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March 15, 2017

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

RE: Definition of the Term "Fiduciary"  
Proposed rule; extension of applicability date  
29 CFR Part 2510  
RIN 1210-AB79

To Whom It May Concern:

This comment letter is submitted on behalf of National Regulatory Services, ("NRS"), part of Accuity. NRS is the nation's leading compliance consulting and registration firm founded in Lakeville, CT in 1983. NRS provides compliance and consulting services, compliance solutions, national conferences, seminars and the NRS Certified Compliance Professional certificate program to approximately 6,000 investment advisers and broker-dealers, ranging from sole practitioners to the largest global financial firms.

A substantial majority of these investment advisers and broker-dealers provide services to various retirement accounts, including individual retirement accounts ("IRAs"), and so would be considered "fiduciaries" under the rule entitled "Definition of the Term "Fiduciary;" Conflict of Interest Rule – Retirement Investment Advice" and amended prohibited transaction exemptions (together, the "final rule"). As a provider of compliance services and solutions for investment advisers, broker-dealers and other financial institutions, NRS, and our clients, place a premium on clarity and precision in the regulatory environment which promotes transparency regarding the expectations of the regulator as well as the obligations of the regulated.

NRS appreciates the opportunity to comment on the Proposal.

#### Comment

NRS supports the Department's request for a 60-day delay of the applicability date for the final rule and for further delays until such time as the Department has completed its review and issue rules that continue, amend, or rescind the final rule.

If the final rule is not delayed, financial services firms will be required to acknowledge to their retirement investor clients that the firms now have a fiduciary status under a rule that may well be rescinded or materially changed in a few weeks or months. Consequently, these firms will be required to either: (i) include an "escape clause" in the notification saying that the fiduciary status may not exist if the final rule is rescinded or changed, or, (ii) once the final rule is changed, send a follow-up letter to these retirement investors explaining that they are not a fiduciary after all. Of course, this would be highly confusing to a typical retirement investor, and would serve to erode retirement investor confidence in the financial markets and/or their financial services firm.

In addition to confusing the client, failure to delay the applicability date would require each financial services firm to complete and implement a compliance infrastructure that may not be needed in a short time. In saying this, NRS is not asserting that some of the abuses that led to the creation of the final rule have not occurred. What we have seen, however, is that financial services firms have adopted many practices to ensure that retirement investors receive advice that is consistent with their best interests. Indeed, it may be difficult for any firms that have not adopted these best practices to compete with firms that have worked diligently to better align their interests with those of the retirement investor. NRS believes that these best practices will continue well beyond the time that the Department determines if the rule should be implemented, amended or rescinded.

NRS has concluded that all parts of the final rule should be delayed, as a partial delay would exacerbate the confusion underlying the problems listed above.

Conclusion

If we may assist further or provide additional information or background on our comments, please let us know. We at NRS would certainly look forward to assisting the Department in this very important area affecting the entire financial services industry.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Gebauer". The signature is written in a cursive style with a large initial "J" and "G".

John Gebauer

President