



# Ray McCabe

He | Him | His

*Partner*

*Buffalo*

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## Education

- University at Buffalo School of Law, JD
- State University of New York at Fredonia, BA

## Practices & Industries

- Corporate
- Employee Benefits

## Admitted to Practice

- New York

## Court Admissions

- US Court of Appeals for the Fifth Circuit
- US District Court for the Northern District of New York
- US District Court for the Western District of New York
- US Tax Court

## Biography

A former attorney with the Internal Revenue Service Office of Chief Counsel, Ray primarily concentrates his practice on employee-benefits law, not-for-profit corporation law, and federal, state, and international taxation. He counsels large and small businesses, not-for-profit corporations, and municipal governments on ERISA and tax matters and he has substantial experience handling corporate transactions, including reorganizations, mergers, and affiliations of both for-profit and not-for-profit entities.

Ray additionally serves as benefits counsel to for-profit and charitable organizations and as corporate-governance counsel to not-for-profit corporations and foundations.

## Bar Associations

- American Bar Association
- New York State Bar Association

## Representative Experience

- Represented a community hospital in the negotiation of affiliation with a large, regional medical system.
- Negotiated a settlement with the US Department of Labor and Internal Revenue Service, restoring benefits to participants in a not-for-profit human resource agency's pension plan and preserving tax-qualified status.
- Preserved the tax qualification of an employee-stock-ownership plan that did not have proper plan documentation by negotiating the closing agreement with the IRS.
- Facilitated a medical center's RFP process to secure a strategic partner to ensure the long-term economic viability of the programs at the center. Negotiated and closed an

acquisition agreement with a strategic partner at the university medical center. Obtained required approvals from the Department of Health and NY Attorney General.

- Coordinated and obtained judicial approval of the transfer of a medical facility with the continuation of the transferor's corporate enterprise and pension plan.
- Negotiated a tax-liability settlement with the IRS of a not-for-profit corporation in connection with the acquisition by another not-for-profit entity.
- Negotiated a settlement of ERISA issues with the USDOL of a not-for-profit corporation in connection with the takeover of programming by a successor charity.
- Counseled charitable foundations regarding the use of restricted and unrestricted gifts and the disposition of assets upon dissolution.
- Representing nationwide hospital and health care provider and its entities in suit brought by former nurses and doctors regarding retirement and agreed-upon pension.
- Representing a not-for-profit rural health care enterprise in restructuring and corporate governance matters.

## Prior Experience

- Hiscock & Barclay, LLP, Partner
- Saperston & Day, P.C., Partner

## Selected Community Activities

- Erie County Veterans Post Revitalization Post, Advisory Board Member
- United Methodist Volunteers in Mission, Disaster Relief Team Leader

## Selected Honors

- *The Best Lawyers in America*®: Employee Benefits (ERISA) Law, 2023–2024; Tax Law, 2023–2024
- Bar Association of Erie County, Rev. A. Joseph Bissonette Pro Bono Award, 2023
- New York State Bar Association, President's Pro Bono Service Award for the Eighth Judicial District, 2016
- Martindale-Hubbell AV Preeminent Peer Review Rated for Very High to Preeminent Ethical Standards and Legal Ability, 2013-2019

## Selected Speaking Engagements

- The Law Society of Upper Canada Estate and Trusts Summit, “US/Canada Cross-Border Issues”
- Goodwill Industries Board Retreat, “Executive Compensation After the New York Nonprofit Revitalization Act of 2013”
- Buffalo Tax Institute, “The Affordable Care Act: The Employer Mandate and Other Considerations”
- New York State Bar Association, “Dealing With Your Client’s Retirement Assets” CLE

## Selected Alerts & Blog Posts

- NYS Executive Order 38 Sunset: NYS Agencies Begin to Repeal Regulations Governing Limits on Administrative Expenses and Executive Compensation
- New York State Adopts Employer Retirement Plan Mandate
- COBRA Update: IRS Issues New FAQ Guidance on ARPA Premium Subsidies & Extended Election Period
- Confusion Reigns Over New Filing Requirement for New York State Charities
- What Employers Can Expect Under the Biden Administration: Employee Benefits