



Department of Justice

United States Attorney James T. Jacks Northern District of Texas

FOR IMMEDIATE RELEASE

MEDIA INQUIRIES: KATHY COLVIN

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(214) 659-8600

FEDERAL JURY FINDS EMPLOYER GUILTY OF STEALING NEARLY \$53,000 FROM HIS EMPLOYEES' 401K PROFIT SHARING PLAN

Defendant Owned Northlake Plumbing, Inc. in Garland, Texas

DALLAS — Following a four-day trial before U.S. District Judge Sam A. Lindsay, a jury deliberated just one hour before returning a guilty verdict this afternoon, convicting Thomas Buehler of embezzling from an employee benefit plan, announced U.S. Attorney James T. Jacks of the Northern District of Texas. Following the verdict, Judge Lindsay remanded Buehler to the custody of the U.S. Marshal. Sentencing is set for March 7, 2011, before Judge Lindsay. Buehler, 49, of Ennis, Texas, faces a maximum statutory sentence of five years in prison, a \$250,000 fine and restitution.

The government presented evidence at trial that Buehler, who was the president and owner of Northlake Plumbing, Inc., in Garland, Texas, established an employee pension benefit plan for his employees at Northlake Plumbing. Northlake Plumbing was the Plan Administrator and Buehler was the Plan Trustee; funds were invested with Oppenheimer Funds Group.

The Department of Labor's Employee Benefits Security Administration (EBSA) opened a civil investigation into the Plan in May 2006 because a Plan participant complained that Buehler had withheld employee contributions to the Plan from participants' paychecks and had not contributed the funds to the Plan. The EBSA determined that Buehler had not remitted employee contributions into the Plan in a timely manner in some instances, or not in all in others. In 2007, the EBSA issued a voluntary compliance letter to Buehler and directed him to deposit \$15,576 into the Plan to correct the violation. Buehler complied and the EBSA closed its civil investigation.

While the EBSA's civil investigation was underway, however, Buehler terminated the Plan on May 17, 2007. At that time, the Plan had five participants with balances. In March 2008, Buehler instructed Oppenheimer to liquidate the Plan's assets and issue checks to him, as

the Plan trustee. On March 26, 2008, Oppenheimer issued and mailed Buehler five checks, totaling \$55,787. A few days later Buehler deposited all five checks into the Northlake Plumbing account.

In August 2008, EBSA opened a second investigation into the Plan because a Plan participant again complained that Buehler had refused to distribute funds from the 401(k) even though Buehler had terminated the Plan and received its assets. Although EBSA knew that Buehler had terminated the Plan, EBSA didn't know that he had received the assets and had never distributed any of the 401(k) funds to Plan participants.

The EBSA determined that Buehler had unlawfully diverted approximately \$52,693 of the Plan's assets to himself.

The case was investigated by the Department of Labor's EBSA and Office of Inspector General. Assistant U.S. Attorneys Mary F. Walters and Paul Yanowitch prosecuted.

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