

***Creative Retirement Plan Designs
&
Mining for Prospects 2019***

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NOTES

WHAT IS THE GOAL OF YOUR COMPANY'S RETIREMENT PLAN?

- ⇒ **Recruitment**
- ⇒ **Retention**
- ⇒ **Targeted benefit for certain employees**
- ⇒ **Tax and savings tool for owners**

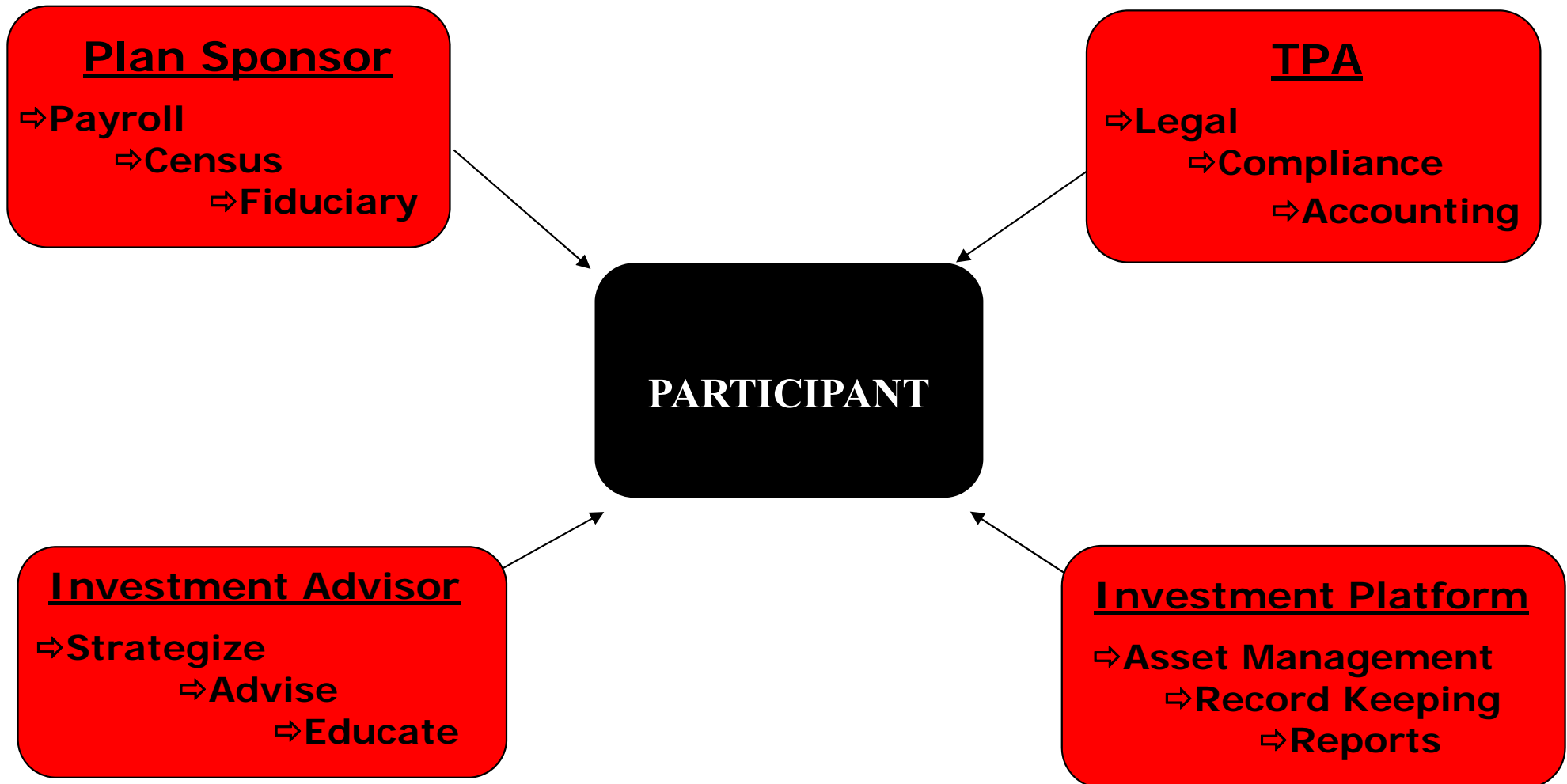
WHAT GOVERNMENT AGENCIES HAVE OVERSIGHT OF QUALIFIED RETIREMENT PLANS?

- ⇒ **The Internal Revenue Service – www.irs.gov**
- ⇒ **The Department of Labor – www.dol.gov**

NOTE: BOTH AGENCIES CAN AUDIT RETIREMENT PLANS

401 (k) BASICS

THE 401(k) TEAM



WHO DO I CALL FOR QUESTIONS ?

- How to Deposit Contributions?
- What should I invest in ? Rollovers?
- Plan Operations – Who is Eligible?

CONTACT INVESTMENT PLATFORM

CONTACT INVESTMENT ADVISOR

CONTACT PANAGIOTU PENSION ADVISORS

Money Types

www.ppatpa.com/resources

Employee

401(k)

2019 Contribution Limits

\$19,000

6,000 +50 Catch-up

\$25,000

Contribution Types

- Pre-tax
- Roth (after-tax)

Rollover Contributions

- IRA
- 401(k) & Simple/SEP

100% Vested

**Max Compensation:
\$280,000**

Discretionary Employer Contributions

Safe Harbor Contribution

3% of Wages for All
Eligible Employees

OR

Safe Harbor Match

1) 3% + 2% up to 4% comp

OR

2) \$1 for \$1 up to 4% comp

- 100% Vested
- No Last Day Provision
- 30-90 Day Notice Req.

Discretionary Matching

Contribution to
Participating Employees

AND/OR

Profit Sharing

Contribution to All
Eligible Employees

- Subject to Vesting
- Subject to Last Day
- 1000 Hours of Service
- Determined Annually

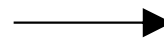
EE Contribution + ER Contribution = \$56,000 per year (\$62,000 +50 yrs. of age)

ROTH 401(k)



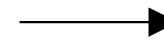
(Runaway Deficit = Higher Taxes)

Under 35



GO

35 - 55



**Consider
Some Roth**

Over 55



**Only for Select
Circumstances**

Eligibility

Waiting Period

- ⇒ Age 21 or younger
- ⇒ One year or sooner
- ⇒ 1000 hours or fewer
- ⇒ Date of hire, dual eligibility or from inception

Entry Dates

- ⇒ Semi-annual or more frequent

Rollovers

IRAs, 401(k)s, SEPs and SIMPLEs may be rolled into the Plan on day of hire

Vesting

Schedules

3 Year

- ⇒ Year 1 = 0%
- ⇒ Year 2 = 0%
- ⇒ Year 3 = 100% or shorter

6 Year

- ⇒ Year 1 = 0%
- ⇒ Year 2 = 20%
- ⇒ Year 3 = 40%
- ⇒ Year 4 = 60%
- ⇒ Year 5 = 80%
- ⇒ Year 6 = 100% or shorter

Distributions

Qualified

- ⇒ Death
- ⇒ Disability
- ⇒ Termination

Allocation Conditions

Forfeitures

In-Service

Hardship

Participant Loans

Service Providers

HOW MUCH CAN BE CONTRIBUTED TO A PLAN ANNUALLY?

(§415)

**Employee
Contributions** **+** **Employer
Contributions** **+** **Forfeitures** **=** **Annual
Limit**

- 2019 Limit - \$56,000 or 100% of compensation
- Indexed for inflation in \$1,000 increments

2019 “Catch-up” = \$6,000

COMPENSATION LIMITS

⇒ **An individual's compensation is limited to:**

- **\$280,000 (2019)**
 - **For:**
 - ⇒ **Testing**
 - ⇒ **Allocations**

HIGHLY COMPENSATED EMPLOYEES

- ⇒ ***Greater*** than 5% owner at any time during current *or* preceding Plan year
 - Lineal attribution (spouse, children, parents...)

- ⇒ Compensation over statutory limit in **preceding** year:
 - 2019 - \$125,000

TESTING TABLE

⇒ **Actual Deferral Percentage (ADP):** The participant's total 401(k) contributions **divided** by compensation. For any highly compensated or non-highly compensated group (*HCG or **NHCG), the ADP is the average of the individual ADPs for all participants of that group.

To satisfy this test, 401(k) contributions must meet one of the two following discrimination tests:

- **The ADP of the HCG cannot exceed 200% of the ADP of the NHCG and the point spread between the two groups cannot exceed two percentage points; or**
- **The ADP of the HCG cannot exceed 125% of the ADP of the NHCG**

How it Works

IF THE NHCG ADP% IS	ALLOWABLE SPREAD	THEN THE HCG% CAN BE
1%	x2	2%
1.5%	x2	3%
2%	+2	4%
3%	+2	5%
4%	+2	6%
5%	+2	7%
6%	+2	8%
7%	+2	9%
8%	+2	10%
9%	x1.25	11.25%
10%	x1.25	12.5%

*Highly Compensated Group (HCG)

**Non-Highly Compensated Group (NHCG)

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**ACTUAL DEFERRAL PERCENTAGE TEST
FOR THE YEAR ENDING DECEMBER 31, 2019**

THIS TEST PASSES

<u>PARTICIPANT NAME</u>	<u>ELIGIBLE COMPENSATION</u>	<u>SALARY DEFERRALS</u>	<u>ADP</u>
<i>Highly Compensated Group:</i>			
HC 1	\$ 280,000	\$ 19,000	6.79%
HC 2	200,000	19,000	9.50%
HC 3	150,000	7,500	5.00%
HCG AVERAGE ADP			7.10%
<i>Non-Highly Compensated Group:</i>			
Staff 1	100,000	18,500	18.50%
Staff 2	95,000	4,750	5.00%
Staff 3	95,000	0	0.00%
Staff 4	80,000	6,000	7.50%
Staff 5	60,000	0	0.00%
Staff 6	55,000	550	1.00%
Staff 7	50,000	5,000	10.00%
Staff 8	50,000	500	1.00%
Staff 9	40,000	1,000	2.50%
Staff 10	40,000	2,400	6.00%
NHCG AVERAGE ADP			5.15%
TOTALS	\$ 1,295,000	\$ 84,200	

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ACTUAL DEFERRAL PERCENTAGE TEST				
FOR THE YEAR ENDING DECEMBER 31, 2019				
THIS TEST FAILS				
<u>PARTICIPANT NAME</u>	<u>ELIGIBLE COMPENSATION</u>	<u>SALARY DEFERRALS</u>	<u>ADP</u>	
<i>Highly Compensated Group:</i>				
HC 1	\$ 280,000	\$ 19,000	6.79%	
HC 2	200,000	19,000	9.50%	
HC 3	150,000	9,000	6.00%	
HCG AVERAGE ADP			7.43%	
<i>Non-Highly Compensated Group:</i>				
Staff 1	80,000	6,000	7.50%	
Staff 2	70,000	4,200	6.00%	
Staff 3	70,000	0	0.00%	
Staff 4	60,000	6,000	10.00%	
Staff 5	50,000	0	0.00%	
Staff 6	50,000	0	0.00%	
Staff 7	50,000	0	0.00%	
Staff 8	50,000	0	0.00%	
Staff 9	40,000	0	0.00%	
Staff 10	40,000	2,400	6.00%	
Staff 11	40,000	0	0.00%	
Staff 12	40,000	6,000	15.00%	
Staff 13	40,000	2,400	6.00%	
Staff 14	40,000	0	0.00%	
Staff 15	40,000	2,400	6.00%	
Staff 16	40,000	0	0.00%	
Staff 17	40,000	0	0.00%	
Staff 18	30,000	3,000	10.00%	
Staff 19	30,000	2,222	7.41%	
Staff 20	30,000	1,800	6.00%	
NHCG AVERAGE ADP			4.00%	
TOTALS	\$ 1,560,000	\$ 83,422		

EMPLOYER CONTRIBUTIONS

⇒ **Discretionary Match**

⇒ **Safe Harbor**

⇒ **Discretionary Profit Sharing**

MATCHING STRATEGIES

- ⇒ **Discretionary**
- ⇒ **You can change the percentage**
- ⇒ **No notice is necessary (legally)**
- ⇒ **You can change mid-year**
- ⇒ **Decide match at the end of the year**
- ⇒ **Use a cap to INCREASE participation**

MATCHING CONTRIBUTION #1

FOR THE YEAR ENDING DECEMBER 31, 2019

PARTICIPANT NAME	ELIGIBLE COMPENSATION	SALARY DEFERRALS	CATCH UP	ADP	\$.50 PER \$1 UP TO 6% OF COMPENSATION	ACP	
<i>Highly Compensated Group:</i>							
HC 1	\$ 280,000	\$ 19,000	\$ 6,000	6.79%	\$ 8,400	3.00%	
HC 2	280,000	15,600	0	5.57%	7,800	2.79%	
HC 3	150,000	9,000	0	6.00%	4,500	3.00%	
HCG AVERAGE ADP				6.12%	AVG. ACP		2.93%
<i>Non-Highly Compensated Group:</i>							
Staff 1	100,000	6,000	0	6.00%	3,000	3.00%	
Staff 2	90,000	0	0	0.00%	0	0.00%	
Staff 3	80,000	4,000	0	5.00%	2,000	2.50%	
Staff 4	70,000	4,200	0	6.00%	2,100	3.00%	
Staff 5	60,000	6,000	0	10.00%	1,800	3.00%	
Staff 6	60,000	1,500	0	2.50%	750	1.25%	
Staff 7	55,000	3,300	0	6.00%	1,650	3.00%	
Staff 8	50,000	0	0	0.00%	0	0.00%	
Staff 9	40,000	1,800	0	4.50%	900	2.25%	
Staff 10	40,000	1,000	0	2.50%	500	1.25%	
NHCG AVERAGE ADP				4.25%	AVG. ACP		1.93%
TOTALS	\$ 1,355,000	\$ 71,400	\$ 6,000		\$ 33,400		

SAFE HARBOR

⇒ **An employer can make one of the following contributions:**

- **Safe Harbor Non-elective**

- 3% of compensation

- **Safe Harbor Match**

- 100% on the first 3% of employee deferrals plus
- 50% on the next 2% of employee deferrals

OR

- 100% on the first 4% of employee deferrals

⇒ **Both must be 100% vested**

⇒ **No last day provision**

SAFE HARBOR MEANS

- ⇒ **No ADP Test**
- ⇒ **No ACP Test**
- ⇒ **Exempt From Top Heavy Rules**

DISCRETIONARY PROFIT SHARING

- ⇒ **An employer can make one of the following discretionary profit sharing contributions:**
- **Pro-rata (non integrated)**
 - All eligible participants receive the same percentage of contribution.
 - **Integrated**
 - The contribution will be allocated to the participant's account in the same proportion as their compensation plus their compensation in excess of a percentage of the Social Security Wage Base bears to the total compensation plus "excess compensation" of all eligible participants. The maximum amount that can be allocated in this first step varies and is dependent upon the integration level.
 - **Cross Tested**
 - The non-elective contribution will depend on how much compensation the participant received during the year as well as the group to which they were assigned. The employer may contribute a different amount on behalf of each group. The amount contributed on behalf of each group will be allocated proportionately based on each participant's wages as compared to the total compensation of all participants in the designated group.
- ⇒ **Subject to Vesting**
- ⇒ **Subject to Last Day**

DISCRETIONARY PROFIT SHARING

What is Cross Testing?

- ⇒ A creative or targeted way of allocating Company profit sharing dollars
- ⇒ The ability to skew the contribution in favor of specific employees
- ⇒ Must be a provision in the Plan Document

PROSPECTING



MINING THE “FACT PATTERN”

EXAMPLE 1



⇒ Fact Pattern

- Middle-aged professional with children in college
- Has not contributed much towards retirement and needs to catch up
- Currently contributes to a SIMPLE IRA, which limits the contribution amount
- 40+ years of age and majority of staff is the same age or older

⇒ Goals

- Provide benefits to all employees
- Would like to contribute approximately \$40,000 for self
- Would like to provide an equal benefit to all employees but limit the contribution to approximately the 3% that's been contributed to the SIMPLE Plan in the past

⇒ Plan Design

- Safe Harbor Non-elective
- If Spouse works for the firm, add Spouse to payroll and maximize Spouse's 401(k) deferral

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SAFE HARBOR 3% NON-ELECTIVE CONTRIBUTION							
FOR THE YEAR ENDING DECEMBER 31, 2019							
<u>PARTICIPANT NAME</u>	<u>ELIGIBLE COMPENSATION</u>	<u>SALARY DEFERRALS</u>	<u>CATCH UP</u>	<u>ADP</u>	<u>SAFE HARBOR</u>	<u>SAFE HARBOR AS A % OF COMPENSATION</u>	
<i>Highly Compensated Group:</i>							
HC 1	\$ 280,000	\$ 19,000	\$ 6,000	6.79%	\$ 8,400	3.00%	
HC 2	45,000	19,000	6,000	42.22%	1,350	3.00%	
HC 3	150,000	6,000	0	4.00%	4,500	3.00%	
		HCG AVG. ADP		17.67%			
<i>Non-Highly Compensated Group:</i>							
Staff 1	70,000	3,500	0	5.00%	2,100	3.00%	
Staff 2	60,000	6,000	0	10.00%	1,800	3.00%	
Staff 3	50,000	0	0	0.00%	1,500	3.00%	
Staff 4	40,000	1,400	0	3.50%	1,200	3.00%	
TOTALS	\$ <u>695,000</u>	\$ <u>54,900</u>	\$ <u>12,000</u>		\$ <u>20,850</u>		
		NHCG AVG. ADP		4.63%			

EXAMPLE 2



⇒ Fact Pattern

- Young professional
- Has just purchased a practice or just hung his/her shingle
- Has student loans
- Recently purchased his/her first home

⇒ Goals

- Provide benefit to employees
- Would like to contribute approximately \$25,000
- Would like to make an employer contribution but only to those who also contribute

⇒ Plan Design

- Safe Harbor Match
- Roth

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SAFE HARBOR MATCHING CONTRIBUTION						
FOR THE YEAR ENDING DECEMBER 31, 2019						
<u>PARTICIPANT NAME</u>	<u>ELIGIBLE COMPENSATION</u>	<u>SALARY DEFERRALS</u>	<u>CATCH UP</u>	<u>ADP</u>	<u>\$1 FOR \$1 UP TO 4% OF COMPENSATION</u>	<u>ACP</u>
<i>Highly Compensated Group:</i>						
Owner	\$ 280,000	\$ 19,000	6,000	6.79%	\$ 11,200	4.00%
Owner Spouse	45,000	19,000	6,000	42.22%	1,800	4.00%
HC	150,000	6,000	0	4.00%	6,000	4.00%
				HCG AVG. ADP	17.67%	
<i>Non-Highly Compensated Group:</i>						
Staff 1	70,000	3,500	0	5.00%	2,800	4.00%
Staff 2	60,000	6,000	0	10.00%	2,400	4.00%
Staff 3	50,000	0	0	0.00%	0	0.00%
Staff 4	40,000	1,400	0	3.50%	1,400	3.50%
TOTALS	<u>\$ 695,000</u>	<u>\$ 54,900</u>	<u>\$ 12,000</u>		<u>\$ 25,600</u>	
				NHCG AVG. ADP	4.63%	

EXAMPLE 3



⇒ Fact Pattern

- Professional who has been maximizing 401(k) deferrals
- 60+ years of age and the majority of the staff is in their 30s
- Would like to contribute more than maximum deferral limit of \$25,000

⇒ Goals

- Maximize to the \$62,000 limit (\$56,000 + \$6,000 catch-up)
- Would like to contribute to the staff without “giving away the farm”

⇒ Plan Design

- Safe Harbor Non-elective
- Cross-tested 401(k) Profit Sharing Plan

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**DISCRETIONARY PROFIT SHARING
CROSS TESTED - EACH IN OWN GROUP
TARGETED CONTRIBUTIONS
FOR THE YEAR ENDING DECEMBER 31, 2019**

Participant Name	Date of Birth	Age as of 12/31/19	Compensation	Contributions				Total
				Salary Deferrals	Catch Up	3.00% Safe Harbor	Profit Sharing	
HC 1	07/21/52	67	\$ 280,000	\$ 19,000	\$ 6,000	\$ 8,400	\$ 28,600	\$ 62,000
HC 2	03/05/66	53	280,000	19,000	6,000	8,400	3,976	37,376
HC 3	09/18/64	55	280,000	0	0	8,400	0	8,400
Staff 1	04/22/70	49	70,000	3,500	0	2,100	994	6,594
Staff 2	05/02/80	39	60,000	3,000	0	1,800	852	5,652
Staff 3	07/11/65	54	50,000	0	0	1,500	710	2,210
Staff 4	10/17/60	59	40,000	1,600	0	1,200	568	3,368
Staff 5	06/06/82	37	100,000	6,000	0	3,000	10,000	19,000
Staff 6	10/22/75	44	40,000	0	0	1,200	568	1,768
Staff 7	09/20/79	40	60,000	2,000	0	1,800	852	4,652
Staff 8	06/28/77	42	80,000	2,400	0	2,400	1,136	5,936
TOTALS			\$ 1,340,000	\$ 56,500	\$ 12,000	\$ 40,200	\$ 48,256	\$ 156,956

EXAMPLE 4



⇒ Fact Pattern

- Business owner has enjoyed two consecutive very successful years
- The success has resulted in extremely high tax liabilities
- Owner is maximizing 401(k) to the \$56,000 limit
- Owner is older than the majority of the staff

⇒ Goals

- Shelter more than the \$56,000 401(k) limit

⇒ Plan Design

- Add a Defined Benefit (Cash Balance) Plan
- Requires 3-5 year of contributions
- Assets are pooled (No self direction)
- Portable

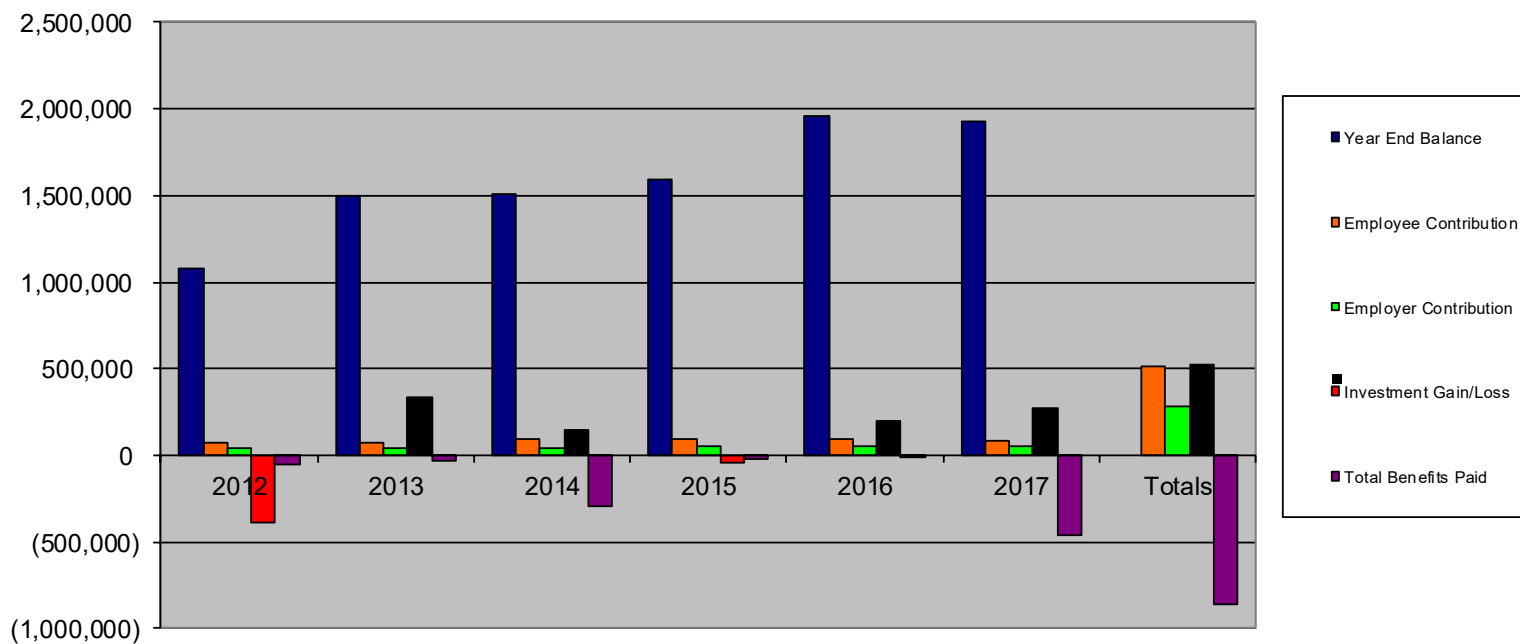
CASH BALANCE PLAN

EXAMPLE 4

COMBO PROFIT SHARING & CASH BALANCE 3% SAFE HARBOR NONELECTIVE CONTRIBUTION FOR THE YEAR ENDING DECEMBER 31, 2019										
Participant Name	Date of Birth	Age as of 12/31/19	Compensation	Contributions					Cash Balance	Total
				Salary Deferrals	Catch Up	Safe Harbor 3%	Profit Sharing			
HC 1 - Owner	03/02/57	62	\$ 280,000	\$ 19,000	\$ 6,000	\$ 8,400	\$ 7,800	\$ 195,000	\$ 236,200	
HC 2 - Spouse	06/01/60	59	36,000	19,000	0	1,080	1,260	900	22,240	
Staff 1	07/03/81	38	37,994	0	0	1,140	1,330	950	3,420	
Staff 2	08/14/73	46	42,744	4,800	0	1,282	1,496	1,000	8,578	
Staff 3	07/11/56	63	52,057	0	0	1,562	1,822	1,000	4,384	
Staff 4	10/17/86	33	35,759	480	0	1,073	1,252	894	3,699	
Staff 5	12/16/53	66	49,040	1,800	0	1,471	1,716	1,000	5,987	
Staff 6	12/06/64	55	40,789	806	0	1,224	1,428	1,000	4,458	
Staff 7	12/27/77	42	19,542	0	0	586	684	489	1,759	
Staff 8	02/13/74	45	42,442	839	0	1,273	1,485	1,000	4,597	
Staff 9	02/16/78	41	39,236	0	0	1,177	1,373	981	3,531	
Staff 10	08/21/59	60	52,659	3,250	0	1,580	1,843	1,000	7,673	
TOTALS			\$ 728,262	\$ 49,975	\$ 6,000	\$ 21,848	\$ 23,489	\$ 205,214	\$ 306,526	
TOTAL EMPLOYER CONTRIBUTION			\$250,551	% TO OWNERS		85.6%				
AMOUNT TO OWNERS			\$214,440							
AMOUNT TO STAFF			\$36,111							
EST. TAX SAVINGS (@ 40%)			\$100,220							

ABC Construction 401(k) Profit Sharing Plan

~ Investment Return	-27.57%	30.14%	11.66%	-2.65%	11.99%	13.47%	
Historic Plan Performance	2012	2013	2014	2015	2016	2017	Totals
Employee Roth Contributions	0	4,449	6,500	9,639	15,684	17,752	54,024
Employee Pre - Tax Contributions	78,253	69,998	91,288	95,067	91,188	88,404	514,198
Employer Contributions	38,937	37,512	45,139	51,642	55,914	51,509	280,653
Investment gain/loss	(389,172)	335,225	150,072	(41,785)	200,272	273,288	527,900
Total Benefits Paid	(51,059)	(27,158)	(289,256)	(22,495)	(1,802)	(463,853)	(855,623)
YEAR END BALANCE	1,081,126	1,501,152	1,504,895	1,596,963	1,958,219	1,925,319	



	2012	2009	2014	2015	2016	2017	Totals
EE Deferral Annual Tax Savings*	19,563	17,500	22,822	23,767	22,797	22,101	128,550
ER Corporate Tax Savings**	13,239	12,754	15,347	17,558	19,011	17,513	95,422
Growth % for Period							78.08%

Note: Tax savings are estimated. Consult your CPA for actual savings. (Does not include FICA savings)

* Assume pre-tax rate of 25%

Note: The Investment Return noted above may vary from actual performance experienced since it may include contributions which were not deposited within the Plan year.

** Assume pre-tax rate of 34%

MARKETING 401 (k) PLANS

***HOW TO ACQUIRE A NEW CLIENT
IN JUST TWO MEETINGS***

COMMON ISSUES & CONCERNS

- 1. What is the goal of the plan?**
 - Employee Benefit versus Owner Centric
 - Different goals for different owners...no problem
- 2. Does the plan have Roth? *E-Z to add***
- 3. Are owners maximizing their contributions?**
(Do they even know the maximum number?)
- 4. Do they have a SEP or SIMPLE Plan?**
(These plans leave a lot on the table)
- 5. Is the plan Safe Harbor? Should it be? Owner “takebacks?”**
- 6. Is the plan with a payroll provider?**
(Malpractice In a Box!)
- 7. For higher earning professionals (\$4-500K per year)...Have they explored a Cash Balance Plan?**
- 8. Is the plan subject to an audit? (> 100 participants)**
- 9. Do participants understand and appreciate the benefit?**

ADVISOR & CLIENT MEETING

⇒ Gather Key Information

- **Employer Identification Number**
- **Type of Entity**
- **Fact Pattern**
 - Owners & their estimated compensation
 - Family members working in the business & their estimated compensation
 - Employee Census Data
 - ✓ Dates of Birth
 - ✓ Dates of Hire
 - ✓ Individual Employee Compensation
 - Any current issues or concerns
 - Takeover Plans – plan document and most current annual report

ROLE OF THE TPA

⇒ Keys to Effectiveness

- **Legal**
 - Interpret the laws governing defined contribution plans (ERISA)
- **Compliance**
 - Confirm that the plan complies with IRS & DOL regulation
- **Accounting**
 - Ensure that all assets are verified and accounted for
- **Educate**
 - Provide sponsor and participant understanding of the Plan function
 - Advise owners, shareholders, and trustees on how to make smart business decisions as they relate to their Plan
- **Collaborate**
 - Solidify the sponsor relationship with advisors and custodians
- **Performance**
 - Timely and thorough administration
- **Reputation**
 - Reputable business partner for referral and client engagement
- **Consistency**
 - Specifically assigned plan administration

ADVISOR, CLIENT & TPA

⇒ Plan Design

- **Review the Fact Pattern Information**
- **Establish Owner's Goals for the Plan**
- **Design Plan**
 - Customize plan design to the goals of the owner and current fact pattern
 - Discuss owner's fiduciary responsibilities
 - Emphasize the collaborative role of the advisor and TPA
 - Review the part that each plays in a successfully operated plan
 - ✓ Administrative Services
 - ✓ Participant Education
 - ✓ Administrative Trustee Services

MEETING # 3

THE PARTICIPANT MEETING



"Wait...I thought you said 2 meetings!"

PARTICIPANT MEETING

⇒ **Educating the Participant**

- **TPA » 20-25 minutes**

- Review plan provisions
- Clarify the salary deferral process
- Detail the employer contribution process if applicable
- Lay groundwork for advisor presentation

- **Advisor » 20-25 minutes**

- Thoroughly review investment platform materials prior to the meeting
- Briefly introduce the investment platform and investment choices
- Review enrollment procedure
- Establish process for conducting individual participant meetings
- Stay engaged with the owner representative until entire system is in place

*THANK YOU FOR
ATTENDING*

PPA PANAGIOTU
PENSION
ADVISORS

401(k) & Retirement Plan Administration

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