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Definition of the Term ‘‘Fiduciary’’; Conflict of Interest Rule—Retirement Investment Advice; Notice of proposed rulemaking and withdrawal of previous proposed rule.

Comment On: EBSA-2010-0050-0204

Definition of the Term Fiduciary; Conflict of Interest Rule-Retirement Investment Advice

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General Comment

I have been a licensed financial adviser for 26 years. It is my belief that the vast majority of advisors strive to do what is best for their clients, even if it means a lower rate of compensation for them. The establishment of a fiduciary standard could potentially have the effect of increasing costs to certain IRA account holders.

In numerous instances, a client and I have jointly agreed to change their IRA account to a fee-based account rather than remaining as a commission-based account. This was done with the expectation of lowering the total cost to the client. This effort was successful in many cases, but in some cases, it was discovered that the fee-based alternative resulted in higher expenses for the client and was subsequently abandoned.

Clients should be able to choose the pricing alternative which is best for them. This proposed regulation could force some investors into a fee-based account arrangement which could actually be to their detriment. Just as in most things in life, a "one size fits all", solution would most certainly not be best for all.