

Department of Justice

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Western District of New York

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LAWYER SENTENCED FOR EMBEZZLING FROM AN EMPLOYEE PENSION BENEFIT PLAN

BUFFALO, N.Y.-- U.S. Attorney William J. Hochul, Jr. announced today that Thomas J. Barnes, 55, of Buffalo, N.Y., who was convicted of embezzling from an employee pension benefit plan, was sentenced to eight months home confinement and two years probation by U.S. District Chief Judge William M. Skretny. Barnes was also ordered to pay restitution in the amount of \$69,894.51.

Assistant U.S. Attorney Aaron J. Mango, who handled the case, stated that the defendant, a lawyer, embezzled and converted to his own use money belonging to Franbilt, Inc. 401(k) Plan. On April 15, 2005, the defendant purchased Franbilt, which was an industrial design and fabrication company located in Lockport, NY. On January 27, 2006, Barnes executed an amendment to the 401(k) Plan and officially became a trustee of the Plan. He was responsible for holding in trust and investing Plan assets for the sole benefit of the Plan participants and their beneficiaries. Between February 2006 until Franbilt closed in January 2007, Barnes embezzled and converted to his own use approximately \$69,894.51 which has been paid by the defendant.

The sentencing is the culmination of an investigation on the part of Special Agents of the United States Dept. of Labor, Office of Inspector General, under the direction of Special Agent in Charge Robert L. Panella and the U.S. Department of Labor, Employee Benefits Security Administration, under the direction of Susan Hensley, Regional Director.

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