



Office of Regulations and Interpretations
Employee Benefits Security Administration
Attn: Conflict of Interest Rule, Room N-5655
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Subject: RIN 1210-AB32

Ladies and Gentlemen:

Ash Brokerage Corporation (“Ash Brokerage”) is pleased to comment on the U.S. Department of Labor’s (the “Department”) proposal regarding the Definition of Term “Fiduciary”; Conflict of Interest Rule – Retirement Investment Advice¹ (the “Proposal”).

Ash Brokerage has been actively engaged in business since its inception in 1971. We are an insurance Brokerage General Agency (“BGA”) that conducts business with independent agents, national and regional broker-dealers through their registered representatives, and duly licensed registered investment advisors. Ash Brokerage is one of the largest independently owned firms helping Americans with their retirement income strategies throughout the United States. In 2014 alone, our firm assisted agents and financial advisors with more than 30,000 American families. Based on our knowledge and experience as a BGA, we believe that we are well positioned to comment on the Proposal.

We respectfully request that the Department expand the availability of the “seller’s exemption” described in the Proposal (i.e., the carve-out for “statements or recommendations made to a ‘large plan investor with financial expertise’ by a counterparty acting in an arm’s length transaction”).

As currently proposed, the “seller’s exemption” is only available when investment advice is provided to (1) the employee benefit plan has 100 or more participants, or (2) the plan fiduciary has responsibility for managing at least \$100 million in employee benefit plan assets.

We believe the “seller’s exemption” should be expanded so that it is available for an Individual Retirement Account (“IRA”) and owners of IRA that meet certain economic thresholds. For example, we respectfully request the Department consider whether the “seller’s exemption” should be available when an IRA holds a specified dollar amount of assets (e.g., \$1 million or more) or when the IRA owner can satisfy certain tests that demonstrate he or she has “financial expertise” (e.g., the IRA owner satisfies the definition of an “accredited investor”).

¹ DEP’T OF LABOR, EMPLOYEE BENEFITS SECURITY ADMIN., *Definition of Term “Fiduciary”; Conflict of Interest Rule – Retirement Investment Advice*, [RIN: 1210-AB32], 80 Federal Register 21928 (April 20, 2015), available at <http://www.gpo.gov/fdsys/pkg/FR-2015-04-20/pdf/2015-08831.pdf>.



We respectfully request that the Department work with the insurance industry to provide a workable and meaningful seller's exception for client engagements that require a suitable, transactional investment solution. We also respectfully request that the Department coordinate the regulatory environment for financial professionals with existing regulatory bodies to provide clarity, vision, and direction.

Sincerely,

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