



# THE WAGNER LAW GROUP

## Fiduciary Compliance

### Our Expertise

The fiduciary standards and prohibited transaction rules of Title I of ERISA have become extraordinarily complicated, for both plan sponsors and all service providers. The Wagner Law Group's Fiduciary Compliance practice group works with clients to maintain compliance with ERISA fiduciary standards as well as the prohibited transaction rules. Our clients include retirement plan sponsors and trustees, financial institutions, registered investment advisers, broker-dealers, collective investment funds, mutual fund complexes and private funds.

Addressing ERISA fiduciary and transactional issues often requires our lawyers to coordinate with other practice groups within the firm, such as [Investment Management Law](#) and [Litigation](#), in order to provide integrated, complete and effective legal advice and solutions.

Recent successes of our Fiduciary Compliance team include the negotiation of a settlement agreement with the Regional Solicitor of the Department of Labor, in a MEWA case involving misuse of plan assets and other significant fiduciary violations.

**Plans:** Our lawyers work with plan sponsors and other plan fiduciaries to address matters of corporate governance, plan administration, reporting and disclosure, plan investments, and specialized issues involving employer securities or employer real property.

#### Specific matters may include:

- Plan committees and formal plan charters and policies
- DOL or IRS audits
- Prohibited transaction, voluntary fiduciary corrections and other DOL fiduciary resolution matters
- Prohibited transaction exemptions



Super Lawyers




- Investment offerings or transactions involving employer securities and employer real property
- ERISA fiduciary insurance matters
- Investment advice, investment management and investment education issues
- Investment transactions of all types, including derivatives and commodities, futures, swaps, affiliated products or services, alternative products and securities lending
- Fiduciary training and internal ERISA Fiduciary Manual
- ERISA Section 404(c) compliance
- INHAM and QPAM compliance
- Negotiating settlement agreements with the DOL in cases involving misuse of plan assets and other fiduciary violations


**Financial Institutions:** The Fiduciary Compliance practice group has a national client base of registered investment advisers, broker-dealers, insurance companies, banks, private funds, and other financial service providers that offer a complex suite of investment products and services to both ERISA and non-ERISA retirement plans, as well as governmental plans and IRAs, at both the retail and institutional level. The bundling of these various service and investment product offerings may also require appropriate interaction with our Investment Management Law practice group.

**Specific areas that may often trigger ERISA fiduciary concerns include:**

- Preparing investment advisory agreements, investment management agreements, product distribution agreements, and account opening documentation
- Counseling on self-directed accounts and brokerage windows
- Affiliated investment products or services
- Preparing principal trades, cross trades, QPAM or INHAM status
- Plan asset issues, REOC or VCOC status
  - Providing ERISA and Tax pension guidance on fiduciary duties and prohibited transaction rules regarding infrastructure and renewable energy investments
- Structuring QDIA qualification, share class selection, soft dollars, incentive compensation, and collective investment trusts
- Coordinating wrap programs, revenue sharing arrangements
- Providing alternative investment products

- Establishing offerings and advising on collective investment funds
- Offering fiduciary training
- Providing ERISA compliance manuals
- ERISA cybersecurity issues

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