



**Internal Revenue Service
Tax Exempt &
Government Entities**

**Department of the Treasury
P.O. Box 2508
Cincinnati OH 45201**

Date: NOV 06 2001

Destel-Bergen Corporation
1400 Grant Ave., Suite 200
Novato, CA 94945

Person to Contact:
Angelo Noe 31-00518
(513) 263-3536

Letter Serial Number
VS322573
Plan Name: Volume Submitter
Profit Sharing 401(k) Plan

Dear Sir or Madam:

We have reviewed the above named plan under our volume submitter program. In our opinion it is acceptable under section 401(a) of the Internal Revenue Code.

This letter considers the changes in qualification requirements made by the Uruguay Round Agreements Act (GATT), Pub. L. 103-465, the Small Business Job Protection Act of 1996, Pub. L. 104-188, the Uniformed Services Employment and Reemployment Rights Act of 1994, Pub. L. 103-353, the Taxpayer Relief Act of 1997, Pub. L. 105-34, the Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105-206, and the Community Renewal Tax Relief Act of 2000, Pub. L. 106-554.

This volume submitter approval letter may constitute reliance for an employer adopting the approved plan. Please review section II of Announcement 2001-77 to determine when an employer adopting the approved plan is required to apply for a favorable determination letter to obtain reliance.

An employer adopting this approved plan may submit a request for a favorable determination letter on Form 5307, Application for Determination for Adopters of Master or Prototype or Volume Submitter Plans, and enclose the appropriate user fee.

When submitting such applications, please enclose a copy of this letter for each application request along with Form 8717, User Fee for Employee Plan Determination Letter Request. Also, include a copy of the plan and a listing of any deviations from the approved plan for the adopting employer. Enclosed is an application checklist indicating the items that are necessary for a complete submission.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely,

Paul T. Shultz
Director, EP Rulings & Agreements

Enclosure: Application Checklist

APPLICATION CHECKLIST

A REQUEST FOR A DETERMINATION LETTER FOR AN EMPLOYER'S ADOPTION OF AN APPROVED VOLUME SUBMITTER PLAN MUST INCLUDE THE FOLLOWING:

1. Completed Form 5307
2. Schedule Q (Nondiscrimination Requirements), (filing is optional; see Announcement 2001-77)
3. Completed Form 8717
4. Written authorization allowing the volume submitter practitioner to act as a representative of the employer with respect to the request for a determination letter
5. Copy of volume submitter advisory letter
6. Copy of plan and trust document
7. **Written representation which states the plan and trust are word-for-word identical to the approved specimen plan or an explanation how the plan and trust instrument differ from the approved specimen plan, describing the location, nature and effect of each deviation from the language of the approved specimen plan**
8. Copy of the plan's latest favorable determination letter, if applicable
9. Any other items required per Rev. Proc. 2000-6 or its current update

Completed applications for favorable determination letters should be addressed as follows:

Internal Revenue Service
P.O. Box 192
Covington KY 41012-0192