

# PUBLIC SUBMISSION

<b>Received:</b> March 06, 2017 <b>Status:</b> Pending_Post <b>Tracking No.</b> 1k1-8v3w-np9f <b>Comments Due:</b> March 17, 2017 <b>Submission Type:</b> API
---

**Docket:** EBSA-2010-0050

Definition of the Term ‘‘Fiduciary’’; Conflict of Interest Rule—Retirement Investment Advice

**Comment On:** EBSA-2010-0050-3491

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

**Document:** EBSA-2010-0050-DRAFT-10971

Comment on FR Doc # 2017-04096

---

## Submitter Information

**Name:** Patrick McCormick

**Address:** 3 Saddlebrook Drive

Washington, NJ, 07882

**Email:** mfpllc@gmail.com

**Phone:** 9086195327

**Organization:** MV Group Chairman

---

## General Comment

I oppose the DOL ruling based upon its lack of merit; who enforces it, and its included Fixed Index Annuities as a security. The courts Ruled clearly in 151a that FIA's are not a security and are a Fixed Annuity. The Insurance Industry has a 99.9 customer satisfaction rating, so why is the DOL trying to fix something that works perfectly. The Dept. of Insurance in each state oversees these sales, and does an amazing job. In my 32 years as an IMO, I have never had a complaint not satisfied, and I have had only 3 complaints against my over 1000+ agents in those 32 years. That being said let look at what the DOL is claiming; this ruling will somehow reduce costs to consumers, and that may be true for securities, but not a Fixed Index Annuity. The Fixed Index if put on a trail scale would cost about .70bps to consumers, so how do we make it cheaper? The client get advice and product for this cost, not a computer program that seniors wont use. When I served in the Army we had an acronym called

KISS, which stood for Keep It Simple or its Stupid. Fixed Index product are simple, and their safe for clients. They do not and should not be treated as Securities. If this were a security, it would cost 2.5bps, not .70bps. As to BIC, the State Dept. of Insurance in every State oversees this, so its not new to the Insurance Industry. The fines your proposing are new and unjustified. The costs of E&O insurance for the Industry will easily add .30bps to everyone's costs. Hundreds of thousands of Insurance agents will lose their jobs if this rule is enacted. I clearly oppose this ruling as it applies to Fixed annuities, and see no savings for consumers. Not to mention of the 35 carriers we represent, non are prepared to move forward. The DOL has not kept its promise to streamline IMO's into this ruling, in fact they made a ridiculous ruling of production (1.5 Billion) and cash reserves to be in this business. They set the bar higher for IMO's than BDs, way higher. Some 400 IMO's will lose their jobs because of this ruling. The only reason I see this rule being moved forward is firm like Fidelity; who funded certain people for Presidency and other offices, gained some business. In fact it looks like NY firms are attacking the Insurance industry for business. The ruling truly smells like what is best for wall street, not consumers.