

<div>Form 5500-SF</div> <div>Department of the Treasury Internal Revenue Service</div> <div>Department of Labor Employee Benefits Security Administration</div> <div>Pension Benefit Guaranty Corporation</div>	<div>Short Form Annual Return/Report of Small Employee Benefit Plan</div> <div>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).</div> <div>▶ Complete all entries in accordance with the instructions to the Form 5500-SF.</div>	<div>OMB Nos. 1210-0110 1210-0089</div> <div>2022</div> <div>This Form is Open to Public Inspection</div>
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Part I	Annual Report Identification Information
For calendar plan year 2022 or fiscal plan year beginning 01/01/2022 and ending 03/22/2022	
A	This return/report is for: ☒ a single-employer plan ☐ a multiple-employer plan (not multiemployer) (Filers checking this box must attach a list of participating employer information in accordance with the form instructions.)
B	This return/report is ☐ the first return/report ☒ the final return/report ☐ an amended return/report ☒ a short plan year return/report (less than 12 months)
C	Check box if filing under: ☐ Form 5558 ☐ automatic extension ☐ DFVC program ☐ special extension (enter description)
D	If this is a retroactively adopted plan permitted by SECURE Act section 201, check here. ☐

Part II	Basic Plan Information—enter all requested information		
1a	Name of plan MCBRIDE HALL A PROFESSIONAL CO 401(K) PROFIT SHARING PLAN AND TRUST	1b	Three-digit plan number (PN) ▶ 001
		1c	Effective date of plan 01/01/2020
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) MCBRIDE HALL A PROFESSIONAL CORPORATION 8329 W SUNSET RD STE 260 LAS VEGAS, NV 89113-2218	2b	Employer Identification Number (EIN) 84-4860799
		2c	Sponsor's telephone number 702-792-5855
		2d	Business code (see instructions) 541990
3a	Plan administrator's name and address ☒ Same as Plan Sponsor.	3b	Administrator's EIN
		3c	Administrator's telephone number
4	If the name and/or EIN of the plan sponsor or the plan name has changed since the last return/report filed for this plan, enter the plan sponsor's name, EIN, the plan name and the plan number from the last return/report. a Sponsor's name c Plan Name	4b	EIN
		4d	PN
5a	Total number of participants at the beginning of the plan year.....	5a	18
b	Total number of participants at the end of the plan year	5b	0
c	Number of participants with account balances as of the end of the plan year (only defined contribution plans complete this item)	5c	0
d(1)	Total number of active participants at the beginning of the plan year	5d(1)	12
d(2)	Total number of active participants at the end of the plan year	5d(2)	0
e	Number of participants who terminated employment during the plan year with accrued benefits that were less than 100% vested.....	5e	0

Caution: A penalty for the late or incomplete filing of this return/report will be assessed unless reasonable cause is established.

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including, if applicable, a Schedule SB or Schedule MB completed and signed by an enrolled actuary, as well as the electronic version of this return/report, and to the best of my knowledge and belief, it is true, correct, and complete.

SIGN HERE	Filed with authorized/valid electronic signature.	02/23/2024	ROBERT MCBRIDE
	Signature of plan administrator	Date	Enter name of individual signing as plan administrator
SIGN HERE	Filed with authorized/valid electronic signature.	02/23/2024	ROBERT MCBRIDE
	Signature of employer/plan sponsor	Date	Enter name of individual signing as employer or plan sponsor

- 6a** Were all of the plan's assets during the plan year invested in eligible assets? (See instructions.)..... ☒ Yes ☐ No
- b** 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.)..... ☒ Yes ☐ 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
- If "Yes" is checked, enter the My PAA confirmation number from the PBGC premium filing for this plan year..... (See instructions.)

Part III Financial Information

7 Plan Assets and Liabilities		(a) Beginning of Year	(b) End of Year
a Total plan assets.....	7a	708851	0
b Total plan liabilities.....	7b	0	0
c Net plan assets (subtract line 7b from line 7a).....	7c	708851	0
8 Income, Expenses, and Transfers for this Plan Year		(a) Amount	(b) Total
a Contributions received or receivable from:			
(1) Employers.....	8a(1)	11813	
(2) Participants.....	8a(2)	34139	
(3) Others (including rollovers).....	8a(3)		
b Other income (loss).....	8b	-731668	
c Total income (add lines 8a(1), 8a(2), 8a(3), and 8b).....	8c		-685716
d Benefits paid (including direct rollovers and insurance premiums to provide benefits).....	8d	19118	
e Certain deemed and/or corrective distributions (see instructions).....	8e	0	
f Administrative service providers (salaries, fees, commissions).....	8f	4017	
g Other expenses.....	8g	0	
h Total expenses (add lines 8d, 8e, 8f, and 8g).....	8h		23135
i Net income (loss) (subtract line 8h from line 8c).....	8i		-708851
j 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:
2E 2F 2G 2J 2K 2S 2T 3D
- b** If the plan provides welfare benefits, enter the applicable welfare feature codes from the List of Plan Characteristic Codes in the instructions:

Part V Compliance Questions

10 During the plan year:		Yes	No	Amount
a 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 Were there any nonexempt transactions with any party-in-interest? (Do not include transactions reported on line 10a.).....	10b		X	
c Was the plan covered by a fidelity bond?.....	10c	X		70885
d 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	
e 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 the plan have any participant loans? (If "Yes," enter amount as of year-end.).....	10g		X	
h 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			

Part VI Pension Funding Compliance

11 Is this a defined benefit plan subject to minimum funding requirements? (If "Yes," see instructions and complete Schedule SB (Form 5500) and lines 11a and b below.) If this is a defined contribution pension plan, leave line 11 blank and complete line 12 below. ☐ Yes ☒ No

a Enter the unpaid minimum required contributions for all years from Schedule SB (Form 5500) line 40..... **11a**

b PBGC missed contribution reporting requirements. If the plan is covered by PBGC and the amount reported on line 11a is greater than \$0, has PBGC been notified as required by ERISA sections 4043(c)(5) and/or 303(k)(4)? Check the applicable box:

- ☐ Yes.
- ☐ No. Reporting was waived under 29 CFR 4043.25(c)(2) because contributions equal to or exceeding the unpaid minimum required contribution were made by the 30th day after the due date.
- ☐ No. The 30-day period referenced in 29 CFR 4043.25(c)(2) has not yet ended, and the sponsor intends to make a contribution equal to or exceeding the unpaid minimum required contribution by the 30th day after the due date.
- ☐ No. Other. Provide explanation _____

12 Is this a defined contribution plan subject to the minimum funding requirements of section 412 of the Code or section 302 of ERISA? ☐ Yes ☒ No
(If "Yes," complete line 12a or lines 12b, 12c, 12d, and 12e below, as applicable.) If this is a defined benefit pension plan, leave line 12 blank and complete line 11 above.

a 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.MonthDayYear

If you completed line 12a, complete lines 3, 9, and 10 of Schedule MB (Form 5500), and skip to line 13.

b Enter the minimum required contribution for this plan year **12b**

c Enter the amount contributed by the employer to the plan for this plan year **12c**

d Subtract the amount in line 12c from the amount in line 12b. Enter the result (enter a minus sign to the left of a negative amount) **12d**

e 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 in any plan year? ☒ Yes ☐ No

If "Yes," enter the amount of any plan assets that reverted to the employer this year..... **13a** 0

b Were all the plan assets distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC?..... ☒ Yes ☐ 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)
NEWPORT SECURE RETIREMENT POOLED EMPLOYER PLAN	27-2037969	002



MCBRIDE HALL

ATTORNEYS AT LAW

Lena Markle, Office Administrator
McBride Hall, A Professional Corporation
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855

Division of Reporting Compliance
Department of Labor
200 Constitution Avenue, NW
Washington, CD 20210

February 23, 2024

To The Department of Labor, Division of Reporting Compliance:

Please accept this letter of explanation as to why McBride Hall, A Professional Corporation filed the Form 5500 late for the Plan Year 2022 for the retirement plan named "McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust".

As of March 22, 2022, McBride Hall terminated their retirement plan named "McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust" and merged all the assets to a new plan called "Newport Secure Retirement Pooled Employer Plan". The recordkeeper for "McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust" was Paychex. Paychex was notified in a letter dated December 16, 2021 that the plan would be terminated and all the assets merged into the "Newport Secure Retirement Pooled Employer Plan". In this termination letter addressed to Paychex, it was stated "Because the plan will be merging into the Newport Secure Retirement Pooled Employer Plan at conversion ... it is also our expectation that ***Paychex will also complete the Final 5500 for the year of the merger.***" (Emphasis added.) (Please see attached letter titled "Paychex Retirement Termination Notice McBride Hall 12.16.2021)."

After McBride Hall's retirement plan "McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust" was merged into the "Newport Secure Retirement Pooled Employer Plan," I confirmed with two representatives from the new recordkeeper, Newport Group, to make sure the final Form 5500 was going to be filed for the terminated plan. The first time I contacted them was January 19, 2023. The second time I contacted them was June 6, 2023. The first representative from Newport Group, named Kimberly Tatum-Davis, said that McBride Hall did not need to file anything for Plan Year 2022. The second representative from Newport Group, named Kyle Michelsen, said specifically, "The **final 5500** is prepared at the entire PEP level, you do not need to do this." (Emphasis added.) Please note that he told me the **final 5500** form was going to be prepared for McBride Hall and that we did not need to file the form. I will attach this email exchange for your review. (Please see the document titled "Correspondence with Newport Group".)

At the time of these conversations with Newport Group, we believed that the final filing of Form 5500 for "McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust" as well as the annual filing for "Newport Secure Retirement Pooled Employer Plan" was taken care of by the recordkeepers of both plans and that McBride Hall was not responsible for doing any filings for Plan Year 2022.

On January 26, 2024, McBride Hall received an email from the Department of Labor notifying us that Form 5500 for plan year 2022 was never filed for “McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust”. (Please see attached document titled “Email from DOL”).

The same day we received the DOL notice, on January 26, 2024, I immediately contacted the current recordkeeper Newport Group representative, Kyle Michelsen (the same person I spoke to in June 2023) and asked why the final Form 5500 was never filed for our terminated plan “McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust”. At that time, we had a conversation back and forth between January 26, 2024 and February 2, 2024 regarding which recordkeeper was responsible for filing the final Form 5500 for the terminated plan “McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust”. (Please see the document titled “Email Exchange with Newport 01.26.2024 – 02.02.2021”).

Mr. Michelsen advised that the former recordkeeper, Paychex, was responsible for the final filing. Please note that this statement contradicts the information Mr. Michelsen had told me in June 2023. On his advice, I spoke to Paychex over the phone and was told that Paychex did not have any responsibility to file the final Form 5500 for the terminated plan “McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust”. The Paychex representative told me that since the plan was transferred, Newport Group was now responsible for all filings in Plan Year 2022. Please note that the information from both Paychex and Newport Group contradicted each other. Unfortunately, since this was a phone call, I do not have documentation.

I reported to Mr. Michelsen what Paychex told me, and he again repeated that “your prior recordkeeper would need to complete their final 5500.” Mr. Michelsen did send me the documentation showing that the annual filing our new plan, “Newport Secure Retirement Pooled Employer Plan” was filed in a timely manner. (Please see attached letter titled “Newport Group 2022 PEP Filing”).

At the same time that I was contacting representatives from Newport Group and Paychex, I was also researching and reaching out to various knowledgeable people, including the CPA for McBride Hall, to get advice on how to deal with this situation since both past and present recordkeepers stated they were not responsible for the final filing of Form 5500 for “McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust” for Plan Year 2022.

On February 2, 2024, I sent an email to Paychex Retirement Services and informed them that the final Form 5500 for “McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust” for was never filed. I also sent them a copy of the original termination letter dated December 16, 2021. On February 6, 2024, the Paychex Retirement Services responded that they would help me get the situation resolved if I could provide them with information, which I did. (Please see document titled “Correspondence with Paychex 02.02.2024-02.06.2024”).

On February 8, 2024, I received an email from Paychex Retirement Services stating that they would generate the final Form 5500 for the terminated plan “McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust”, and it would be available within 5 business days. However, the form was not produced as promised, and after repeated email follow-ups, they finally told me on February 22, 2024 that the form was completed and available for me to download. (Please see document titled “Form Completed by Paychex”).

This morning, February 23, 2024, I logged into the www.dol.gov website so that I could file the final Form 5500 for Plan Year 2022 for “McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust” as soon as possible after receiving it from Paychex.



MCBRIDE HALL

ATTORNEYS AT LAW

In summary, all this information I am providing will hopefully demonstrate that:

- a) the prior recordkeeper, Paychex, was requested to create the final Form 5500 for the terminated plan "McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust" which they failed to do,
- b) McBride Hall attempted to confirm and was told that the final Form 5500 was going to be filed in a timely manner,
- c) McBride Hall, in being made aware of the failure to file the Form 5500, attempted to resolve the situation as soon as possible,
- d) both the former and current recordkeepers gave contradictory information, but through diligence McBride Hall is now filing the final filing of Form 5500 for plan year 2022 for "McBride Hall A Professional Co 401(k) Profit Sharing Plan & Trust".

It is our hope that you will see that we believed our Form 5500 was filed in a timely manner, and as soon as we were made aware of the mistake we acted as quickly as possible to rectify the situation.

All documents listed above will be attached below for your review.

If you need to discuss any information provided, please feel free to contact me at (725) 216-1974 or email me at LMarkle@McBrideHall.com.

Thank you for your consideration in this situation.

Lena Markle, Office Administrator
McBride Hall, A Professional Corporation
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855

**DOCUMENT: PAYCHEX RETIREMENT TERMINATION
NOTICE 12.16.2021**

December 16, 2021

Paychex
Attn: Paychex Retirement Services
Via Email: 401kclientservice@paychex.com

Re: McBride Hall A Professional Co 401(k) Profit Sharing Plan and Trust

Customer ID #15079853

To Whom It May Concern:

After careful consideration, McBride Hall has decided to merge the above-named plan ("the plan") effective March 14, 2022, with the Newport Secure Retirement Pooled Employer Plan. This letter shall therefore serve as formal notice to terminate the services provided by your firm and as authorization for our new service provider, Newport Group, to coordinate the details of the merger and transfers dates.

Fees & Reporting

It is our expectation that Paychex will complete the Year End Form 5500 and trustee report as well as all compliance testing for the 2021 year.

Because the plan will be merging into the Newport Secure Retirement Pooled Employer Plan at conversion (Anticipated date – 03/14/2022), it is also our expectation that Paychex will also complete the Final 5500 for the year of the merger.

Our understanding is that there are no contract termination fees or other leaving charges associated with this change in service providers or reporting request. If for some reason you do not agree with this position, please notify me immediately.

Blackout and Transfer Dates

In order to comply with certain participant notification requirements pursuant to the Sarbanes-Oxley Act, as well as to prepare for a smooth transition, we must receive confirmation of the following dates from you in writing as soon as possible:

Action Item	Requested Date
Blackout period begins	3/7/2022
Plan assets are liquidated and transferred as per the wiring instructions (wire expected one day after liquidation date)	3/11/2022
Files are provided on a trust and participant level breakdown for reconciliation	3/14/2022

Liquidation/Transfer

Our intention is to liquidate the current investments with a wire transfer on the dates specified above. The wiring instructions have been included below. Should you require additional information please contact Newport Group immediately.

Please use the following wiring instructions for this asset transfer:

<i>Bank Name:</i>	JPMorgan Chase Bank, N.A.
<i>Bank Address:</i>	New York, NY
<i>ABA Routing #:</i>	021000021
<i>To:</i>	Newport Trust Company
<i>Account #:</i>	522216982
<i>Plan Name:</i>	Newport Secure Retirement Pooled Employer Plan - McBride Hall a Professional Co 401(k) Profit Sharing Plan
<i>Plan ID:</i>	n10826bx

Our new Recordkeeper/Third Party Administrator is as follows:

<i>Name of Recordkeeper:</i>	Newport Group
<i>Contact:</i>	Cassie Rogers / Jessica Hernandez
<i>Phone:</i>	916-990-6395 / 412-222-5717
<i>Email Address:</i>	Cassie.Rogers@newportgroup.com / Jessica.Hernandez@newportgroup.com
<i>Street Address:</i>	35 Iron Point Circle, Suite 300, Folsom, CA 95630

All trust level and participant level accounting for the transferred assets should be sent to Cassie Rogers and Jessica Hernandez via email notification to Cassie.Rogers@newportgroup.com and Jessica.Hernandez@newportgroup.com.

Compliance/Administration

All existing services and administration should be continued through 03/14/2022 including, but not limited to Final Valuation Period and Participants Statements as well as all 1099's for plan year (if applicable).

We ask that you please provide the following items related to the plan to our new provider using the contact information provided within this letter:

- Year to Date Trust Report
- Copy of most recent plan valuation with totals by investment and contribution source
- Latest IRS Determination Letter or Opinion Letter
- Loan Policy, if applicable
- Most recent 5500 forms, including all schedules and attachments
- Most recent compliance testing results (e.g. Top Heavy, ADP/ACP, minimum coverage requirements, 415 limit, 410(b), Gateway, 401(a)(4))
- Vesting schedule
- Basis amounts – net contributions, Roth, after-tax, pre-tax
- Money types currently used in the plan
- Prior year Account Balance Statement

To ensure the Newport Group team is able to address each of these items as well as discuss the conversion details we are requesting the contact information of a specialist at your firm who will be managing the deconversion process. This information should be emailed to me as well as the below Newport Group contacts.

Authorization

You may accept this letter as authorization to work directly with **any** representative of Newport Group to provide them with data and assistance as requested to facilitate this transition. Please note your key representatives' information below:

Cassie Rogers, Conversion Consultant

916-990-6395 / Cassie.Rogers@newportgroup.com

Jessica Hernandez, Conversion Analyst

412-222-5717 / Jessica.Hernandez@newportgroup.com

Susan Kracht, Relationship Manager

651-900-8189/ Susan.Kracht@newportgroup.com

Please confirm receipt of this letter and advise us of any further actions required on our part by your firm to facilitate a smooth transition of the plan.

Thank you for your past service to the plan and we look forward to making this transition as smooth as possible.

Sincerely,



Lena Markle

Cc: Cassie Rogers, Newport Group

DOCUMENT: CORRESPONDENCE WITH NEWPORT GROUP

From: [Kyle Michelsen](#)
To: [Lena Markle](#)
Subject: RE: Form 5500
Date: Tuesday, June 6, 2023 1:17:59 PM
Attachments: [image005.png](#)

Hello Lena,

The final 5500 is prepared at the entire PEP level, you do not need to do this.

Kyle Michelsen

Senior Client Service Manager | Newport

Phone: 608-785-3723 | Fax: 608-784-0666 |

Kyle.Michelsen@newportgroup.com



How's My Service?

Communication is critical to a successful relationship, and I want to ensure that you receive quality, timely service. If you have any service concerns or suggestions for improvement, please contact my manager, Kerry Towner, at Kerry.Towner@newportgroup.com or 608-785-3721.

Newport and its affiliates do not provide tax, legal or accounting advice and this email and any attachments should not be relied upon as providing such advice. Consult your own tax, legal and accounting advisors before making any decision

From: Lena Markle <lmarkle@mcbridehall.com>
Sent: Tuesday, June 6, 2023 3:16 PM
To: Kyle Michelsen <Kyle.Michelsen@newportgroup.com>
Subject: [EXTERNAL] Form 5500

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you recognize the sender and know the content is safe.

Hi Kyle,

I wanted to know if I need to prepare the Form 5500 for our plan. Kimberly told me I didn't have to, but she told me a lot of misinformation. So, I wanted to double check with you.

Please advise.

Thank you,
Lena

From: [Tatum-Davis, Kimberly](#)
To: [Lena Markle](#)
Subject: RE: [EXTERNAL] Contract employees excluded from 401k?
Date: Thursday, January 19, 2023 1:30:32 PM
Attachments: [image004.png](#)
[image005.png](#)

Lena,

No. You don't have to file anything for the plan. The form 5500 will be file for the entire Pooled Employer Plan (PEP) by Newport. McBride Hall is a participating plan in the PEP. The Annual Compliance Questionnaire & Census is all you'll need for Newport to undergo plan testing and file the 5500 for the PEP.

Kimberly Tatum-Davis

Client Service Manager

Phone: 608-785-3738

Fax: 608-784-0666

kimberly.tatum-davis@newportgroup.com
newportgroup.com

Upcoming Due Dates

January 31st - Deadline for calendar year-end plans to submit compliance information in good order if refunds must be made before the March 15th deadline.



Newport retirement services

Expertise you need. Flexibility you want. Retirement you deserve.

Lena Markle
Office Administrator
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113
Email: LMarkle@mcbridehall.com
Direct: (725) 216-1974
Office: (702) 792-5855
Facsimile: (702) 796-5855



MCBRIDE HALL
ATTORNEYS AT LAW

NOTICE: THIS MESSAGE IS CONFIDENTIAL, INTENDED FOR THE NAMED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS (I) PROPRIETARY TO THE SENDER, AND/OR, (II) PRIVILEGED, CONFIDENTIAL, AND/OR OTHERWISE EXEMPT FROM DISCLOSURE UNDER APPLICABLE STATE AND FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, PRIVACY STANDARDS IMPOSED PURSUANT TO THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 ("HIPAA"). IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS

DOCUMENT: EMAIL FROM DOL REGARDING MISSING FILING

From: [Albert, Scott - EBSA](#)
To: [Lena Markle](#)
Subject: Ref No. 24-11349W: Missing Form 5500/5500-SF for 2022
Date: Friday, January 26, 2024 1:07:36 PM

Dear Plan Administrator:

We are emailing you today because it appears that a 2022 Form 5500 or 5500-SF was not filed with the US Department of Labor (DOL) for the **Mcbride Hall A Professional Co 401(k) Profit Sharing Plan & Trust** (EIN/PN 84-4860799/001).

Your Plan's Form 5500-SF Annual Report for the year ended December 31, 2021, reported that the Plan covered 18 participants and beneficiaries and held \$708,851 at the end of 2021. We therefore believe that the Plan was in existence in 2022 and, consequently, a Form 5500 or 5500-SF was required to be filed for that year.

Please 1) review your Plan's records and past Form 5500 or 5500-SF filings posted in the DOL's electronic filing system {called "EFAST" - www.efast.dol.gov}, and 2) if you have one, contact your Plan's service provider to either make sure you are in compliance with the Mcbride Hall A Professional Co 401(k) Profit Sharing Plan & Trust's annual reporting requirements or to take any necessary corrective action.

To help you resolve this matter, here is a list of common reasons why our records often show required Forms 5500 or 5500-SF have not been filed (please note this is not an all-inclusive list):

Common Reason	Action to be Taken
You DID file a Form 5500 or 5500-SF for 2022, but the Plan's sponsor name, EIN or PN changed from 2021.	When the Plan's sponsor name, EIN and/or PN changes from what was reported in 2021, you must include the previously used information in Part 2, Line 4, of the 5500 or 5500-SF. Please amend your 2022 filing to include the required information in Line 4.
You DID file a Form 5500 or 5500-SF for 2022, but you used an incorrect EIN or PN in the Plan's Annual Report.	Amend your annual report using the correct EIN/PN throughout the Form where required. Enter the <u>incorrect</u> EIN/PN in Part 2, Line 4 of the 5500 or 5500-SF.
You DID file Form 5500-EZ for 2022 because the Plan is a "one-participant plan" (see instructions).	No additional action for the 2022 filing is due at this time. Please note, however, that Forms 5500 or 5500-SF are not to be used for "one-participant plan" reporting. Make sure you used the appropriate form for 2021.
You DID NOT yet file because you qualify for a special extension and the due date has not yet passed. (For example, a special extension granted for Presidentially-declared disasters – see https://www.irs.gov/newsroom/tax-relief-in-	No action is due at this time. However, be certain you file the Annual Report by the extended due date in the IRS announcement. Also, check the "Special Extension" box in Part 1, Line D of the 5500 or 5500-SF, and enter a

disaster-situations for information on special extensions for filing Form 5500 or 5500-SF granted by the IRS, DOL and PBGC).	description of the extension in the space provided.
You DID NOT file for 2022. The Plan merged into another plan or was terminated in 2022.	A Form 5500 or 5500-SF filing is required if the Plan was in existence at any time during 2022. If it has merged or terminated in 2022, a final filing is required. (See information about the DFVC Program Below)

If for any reason you have not filed a required Form 5500 or 5500-SF for 2022, please do so immediately. Also, consider using the DOL's Delinquent Filer Voluntary Compliance Program (DFVC Program) to avoid significant DOL civil penalties for failing to file. Details on participating in the DFVC Program are available on the DOL's website at <https://www.dol.gov/agencies/ebsa/employers-and-advisers/plan-administration-and-compliance/correction-programs/dfvcp>.

You are NOT required to respond to this email. However, if you have questions, please include the Reference Number 24-11349W in the subject line of your email. Please do not include any Personal Identifiable Information in your email. We will try to respond as soon as possible.

If you have questions about using the EFAST filing system to file your annual report electronically, please call 866-GO EFAST (866-463-3278).

Thank you for your prompt attention to this matter.

Sincerely,
Scott C. Albert
Chief, Division of Reporting Compliance
Office of the Chief Accountant
U.S. Department of Labor



We are not requesting any Personal Identifiable Information about you or your Plan's participants.

Lena Markle

Subject: FW: Ref No. 24-11349W: Missing Form 5500/5500-SF for 2022

From: Kyle Michelsen <Kyle.Michelsen@newportgroup.com>
Sent: Friday, February 2, 2024 1:59 PM
To: Lena Markle <lmarkle@mcbridehall.com>
Subject: RE: Ref No. 24-11349W: Missing Form 5500/5500-SF for 2022

If they need to hop on a call with me they can. They need to complete the final 5500 as your plan deconverted and went to Newport, this was a termination not a transfer.

Kyle Michelsen

Senior Client Service Manager | Newport

Phone: 608-785-3723 | **Fax:** 608-784-0666 |

Kyle.Michelsen@newportgroup.com



How's My Service?

Communication is critical to a successful relationship, and I want to ensure that you receive quality, timely service. If you have any service concerns or suggestions for improvement, please contact my manager, Kerry Towner, at Kerry.Towner@newportgroup.com or 608-785-3721.

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From: [Kyle Michelsen](#)
To: [Lena Markle](#)
Subject: RE: Ref No. 24-11349W: Missing Form 5500/5500-SF for 2022
Date: Friday, February 2, 2024 1:52:04 PM
Attachments: [image003.png](#)
[NGP0076.pdf](#)

Hello Lena,

I have attached the documentation showing this was processed in the PEP but your prior recordkeeper would need to complete their final 5500.

Kyle Michelsen

Senior Client Service Manager | Newport

Phone: 608-785-3723 | **Fax:** 608-784-0666 |

Kyle.Michelsen@newportgroup.com



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From: Lena Markle <lmarkle@mcbridehall.com>
Sent: Friday, February 2, 2024 3:42 PM
To: Kyle Michelsen <Kyle.Michelsen@newportgroup.com>
Subject: [EXTERNAL] RE: Ref No. 24-11349W: Missing Form 5500/5500-SF for 2022

WARNING: External Sender! Exercise caution with links, attachments and requests for login information. When in doubt, report it by clicking the Phish Alert Report button at the top of this email.

Hi Kyle

Any luck at finding the documentation that I can show the DOL that NG filed our Form 5500 for 2022 on our behalf?

I am not having any luck with Paychex. They told me they don't have any responsibility for 2022. So I need something.

Thank you so much.

Lena



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From: Kyle Michelsen <Kyle.Michelsen@newportgroup.com>
Sent: Monday, January 29, 2024 7:28 AM
To: Lena Markle <lmarkle@mcbridehall.com>
Subject: RE: Ref No. 24-11349W: Missing Form 5500/5500-SF for 2022

Hello Lena,

For the PEP plans you would not complete any 5500 as this is done on the PEP level. I am thinking this has to do with your final 5500 when you were with your prior recordkeeper.

You will want to reach out to them to see if they completed this.

Kyle Michelsen

Senior Client Service Manager | Newport

Phone: 608-785-3723 | **Fax:** 608-784-0666 |

Kyle.Michelsen@newportgroup.com

Upcoming Due Dates

January 31st – Deadline for calendar year-end plans to submit compliance information in good order if refunds must be made before the March 15th deadline.



How's My Service?

Communication is critical to a successful relationship, and I want to ensure that you receive quality, timely service. If you have any service concerns or suggestions for improvement, please contact my manager, Kerry Towner, at Kerry.Towner@newportgroup.com or 608-785-3721.

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From: Lena Markle <lmarkle@mcbridehall.com>
Sent: Friday, January 26, 2024 3:32 PM
To: Kyle Michelsen <Kyle.Michelsen@newportgroup.com>
Subject: [EXTERNAL] FW: Ref No. 24-11349W: Missing Form 5500/5500-SF for 2022

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Hello Kyle

I received a notice (see below) that a form 5500 was not filed for the plan year 2022. I remember asking you, and you said that Newport Group would do all the filings.

Can you please help me respond to this email?

Thank you

Lena

Lena Markle
Office Administrator
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113
Email: LMarkle@mcbridehall.com
Direct: (725) 216-1974
Office: (702) 792-5855
Facsimile: (702) 796-5855



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**SUMMARY ANNUAL REPORT FOR
NEWPORT SECURE RETIREMENT POOLED EMPLOYER PLAN**

This is a summary of the annual report for the Newport Secure Retirement Pooled Employer Plan (Employer Identification Number 27-2037969, Plan Number 002) for the plan year 01/01/2022 through 12/31/2022. The annual report has been filed with the Employee Benefits Security Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

Basic Financial Statement

Benefits under the plan are provided by a trust fund. Plan expenses were \$175,767,561. These expenses included \$232,905 in administrative expenses and \$175,401,186 in benefits paid to participants and beneficiaries, \$133,470 in certain deemed and/or corrective distributions, and \$0 in other expenses. A total of 4331 persons were participants in or beneficiaries of the plan at the end of the plan year, although not all of these persons had yet earned the right to receive benefits.

The value of plan assets, after subtracting liabilities of the plan, was \$48,824,273 as of the end of the plan year, compared to \$203,948,872 as of the beginning of the plan year. During the plan year the plan experienced a change in its net assets of -\$155,124,599. This change includes unrealized appreciation or depreciation in the value of plan assets; that is, the difference between the value of the plan's assets at the end of the year and the value of the assets at the beginning of the year or the cost of assets acquired during the year. The plan had total income of -\$8,863,057, including employer contributions of \$8,959,493, employee contributions of \$11,138,453, other contributions/other income of \$3,445,927, and earnings from investments of -\$32,406,930.

Your Rights to Additional Information

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report:

1. An accountant's report.
2. Financial information and information on payments to service providers.
3. Assets held for investment.
4. Information regarding any common or collective trusts, pooled separate accounts, master trusts or 103-12 investment entities in which the plan participates.

To obtain a copy of the full annual report, or any part thereof, write or call the plan administrator, at 35 Iron Point Circle Suite 300, Folsom, CA 95630 and phone number, 844-749-9981.

You also have the right to receive from the plan administrator, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report from the plan administrator, these two statements and accompanying notes will be included as part of that report.

You also have the legally protected right to examine the annual report at the main office of the plan: 35 Iron Point Circle Suite 300, Folsom, CA 95630, and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to: Public Disclosure Room, Room N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Paperwork Reduction Act Statement

According to the Paperwork Reduction Act of 1995 (Pub. L. 104-13) (PRA), no persons are required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number. The Department notes that a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA, and displays a currently valid OMB control number, and the public is not required to respond to a collection of information unless it displays a currently valid OMB control number. See 44 U.S.C. 3507. Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number. See 44 U.S.C. 3512.

The public reporting burden for this collection of information is estimated to average less than one minute per notice (approximately 3 hours and 11 minutes per plan). Interested parties are encouraged to send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of the Chief Information Officer, Attention: Departmental Clearance Officer, 200 Constitution Avenue, N.W., Room N-1301, Washington, DC 20210 or email DOL_PRA_PUBLIC@dol.gov and reference the OMB Control Number 1210-0040.

OMB Control Number 1210-0040 (expires 03/31/2026)

From: 401kclientservice@paychex.com
To: [Lena Markle](#)
Subject: Re: Missing form 5500 for plan year 2022
Date: Tuesday, February 6, 2024 5:28:48 AM
Attachments: [img_b3d89c77-fba9-471e-9fd3-770754c398f7_2024-02-06_13-28-32.png](#)
[image001.png](#)
[image002.png](#)

Good Morning Lena,

I apologize for any inconvenience this may have caused. Review of the transfer paperwork and project case on our end did not confirm this was in fact a conversion or merger to an MEP or PEP. Regardless I am happy to help get this resolved! Please see below for the required information we'll need in order to prepare a Final Form 5500 for the plan:

1. **The Name of the MEP/PEP they are transferring to**
2. **The EIN of the MEP/PEP**
3. **The plan sequence number of the MEP/PEP.**

Once received I'll be happy to submit the request to start preparations of the Form. Please let me know if you have any additional questions.

Thank you for your partnership and have a wonderful day!

Evan King
Service Representative-401(k) Client Service

Office: 1-800-472-0072



The Power of Simplicity

From: lmarkle@mcbridehall.com
To: 401kclientservice@paychex.com
Sent: Fri, Feb 2, 2024, 05:32 PM EST
Subject: Missing form 5500 for plan year 2022

Warning: This email is from outside the company. Be careful clicking links or attachments.

RE: Client ID #15079853

Good afternoon,

Our company formerly had a retirement account with Paychex, client ID #15079853. We terminated our services with Paychex in March 2022, and merged our plan with the Newport

Secure Retirement Pooled Employer Plan at that time.

I recently received notice from the Department of Labor that there was no final filing of Form 5500 for the plan year 2022. (see below).

You DID NOT file for 2022. The Plan merged into another plan or was terminated in 2022.	A Form 5500 or 5500-SF filing is required if the Plan was in existence at any time during 2022. If it has merged or terminated in 2022, a final filing is required. (See information about the DFVC Program Below)
---	--

I called the Paychex Retirement services to ask for final documents, and the rep I spoke with said there was nothing she could do. However, per the notification I received from the Department of Labor, a final filing is required.

Can you please assist me with this problem?

I will attach some documentation for your review, including:

1. The notice to Paychex of plan termination
2. The notice from DOL of missing Form 5500
3. An email from our current service provider

I would appreciate any help you can give on this situation.

Thank you,

Lena Markle

Office Administrator

8329 West Sunset Road, Suite 260

Las Vegas, Nevada 89113

From: 401kclientservice@paychex.com
To: [Lena Markle](#)
Subject: RE: Missing form 5500 for plan year 2022
Date: Thursday, February 22, 2024 6:34:08 AM
Attachments: [img_ac22b7e4-f995-4f22-b714-8d5de6a129b1_2024-02-22_14-33-42.png](#)
[image001.png](#)
[image002.png](#)
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[image001.png](#)
[image002.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image001.png](#)

Good Afternoon Lena,

My apologies, this was complete on 2/19.
I have sent the completed Final 5500 to you via secure email.

Hello,

The information you requested has been sent to you in a separate secure email. To access the secure email you received, follow the steps below:

- Open the email titled: **#secure# Final 5500**.
- Click the hyperlink within the message.
- Enter or create a password (use **Reset Password**, if necessary).
- When the PDF attachment displays, open the PDF file.

Thank you for your partnership.
Please let me know if you have any additional questions.

Thank you for your Partnership!

Precious McKenzie
Service Representative-401(k) Client Service

Office: 1-800-472-0072



From: lmarkle@mcbridehall.com
To: 401kclientservice@paychex.com
Sent: Wed, Feb 21, 2024, 04:22 PM EST
Subject: RE: Missing form 5500 for plan year 2022

Hello

I have been waiting for this form for about 3 weeks, and was promised in the last email that it would be delivered by the end of the day on 2/20/24. However I still have not received it so I wanted to follow up.

Thank you for your help.

Lena

Lena Markle

Office Administrator

8329 West Sunset Road, Suite 260

Las Vegas, Nevada 89113

Email: LMarkle@mcbridehall.com

Direct: (725) 216-1974

Office: (702) 792-5855

Facsimile: (702) 796-5855



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From: 401kclientservice@paychex.com <401kclientservice@paychex.com>
Sent: Monday, February 19, 2024 1:01 PM
To: Lena Markle <lmarkle@mcbridehall.com>
Subject: RE: Missing form 5500 for plan year 2022

Good Afternoon Lena,

Thank you for your patience here. I reached out to the representative processing your request. They advised that it will be completed by End of Day 2/20/24.

Again, thank you for your patience as we are working diligently to process your request.

Please let me know if you have any additional questions.

Thank you for your Partnership!

Precious McKenzie

Service Representative-401(k) Client Service

Office: 1-800-472-0072



From: lmarkle@mcbridehall.com
To: 401kclientservice@paychex.com
Sent: Fri, Feb 16, 2024, 04:29 PM EST

Subject: RE: Missing form 5500 for plan year 2022

Hello

I have not heard back yet. I am just following up to see if you have an ETA for the form I requested.

Thank you

Lena

Lena Markle

Office Administrator

8329 West Sunset Road, Suite 260

Las Vegas, Nevada 89113

Email: LMarkle@mcbridehall.com

Direct: (725) 216-1974

Office: (702) 792-5855

Facsimile: (702) 796-5855



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From: 401kclientservice@paychex.com <401kclientservice@paychex.com>
Sent: Tuesday, February 13, 2024 2:01 PM
To: Lena Markle <lmarkle@mcbridehall.com>
Subject: RE: Missing form 5500 for plan year 2022

Hello,

Taking a look at this case you should get a response by the Friday at the very latest. With it being updated.

Please let me know if you have any additional questions.

Thank you for your Partnership!

Aaron Sheflin

Service Representative-401(k) Client Service

Office: 1-800-472-0072



From: lmarkle@mcbridehall.com
To: 401kclientservice@paychex.com
Sent: Mon, Feb 12, 2024, 03:12 PM EST
Subject: RE: Missing form 5500 for plan year 2022

Thank you very much for the info, Evan. My last question is really just asking the ETA of the form. I have not received it yet.

Thanks again! Have a great week!!

Lena

Lena Markle

Office Administrator

8329 West Sunset Road, Suite 260

Las Vegas, Nevada 89113

Email: LMarkle@mcbridehall.com

Direct: (725) 216-1974

Office: (702) 792-5855

Facsimile: (702) 796-5855



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From: 401kclientservice@paychex.com <401kclientservice@paychex.com>

Sent: Monday, February 12, 2024 5:07 AM

To: Lena Markle

Subject: RE: Missing form 5500 for plan year 2022



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From: 401kclientservice@paychex.com <401kclientservice@paychex.com>

Sent: Thursday, February 8, 2024 5:41 AM

To: Lena Markle <lmarkle@mcbridehall.com>

Subject: RE: Missing form 5500 for plan year 2022

Good Morning Lena,

It's my pleasure! I apologize for any inconvenience this may have caused. After review of the LOD provided referencing the intent to transfer, it appears as this information was not provided on the actual Conversion Paperwork that was provided to you. This was why the Final Form 5500 was never generated. At this time I ask that you please allow up to 5 business days for preparation of the Final Form 5500 and upon completion, we'll have it emailed to you directly.

Please let me know if you have any additional questions.

Thank you for your partnership and have a wonderful day!

Evan King

Service Representative-401(k) Client Service