

## Erek M. Sharp

*Counsel*

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Erek Sharp focuses his practice in the areas of executive compensation and employee benefits, regularly advising public, private, and tax-exempt companies, as well as senior executives and governing boards, in connection with their transactional, compensation/total reward, and benefit plan implementation, compliance and termination-related needs and goals. Erek's broad-based compensation and benefits experience allows him to advise a diverse roster of clients across both multiple industries/sectors and compensation and benefits disciplines. He regularly drafts, negotiates and counsels clients in connection with the establishment and administration of nonqualified plans and arrangements, including, for example, equity and cash-based plans (both short- and long-term), severance and retention plans, change in control agreements, and employment agreements. He frequently advises clients concerning matters of Section 409A and Section 280G compliance. In addition, Erek has substantial experience in the qualified retirement plan space, and regularly provides counsel with respect to defined contribution plans (i.e., 401(k), profit sharing, and 403(b) plans) and defined benefit plans, including establishment, compliance, and termination related issues arising under ERISA, the Internal Revenue Code and other applicable laws. He frequently assists clients in identifying and correcting operational, plan document, and fiduciary failures under the EPCRS and VFCP guidelines, and negotiates correction methods and related excise tax issues with the IRS and the Department of Labor, as applicable.

Erek also has substantial experience advising clients on pre- and post-closing benefits and compensation issues arising in connection with corporate transactions, including mergers and acquisitions.

In addition, clients turn to Erek for guidance on plan fiduciary obligations and the application of prohibited transaction rules under ERISA and related administrative and statutory exemptions. He also has experience advising both funds and benefit plan investors with respect to ERISA's plan asset, VCOC and REOC rules, and reviewing and negotiating the terms of related agreements and fund documents.

### **Admissions**

- Connecticut

- Maine
- Massachusetts
- New York

**Education**

- University of Maine School of Law (J.D., 1998)
- University of Maine (1995)