

# HICKS NOTES

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By Tom Hicks, Attorney At Law

## HICKS LEGAL

Tom Hicks, Attorney at Law, is now providing Fiduciary and Compliance Review Services to help Retirement Plan Fiduciaries meet the standards imposed by ERISA and other regulations. This includes the 408(b)(2) disclosure rulings that began on July 1, 2012 and the 404(a)(5) participant disclosure rulings beginning on August 30, 2012.

To comply with the new 408(b)(2) regulations, we meet with the plan's fiduciaries to:

- Select someone to be responsible for identifying covered service providers and soliciting and evaluating the required disclosures.
- Implement a written policy to identify the duties, the required elements of disclosure, and the process to be followed when required disclosures are not provided.
- Document the information disclosed and the report of its findings to the fiduciary.
- Provide "benchmarking" services to evaluate and compare the service providers.

Plan Fiduciaries are turning to outside advisors for assistance to comply with these requirements. For more information on the services provided, please visit our website or click on the link below.

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### 404(a)(5) DISCLOSURE TO PARTICIPANTS

By August 30, 2012, plan sponsors are required to disclose fees to all eligible employees. We will discuss the details and impact of this regulation in next month's newsletter.

## SEMINARS

Look for our seminars in November where we will be discussing these changes and their affects on business opportunities.

## FEE DISCLOSURE BRINGS OPPORTUNITIES AND PITFALLS

With the new fee disclosure regulations taking effect this month, plan advisors will see a flurry of action by plan sponsors. The first regulations are the 408(b)(2) which require brokerage and other firms to disclose fees and services they provide to self directed retirement plans. This regulation clarifies a duty of plan sponsors to shop and benchmark their current arrangement with all plan providers.

As an advisor, are you ready to defend the investments and administration services you recommended or provided to your plans? Do you know who and how much each party is paid? When called to account for your decisions, could you? We recommend that you get up to speed on the products and services on the advice you have given and be ready to compare them to others in the industry.

As for opportunity, these regulations will create a more competitive market place. If you understand and have benchmarked administrators and investment products yourself, you will have a tremendous advantage and opportunity to pick-up additional retirement plan business.

We can help. Under the Disclosure tab on our website, [www.nhhicks.com](http://www.nhhicks.com), we've posted articles, links to regulations and other information to help bring you up to speed as well as our fees and service agreements.

Our consultants and attorney are available to meet, discuss and strategize to help you gain business in this market. Click on a link below to send an email and schedule a meeting to discuss your situation with us.

**Matt Rath**

**Kevin Evans**

**Tom Hicks**