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General Comment

EBSA-2017-0004

I wish to make comments concerning the proposed "Fiduciary Rule" of the Department of Labor.

1. The proposed "class Action" provision against Financial Advisors will result in many of the older advisors who do this even thought are past the "normal" retirement age to "hang it up" as they don't have to expose themselves to this kind of suit that could ruin them financially because of a disagreement on what is "best" for a client. Each client has their own set of differences that don't fit a cookie cutter of needs. So you might suggest one type of investment for one and another for someone else who is the same age, income, etc. I am also concerned that

even though it has been stated that the cost of a product isn't a measuring stick for what is "best" for a client, I am concerned that it will be used for that. Most of my clients are in or near retirement and a total portfolio of ETF's and index funds is not what is needed even thought it might be at least on the surface the cheapest. Also just because an ETF or index fund might be the cheapest for the "headline" fee, it might not actually be the cheapest product.

2. The sale of annuities is another area that needs to be addressed. If you are selling either fixed income annuities or equity index annuities that have both a stock bucket and a fixed income bucket with a minimum guarantee of the return of principle AND DO NOT HAVE RIDERS such a a guaranteed income benefit, faux income accounts that some future payment is calculated on (with a payout rate already stated in the contract that is less than what payout rates are currently), etc. THEN the product (fixed rate or equity index annuity without riders should be exempt from any new rules. Only the annuities that carry the riders that make the contract almost impossible for a consumer (and many agents) to understand should be exposed to the new
proposed rules. It should not make a difference in the rules if these are sold as an asset under management (fee based) or a commission basis.

3. Any new rules should be easy to administer and easy to understand and implement without having to buy expensive software in order to try and stay in compliance.