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To: Talk to DOL

Subject: Labor's Proposed Rule (RIN 1210-AB32)

Thomas Perez

Secretary Perez:

Dear Secretary Perez:

The Department of Labor's proposed fiduciary rule for retirement investment advice is unworkable. The proposal would confuse investors, increase costs, harm advisor-client relationships and interfere with the ability of advisors to serve retirement investors.

My opposition to provisions in a complex regulation does not mean I'm against the concept of putting my clients first. My clients, many of whom I have worked with for a dozen years or more, know that I have their best interests in mind. Otherwise, they would no longer be my clients.

The proposal is harmful to low balance savers. It limits third party compensation for variable annuities and fixed annuities with different rules depending upon whether in an IRA or other qualified plans. The DOL needs to resolve the conflict between the rules in its BIC PTE proposal and SEC/FINRA rules, address the parties-in-interest/self-dealing rule issues that particularly impact fixed and variable annuities, explicitly allow proprietary products, and captive as compared to independent advisors.

As written the rule prohibits an advisor from providing advice to plan sponsors under a commission arrangement - meaning that the employer must pay using a fee-for-service arrangement. The DOL should permit third party compensation models when working with businesses that sponsor retirement savings plans.

Savers and retirees need more, not less, investment education. However, Investment education is narrowly defined which will limit the assistance advisors can provide without triggering fiduciary obligations. The DOL should broaden the education provision, especially with respect to the timing of an advice conversation proceeding to the mention of specific investment products. Advisors and consumers must be able to discuss together specific investment choices prior to the point at which a recommendation is made and a specific choice is contemplated.

The Best Interest Contract Exemption is inoperable. The new exemption that would allow otherwise prohibited compensation such as commissions and 12b-1 fees, is complicated, confusing to consumers and costly. I urge DOL to simplify the contract requirements and eliminate the burdensome data retention and cumulative disclosure requirements. The contract should be executable once a full review of the client's circumstances, goals, objectives and financial options has been discussed and a decision has been made as to a course of action.

The proposal does not allow advisors to receive third party compensation when advising plan participants on distribution options. The BIC exemption language needs to be clarified to encompass advice on plan distributions and rollovers. It must be clear that advice in these situations can be compensated by commissions, 12b-1 fees, and fee sharing if the terms of the BIC exemption are satisfied.

Please re-write this unworkable rule to achieve our mutual goal of an effective best interest standard that will retain access to affordable professional advice. As written, the rule significantly limits American retirees' access to individualized guidance and to lifetime income guarantees.

Sincerely,