

From: Ben Brooks <bbrooks@capital-invest.com>
Sent: Friday, June 30, 2017 11:46 AM
To: FiduciaryRuleExamination - EBSA
Subject: DOL January 1st Implementation & Substantive Revisions

Dear Sir or Madame:

I run the operations for a small brokerage firm headquartered in N.C. I would like to address two issues:

1. Please consider deferring the January 1st, 2018 applicability date for the Department of Labor Fiduciary Rule. We have had to increase our internal staffing significantly to adhere to the many proposed BIC requirements which would be imposed due to such over regulation. These staffing requirements have placed intense margin pressures on firms that are our size and really prohibit us from working with smaller relationships as the customer acquisition and maintenance costs exceed the financial benefit to the firm. The small investor will certainly suffer.
2. Please consider revising the BIC exemptions. We should all operate as Fiduciaries, but be held accountable by our regulatory bodies – the SEC and FINRA. Much of the language tied to the BIC exemptions are vague and subjective. The thought of the enforcement body being the courts makes no sense. Please remove the BIC exemptions. Ironically, if an exemption is used for each transaction, an exemption becomes the standard, which defeats the purpose of the Impartial Conduct Standards all together.

This is our chance to get this right. We would like to manage our firm to the highest standards, while providing sound advice to investors of all sizes. The deferral until the appropriate regulatory bodies are engaged only makes common sense. The elimination of the BIC exemptions along with input from the SEC and FINRA will enable us to follow universal guidelines that we can all feel good about. Our firm always strives to act in the client's best interest, but we are being overwhelmed by regulatory issues that prevent us from servicing the clients that need the most help. Please work with firms like us to delay the applicability date and remove the BIC exemptions from the rule. Finally, if guidance can be provided by normal regulatory bodies, rather than the Department of Labor, I think we can all achieve our goals.

Thanks for your time.

Ben Brooks



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