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PRESS RELEASE

Guilty Plea and Sentence in United States v. Martin E. Smith

Andrew T. Baxter, Acting United States Attorney for the Northern District of New York, and Jean Ackerman, Regional Director of the Boston Office of the U.S. Department of Labor's Employee Benefits Security Administration ("EBSA") today confirmed that Martin E. Smith, 42, formerly of Canastota, NY and currently residing in Florida, pled guilty to coercively interfering with the rights of a beneficiary/ participant in the former LOR/MAR Enterprises, Inc. pension plan. As charged in a criminal Information filed by the U.S. Attorney's Office for the Northern District of New York, Smith threatened the plan participant with physical violence in retaliation for having contacted the U.S. Department of Labor seeking assistance in collecting pension monies owed to him by the plan. LOR/MAR Enterprises, Inc., was a construction and heavy equipment business formerly owned by Smith and based in Canastota, New York and Smith was a trustee of its pension plan. Smith's guilty plea was entered before United States Magistrate Judge George H. Lowe in Syracuse, New York. Magistrate Judge Lowe sentenced Martin E. Smith to one year probation and ordered Smith to pay full restitution, with interest, of the full amounts of outstanding pension money due to twelve participants/beneficiaries under the LOR/MAR pension plan.

"Federal law specifically prohibits interference with the rights of workers who are covered by employee benefit plans," said Jean Ackerman, regional director of the Boston office of EBSA. "This case sends a strong message that the Department will protect workers from coercion and retaliation when exercising their legal rights."

The case was jointly investigated by the Department of Labor's EBSA Regional Office in Boston and the Office of the Inspector General in Buffalo, New York. The case was prosecuted by Assistant United States Attorney Stephen C. Green of the U.S. Attorney's Office for the Northern District of New York in Syracuse.