

## Jon T. Coffin

Partner

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Sophisticated ERISA and benefits practices are usually found at much larger, national law firms – with a price tag commensurate with the overhead they support. Our clients (for-profit and non-profit) have complex needs, and our practice is tailored to be hands-on – applying our problem-solving capabilities very specifically to their goals and wishes. But we charge regional rates, which helps our clients invest more in their employees and organizations.

Jon Coffin is an employment attorney who represents for-profit and **non-profit corporations** with their **employee benefits** and ERISA issues, and non-profit entities with their compliance and structural issues, helping to ensure these entities maintain the tax-exempt/tax-deferred status of their benefit plans and/or entities. With significant experience across different industries, Jon advises on and helps clients implement or form new plans and entities or revise and restructure existing plans and entities in a way that makes the most sense for the size and goals of the organization. Jon has represented numerous charities and religious nonprofits in the formation process, analysis of appropriate structure (including affiliations with, or investment/ownership of, for-profit entities), and tax issues arising from unrelated business income tax (UBIT), as well as risks of losing exempt status or incurring sanctions due to violation of tax regulations. He also assists nonprofit organizations with their employee benefit plans, including 403(b) retirement plans, 457

### Practices

Employment Practices & Benefits  
Nonprofit Entities & Tax-Exempt Organizations  
Taxation  
Business Succession Planning  
Business Transactions  
Professional Services  
Private Equity

### Industries

Automotive  
Distribution  
Energy  
Financial Services  
Local Government  
Healthcare  
Manufacturing  
Real Estate, Hospitality & Construction  
Retail  
Sports & Entertainment  
Technology

### Bar Admissions

North Carolina  
Tennessee

### Education

University of Tennessee College of Law  
(JD, with Honors, 2003)

deferred compensation plans, and health and welfare plans. Frequently receiving referrals from accountants, advisors and other benefit plan service providers, Jon is representing clients throughout the Carolinas and elsewhere, as clients' operations and needs expand. When the company or one of its other plan service providers uncovers a plan compliance issue, they refer the client to Jon to handle voluntary corrections, which allows the client to make appropriate corrections prior to the Internal Revenue Service or Department of Labor being involved. He is also brought in after the IRS or DOL know about an issue to determine the best course of action. The plan structures and types are complex and varied, and Jon understands the ins and outs of all of them – retirement plans (401(k) plans, defined benefit pension plans, ESOPs, 403(b) plans); executive compensation plans (deferred compensation, phantom stock plans, 457 plans); and health and welfare plans (cafeteria plans, FSAs, HRAs, HSAs, Wraparound documents for company group health plans); etc. On a related note, Jon negotiates and designs effective agreements that cover employment, severance and non-competes.

### Representative Experience

- Counseled a business owner regarding the formation of both a for-profit and a nonprofit organization and how those organizations could work together toward meeting objectives while staying within the guidelines of the tax code.
- Advised the board of directors of a to-be-formed nonprofit organization regarding possible structures, governance, and their ongoing relationship with the organization; prepared and filed appropriate documentation with the state and the IRS.
- Advised a business owner with multi-layered entities on investments in those entities by retirement plans and IRAs and the avoidance of prohibited transactions under ERISA and the Internal Revenue Code.

- Business Transactions  
Appalachian State University (BS and BA, , 1995)
- Accounting

### Associations

#### Professional

- **American Bar Association**
  - Employee Benefits Committee
- **Southeast Benefits Education Network**
  - Membership Committee
- Charlotte Benefits Forum
  - Past President
  - Board Member
- **American Institute of Certified Public Accountants**
  - Not-for-profit Section
- **Tennessee Bar Association**
- **National Center for Employee Ownership**

#### Community

- **South America Mission** – Board and Committee
- **Young Life/Young Lives** – Committee
- **Moments of Hope Church** – Committee

#### Community

About Our Firm  
Recognition

- Counseled a country club on various options for providing executive compensation to key employees and drafted associated documentation.
- Represented a company in negotiations with the Department of Labor in an enforcement action against the company relating to a failure to file Form 5500 for its retirement plan.
- Counseled a company that failed to file Form 5500 for its health plan, assisted with compliance, and drafted Wraparound Plan Document to assist future compliance.
- Represented a company in negotiating the correction of numerous retirement plan documentation and operational compliance errors through the voluntary compliance programs sponsored by the IRS and the Department of Labor.
- Walked alongside company during audit of 401(k) plan by IRS, assisted with corrections, and negotiated sanction imposed by IRS.
- Counseled company on ESOP considerations; then assisted throughout the formation of the ESOP, and the implementation process, including approval by the IRS.
- Counseled closely-held company regarding various options for providing phantom equity and deferred compensation benefits to top management employees in lieu of actual stock ownership, and drafted related documentation, including non-competes and other restricted covenants.

### **Professional Certifications**

Certified Public Accountant, North Carolina

### **Honors**

- **Super Lawyers**® North Carolina – Employee Benefits (2020-2023)

- **Super Lawyers**© North Carolina – Employee Benefits/ERISA (2017-2019), Rising Star – Employee Benefits/ERISA (2012, 2013)
- **Business North Carolina “Legal Elite”** – Business Law (2022), Employment Law (2023, 2024)
- **The Best Lawyers in America**© – Nonprofit/Charities Law (2024)