



## RYAN C. CURTIS

Director

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ERISA

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Phoenix

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The one thing that doesn't abide by majority rule is a person's conscience.

-Atticus Finch, To Kill a Mockingbird



### RYAN C. CURTIS

Ryan Curtis is chair of our ERISA (Employee Retirement Income Security Act of 1974) and employee benefits practice group. In order to attract and retain quality people, employers must offer competitive benefits packages. Providing healthcare and retirement benefits can also increase employee loyalty and productivity. As a sought-after ERISA lawyer, Ryan takes great pride in tackling significant problems and developing solutions for his clients that will ensure their businesses comply with complex regulations.

Ryan and his team focus on counseling employers with the administration of their benefit plans, as well as helping trustees and administrators comply with important federal laws, including ERISA, the Affordable Care Act, COBRA, and HIPAA. He reviews and consults on a variety of qualified plan issues, including drafting, revising, and terminating 401(k) plans, profit sharing plans, ESOPs, and pension plans. He guides clients through IRS audits and U.S. Department of Labor investigations. As a litigator, he has defended plans in benefit disputes, pursued plan participants who improperly received and retained benefits, and held investment managers accountable who engaged in prohibited transactions and breached their fiduciary duty. Ryan also helps employers that have obligations to Taft-Hartley multiemployer plans navigate through issues related to benefit trust fund contributions and withdrawal liability. He works closely with the firm's business and finance practice group in performing benefit plan due diligence work in mergers and acquisitions.

Ryan is a member of the IRS Pacific Coast TE/GE Council, which is composed of private practitioners and serves as a sounding board to the IRS on matters related to retirement policy, tax issues, procedures, and IRS enforcement initiatives affecting employee benefits. Ryan also serves on the Board of Directors for the Greater Phoenix Chamber of Commerce and currently serves as its general counsel. Prior to his legal career, Ryan was a senior legislative analyst and

performance auditor with the Arizona Office of the Auditor General. While there, he oversaw several audits of state agencies including Arizona's Medicaid program.

Outside of the office, Ryan plays golf and tennis and enjoys Arizona's outdoor opportunities including hiking, fishing, and exploring offroad trails. Married and the father of three children, some of his best memories are of his kids' music, drama, and sporting events.

## EDUCATION

- J.D., University of Wyoming College of Law
- M.A., Political Science, University of Utah
- B.A., Political Science, Arizona State University
- Managing Editor, *Wyoming Law Review*, University of Wyoming College of Law

## AREAS OF PRACTICE

## OTHER EXPERIENCE

- Retirement Plans
- Health Care Plans
- Multiemployer Plan Withdrawal Liability
- ERISA
- Employment & Labor
- Health Care

## REPRESENTATIVE MATTERS

- Defended plan sponsor in lengthy Department of Labor investigation of a terminated ESOP and the related transactions and negotiated a significantly reduced penalty.
- Successfully defended a large governmental retirement plan before the Arizona Supreme Court defeating a claim by a plan participant seeking retroactive retirement benefits based on the date the participant first became eligible rather than when the participant applied for benefits as required under Arizona law.
- Defended large charter school organization in lengthy and complex investigation of its health plan by the Department of Labor. The investigation closed with no negative findings.
- Defended plan sponsor in lengthy Department of Labor investigation involving \$9 million in alleged plan losses and other restitution and negotiated a resolution for just 3% of what Department originally sought.
- Defended health insurance carrier involved in a Department of Labor investigation of a multiemployer health plan the carrier insured. The investigation focused on processes the carrier administered but closed with no findings against the carrier.
- Obtained judgment against a company created to avoid multiemployer benefit trust fund obligations owed by a prior alter ego company.
- Obtained judgment against individual owners of a company for fiduciary liability tied to the company's failure to make all contributions to multiemployer benefit trust funds.

- Assisted in obtaining judgment against pension plan's investment manager and investment consultant for overcharging commissions and engaging in prohibited transactions.
- Assisted numerous employee benefit plans during IRS and Department of Labor audits.

## AWARDS AND HONORS

- Distinguished Legal Writing Award, Law360, 2024
- *Chambers USA*, Leading Lawyers for Business, 2021-2024

## ARTICLES AND PRESENTATIONS

- Co-Author, [Buying Or Selling A Business? Don't Forget To Look Out For These Employee Benefits Issues!](#), Fennemore Blog, June 26, 2024
- Co-Author "New 401(k) Plan Rules Impose Mandatory Eligibility Requirements for Part-Time Employees in 2024," Fennemore Client Alert, October 5, 2023
- Co-Author "Roth Catch-Up Contributions Under SECURE 2.0: The IRS Delays New Requirements to 2026," Fennemore Client Alert, September 6, 2023
- Co-Author, "Health Plans Must Attest They Have No "Gag Clause" By End of 2023: It's Time To Check Your Service Provider Agreement," Fennemore Client Alert, August 24, 2023
- Co-Author, "Congress Gives New and Enhanced Tools to Individuals and Employers for Retirement through SECURE Act 2.0," Arizona Attorney Magazine, April 2023
- Featured, "Fennemore: Helping Businesses Thrive By Creating Possibilities," Greater Phoenix Chamber, February 2023
- Interviewed, "SECURE Act 2.0 gives Arizonans new and enhanced tools for retirement," Arizona Horizon, January 24, 2023
- Co-Author, "SECURE Act 2.0 gives Arizonans new and enhanced tools for retirement," *InBusiness Phoenix*, December 30, 2022
- Co-Author, "SECURE Act 2.0 gives Arizonans new and enhanced tools for retirement," Arizona Digital Free Press, December 30, 2022
- Co-Author, "SECURE Act 2.0 gives Arizonans new and enhanced tools for retirement," AZ Big Media, December 29, 2022
- Featured, "AZ Big Spotlight: Greater Phoenix Chamber," AZ Big Media, June 26, 2022
- Co-author, "The New Mandatory COBRA Subsidy: What Employers Need to Know," *InBusiness*, April 28, 2021
- Co-author, "Employers Required to Temporarily Subsidize COBRA Premiums Subject to Reimbursement," Fennemore Client Alert, April 6, 2021
- Co-author, "New COVID-19 Legislation Provides Partial Plan Termination Relief," *Mondaq*, January 8, 2021
- Co-author, "New COVID-19 Legislation Provides Partial Plan Termination Relief," Fennemore Client Alert, January 7, 2021
- Co-author, "IRS Issues Initial Guidance on The SECURE Act," Fennemore Client Alert, October 5, 2020
- Co-author, "Department of Labor Announces New Safe Harbor for Electronic Communications to Participants of Qualified Retirement Plans," Fennemore Client Alert, May

22, 2020

- Co-author, "DOL and IRS Issue New Coronavirus-Related Guidance and Relief for Employee Benefit Plans," Fennemore Client Alert, April 30, 2020
- Co-author, "The CARES Act: Implications for Health and Welfare Benefits," Fennemore Client Alert, April 20, 2020
- Co-author, "The SECURE Act: What Employers Sponsoring Retirement Plans Need to Know," *InBusiness*, April 1, 2020
- Co-author, "The CARES Act: Implications for Qualified Retirement Plans," Fennemore Client Alert, March 30, 2020
- Co-author, "COVID-19: Health Plan Coverage For Furloughed Employees," Fennemore Client Alert, March 26, 2020
- Co-author, "Understanding the Emergency Family Medical Leave Expansion Act and Emergency Paid Sick Leave in the Families First Coronavirus Response Act," Fennemore Client Alert, March 20, 2020
- Co-author, "HIPAA Implications of COVID-19," Fennemore Client Alert, March 20, 2020
- Co-author, "COVID-19 Testing and Treatment: Copays, Deductibles, and HSA Complications," Fennemore Client Alert, March 19, 2020
- Co-author, "The SECURE Act: What Plan Sponsors Need to Know" Fennemore Client Alert, February 7, 2020
- Speaker, "Misclassification of Workers: How It Can Affect Your Benefit Plans" and "Arizona's New Mini COBRA Law: What Small Employers Must Do to Comply," Fennemore Fall Seminar, November 2018
- Co-author, "Attention Arizona Small Employers: Don't Let Arizona's New Mini COBRA Law Bite You!" Fennemore Client Alert, November 2018
- Co-author, "DOL's Fiduciary Rule Vacated by the Fifth Circuit: The Latest Twist in a Never-Ending Story," Fennemore Client Alert, March 2018
- Speaker, "Monthly Luncheon: Washington Update 2018," Western Pension & Benefits Council Phoenix Chapter, January 11, 2018
- Co-author, "Death, Taxes, and the Affordable Care Act's Individual and Employer Mandates: Taxpayers and Employers Still Have Important Obligations Under the ACA," Fennemore Client Alert, January 2018
- Co-author, "QSEHRA Update: IRS Provides Promised Additional guidance for Qualified Small Employer Health Reimbursement Arrangements," Fennemore Client Alert, November 2017
- Co-author, "HSAs: More Than Healthcare," *InBusiness*, October 2017
- Co-author, "Don't Look an IRS Gift Horse in the Mouth: Two Valuable Opportunities for 403(b) Plan Sponsors in 2017," Fennemore Client Alert, August 24, 2017
- Speaker, "Overview of Fiduciary Duties and Liabilities: Working with Others and Avoiding Pitfalls," 2017 Joint Spring Meeting for ABA-GPSOLO, May 19, 2017
- Speaker, "Benefits Update: The Affordable Care Act Survives Again, but What is Next for Health Care Reform (and Other Employee Benefits Issues Affected by the New Administration in Washington)?" Fennemore Craig Labor & Employment Seminar, May 4, 2017
- Co-author, "The Rebirth of Standalone HRAs for Employers After ACA," *GLSA*, April 2017

- Co-author, "Filing Your 2016 Tax Return? The ACA's Individual Mandate and Penalties Still Apply," Fennemore Client Alert, March 7, 2017
- Speaker, "Affordable Care Act – 2016 and Beyond!" Worldwide Employee Benefits Network, May 2016
- Speaker, "What Every Professional Needs to Know About Health & Welfare Plans," Western Pension & Benefits Council Spring Conference, April 2016

## **PROFESSIONAL AND COMMUNITY ACTIVITIES**

- Member, Board of Directors, Greater Phoenix Chamber of Commerce
- Member, IRS Pacific Coast TE/GE Council
- Member, State Bar of Nevada
- Member, Arizona Bar Association
- Member, Maricopa County Bar Association
- Former Member, Board of Directors, Arizona Museum of Natural History Foundation

## **ADMISSIONS**

- Arizona
- Nevada
- U.S. District Court, District of Arizona
- U.S. District Court, District of Nevada
- U.S. Court of Appeals, Ninth Circuit