

Audrey A. Fenske

She/Her

PARTNER

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Clients value how Audrey brings her many years of experience as an ERISA attorney and as a benefits and executive compensation tax consultant at a Big Four accounting firm to bear in developing solutions to her clients' compensation and benefits challenges.

Audrey works with a wide range of clients, from individual executives, small private companies, and non-profit organizations to large multinational, publicly traded corporations to develop benefits, incentive, and equity plans, and executive employment agreements. She helps companies draft and amend qualified plans, reviews service provider contracts, advises on fiduciary issues, and advises on operational and tax issues impacting compensation and benefit programs, including issues under Code Sections 409A, 457(f), and 280G. Audrey also assists clients in participation in IRS (EPCRS) and DOL (VFCP) programs.

Experienced in employee benefits and tax law, Audrey helps clients with a wide range of benefits, tax, and executive compensation issues under ERISA and related statutes, from the day-to-day issues involved in operating benefit plans, to implementing strategic changes or addressing the compensation and benefits issues arising in transactions.

PRACTICES & INDUSTRIES

Employee Benefits

Mergers & Acquisitions

Labor, Employment & Benefits

ADMISSIONS

Minnesota

EDUCATION

University of Virginia School of Law, J.D.,
1989

• *Virginia Tax Review*, Articles Editor

University of Wisconsin, B.A., 1984

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EXPERIENCE

Audrey has helped companies correct document and operational errors in IRS programs for qualified retirement and nonqualified deferred compensation plans, and developed compliance programs related to payroll tax issues associated with compensation and benefits.

Audrey has helped clients implement special features within their pension plans, including phased retirement and lump sum options.

Audrey helped a company obtain a prohibited transaction exemption for a contribution of securities to its pension plan.

Audrey has helped foreign companies extend their equity incentive plans to U.S. employees.

Audrey has helped clients manage major benefit changes, such as benefit enhancements, vendor or investment changes, and plan terminations, by reviewing contracts, preparing filings, drafting plan amendments, reviewing communications, and addressing benefits plan governance and compliance issues.

RECOGNITIONS

Selected to the 2023, 2024 editions of *Best Lawyers in America*©

PROFESSIONAL & CIVIC ACTIVITIES

Minnesota State Bar Association Employee Benefits Section Council, Member

Minneapolis Pension Council, Past President

The National Association of Stock Plan Professionals

Great Lakes Area Tax Exempt/Government Entities (TE/GE) Council

NEWS

152 Stinson Attorneys Selected to the 2023 *Best Lawyers in America* List
08.18.2022

Chugach Electric Acquisition Featured in *Global Legal Chronicle*
12.03.2020

Stinson Serves as Legal Counsel on Major Alaskan Energy Acquisition
11.17.2020

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Stinson Represents Stelco in Option to Acquire Interest in Mine

05.12.2020

Stinson Represents Bedford Technology in Sale to Tangent Technologies

05.06.2020

SPEAKING ENGAGEMENTS

"Employee Benefits and Executive Compensation Law Update," 2021 Virtual Business Law Update, March 2021

"Data Privacy and Cybersecurity for ERISA Retirement Plans," 2021 MSBA and Minnesota CLE Advanced Employee Benefits Workshop, February 2021

"Using Cash and Equity-based Incentive Plans to Retain Employees," Annual Construction Law Update, January 2021

"Data Privacy, Cybersecurity, and ERISA Retirement Plans," Minneapolis Pension Council, February 2020

"Compensation Committee Update," Minneapolis Corporate Governance and 2020 Proxy Season Workshop, November 2019

"Mergers & Acquisitions and Controlled & Affiliate Service Groups," ASPPA Benefits Council, Greater Twin Cities, June 19, 2018

"The New Federal Tax Cuts and Jobs Act: Impact on Employee Benefits," co-presenter, 2018 MSBA and Minnesota CLE Business Law Institute, May 2018

"Tax Cuts and Jobs Act: Impact on Employee Benefits," co-presenter, Minnesota CLE Webcast, April 2018

"Survey of Executive Compensation Developments," Minneapolis Pension Council, February 2018

"The New Federal Tax Cuts and Jobs Act: Impact on Employee Benefits," co-presenter, 2018 MSBA and Minnesota CLE Advanced Employee Benefits Workshop, February 2018.

"Employee Benefits Update," Stinson's New Challenges for HR in 2018 Minneapolis Seminar, February 2018.

"State Taxation of Deferred Compensation and Selected Federal Tax Developments," MSBA 76th Annual Tax Institute, December 2016

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"Regulation of Deferred Compensation 10 Years After 409A: Refresher and Lessons Learned," Employment Law Series, Minnesota CLE Webinar, October 2015

"Correction Programs: War Stories and New Developments," Minneapolis Pension Council, April 2015

"Placing Employees in Europe: Case Studies in Employment, Benefits and Corporate Tax Challenges Forum for Expatriate Management," Minneapolis Chapter, August 2014

Directors' Institute and 2023 Proxy Season Workshop
11.17.2022

Law in Everyday Life and the Importance of Pro Bono
10.27.2022

Business Law Update
03.03.2022

2021 Business Law Update
03.04.2021

2021 Construction Law Update
01.28.2021

New Challenges for HR in 2020 - Minneapolis
Stinson LLP, 01.23.2020

PUBLICATIONS

"[Coronavirus Aid, Relief, and Economic Security \(CARES\) Act Small Business Provisions](#)," *Stinson's Government Contracting Blog*, April 2020

Contributor, "Section 409A Handbook, Second Edition," Regina Olshan and Erica F. Schohn, 2017

Agencies Issue Additional Guidance Regarding Over-the-Counter COVID-19 Test Coverage
02.09.2022

DOL's ARPA COBRA Subsidy Notices and FAQs: Stay Tuned for More
04.15.2021

IRS Guidance on CAA Coronavirus Relief for FSAs, DCAPs and Cafeteria Plans
03.01.2021

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Coronavirus Aid, Relief, and Economic Security (CARES) Act Signed into Law

03.31.2020

New IRS Guidance and CARES Act Provide Employers with Additional Information about Tax Credits for Paid Leave

03.28.2020

CARES Act Provides Much Needed Retirement Plan-Related Relief for Individuals and Employers Impacted by COVID-19

03.28.2020

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