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General Comment

As an independent Certified Financial Planner of 27 years, I find the DOL Fiduciary rule a web of confusion for both the consumer and the advisory industry. I have always practiced with a best interest standard on behalf of both my clients and those that are not. What I mean in that last statement, it is not always what you do that matters, but won't you don't. I have come across many situations where people are looking to earn more on their savings but may not be in a position to have those funds invested. In other words, they were better served leaving the money in the bank. By not suggesting investing it and in turn not managing those monies I have already acted in their best interests. Being independent and autonomous means that my firm is both "product" and company agnostic. We do not base our decisions on which tools yield the most to us, but rather which investment vehicles and insurance products work towards creating the best solution for our clients. The current DOL rule with the archaic set of rules referred to as "BICE" exemptions, may be the single most poorly structured set of rules I have ever come across. Who is to say when a particular tool should be held to some arbitrary standard that lacks clarity and forethought in it's design. I have recently started studying for another designation through "The American College" called the RICP. (Retirement Income Certified Professional). In it's material it looks at using all strategies, solutions and investment ideas in such a manner to help the consumer achieve the best outlook for future and or present income planning. The DOL completely ignores and in many cases contradicts some of the best income planning ideas formulated by some of the best minds in the country. How could their be such a disconnect? For example, why would a Fixed Index annuity be more difficult to work with in an IRA? These tools provide various attributes that help protect a consumers nest egg against market downturns at the wrong time, as well as having the capability of providing an income that will last a lifetime. A simple stock portfolio, (which we use all the time), is great for growth, but not for protection and or guaranteed income. Fees or commissions don't make one tool better than another, they are simply different because the tools themselves are different. In addition, why should their be a separate set of standards for qualified funds and a different set of standards for non-qualified monies. In essence, I believe the government has created exactly what they were hoping to avoid; "a conflict of interest". I fully support a standard that puts the clients interests first, as do many of the hundreds or independent advisers I know from around the country. But this rule does NOT accomplish this goal. I believe that SEC should be the ones to create a uniform standard for both types of funds, qualified or non-qualified. One standard for all monies. While I realize the SEC was tasked with this job, and it's many delays prevented it from creating one, it makes no sense to assign the task to an agency that does not have complete oversight on all types of monies.

We have clients in 14 states. We have attempted to explain some of the proposed rule to our clients. The question that comes up most of the time is this: Why are they in essence telling us where we can invest our monies? While the DOL says that you can use all tools, alternatives, variable annuities, fixed index annuities, they do it with a caveat, BICE. The lack of clarity with the BICE will ultimately scare off many good advisers and firms as they are not clear on the after affects of utilizing such tools in an undefined world. Rather than rush to a flawed conclusion, wouldn't it make more sense to take a step back, delay this rule and let calmer minds be the order of the day. I understand the genesis for the creation of a fiduciary standard, and I agree with putting our clients interests first, but this is not the way to go about achieving the desired result. I hope that cooler minds will prevail and delay this so that a better, more rounded set of regulations can be created. Thank you for allowing me to share my thoughts.