

# Monterey Culinary Pension Fund

Monterey • (831) 375-3132  
No. California • (800) 559-3132  
FAX • (831) 375-4712

702 Forest Avenue, Suite B • Pacific Grove, CA 93950

John Kitayama Administrator



January 15, 2010

Re: Notice to Interested Parties

Dear Participant:

The enclosed document is being sent to you because it is required under Internal Revenue Service ("IRS") regulations. It is a notice sent to all participants that says that the Monterey Peninsula Restaurant & Hotel Pension Fund (also known as the Monterey Culinary Pension Fund) is submitting something called an advanced request for a determination letter from the IRS. Pension plans undergo this exercise in order to obtain a letter from the IRS saying that the pension plan meets the qualification requirements of Section 401 of the Internal Revenue Code. In short, we are asking the IRS to confirm that the pension plan meets their requirements.

There are also instructions in the Notice if you would like to submit your own comments to the IRS or the Department of Labor as to whether this pension plan meets the IRS regulations. This Notice will also be posted to our website ([www.montereyculinarytrusts.org](http://www.montereyculinarytrusts.org)) if you need to refer to it in the future. If you have any questions regarding this Notice or any other questions about the pension plan, you can call us at 831-375-3132 or outside the Monterey area at 800-559-3132. You can also contact us by email at [service@montereyculinarytrusts.org](mailto:service@montereyculinarytrusts.org).

Sincerely,

John Kitayama  
Fund Administrator

## NOTICE TO INTERESTED PARTIES

Notice to: All present employees covered by the Collective Bargaining Agreement pursuant to which the Monterey Peninsula Restaurant & Hotel Pension Fund (the "Plan") is maintained.

1. An application is to be made to the Internal Revenue Service for an advance determination on the qualification of the following employee pension benefit plan.
2. **Plan Name:**  
Monterey Peninsula Restaurant & Hotel Pension Fund
3. **Plan Number:** 001
4. **Name and Address of Applicant:**  
Board of Trustees of the Monterey Culinary Fund  
702 Forest Avenue, Suite B  
Pacific Grove, California 93950
5. **Applicant's EIN:** 51-6029899
6. **Name and Address of Plan Administrator:**  
Board of Trustees of the Monterey Culinary Fund  
702 Forest Avenue, Suite B  
Pacific Grove, California 93950
7. The application will be filed on January 28, 2010 for an advance determination as to whether the plan meets the qualification requirements of Section 401 of the Internal Revenue Code of 1986, with respect to the plan's amendment and restatement. The application will be filed with:  
  
Internal Revenue Service  
P.O. Box 192  
Covington, KY 41012-0192
8. The employees eligible to participate under the Plan are those who have earned at least (1) 1,000 Hours of Service, (2) 900 Hours of Service in three consecutive Plan Years, or (3) 1,000 Hours of Service in a period of 12 months commencing on the date the employee enters Covered Employment, whichever results in the earliest participation.
9. The Internal Revenue Service has previously issued a determination letter with respect to the qualification of this plan.

## **RIGHTS OF INTERESTED PARTIES**

10. You have the right to submit to EP Determinations, at the above address, either individually or jointly with other interested parties, your comments as to whether this plan meets the qualification requirements of the Internal Revenue Code. You may instead, individually or jointly with other interested parties, request the Department of Labor to submit, on your behalf, comments to EP Determinations regarding qualification of the plan. If the Department declines to comment on all or some of the matters you raise, you may, individually, or jointly if your request was made to the Department jointly, submit your comments on these matters directly to EP Determinations.

### **REQUESTS FOR COMMENTS BY THE DEPARTMENT OF LABOR**

11. The Department of Labor may not comment on behalf of interested parties unless requested to do so by the lesser of 10 employees or 10 percent of the employees who qualify as interested parties. The number of persons needed for the Department to comment with respect to this plan is 10. If you request the Department to comment, your request must be in writing and must specify the matters upon which comments are requested, and must also include:
  - a) the information contained in items 2 through 5 of this Notice; and
  - b) the number of persons needed for the Department to comment.

A request to the Department to comment should be addressed as follows:

Deputy Assistant Secretary  
Employee Benefits Security Administration  
Department of Labor,  
Constitution Avenue, N.W.  
Washington, D.C. 20210  
ATTN: 3001 Comment Request

### **COMMENTS TO THE INTERNAL REVENUE SERVICE**

12. Comments submitted by you to EP Determinations must be in writing and received by it by March 14, 2010. However, if there are matters that you request the Department of Labor to comment upon on your behalf, and the Department declines, you may submit comments on these matters to EP Determinations to be received by it within 15 days from the time the Department notifies you that it will not comment on a particular matter, or by March 14, 2010, whichever is later, but not after March 29, 2010. A request to the Department to comment on your behalf must be received by it by February 12, 2010 if you wish to preserve your right to comment on a matter upon which the Department declines to comment, or by February 22, 2010 if you wish to waive that right.

### **ADDITIONAL INFORMATION**

13. Detailed instructions regarding the requirements for notification of interested parties may be found in Sections 17 and 18 of Rev. Proc. 2009-6. Additional information concerning this application including, where applicable, an updated copy of the plan and related trust; the application for determination; any additional documents dealing with the application that have submitted to the Internal Revenue Service; and copies of Section 17 of Rev. Proc. 2009-6 are available at the offices of the Employer during normal business hours for inspection and copying. (There is a nominal charge for copying and or mailing.)