



April 25, 2016

Tuawana Pinkston,  
Internal Revenue Service,  
Room 6129, 1111 Constitution Avenue N.W.,  
Washington, DC 20224

Regarding: Comment Request for the Annual Return/Report of Employee Benefit Plan.

Dear Tuawana Pinkston,

For ten years, Wrangle, LLC's sole focus has been on preparing and completing Health and Welfare (H&W) Form 5500s for Plan Sponsors. It takes the firm position that the preparer section of the Health and Welfare Form 5500, should remain as an optional field at the bottom of page one of the Form 5500. Mandating to complete as the IRS has announced for the 2016 Form 5500s has significant negative repercussions.

By listing the preparer and its contact information in the Form 5500 report, there is an underlining assertion that a shift in responsibility and compliance has been placed on the preparer. This in turn minimizes the level of compliance to be met by the Plan Sponsor. Ultimately, then the plan participants are at risk.

Plan Sponsors with a malicious or criminal intent such as corrupt MEWAs will use the preparer as an escape route to deviate the DOL's and IRS's attention. The preparer without any control or ability to see any wrongdoing ahead of time will have no course of action to defend itself, and the plan participants will have a greater chance of losing their rights, funds and benefits with a reduced chance of regaining anything back.

Wrangle has prepared and completed over 100,000 H&W Form 5500s within the last ten years. As a result, Wrangle has developed an astute perspective on the role of the preparer:

A preparer's role of the Health and Welfare Form 5500 receives information from the Plan Sponsor, insurance carriers and service providers and inserts it in the H&W Form 5500 and supportive Schedules in accordance with the Form 5500 Instructions. However, they can only insert what is shared or provided with them.

**Disclaimer**

Wrangle is not an accounting or legal firm, and the information provided here does not represent legal or tax advice. Specific ERISA plan advice should be provided by the plan sponsor's advisors. ERISA compliance is ultimately the plan sponsor's liability, and Wrangle does not assume the plan sponsor's liability.

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If a preparer of the H&W Form 5500s verified and/or questioned, analyzed or interpreted the data's legitimacy there could be evidence to support to include the preparer's contact information in the report. This is also true if the preparer performed fiduciary level functions. A preparer of an H&W Form 5500 does not conduct any of these tasks and is not responsible for the validity of the data. A corrupt Plan Sponsor will take full advantage of this and use it to hide its unlawful actions.

In closing the DOL for one has greatly opposed any wrongdoing for Plan Participants. Thousands if not millions of dollars are spent to track down non-compliant Plan Sponsors through audits, cases being brought to court, etc. To modify a form to potentially create a greater challenge to the DOL and to allow a threat to Plan Participants is wrong.

Sincerely,

Lynda Taylor, COO  
Wrangle, LLC  
P.O. Box 549  
Junction City, OR 97448

**Disclaimer**

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