

# PUBLIC SUBMISSION

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Fiduciary Duties Regarding Proxy Voting and Shareholder Rights

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Fiduciary Duties Regarding Proxy Voting and Shareholder Rights

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## Submitter Information

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## General Comment

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

Attention: Proxy Voting and Shareholder Rights NPRM

Rule Number: RIN 1210-AB91

Mr. DeWitt,

As I shared last year with the SEC, I have spent my career bringing together multiple parties to consider an issue and formulate solutions satisfactory to all sides. I take it very seriously that the Department of Labor is considering changes to the proxy advisory process. I also recognize the impact proxy votes can have on investments and pensions and the need to ensure proper governance.

I worked for many years for an organization that represented Minnesotas largest businesses. These businesses contribute significantly to our states economy. They pay taxes, buy goods and services from other companies in Minnesota, and provide jobs with benefits including pensions. In recent years with the advent of ESG (environmental, social, and governance) investing, the intent of some investment managers has skewed away from maximizing returns for beneficiaries and towards certain political or social causes. While it is the right of individual investors to place their money wherever they see fit, there should be clear rules that prevent managers from using ESG criteria to invest other peoples money without their consent. This is especially important because ESG investments often dont achieve the same returns compared to the S&P 500 benchmark.

As such, I support the proposed proxy reforms that require management of funds be based on fiduciary duty to fund members. Pension fund and investors in general deserve transparency regarding proxy votes that affect performance as well as the decisions made by investment managers and how they came to those decisions. In addition, fund managers should not automatically vote on any proposal. This practice is known as robo-voting and it should be prohibited in the final proposal.

Protecting retirement income for working people from activists who have turned to shareholder resolutions to advance social and environmental issues irrespective of economic impact and from automatic proxy voting practices is critical to the economy of Minnesota and the entire country.

Thank you,

Lucas Nesse  
Lake Elmo, MN