



## Allen P. Fineberg

Shareholder

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**Allen P. Fineberg** is a shareholder and past chair of the firm's Business and Corporate Department. He divides his practice between transactional business, real estate law and employee benefits matters. In the area of business and real estate law, he has extensive transactional experience including purchase and sale of businesses, financing, secured transactions, real estate acquisition and leasing, formation of business entities and structuring of buy-sell and other arrangements among shareholders and other principals. His employee benefits practice includes both DOL and IRS benefit plan audits, participation in IRS and DOL self-correction programs, the design and implementation of all types of tax-qualified retirement plans and non-qualified deferred compensation plans, as well as cafeteria plans and other fringe and welfare benefit programs, compliance with Department of Labor (ERISA) and Internal Revenue Service regulatory requirements affecting employee benefit plans, and addressing benefit plan issues in bankruptcy.

Combining his in-depth knowledge of business and financing transactions and employee benefits, Mr. Fineberg has experience in the design structure, implementation and operation of Employee Stock Ownership Plans ("ESOPs") for closely-held businesses both to facilitate transfers of ownership on a tax-favored basis and to provide employee incentives. He has handled transactions involving the use of ESOPs for both internal ownership transfers and third-party sales of business.

Mr. Fineberg has lectured on real estate and employee benefits for the Builders League of South Jersey, the Rutgers-Camden and Burlington County College incubators, the New Jersey Institute of Continuing Legal Education, New Jersey Society of Certified Public Accountants and American Society of Pension Actuaries. He is also the author of the chapter on "Employee Benefits Considerations" in *Buying & Selling a Business in Pennsylvania* (7<sup>th</sup> Edition, PBI Press).

### Practice Areas

Business and Corporate Law  
Employee Benefits and Executive Compensation Law  
Real Estate and Land Use Law  
Labor and Employment Law

### Industry Groups

Alternative and Renewable Energy  
Healthcare  
Nonprofit & Charitable Organizations  
Pharmaceutical  
Retail/Shopping Center

### Admissions

Florida  
New Jersey  
Pennsylvania  
U.S. Tax Court

### Education

- Columbia University School of Law, J.D.
  - Member, *Columbia Journal of Law and Social Problems*
- Columbia College, B.A., *magna cum laude*
  - Phi Beta Kappa

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### REPRESENTATIVE MATTERS

- Represented Stockton University in various matters related to the sale of the former Showboat Casino in Atlantic City
- Design, structure, implementation and operation of corporate buy-outs for closely-held businesses using Employee Stock Ownership Plans (“ESOPs”) to facilitate transfers of ownership on a tax- favored basis
- Obtaining IRS approval for voluntary correction of retirement plan qualification failures under its Voluntary Compliance Program
- Representation of a multi-national financial firm’s compliance with banking regulations for affiliate transactions, transfer pricing and other federal regulations
- Acquisition and financing of office building renovation projects in Center City Philadelphia
- Acquisition, financing, development and leasing of shopping centers in both southeastern Pennsylvania and southern New Jersey
- Real estate purchase and sale transactions involving national and regional real estate development firms
- Financing, acquisition and leasing of properties for development of national chain drug stores
- Sale of a multi-franchise automobile dealership
- Obtaining prohibited transaction exemptions from the U.S. Department of Labor

### HONORS & AWARDS

- Rated AV® Preeminent™ by Martindale-Hubbell
- Top Attorney List - Pension & Profit Sharing, *SJ Magazine*, 2010 - 2014, 2017, 2019
- Named a New Jersey “Super Lawyer,” 2005 – 2009, 2011 and 2012, by Thomson Reuters, publisher of *New Jersey Super Lawyers*
- Named to Awesome Attorney list, 2009, *South Jersey Magazine*

*A description of the standard or methodology on which the accolades are based can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

### PROFESSIONAL AFFILIATIONS

- American Society of Pension Professionals and Actuaries (ASPPA)
  - Associated Professional Member
- The Florida Bar
- New Jersey State Bar Association
- Pennsylvania Bar Association

### ARTICLES & ALERTS

New Retirement Plan Hardship Distribution Rules: What You Need to Know  
*Legal Alert* (December 3, 2019)

*Continued*

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New ERISA Regulation Expands Access to 401(k) Plans for Small Employers  
*Legal Alert* (October 3, 2019)

Part II: Using ESOPs to Grow Your Business and Build a Dedicated Workforce  
*Financial Executive Magazine* (March 9, 2018)

Part I: Using ESOPs to Grow Your Business and Build a Dedicated Workforce  
*Financial Executive Magazine* (March 6, 2018)

IRS Issues Guidance on Substantiating Hardship Withdrawals from 401(K) Plans  
*Legal Alert* (March 27, 2017)

IRS Grants Relief for Taxpayers to Roll Over 2009 Required Minimum Distributions  
*Legal Alert* (November 12, 2009)

Drafting Land Purchase Agreements for Developers  
*New Jersey Law Journal*, vol. CLXXX, no. 12, index 1112 (June 20, 2005)

Immediate Action Needed Concerning Automatic Rollovers of Cash-Outs  
(March 2005)

Using ESOPs for Business and Retirement Planning  
*New Jersey Law Journal*, vol. CLXXV, no. 12, index 1176 (March 22, 2004)