



Terrance P. Power, CFP, QPA, ERPA, CRPS  
President. The Platinum 401k, Inc.  
2451 N. McMullen Booth Road, Suite 200  
Clearwater, FL 33759  
813.774.3366  
tpower@ThePlatinum401k.com

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*Submitted via email to e-OED@dol.gov*

Employee Benefits Security Administration  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Re: Comments on Registration Requirements for Pooled Plan Providers RIN 1210-AB94

To Whom it May Concern:

Thank you for the opportunity to provide input on your Proposed Rule regarding **Registration Requirements for Pooled Plan Providers – RIN 1210-AB94**.

Our organization, The Platinum 401k, Inc. and our affiliates American Pension Services, LLC and Plan Compliance Services, Inc. are fee-based service providers who have worked with numerous 413(c) Multiple Employer Plans for over two decades.

The Platinum 401k, Inc. is the marketing arm of one of the retirement plan industry's most successful "open multiple employer plan" programs. American Pension Services, LLC is an independent fee-for-service third party administrator that specializes in retirement plan administration and compliance testing of multiple employer plans for PEO's, Associations, and open multiple employer plans across the country in conjunction with a variety of well-established industry leading recordkeepers. Plan Compliance Services, Inc, founded in 2001, is our 3(16) Plan Administrator firm and has been serving in that capacity for multiple employer plans since 2011.

We commend the Department for reaching out to the retirement plan industry for comments on this important item. Having a process in place for obtaining information on Pooled Plan Providers and their experience will help to provide a foundation for a secure retirement for America's workers. This is not only in the best interests of the workers themselves, but also for employers and our nation as a whole. Pooled Employer Plans are an important step forward for all parties in broadening retirement plan coverage in the workplace.

Our comments will be focused primarily on question 1 in section *G. Request for Public Comments*, in the Proposed Rule regarding **Registration Requirements for Pooled Plan Providers** and **Form PR Registration for Pooled Plan Provider**.

**Question G. Request for Public Comments**

1. ***Is the definition of “beginning operations as a pooled plan provider,” which determines whether initial registration is required, appropriate in scope? Should the definition exclude marketing and solicitation efforts so that the initial registration is tied solely to beginning operation of a pooled employer plan?***

**Our Response:**

In our opinion, the proposed definition should be maintained, however, it should exclude restrictions on marketing and solicitation efforts of those entities ***who have submitted a formal Form PR Registration for Pooled Plan Provider in calendar year 2020, provided that such entities have:***

1. On Form PR, Part II, question 4a, answered “NO”. (*Have there been any federal or state criminal convictions of, or terms of imprisonment served by, the pooled plan provider or any officer, director, or employee of the pooled plan provider in the 10 years preceding the registration related to the provision of services to, operation of, or investments of any employee benefit plan?*)
2. On Form PR, Part II, question 5a, answered “NO”. (*Are there any ongoing criminal, civil, or administrative proceedings in any court or administrative tribunal by the federal or state government or other regulatory authority against the pooled plan provider, or any officer, director, or employee of the pooled plan provider related to the provisions of services to, operation of, or investments of any employee benefit plan?*)
3. Been an established legal entity for at least five (5) years prior to the date of application. (This would require modification of Form PR to obtain the date that the Pooled Plan Provider was legally established.)

Thank you again for reaching out to the retirement plan community for our comments. We appreciate the opportunity to provide input this important issue. Thank you for your consideration of our recommendations.

Sincerely,



Terrance P. Power, CFP, ERPA, QPA, CRPS  
President, The Platinum 401k, Inc.