Form 5500-SF

Department of the Treasury Internal Revenue Service

Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation

Short Form Annual Return/Report of Small Employee Benefit Plan

This form is required to be filed under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA), and section 6058(a) of the Internal Revenue Code (the Code).

1210-0089

OMB Nos. 1210-0110

2009

This Form is Open to Public Inspection

	ension Benefit Guaranty Corporation	Complete all entries in acco	rdance wit	h the instructions to the Form 550	0-SF.				
	Part I Annual Report Identification Information								
For	calendar plan year 2009 or fisc <u>al</u> pla	n year beginning 01/01/20	09	and ending 1	2/31/2	2009			
Α.	This return/report is for:	ngle-employer plan	multiple-e	employer plan (not multiemployer)	one-participant plan				
В	This return/report is for: first return/report final return/report					_			
	an	n amended return/report	short plar	n year return/report (less than 12 mo	nths)				
C	Check box if filing under:	orm 5558	automatio	extension		DFVC progra	ım		
	special extension (enter description)				_				
Pa		on—enter all requested inform							
	Name of plan	ontor an requested inter	nation		1b	Three-digit			
	ER COMPANY LLP 401(K) PROFIT	SHARING PLAN				plan number	004		
						(PN) •	001		
					1c	Effective date o			
20	Dian an analysis and a diduces (annularian if fan ainula annularia			2h				
	Plan sponsor's name and address (ER COMPANY LLP	employer, ir for single-employe	er pian)		2b Employer Identification Numb				
					2c Plan sponsor's telephone number				
	JNNYSIDE BLVD.				516-921-8900				
WOC	DBURY, NY 11797				2d	Business code (541211		ctions)	
3a	Plan administrator's name and addre	ress (if same as Plan sponsor	enter "Same		3b	Administrator's			
	ER COMPANY LLP	99 SUNNY	SIDE BLVD.			20-199			
		WOODBUF	RY, NY 1179	07	3с	3c Administrator's telephone number			
4 .	the name and/or EIN of the plan sp			nout file d for their release out on the	41-	516-92	1-8900		
	name, EIN, and the plan number fror			port filed for this plan, enter the	4b EIN				
	., , , ,				4c	4c PN			
5a	Total number of participants at the b	beginning of the plan year			5a	13			
b	Total number of participants at the	end of the plan year			5b			13	
С	Total number of participants with ac	ccount balances as of the end	of the plan y	ear (defined benefit plans do not					
	complete this item)				5c		V	13	
	-			(See instructions.)			× Yes	S No	
D	Are you claiming a waiver of the annual examination and report of an independent qualified public accountant (IQPA) under 29 CFR 2520.104-46? (See instructions on waiver eligibility and conditions.)						я ∏ №		
	If you answered "No" to either 6a or 6b, the plan cannot use Form 5500-SF and must instead use Form 5500.								
Pa	rt III Financial Information	n							
7	Plan Assets and Liabilities	and Liabilities (a) Beginning of Year		(a) Beginning of Year	(b) End of Year				
а	Total plan assets		7a	20229	1			377126	
b	Total plan liabilities		7b)				
С	Net plan assets (subtract line 7b fro	om line 7a)	7с	20229	1			377126	
8	Income, Expenses, and Transfers for	or this Plan Year		(a) Amount	(b) Total				
а	Contributions received or receivable								
	` , ' ,			53398					
	(2) Participants			9141	5				
	(3) Others (including rollovers)		, ,		4				
b	Other income (loss)			55284	4				
С	Total income (add lines 8a(1), 8a(2)		8c					200097	
d	Benefits paid (including direct rollov to provide benefits)	•	8d	24712	2				
е	Certain deemed and/or corrective d								
f	Administrative service providers (sa			550	50				
g	Other expenses		8g						
h	Total expenses (add lines 8d, 8e, 8							25262	
i	Net income (loss) (subtract line 8h f							174835	
i	Transfers to (from) the plan (see ins								

Part IV	Dlan	Charac	torictics
Part IV	Plan	Charac	reristics

SIGN HERE

Signature of employer/plan sponsor

If the plan provides pension benefits, enter the applicable pension feature codes from the List of Plan Characteristic Codes in the instructions: 2A 2E 2G 2J 3D

D I	rtn	e pian provides weirare benefits, enter the applicable weirare featur	re codes from the L	list of Pian Charac	cteris	iic Co	ies in	tne instruct	ions:	
Part '	٧	Compliance Questions								
10	Dui	ing the plan year:		_		Yes	No		Amount	
а		Was there a failure to transmit to the plan any participant contributions within the time period described 29 CFR 2510.3-102? (See instructions and DOL's Voluntary Fiduciary Correction Program)			10a		X			
b	Were there any nonexempt transactions with any party-in-interest? (Do not include transactions reported on line 10a.)			· ·	10b		X			
С	Was the plan covered by a fidelity bond?				10c	X				50000
	Did the plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by fraud or dishonesty?				10d		X			
	ins	Were any fees or commissions paid to any brokers, agents, or other persons by an insurance carrier, insurance service or other organization that provides some or all of the benefits under the plan? (See instructions.)			10e		X			
f	Has the plan failed to provide any benefit when due under the plan?				10f		X			
g	Did	Did the plan have any participant loans? (If "Yes," enter amount as of year end.)			10g		X			
		f this is an individual account plan, was there a blackout period? (See instructions and 29 CFR			10h		X			
		f 10h was answered "Yes," check the box if you either provided the required notice or one of the exceptions to providing the notice applied under 29 CFR 2520.101-3			10i		X			
Part \		Pension Funding Compliance								
		nis a defined benefit plan subject to minimum funding requirements?							Пуе	s X No
		his a defined contribution plan subject to the minimum funding requ							Yes	
		Yes," complete 12a or 12b, 12c, 12d, and 12e below, as applicable.		1412 01 1110 0000	01 00	Otion	JOZ 01	LICIO/C	ш	- Ш
а	If a waiver of the minimum funding standard for a prior year is being amortized in this plan year, see instructions, and enter the date of the letter ruling								-	
	granting the waiver									
b	Enter the minimum required contribution for this plan year					[12b			
С							12c			
						[12d			
е	Will the minimum funding amount reported on line 12d be met by the funding deadline?							Yes	No	N/A
Part \	VII	Plan Terminations and Transfers of Assets								
13a	Has	a resolution to terminate the plan been adopted during the plan year	ar or any prior yea	r?		<u>.</u>			Yes	s X No
		es," enter the amount of any plan assets that reverted to the emplo					13a			
	Were all the plan assets distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC?							s X No		
	C If during this plan year, any assets or liabilities were transferred from this plan to another plan(s), identify the plan(s) to which assets or liabilities were transferred. (See instructions.)									
13c(1) Name of plan(s):						13c(2) EIN(s) 13c(3) PN(s			3) PN(s)	
Cautio	on:	A penalty for the late or incomplete filing of this return/report v	will be assessed u	ınless reasonabl	e cau	se is	establ	ished.		
SB or	Sch	nalties of perjury and other penalties set forth in the instructions, I dedule MB completed and signed by an enrolled actuary, as well as true, correct, and complete.								
SIGN	F	Filed with authorized/valid electronic signature. 06/07/2010 ROBERT MAYER								
HERE	- Г	Signature of plan administrator Date Enter name of			individual signing as plan administrator					

Date

Enter name of individual signing as employer or plan sponsor