GRAYROBINSON



Brian K. Furgala

Of Counsel

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Focus

- ERISA and Employee Benefits
- ERISA Litigation
- Labor and Employment
- Intellectual Property and Technology
- Managed Care

Brian represents private and public sector employers, as well as tax-exempt organizations, in achieving their retirement plan, fringe benefit or executive compensation objectives while satisfying the applicable laws and regulations. Leveraging his pre-law career in retirement plan administration, he uses a practical and efficient approach to help entities in the design, installation and operation of qualified and non-qualified retirement and welfare plans (e.g. 401(k) plans, ESOPs, pension plans, 457 plans, SERPs, COBRA, medical reimbursement plans). His prior experience in plan administration and designations makes him uniquely qualified to assist clients in understanding their benefit plans and related employment matters.

Brian works with clients in complying with their plan-related fiduciary duties; consulting with employers and fiduciaries on problem solving in relation to the management and operation of the plans; representing clients involved in Internal Revenue Service audits, Department of Labor investigations and ERISA litigation; drafting plan documents including amendments, summary plan descriptions and participant disclosures; and providing technical advice and consulting to service providers, accountants and actuaries. Brian's practice also includes assisting employers in implementing executive compensation packages and compliance with 409A requirements.

Brian earned the Qualified Pension Administrator (QPA) designation in 1999 and the Certified Pension Consultant (CPC) designation in 2000 from the American Society of Pension Professionals and Actuaries (ASPPA). He remains actively involved with ASPPA in its goal to become the premier educators and policy advocates for the retirement plan industry.

Brian was born and raised in Buffalo, New York. In 1997, he received his undergraduate degree in accounting from Baldwin-Wallace College in Cleveland, Ohio. Prior to joining GrayRobinson, he worked for six years in various positions within the Retirement Plan Services department of a large financial institution. During that time, he handled the daily administration of qualified employer plans as well as the annual nondiscrimination testing and government reporting. Brian moved to Orlando and joined GrayRobinson as a paralegal in the Employee Benefits section. Shortly thereafter, Brian began attending Barry University School of Law part time while he continued to work full time at GrayRobinson.

Education

- **Baldwin-Wallace College, B.A.**, accounting (1997)
- **Barry University School of Law, J.D.** (2007)
  - Moot Court Board Member (2005-2007)
  - Best Brief, First Year Moot Court Competition (2005)
  - Best Brief, The Florida Bar National Tax Moot Court Competition, St. Petersburg, Florida (2006)
  - Participant, ABA National Appellate Advocacy Competition, Washington, D.C. (2007)

Admissions

- Florida

Professional Associations and Memberships

- The Florida Bar
- Orange County Bar Association
- American Bar Association

Civic

- ASPPA Government Affairs Committee, IRS Q&A Co-Chair
- Apopka Area Chamber of Commerce, Board of Directors, Current Chair
- ASPPA Retirement Plan Academy Advisory Committee, Past Co-Chair (2014-2016)
- ASPPA Benefits Council of Central Florida, Former Director and President (2009-2014)
- Habitat for Humanity of Seminole County and Apopka, Former Director (2011-2013)
- Leadership Apopka, Class II
- Leadership Orlando, Class 82
- Leadership Seminole, Class 25

Articles and Publications

- "Warning! Adult Content: Anti-Cutback Rules," *Journal of Pension Benefits*, September 2016
- "Fiduciary Case Law - Written in the Style of a Summary Plan Description," *Journal of Pension Benefits,* Summer 2014
- "Know This Notice-PPA Participant Disclosures," *The ASSPA Journal*, Fall 2008

Presentations and Seminars

- "Benefits Updates," GrayRobinson 20th Annual Employment Law Seminar, Orlando, April 6, 2017
- "Tax Reform Impact," GrayRobinson 20th Annual Employment Law Seminar, Orlando, April 6, 2017
- "Anti-Cutback Rules: Protection and Exceptions," 2016 ASPPA Annual Conference, October 25, 2016
- "Impact of Mega Plan Lawsuits," South Florida Fiduciary Summit, October 4, 2016
- "ERISA Update 2016," 5th Annual ftwilliam.com Customer Conference, August 17, 2016
- "Department of Labor Update," Pension Investors Corp. of Orlando CPE Seminar, June 16, 2016
- "State Law Issues," GrayRobinson 19th Annual Employment Law Seminar, Orlando, April 7, 2016
- "Maintain Your Company's Well-Being While Promoting Your Employees' Well-Being," GrayRobinson 18th Annual Employment Law Seminar, Orlando, March 12, 2015

- Who's Responsible for the Retirement Plan?" HR Florida State Council, 2014 HR Florida Conference and Expo, October 6, 2014
- "Retirement Planning 101," Seminole County Chamber of Commerce Small Business Legal Symposium, August 21, 2014
- "Down Goes DOMA: The Effect on Retirement Plan Administration," Pension Investors Corporation CPE Seminar, Altamonte Springs, Florida, June 19, 2014
- "Defining Deferred Compensation; Satisfying Section 409A," 2013 HR Florida Conference and Expo, August 20, 2013
- "Are You Vulnerable to a Fiduciary Lawsuit?" 2013 Fiduciary Forum - "Dotting the I's and Crossing the T's," February 12, 2013
- "Don't Make The Same Mistakes They Did! Identifying Retirement Plan Audit Issues," 2012 HR Florida Conference and Expo, August 28, 2012
- "Defining Deferred Compensation, Satisfying Section 409A," Matthews Benefit Group's Tenth Annual Tax and Business Update, June 20, 2012
- "Employee Benefits Update," The Florida Bar Tax Practitioners' Annual Review and Update, February 3, 2012
- Impact of New Fee Disclosures, UCF Foundation's Understanding Your Fiduciary Responsibilities, January 25, 2012
- "What's Brewing With Labor and Employment - New Disclosure Requirement for Employee Benefits," 15th Annual Employment Law Seminar, December 8, 2011
- "Get Ready Here Come the IRS Auditors," Pension Investors Corp. of Orlando CPE Seminar, June 8, 2011
- "IRS Retirement Plan Exam Issues," Benefits Conference of the South, May 13, 2011
- "Employee Benefits Update," The Florida Bar Tax Practitioners' Annual Review and Update, November 5, 2010
- After the Eye of the Storm - Employee Benefit Issues," 13th Annual Employment Law Seminar, December 3, 2009
- "Employee Benefits," The Florida Bar Tax Practitioners' Annual Review and Update, November 3, 2009
- Employee Benefit Issues Facing Small Business, Apopka Chamber of Commerce Business Seminar, January 27, 2009
- "Severance Agreements and Compliance," 12th Annual Employment Law Seminar, November 6, 2008
- "Safe Harbor for Selection of Annuity Providers," ASPPA asap, October 27, 2008