

# Index

- A/B trust, establishment, 31  
Actuarial evaluations, assumptions, 35  
Advanced Tax Commentary, 213  
Advisors, coordination (absence), 20  
Aggregate cap planning, 155–158  
Allen III, Carl, 210–211, 219  
Alternative minimum tax (AMT) income deduction, 196  
reduction, 195  
American Jobs Creation Act, 43  
Ancillary business, RIA registration, 94  
Anti-fraud committee, usage, 119  
Appellee v. Life Partners (United States Court of Appeals), 190  
Artusa, Barbara Ann, 211  
Asset protection, 21, 32–33, 57  
ethical issues, 59  
FAQs, 67–70  
legal strategy, 59  
legal system, impact, 68  
necessity, 57–58  
need determination, risk level (impact), 67  
plan, defining, 61–62  
usage, reason, 67  
user identification, 55–60  
Assets  
collection, prevention, 69–70  
lawyer/creditor discovery, 69  
transfer, 88  
union/public employee pension funds transfer, 7  
Assigned deductible, 157  
Audits, 40–41  
suspension, IRS avoidance, 48  
Baby boomers, retirement, 21  
Bankruptcy, declaration, 46  
Behlmann, Richard A., 209–210  
Berney, Joseph J., 211  
Berkshire Hathaway, 190  
Best execution, 118–119  
Boehm, Mark, 86–87, 138, 158, 207, 218  
life settlement advice, 193–194  
Bonds, 168, 169  
performance, 194  
Borrowing, 168, 172–174  
Broker-dealers  
compensation levels, 113–114  
requirements, 118–119  
Buffett, Warren, 190  
Businesses  
adversarial challenges, 12  
continuation  
agreement, 60  
life insurance, 80–81  
energy costs, 196–197  
growth needs, 29  
key assets, inclusion, 73  
latency, personal liability (contrast), 57–58  
owner, LTCI, 76–79  
services, 210–212  
value, 80  
Buy-sell agreement, placement, 32  
CalPERS/CalSTRS, employee coverage/funds loss, 5  
Capital gain  
gain received, combination, 126  
treatment, 129  
Captive insurance (captives), 50, 52  
basics, 52–53  
caveats, 54–55  
company, renting, 30  
life insurance policies, integration, 55  
policy application process, 54  
risk-financing tools, 53  
sharing, 53–54  
Carnegie, Andrew, 67  
Cash  
buildup, 171  
receipt, 74  
value, transfer, 88  
Cash-balance plan, 26–28  
defined benefit plan, 39  
sample, 27  
Cash flow, increase (importance), 51  
Cash surrender value (CSV), 129–131  
Cash value life insurance policy, advantages, 83–84  
C corporation, owner, 179  
Chartered Life Underwriter (CLU), 171  
Client-Centered Advice, 213

- Coinsurance, 156  
 Collection efforts, IRS suspension, 48  
 College funding  
   account, custodian, 167  
   asset, calculation, 171  
   borrowing, usage, 172–174  
   contribution, amount, 176  
   cost estimate, 164  
   Coverdell Savings Account, usage, 174–175  
   financial aid qualification rules, 167  
   HELs, usage, 168–169  
   initial cost estimate, 164  
   intentions/consequences, 166–168  
   investment program  
     owner, identification, 166  
     type, usage, 165–166  
   life insurance, usage, 170–172  
   minimum value, college/university  
     acceptance, 181–182  
   money, amount, 163–165  
   prepaid tuition plans, 173  
   retirement plans, usage, 169–170  
   saving amount, 165  
   situations, 182–187  
   stocks/bonds/mutual funds, usage, 169  
   strategies/solutions, 163  
   student education, plan, 178  
   traditional vehicles, 168–180  
 Compensation, 113–114  
   abuse, 114–115  
     example, 114  
     disclosure guidelines, 115  
 Compromise compensation, 113–114  
 Conservator, definition, 63  
 Consultative leverage, 87–89  
 Contestability period, 111  
 Control, ownership (separation), 60  
 Corporate pension funds, trouble, 4  
 Cost-benefit analysis, usage, 16  
 Cost savings, increase (importance), 51  
 Coverage needs, 104  
 Coverdell Education Savings account, 168, 174–175  
 Cram, Ole, 194–195  
 Credit market, U.S. government regulation  
   failure, 2  
 Death benefit, premiums, 86  
 Debtor, term (usage), 59–60  
 Deductible exposure, 168  
 Defined benefit (DB) plans  
   expense, 23  
   tax-qualified retirement plan, 26–27  
 Defined-benefit OPEB plan, 37–38  
 Disability insurance plan, purchase, 178  
 Drilling costs, 196  
 Due diligence, 118–119  
 Duty of Care, meaning, 61  
 Economic Growth Tax Relief Reconciliation Act (EGTRRA), 176–177  
 Emerging markets, pension fund manager involvement, 7  
 Employee Retirement Income Security Act (ERISA)  
   ERISA-covered plan, usage, 153  
   provisions, 22  
 Employee retirement vehicle, creation, 153  
 Employees  
   deductible, example, 150  
   insurance, 73–76  
 Employer-owned life insurance, amount, 74  
 Employers, health care costs (impact), 154–155  
 Estate planning, 30–31  
   sale, case study, 133–134  
 Estate taxes, 104–106  
 Estate value, case study, 136  
 Expense charges, mortality (relationship), 99–100  
 Fair market value, 181  
 Family offices  
   advantage, 19–20  
   management firm, retention, 18–19  
   necessity, 15  
   usage, reason, 15–18  
 Federal retirement accounts, account holdings, 4  
 FICA tax, eligibility, 179  
 Fiduciary decision, documentation, 22  
 Fiduciary duty, 21, 93–95  
   case study, 138  
   perspective, 109–110  
 Fiduciary statement, example, 95  
 Field Assistance Bulletin 2004–01 (DOL), 153  
 Financial Accounting Standards Board (FASB), Standards 106/158, 33  
 Financial Advice, 213  
 Financial advisors  
   client advice, 91  
   commission, 99–100  
   questions, 117–118  
   registration, 93  
 Financial businesses, full-service capability, 2  
 Financial independence  
   alternative investments, 189  
   history, 191–192  
   O&G advantages, 195–197  
   reward, 194  
   risk, 192–194  
 Financial Industry Regulatory Authority (FINRA), 113–114  
   compliance, 118–119  
 Financial planners, 109–110  
 Financial planning, 30–31  
 Financial strategies, examination, 29–30  
 Fitch Ratings, GASB 45 report, 36  
 529 Plan, 175–180  
 Fixed expenses, analysis, 159  
 Fixed-income instruments, 171  
 Ford, Henry, 67  
 Forgery, 115  
 401(k) contributions, maximization, 152  
 401(k) plan, 97  
   costs, 24  
   decision, 22

- expensiveness, 23  
profit-sharing, combination, 39  
usage, 8  
401(k) profit sharing program, usage, 169  
412(e)(3) plan, 40  
abuse, 26  
appropriateness, 30  
option, 25–26  
usage, 4  
412(i)  
lawsuits, 12  
plans, 41, 51  
419 lawsuits, 12  
419 plans, 42, 51  
419 tax-reduction insurance plans, 42–43  
Fractional interests, 190  
Fractional life settlement investment, 193  
Fraud, 115  
avoidance, 199  
committing, 202–203  
dismissal/prosecution, 204–205  
documentation, 120  
investigation, 201–202  
prevention, 119–121  
suspicion, 200–201  
Free Application for Federal Student Aid (FAFSA), 179–180  
completion, 181  
Fund management, direction (politician involvement), 7  
Funds, escrow handling, 126  
  
General Motors VEBA failure, probability, 6  
General underwriter, management, 158–160  
Government Accounting Standards Board (GASB)  
45, intent, 23  
45 OPEB, risk-management strategies/funding techniques, 37  
45 report, Fitch's examination, 36  
45 report, Standard & Poor's examination, 36  
accrual standards, 38  
public employee pension plans standards, 33  
Guaranteed issue, 144, 145  
Guarantees, 100  
  
Health care  
benefits, inclusion, 34  
costs, 146–147, 154–155  
Health-Care Cost Reduction, 213  
Health insurance  
costs, 143–147  
expenses, budgeting, 150  
out-of-pocket costs, 145  
state insurance law, impact, 144  
Health insurance agents, client advice, 143  
Health Insurance Portability and Accountability Act (HIPAA), 123–124  
Health Reimbursement Arrangement (HRA), 38–39, 156–158  
HSA-HDHP, combination, 157–158  
Health Savings Account-High Deductible Health Plan (HSA-HDHP), 145  
deductibles, example, 147–150  
HRA, combination, 157–158  
usage, 146, 150  
Health Savings Account (HSA), 39–40, 143  
pretax dollars, contribution, 145  
usage, 152–153  
High Deductible Health Plan (HDHP), enrollment, 152  
Hill, Ryan, 207–208  
Hink, Bruce (IRS problems), 8–11  
Home equity loans (HELs), 168–169  
  
Implied deductible, 157  
Income  
deferral, 24–25  
regulation, 179  
Income tax return, above the line, 153  
Indirect drilling costs (IDC), involvement, 196  
Individual Retirement account (IRA) proceeds, 134  
Industry compliance guidelines, 113  
Industry regulation/compliance, 110–112  
Information sources, 213  
Inside buildup, 170  
Insurance  
advisors, 207–209  
agents, MDRT admittance, 104  
audit, 83–87  
process, tax regulations (impact), 85  
changes, 73  
coverage, example, 146–147  
exchange, advantage, 84  
plan, establishment, 77  
producers, 109–110  
purchasing strategy, 154–155  
reevaluation, 83–87  
salespeople, inducements, 122  
Interest rates  
assumption, usage, 88  
decrease, 84  
Internal Revenue Code (IRC), 42  
831(b), 52  
6662A, 49–50  
Section 101(j), 75  
Section 529 plans, 168, 175–180  
Section 881(a)(1), 129  
Section 1035, 89  
Exchange, 100  
Internal Revenue Code (IRC) 6707A  
enactment, 43–47  
legislation, 49–50  
penalty, 44–49  
Internal Revenue Service (IRS)  
audits, 40–41  
triggers, 30  
code section 831(b), 52  
collection efforts, suspension, 44  
curtailment, legislation, 44  
Form 8889, 153–154  
Form 8918, usage, 41  
IRS-compliant tax planning strategies, usage,  
19  
Publication 502, 154

- Internal Revenue Service (IRS) (*Continued*)  
 retirement plans, examination, 8–12  
 Small Business and Self-Employed Division (SB/SE) focus, 8  
 Tax Code 469 c3 Paragraph A, 195–196  
 Taxpayers Advocate, The, 48  
 tax shelter abuse crackdown, 11–12  
 Investment  
   advisors, fees (examination), 17  
   full deduction, 195  
   gains, payment requirement, 177  
   growth needs, 29  
   market, U.S. government regulation failure, 2  
   portfolio losses, macroeconomic conditions (impact), 12–13  
   schemes, misunderstanding, 1  
   vehicle, tax leveraging, 177  
 Investment Advisers Act of 1940, 93  
 Investment Advisor Representative (IAR), 93–94  
 Investment Consumer Information, 213  
 Irrevocable Life Insurance Trust (ILIT), 106–107
- Kaiser, Amy L., 212  
 Kessler, Michael N., 145  
 Key assets, 73–74  
 Key employee insurance, 73–76
- LandSource Communities Development, bankruptcy protection filing, 5  
 Law advisors, 209–210  
 Life expectancy (LE)  
   case study, 135  
   estimation, 123–125  
   reports, obtaining, 117, 125  
 Life insurance, 168, 170–172  
   agents  
    aspirations, 103–104  
    client advice, 103  
   asset status, 106  
   carrier, ownership change recording, 126  
   case study, 134–137  
   company, uncontested claim payment, 193  
   contract, construction, 170  
   coverage, 31  
   face amount, surrender, 109–110  
   inconsistencies, documentation, 120–121  
   structure, 25  
 Life Insurance Consumer Information, 213  
 Life insurance policy, 83  
   case study, 135–136  
   cash value borrowing, 133  
   cost-benefit analysis, 16  
   purchaser, health inquiries, 116–117  
   settlement, 119  
   tax consequences, 116  
   trustee case study, 136–137  
 Life Insurance Settlement Association (LISA),  
   111  
   involvement, 111–112  
 Life Partners, Inc. (LPI)  
   fractional interests, offering, 190  
   payments, 194  
   tertiary market, example, 190–191
- Life settlements, 109–111  
 brokers/producers, questions, 117–118  
 case studies, 133–137  
 compensation, 113–114  
 dilemma, 132  
 documentation, 120–121  
 fiduciary advisor client advice, 138–139  
 financial advisors, questions, 117–118  
 growth, 110  
 industry  
   history, 191–192  
   regulation/compliance, 111–112  
 licensing/reporting, 112–113  
 revenue ruling, 132  
 reward, 194  
 tax treatment, 126–133  
 transaction  
   fraud, indicators, 121  
   purchase, 117  
   suitability, 115–117  
 Life Settlements Information, 215  
 Listed transaction, 48  
 Living trust, establishment (absence), 31  
 Longevity risk, 193–194  
 Long-term care insurance (LTCi), 76–79  
   premiums, tax status, 78–79  
 Long-term disability coverage, 53  
 Low-load insurance companies, submission, 172
- Macroeconomic conditions, impact, 12–13  
 Mallis, Nicholas M., 138  
 Market efficiency, increase, 85  
 Medicaid, eligibility, 176–177  
 Medical care, access, 151  
 Medical expenses  
   example, 148  
   HSA-HDHP, example, 149  
 Medical insurance, usage, 32  
 Medical services  
   coinsurance, 156  
   deductible, 155–156  
 Medicare HMO insurance premiums, 144  
 Medicare Part A/B, 144  
 Medicare Prescription Drug, Improvement, and Modernization Act of 2003, 144  
 Medication, purchasing, 150  
 Million Dollar Round Table (MDRT), 103–104  
 Model Act, NAIC adoption, 111  
 Moore, James L., 210  
 Mortality  
   expense charges, relationship, 99–100  
   tables, establishment, 85  
 Mortality and expense (M&E) charges, 99  
 Multipurpose financial institutions, growth pursuit, 3  
 Mutual funds, 168, 169  
   company, reputation, 21
- National Association of Insurance Commissioners (NAIC), Model Act adoption, 111

- National Association of Securities Dealers (NASD), SEC FINRA combination, 113  
National Conference of Insurance Legislators (NCOIL), 111  
Needs analysis worksheet, example, 105  
Nelson, Ben (IRS curtailment legislation), 45, 48  
No-load insurance companies, submission, 172  
Nondisclosure, penalty, 47–48  
Nongroup open-variable annuity contracts, average annual annuity charge, 99–100  
Nonqualified distributions/expenses, 153–154
- Office visit co-pays, 156  
Offshore LLC, usage, 66  
Offshore trusts, 65–67  
Oil and gas (O&G) investments, 195–197  
1035 Exchange, 100  
Onshore trust, 65  
On-site medical clinics, risk, 151–152  
Other people's money (OPM), 122  
Other post-employment benefits (OPEBs), 33–34  
actuarial calculations, 34–35  
costs, 34–37  
Out-of-pocket costs, 145  
Overfunded life insurance policy, usage, 25  
Ownership, control (separation), 60
- Pass-through entities, inclusion, 11  
Pension planning methods, tax/investment strategies (understanding), 7–8  
Pension Protection Act, 75  
passage, 3  
plan definition, 25–26  
plan designation, 40  
Personal Financial Specialist (PFS), 171  
Personal liability, business liability (contrast), 57–58  
Personal retirement, HSA (usage), 152–153  
PLUS loan, 173–174  
Ponzi-type schemes, 2  
Post-employment benefits, providing, 34  
Premature death, risk management, 178  
Premier Association of Financial Professionals, 104  
Premium-to-face ratios, rate, 123  
Prepaid tuition plans, 168, 173  
Prescription benefit card, 156  
Privacy, protection, 180  
Private employee investment programs, problem, 6  
Professionals  
coordination, absence, 20  
employment, reasons, 15–17  
Property, trust transfer, 64  
Property and casualty insurance, requoting, 16–17  
Public employee investment programs, problem, 6  
Public employee pension plans, GASB standards, 33  
Publicly traded financial service companies, financial advisor employment, 92
- Public pension funds  
account holdings, 4  
evisceration, 6–7  
obligations, meeting (inability), 7–9
- Qualified asset accounts, 42  
Qualified long-term care insurance contract, benefits, 77  
Quality disease management/wellness program, 145–146
- Real estate markets, performance, 194  
Registered Investment Advisor (RIA), 94  
Regular expenses, example, 150  
Reportable transaction, 49–50  
Request for Proposal (RFP) submissions, 155  
Retirement assets, protection, 21  
Retirement plans, 168, 169–170  
amendments, 30  
IRS impact, 8–12  
options, 23–24  
Returns, increase (acceptance), 192–194  
Revenue rulings, 127–135  
2009–13, 127–128  
example/application, 129–133  
2009–14, 128–129  
life insurance policy surrender, contrast, 128  
Revenues, decline, 4  
Risk  
analysis, 77  
management, 156–157, 178  
mitigation, 158  
shift, 73  
Risk/reward ratio, 189  
Rockefeller, John D., 67
- Saving, amount, 24–25  
Secondary purchaser  
ordinary income recognition, 129  
premium payment, 128–129  
Security and Exchange Commission (SEC)  
budget problems, 3  
NASD FINRA combination, 113  
Shelters, 41–43  
Shulman, Douglas, 44  
Simmons, Sandra, 212  
Simple IRA, 23–25  
Single-parent captives, 52  
Skloff, Aaron, 89, 144, 208, 218–219  
Small Business and Self-Employed Division (SB/SE) focus, 8  
Small businesses  
fraud avoidance, case study, 199  
owner, college funding situation, 184–187  
risk, 146–150  
Smith, Perry L., 208–209  
Software modeling, advances, 85  
Sole beneficiary, naming, 66  
Sole proprietorship, 77  
Sorey, Steve M., 212  
Speculators (vultures), impact, 191  
Stafford Loan, 173  
Stand-alone captives, 54

- Standard & Poor's 1500 Index, pension plan examination, 3–4
- State insurance laws, impact, 144
- State-sponsored plans, consideration, 175
- Stock market, decline, 98–99
- Stocks, 168, 169
- performance, 194
- Stock subaccount, portfolio investment, 98
- Stranger Originated Life Insurance (STOLI) (Stranger-Owned Life Insurance), 122
- business, restrictions, 111
  - premium-financing arrangements, contrast, 122
- Student education, plan, 178
- Succession planning, 31
- Suitability, 91, 115–118
- abuse, 92
- Surrender penalty VA policies, 100
- Tangible drilling costs (TDC), coverage, 196
- Tax Act (1990), 196
- Tax-advantaged IRA contributions, income disallowance, 152
- Tax-deductible premium payments, making, 52
- Tax-deferred contributions, 175
- Tax-deferred tax shelter, 97
- Taxes
- impact, 38–39
  - shelter abuse, IRS crackdown, 11–12
- Tax-free income, 195
- Tax holding, 130–131
- Taxpayers Advocate, The, 48
- Tax Reduction/Welfare Benefit Information, 213
- Tax Rules and Regulations, 213
- Telephone conferences, scheduling, 18
- Term-life contracts, revenue ruling application, 129
- Term life insurance coverage, 53
- Tertiary market, 190–191
- Third Party Administrator (TPA), usage, 39
- Total deductible, 157
- Traditional IRA, 97
- Trust
- benefit, 65
  - creation, purpose, 64
  - definition, 62
  - estate tax exemption, 107
  - grantor/settlor, responsibility, 63
- legal relationship, 62
- process, 63
- usage, process, 63–64
- Tsotsos, Bill, 209
- Underfunding, problem, 4
- Uniform Gift to Minors Act (UGMA)
- account, 166–167, 175
  - cost, 167–168
  - setup, 166
- Uniform Transfers to Minors Act (UTMA), 166
- account, 175
- Union-led pension funds, undercapitalization, 5
- United Auto Workers (UAW) VEBA, problems, 6
- United States Court of Appeals, *Appellee v. Life Partners*, 190
- Universal life policy, 124
- U.S. federal estate taxes
- exemptions/rates, 105
  - impact, 105
- U.S. federal tax law, clarification, 127
- U.S. financial system meltdown, 1
- Vallejo, bankruptcy protection filing, 5
- Variable annuities (VA), 97
- components, 98–99
  - death value, 98
  - policy, surrender penalty, 100
- Variable life insurance, broker-dealer requirements, 118–119
- variable life settlement transactions, 118
- Variable universal life policies, 124
- Vatical settlement, 191–192
- Voluntary Employee Beneficiary Associations (VEBAs)
- plan appropriateness, 30
  - plan benefits, 37–38
  - tax exemption, 33
  - underfunding, 5–6
  - usage, 8
- Vultures, impact, 191
- Wallach, Lance, 215–218
- Wealth assets, maximization, 2
- Wealth management schemes, overvaluation, 1
- Welfare benefit fund, 33
- Whole life contract, 171
- Whole life insurance, solution, 133