coif, Chancellors, Legal Research and Writing Award among other awards. Additionally, he earned a Diploma from the Institute on International and Comparative Law at Kings's College.

Mark Johnson started Creative Benefit Solutions in February 2003 after several years of working within the employee benefit industry. Mark is a graduate of Vanderbilt University and is following his vision to provide mid-size to large employers with creative and innovative consulting solutions to help solve critical benefit issues from cost, to communication, administrative issues and more.

Mark is married to Sandy Johnson and is the father of five children. Mark is very involved in the local community serving on several non-profit boards and working to raise charitable funds for the Cripple Children's' Foundation as a member of the Monday Morning Quarterback Club. Mark really enjoys working with kids to develop their love for sports and is an avid golfer.

Joe Lassiter is a native of Huntsville, Alabama and a 1982 graduate of the University of Alabama. He has over twenty-five years' experience in public accounting. Joe is Director of Pearce, Beville, Leesburg, Moore, P.C.'s retirement plan and employee benefits consulting division, as well as providing tax and accounting services to closely held businesses and professional practices.

His Professional Associations include Alabama Society of Certified Public Accountants, Birmingham Chapter, American Institute of Certified Public Accountants and Alabama Profit Sharing Council.

He is Past President and board member of the Birmingham Civitan Club and Treasurer of the Alabama Ballet.

John Leary is Director of National Partnerships for Virgin HealthMiles and has served in that role since May, 2007. He is responsible for working with large employers to improve the total quality of life of individual employees, their families and their communities.

Prior to Virgin, John has spent more than 25 years in the health industry including work for health plans, as a hospital administrator and in disease and health management. His passion is to provide individuals with tools that help them enhance their health and therefore the quality and length of their life.

He is a graduate of both Boston College (BS) and the University of North Carolina at Chapel Hill (MBA). He and his wife Catherine and their three children live in Charlotte, NC when he is not on a plane, in a kayak or following a trail somewhere.

Jenny Logan is the Director, BHS A.S.S.I.S.T. at Behavioral Health Systems (BHS) and has been working in the health and wellness industry since 2000.

In her role as the Director of BHS' EAP division, Jenny oversees all EAP activities including supervisory referrals, education and training, critical incident stress debriefings and coordination with BHS clinical staff. Jenny utilizes her background as an Exercise Scientist in developing and promoting BHS' health and wellness program, Wellness First.

Jenny holds a Bachelor of Science in Exercise Science from Auburn University. She has almost 10 years of clinical experience writing exercise prescriptions for cardiac rehab and stroke rehab patients.

Jenny is an avid athlete and marathon runner, and enjoys serving as role model for her health and wellness clients.

Debra Mackey is Burr & Forman's ERISA veteran. Her expertise derives from assisting clients with the tax and fiduciary aspects of employee benefits for over 25 years.

Debra has extensive experience with benefit programs, including qualified and non-qualified pension benefits, welfare benefits, COBRA and HIPAA compliance for health plans, fringe benefits, executive compensation, and ERISA litigation defense. Her expertise includes drafting plan and related documents, providing advice on plan design and administration, fiduciary and tax compliance issues, and representing sponsors, fiduciaries and plans before the federal regulatory agencies.

Debra is a member of the Alabama State Bar, the Birmingham Bar Association, and the American Bar Association where she is a member of the Tax Section and Labor & Employment Section, Employee Benefits Subcommittee, and Contributing Editor to that Subcommittee's BNA Member treatise, Employee Benefits Law 2005 Cumulative Supplement.

She is licensed to practice in the U.S. District Court for the Northern District of Alabama. She is also a member of the Steering Committee of the Southern Employee Benefits Conference, the governing board of the organization, and serves as Vice President of the Southern Employee Benefits Conference for the 2012-2013 term. In addition, Debra is an elected member of the Gulf Coast Area TE/GE Council. The Council is a liaison to the tax exempt/government entities branch of the IRS.

Debra received her B.A. from the University of Alabama and her J.D. from the University of Alabama School of Law. While in law school, she was Senior Editor of *The American Journal of Tax Policy*. Debra also received her LL.M. in Taxation from the University of Alabama School of Law.

Debra also participates in historic preservation efforts, such as the Alabama Preservation Alliance and Vulcan Park Foundation.

Dr. Jennings Marshall has spent the past 26 years teaching at Samford University's Brock School of Business in Birmingham, Alabama. Prior to that he taught for nine years at Tennessee Technology University. Currently, he is Professor of Economics and Chair of the Department of Economics, Finance and Quantitative Analysis. Dr. Marshall also is the President of Marshall, Hendon, Minter & Associates, Inc., a consulting firm which has done work for a number of major firms in the Birmingham area, including AmSouth Bank, Baptist Health Care System, Protective Life and Hanna Steel. Marshall also is an expert witness and has testified in hundreds of wrongful death cases as an expert on lost future income.

Samford University honored Marshall in 2010 with the creation of the "Jennings B. Marshall Service Award" given annually to a member of the faculty in recognition for significant sustained contribution of service to the University.

Dr. Marshall received his Bachelor of Science Degree in Math and Economic from Kentucky Southern College and his Masters and Ph.D. from the University of Kentucky.

Dr. Stephen Neeleman is the CEO, Director and co-founder of HealthEquity. Steve founded HealthEquity in 2002, with the vision to repair the fractured relationship between patients and their physicians and to help more people obtain quality health insurance by re-introducing consumerism to health care. Steve is the co-author of *The Complete HSA Guidebook—How to Make Health Savings Accounts Work for You*, in its 5th Edition.

In addition to his duties as CEO of HealthEquity, Steve is currently a practicing general and trauma surgeon for Intermountain Healthcare at American Fork Hospital and Utah Valley Regional Medical Center. As a board-certified physician, Steve brings his passion and firsthand knowledge from the practice of medicine to his leadership role at HealthEquity.

Steve was appointed by Utah's Governor, Gary Herbert, to serve as a board member of HIP Utah, Utah's high-risk insurance pool. He also serves on the Council for Affordable Health Insurance HSA Working Group, and on America's Health Insurance Plans' HSA Leadership Council.

Prior to his medical training, Steve worked as the General Airport Manager for Morris Air (later acquired by Southwest Airlines), based in Salt Lake City, Utah. Steve helped combine efficiency, technology, and excellent customer service to succeed in a rocky industry. This innovative business model allowed Morris Air to rise above financially struggling competitors. Steve's goal is to use this model to help save another struggling industry—health care.

Steve completed his undergraduate degree and played football at Utah State University. He attended medical school at the University of Utah and completed his surgical training at the University of Arizona. Steve also served as an assistant professor of surgery at the University of Arizona.

Natalie Nelson graduated from Auburn University in 2005 and quickly jumped into the wellness realm. She started as the Wellness Account Manager at a local insurance brokerage firm and quickly rose to the Wellness Department Manager within 3 years. She has earned various certifications throughout her career including Certified Wellness Program Manager from the National Wellness Institute in 2008 and Health Promotion Director from the Cooper Institute in 2011. She has had the pleasure to work with various wellness organizations such as WELCOA, Wellsource, Mayo Clinic, U.S. Preventive Medicine, Alere, Virgin HealthMiles, ChipRewards, Abacus, etc.

She joined the Children's of Alabama team in January 2013. In pursuit to foster a culture of health among Children's of Alabama employees, she coordinates and promotes the various programs which advocate overall well-being for employees in the areas of physical and mental health, financial stability, and positive work and personal environments.

Gordon E. Nichols is a partner with Bradly Arant Boult and Cummings LLP. He has over three decades of experience in dealing with nearly every conceivable type of compensation and benefits situation. He represents employers, fiduciaries and service providers in connection with a myriad of tax, corporate, fiduciary, ESOP, employment and insurance matters. Gordon advises employers on issues related to the design, administration and termination of tax-qualified and non-qualified retirement plans, other executive compensation arrangements, and all types of welfare benefit plans. Gordon also has substantial experience in addressing various operational errors in tax-qualified retirement plans under the Internal Revenue Service's Employee Plans Compliance Resolution System (EPCRS).

He received his B.A. from Vanderbilt, magna cum laude and his J.D. from the University of Michigan Law School cum laude. Gordon has been named in *The Best Lawyers in America*® for ERISA Law every year from 1993 through 2013. He was also named "Lawyer of the Year" for Nashville in Employee Benefits in 2011. He has received numerous other awards.

Liz Rutherford AIF®RPA® is the President and Chief Operating Officer of Johnson + Sterling, Inc., an SEC Registered Investment Advisor and Pension Consultancy which provides fee-only advice to Retirement Plan Sponsors and their participants through a corporate mission statement of "helping free people from financial worry."

Liz has been with the firm since 1987 and now oversees both the Plan Sponsor operations division and the Individual/Participant Advice and Planning Division. While affiliated with a FINRA broker/dealer member, Liz holds the Series 7, 63, 65, and 24 licenses, and her professional designations include the Accredited Investment Fiduciary™ and Retirement Plan Associate™.

Martin Sheffield practices in the area of ERISA and employee benefits and is a member of the Alabama State Bar. He is experienced in the health and welfare plan area, including working with issues involving both insured and self-insured group health plans, cafeteria plans, wellness programs, health reimbursement arrangements, health savings accounts, and HIPAA privacy and security matters. He also has experience working with both defined contribution and defined benefit retirement plans, as well as

457(b) plans, 403(b) plans, and nonqualified deferred compensation plans (including Internal Revenue Code section 409A issues). In addition, Martin has represented clients in filings with the Internal Revenue Service and the U.S. Department of Labor.

Martin received his B.S. in Commerce and Business Administration in 1988 from the University of Alabama. He earned his J.D., magna cum laude, in 2001 from the University of Alabama School of Law, where he was an editor of the Alabama Law Review. Martin was recognized by Birmingham Magazine in the list of “2010 Top Attorneys” and was also recognized as a “Rising Star” by Alabama Super Lawyers in 2011. He was recently selected as one of “The Best Lawyers in America” for 2013 in the area of employee benefits (ERISA) law.

Before entering law school, Martin worked as a governmental auditor performing financial and legal compliance audits of governmental entities for the State of Tennessee and the State of Alabama, and he is a Certified Public Accountant in Alabama.

He holds memberships in the American Bar Association (Member of the Tax Section), Birmingham Bar Association, American Institute of Certified Public Accountants, Alabama Society of Certified Public Accountants, Profit Sharing 401(k) Council of Alabama and the Southern Employee Benefits Conference where he serves on the Membership Committee.

Cathey Sullivan, SPHR is the Corporate Human Resources Manager for The AEGis Technologies Group, Inc., a privately held small business corporation, headquartered in Huntsville, Alabama. With just over 300 employees in 11 states, AEGis specializes in Modeling & Simulation development, training, test support, engineering analysis, hardware design, and nanotechnology manufacturing for both government and commercial customers within the United States and internationally. In her current role, Cathey is responsible for leading the HR department in efforts involving recruiting and retention, benefits administration, training and development and employee relations. She chaired the committee at AEGis responsible for the design and implementation of a Consumer Driven Health Care Plan and has overseen the plan since its inception in January, 2009.

Cathey graduated from Auburn University in 1991 with a BS degree in Industrial Engineering. She completed her Master’s in Industrial Engineering with an emphasis in Occupational Safety and Ergonomics in 1992. She has more than 15 years of experience in the Human Resources field, working in government contracting, manufacturing and as a consultant. She was certified as a Senior Professional in Human Resources in June, 2007 and is a member of the Society for Human Resource Management and its local chapter, NASHRM. She is a founding member and chairperson for the North Alabama Business Ethics Roundtable (NABER) and served on the Board of Directors for ECHO Alabama.

James B. Taylor III is ERISA Advisory Manager & Vice President, Regions, Mobile, AL. He has worked for Regions since 2006 and is a current member of the management committee for Regions Institutional Trust. Previously he owned a consulting firm and worked for the retirement plans sponsored by the National Telephone Cooperative Association. He has 15 years’ experience working with Retirement Plans and fiduciary issues.

James earned his JD from Cumberland School of Law, Birmingham, AL and a Bachelor of Arts in Political Science from, College of Charleston, Charleston, SC.

Jonna Wallace attended the University of Alabama and graduated with a BA in Public Relations from UAB. She has 23 years' experience in the Employee Benefits field – split equally between human resources and marketing. She joined Regions in 2007 as the AVP & Manager of Benefits Communications and Wellness. She created the Regions wellness department and its programming from inception. After 5 ½ years of hard work, determination, and patience, the department has developed into a visible and effective tool for employee health improvement and engagement.