## Form 5500-SF

Department of the Treasury Internal Revenue Service

Employee Benefits Security Administration Pension Benefit Guaranty Corporation

Department of Labor

For calendar plan year 2016 or fiscal plan year beginning

**Annual Report Identification Information** 

## **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 sections 6057(b) and 6058(a) of the Internal Revenue Code (the Code).

2016

This Form is Open to Public Inspection

OMB Nos. 1210-0110

1210-0089

▶ Complete all entries in accordance with the instructions to the Form 5500-SF.

and ending

12/31/2016

A This ret	urn/report is for:	a single-employer plan			r) (Filers checking this box must attach a accordance with the form instructions.)						
<b>B</b> This retu	ırn/report is	the first return/report an amended return/report	the final return/report	n/report (less than 12 m	s than 12 months)						
C Check b	oox if filing under:	Form 5558 special extension (enter descr	automatic extension	ACHMENT.	DFVC program						
Part II	Basic Plan Info	ormation—enter all requested inf		TOTIMETT.							
1a Name	of plan	ES LLC 401 K PROFIT SHARING F			<b>1b</b> Three plan r (PN)	number	001				
					1c Effect	tive date of p 01/01/					
2a Plan sponsor's name (employer, if for a single-employer plan) Mailing address (include room, apt., suite no. and street, or P.O. Box) City or town, state or province, country, and ZIP or foreign postal code (if foreign, see instructions) WANNA CUPCAKE ENTERPRISES LLC					2b Employer Identification Number (EIN) 45-2511728						
					<b>2c</b> Sponsor's telephone number 253-256-5566						
	102 E MAIN STE 112 2102 E MAIN STE 107 UYALLUP, WA 98372-3205 PUYALLUP, WA 98372-3205					2d Business code (see instructions) 311800					
3a Plan administrator's name and address ☒ Same as Plan Sponsor.						<b>3b</b> Administrator's EIN					
		ne plan sponsor has changed since umber from the last return/report.	the last return/report filed f	or this plan, enter the	<b>4b</b> EIN						
<b>a</b> Sponso	or's name	· 			4c PN						
<b>5a</b> Total r	number of participant	s at the beginning of the plan year			5a		0				
<b>C</b> Number	er of participants with	s at the end of the plan year account balances as of the end of	the plan year (only defined	contribution plans	5b 5c		0				
	,	articipants at the beginning of the pl			5d(1)		0				
<b>d(2)</b> Tota	al number of active p	articipants at the end of the plan yea	ar		5d(2)		0				
<b>e</b> Numb	er of participants tha	t terminated employment during the	plan year with accrued be	nefits that were less	5e		0				
Under pena SB or Sche	alties of perjury and c	or incomplete filing of this return ther penalties set forth in the instruc- and signed by an enrolled actuary, a nolete.	ctions, I declare that I have	examined this return/re	port, includin	ng, if applica					
SIGN		I/valid electronic signature.	12/07/2018	JAMES ROMANO							
HERE	Signature of plan	administrator	Date	Enter name of individ	ual signing a	ıs plan adm	inistrator				
SIGN	Filed with authorized	d/valid electronic signature.	12/07/2018	JAMES ROMANO	.0						
HERE Signature of employer/plan sponsor Date Enter name of indi											
Preparer's name (including firm name, if applicable) and address (include room or suite number ) BRANDEL AGUIRRE AGUIRRE ENTERPRISES INC					Preparers	telephone r 253-226-0					
3800 BRIDGEPORT WAY W STE A231 UNIVERSITY PLACE, WA 98466											
For Paperwork Reduction Act Notice, see the Instructions for Form 5500-SF.						Fo	orm 5500-SF (2016)				

Form 5500-SF 2016 Page **2** 

	Were all of the plan's assets during the plan year invested in eligib								X Ye	s No		
D	Are you claiming a waiver of the annual examination and report of an independent qualified public a under 29 CFR 2520.104-46? (See instructions on waiver eligibility and conditions.)								X Ye	s No		
	If you answered "No" to either line 6a or line 6b, the plan cannot use Form 5500-SF and must instead use Form 5500.									_		
C If the plan is a defined benefit plan, is it covered under the PBGC insurance program (see ERISA section 4021)? Yes ☐ No ☒ Not determined												
Pa	Part III Financial Information											
_7_	Plan Assets and Liabilities		(a) Beginning (				(	(b) End o		_		
<u>a</u>	Total plan assets	7a		0		0						
	Total plan liabilities	7b		0				0				
	Net plan assets (subtract line 7b from line 7a)	7c		0				0				
8	Income, Expenses, and Transfers for this Plan Year		(a) Amoun	(a) Amount			(b) Total					
а	Contributions received or receivable from: (1) Employers	8a(1)	0									
	(2) Participants	8a(2)		0								
	(3) Others (including rollovers)	8a(3)		0								
b	Other income (loss)	8b		0								
	Total income (add lines 8a(1), 8a(2), 8a(3), and 8b)	8c								0		
d	Benefits paid (including direct rollovers and insurance premiums			0								
	to provide benefits)	8d		0								
<u>e</u>	Certain deemed and/or corrective distributions (see instructions).	8e		0								
	Administrative service providers (salaries, fees, commissions)	8f		0								
<u>g</u>	Other expenses	8g					0					
	Total expenses (add lines 8d, 8e, 8f, and 8g)	8h				0						
÷	Net income (loss) (subtract line 8h from line 8c)	8i		0						0		
	Transfers to (from) the plan (see instructions)	8j										
	Part IV Plan Characteristics  9a If the plan provides pension benefits, enter the applicable pension feature codes from the List of Plan Characteristic Codes in the instructions:											
9a	If the plan provides pension benefits, enter the applicable pension 2J	reature co	odes from the list of Pi	an Cna	racteri	Stic Co	oaes in	tne instru	ictions:			
b	If the plan provides welfare benefits, enter the applicable welfare f	eature cod	des from the List of Pla	n Chara	acterist	tic Cod	des in t	he instruc	tions:			
Par	t V Compliance Questions											
10	During the plan year:				Yes	No	N/A		Amount			
а	Was there a failure to transmit to the plan any participant contributions within the time period described in 29 CFR 2510.3-102? (See instructions and DOL's Voluntary Fiduciary Correction Program)			10a		X						
b	<b>b</b> Were there any nonexempt transactions with any party-in-interest? (Do not include transactions reported on line 10a.)					X						
C	C Was the plan covered by a fidelity bond?			10c		X						
C	<b>d</b> 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						
е	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.)					X						
f	f Has the plan failed to provide any benefit when due under the plan?					X						
9	g Did the plan have any participant loans? (If "Yes," enter amount as of year-end.)					X						
h	<b>h</b> If this is an individual account plan, was there a blackout period? (See instructions and 29 CFR 2520.101-3.)			10h		X						
i	If 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						

Page <b>3-</b> 1
------------------

Part	VI F	Pension Funding Compliance								
11	1 Is this a defined benefit plan subject to minimum funding requirements? (If "Yes," see instructions and complete Sch (Form 5500) and line 11a below)						Yes	X No		
11a	Enter	the unpaid minimum required contributions for all years from Schedule SB (Form 5500) line 40			11a					
12 Is this a defined contribution plan subject to the minimum funding requirements of section 412 of the Code or section ERISA?										
а	If a wa	es," complete line 12a or lines 12b, 12c, 12d, and 12e below, as applicable.)  aiver of the minimum funding standard for a prior year is being amortized in this plan year, see ins		ns, and	_				ing	
If		ng the waiver			Day	У	Ye	ear		
					12b					
		he minimum required contribution for this plan year			12c					
		he amount contributed by the employer to the plan for this plan year			120					
		ive amount)			12d					
		ne minimum funding amount reported on line 12d be met by the funding deadline?				Yes	No	)	V/A	
Part	VII	Plan Terminations and Transfers of Assets						-		
13a	Has a	resolution to terminate the plan been adopted in any plan year?				X Ye	s	No		
	If "Ye	s," enter the amount of any plan assets that reverted to the employer this year			13a				0	
b		all the plan assets distributed to participants or beneficiaries, transferred to another plan, or brought of the PBGC?		er the			X Ye	s 📗 N	0	
C If, during this plan year, any assets or liabilities were transferred from this plan to another plan(s), identify the plan(s) which assets or liabilities were transferred. (See instructions.)										
	13c(1) l	Name of plan(s):		13c(2)	EIN(s)		1;	3c(3) PI	l(s)	
Part		Trust Information			441					
14a Name of trust					14b	<b>4b</b> Trust's EIN				
14c Name of trustee or custodian				14d Trustee's or custodian's telephone number						
Par	t IX	IRS Compliance Questions			ı					
15a Is the plan a 401(k) plan? If "No," skip b					☐ No					
				sign-based "Prior year" A e harbor test				ADP		
	( ,			"Curre	ent year test	,27	X N/A			
year? Check all that apply: per				Ratio perce test	entage	tage Average N/A benefit test				
<b>16b</b> Did the plan satisfy the coverage and nondiscrimination requirements of sections 410(b) and 401(a)(4) for the plan year by combining this plan with any other plan under the permissive aggregation rules?							No			
17a If the plan is a master and prototype plan (M&P) or volume submitter plan that received a favorable IRS opinion letter or advisory letter, enter the date of the letter/ and the serial number								ate of		
17b If the plan is an individually-designed plan that received a favorable determination letter from the IRS, enter the date of the most recent determination letter/								on		
18 Defined Benefit Plan or Money Purchase Pension Plan Only:  Were any distributions made during the plan year to an employee who attained age 62 and had not separated from service?				Ye	es 🛛 No					
19	19 Was any plan participant a 5% owner who had attained at least age 70 ½ during the prior plan year?									

In regard to Part 1, C., we are clarifying that we did not file an extension because we believed this fund was closed and all filings were properly completed, already, timely, by the service provider we had been using, Paychex. They had properly filed the prior year's reports, contacted us to close the account due to inactivity and lack of participation. We had filled out the requested paperwork by them to close the account and were unaware further action needed to be taken. As soon as we received notice that this form needed to be filed, we engaged services to do.

Respectfully, we request and abatement from any fines or penalties due to this oversite as we were informed by the provider that it was closed and believed so. Again, we have taken immediate action to file this final return to be in compliance.