**NOTIFICATION OF BENEFIT**

May 16, 2023

**SOMCHET WITTAYAKHOM**

**1082 MAKEPONO ST**

**HONOLULU, HI 96819**

**Forfeiture Allocations from the ACEC/MW Welfare Fund Plan, aka,**

**the FCE Dismissal Wage/Unemployment Benefit Plan**

Dear Somchet:

You are receiving this Notice because you are entitled to a minimum benefit of $100 from the ACEC/MW Welfare Fund Plan, aka, the FCE Dismissal Wage/Unemployment Benefit Plan (the “Plan”). Your actual benefit may exceed $100 based on numerous factors, including but not limited to, the number of individuals who respond to this Notice in a timely manner as set forth below, performance of the Plan’s investments, volatility of world financial markets, your years of participation in the Plan, and other factors beyond the Plan’s control.

As you may recall, the Plan was sponsored by the American Council of Engineering Companies of Metropolitan Washington (“ACEC/MW”) from 2006 until its termination effective August 7, 2020. During that time, participants who failed to meet the eligibility requirements to receive a benefit, forfeited their benefits in accordance with the terms of the Plan. Those forfeitures accumulated over the years and ACEC/MW now intends to distribute these assets to eligible former participants as part of the Plan’s termination process.

In doing so, ACEC/MW reviewed the Plan’s records and determined that you may have been a participant in the Plan for some or all of the years from 2006 through 2020 because you may have worked for one or more employers set forth on the attached list who participated in the Plan during that time period. As a former participant in the Plan for some or all of the years from 2006 through 2020, ACEC/MW determined that you may be eligible for a pro-rata allocation of the forfeitures for each year in which you were a participant in the Plan for an entire calendar year.

For example, John participated in the Plan from 2006 through February 2011. John would therefore be eligible to receive a forfeiture allocation for 2006, 2007, 2008, 2009 and 2010 because he participated in the Plan for those entire calendar years. John would not be eligible to receive a forfeiture allocation for 2011 because he did not a participate in the Plan for the entire 2011 calendar year.

In order for the Plan to distribute your share of forfeiture allocations (i.e., make a check payable to you), please submit the attached form to Smith & Downey, P.A. no later than **JUNE 30, 2023**, by mail, email, or fax below.

Attention: ACEC/MW c/o Smith & Downey, P.A.

320 E. Towsontown Blvd, Suite 1 East

Baltimore, MD 21286

Email: [hkirkpatrick@smithdowney.com](mailto:hkirkpatrick@smithdowney.com)

Fax: 410-321-6270

**THIS IS A ONE-TIME OPPORTUNITY. A COMPLETED, SIGNED FORM MUST BE RECEIVED BY SMITH & DOWNEY, P.A. NO LATER THAN JUNE 30, 2023. IF YOU DO NOT SUBMIT THE FORM BY JUNE 30, 2023, YOUR SHARE OF FORFEITURE ALLOCATIONS WILL BE FORFEITED AND REDISRIBUTED TO OTHER ELIGIBLE PARTICIPANTS IN ACCORDANCE WITH THE TERMS OF THE PLAN.**

**YOU WILL NOT HAVE ANOTHER OPPORTUNITY TO CLAIM THIS BENEFIT AFTER JUNE 30, 2023.** **NO EXCEPTIONS FOR ANYONE WILL BE MADE UNDER ANY CIRCUMSTANCES WHATSOEVER.**

If you have any questions, please contact us as soon as possible at 410-321-9000.

*This Notice is intended to constitute any and all notice requirements required by law, if any, but this notice is not intended to and shall not constitute the terms of the Plan or any other employee benefit plan. Such plans shall continue to be governed solely by their plan documents.*

**ACEC/MW WELFARE FUND PLAN, AKA,**

**THE FCE DISMISSAL WAGE/UNEMPLOYMENT BENEFIT PLAN**

**BENEFIT ELECTION FORM**

*Please Print in Ink:*

**YOUR INFORMATION**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**BENEFIT ELECTION** *(Check One):*

**[ ] I DO NOT want this benefit.**

**[ ] I DO want this benefit.**

**[ ]** Mail my check to the above address.

**[ ]** Mail my check to the address below instead of the above address.

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Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**IMPORTANT!!**

**THIS FORM MUST BE RECEIVED NO LATER THAN *JUNE 30, 2023*. FORMS RECEIVED AFTER *JUNE 30, 2023* WILL BE DISCARDED AND BENEFITS FORFIETED. NO BENEFITS WILL BE PAID FOR FORMS RECEIVED AFTER *JUNE 30, 2023*.**

**Mail this form to:**

**ACEC/MW c/o Smith & Downey, P.A.**

**320 E. Towsontown Blvd, Suite 1 East**

**Baltimore, MD 21286**

**OR**

**Email the completed form to hkirkaptrick@smithdowney.com**

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| **Former Participating Employers in the Plan**  A.H. Cornell and Sons Inc |
| America's Pride Inc. |
| Candela Systems Corporation |
| Chugach Alaska Corporation |
| Coastal Enterprises of Jacksonville |
| Commercial Painting |
| D.A. Nolt Inc. |
| Edge Development Inc. |
| Ellias Construction Co., Inc. |
| Escab Enterprises Inc. |
| Escab Enterprises Inc./Makro Services, Inc. |
| Firearms Academy of Hawaii, Inc. |
| Inner Parish Security Corporation |
| Intaset Technologies Corporation |
| Jett Industries Inc. |
| Lucena Bros, Inc. |
| Makro Services, Inc. |
| Newfane General Contracting LLC |
| Pilon Construction Company, Inc. |
| Quantell, Inc. |
| Sodexo Management Incorporated |
| Sunshine Concrete Company, Inc. |
| U A Construction Corporation |
| Virginia Construction and Management Inc. |
| Standard Construction  Wheels Mechanical Contracting & Supplier Inc. |