



September 14, 2017

Office of Exemption Determinations  
Employee Benefits Security Administration  
United States Department of Labor  
200 Constitution Avenue NW, Suite 400  
Washington, D.C. 20210

Attn: D-11712, 11713, 11850

VIA EMAIL: [EBSA.FiduciaryRuleExamination@dol.gov](mailto:EBSA.FiduciaryRuleExamination@dol.gov)

Re: RIN 1210-AB82  
Comments in response to the proposed Extension of Transition Period and Delay of  
Applicability Dates

Ladies & Gentlemen:

This letter is written on behalf of Shurwest, LLC (hereinafter “Shurwest”), an Insurance Intermediary (“IMO”) based in Scottsdale, Arizona. Shurwest is hereby providing its comments to the Department of Labor’s (“DOL” or “Department”) most recent proposed amendments to PTE 2016-01, PTE 2016-02, and PTE 84-24 (“Proposed Amendments”) as published in the Federal Register on August 31, 2017 (82 FR 41365).

As stated in our previous comment letters, Shurwest believes it is critical for the Department to take the necessary time to review the Rule and respond to the Presidential Memorandum of February 3, 2017. Thus, we fully support a delay in the final applicability date.

In its current proposed extension, the Department asked for comments regarding which type of delay would best serve the needs of both the retirement investors and the financial services industry (i.e., a date certain, a specified amount of time after a specific event, or a tiered approach). Shurwest believes that the best approach of the three discussed by the Department is a tiered approach.

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As the Department notes, it has not completed its review of the Rule as mandated by the Presidential Memorandum of February 3, 2017. 82 FR at 41371-41372. Logically, it will take time for the Department to perform the following:

- (1) Complete its review,
- (2) Respond to the Presidential Memorandum,
- (3) Propose any modifications or changes, and
- (4) Solicit comment and feedback from the public.

Based upon our experience with the Department's proposals to date, upon completion of a modified rule, the industry will clearly need a reasonable amount of time for compliance. As such, Shurwest believes that a tiered approach is the best option and strongly recommends that the Department make the final rule applicable as of the **later of** July 1, 2019, or 18 months after the Department has completed its review and places in effect a final rule. Shurwest also recommends that the Department consult with the SEC, FINRA, the NAIC, and state departments of insurance as to whether a uniform fiduciary standard would provide a more aligned solution to accomplish the objectives of this Rule. If it is decided that a uniform fiduciary standard is a better option, then Shurwest supports a delay until 18 months following the release of a final uniform fiduciary rule.

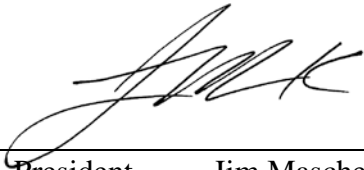
In follow up to the prior letter comments put forth by Shurwest and others regarding the Proposed IMO Exemption (January 19, 2017; 82 FR 7336), once again, the Department has yet to respond to those comments. Since Shurwest is an IMO and works with independent producers to sell insurance products to retirement investors (including fixed annuities, fixed-indexed annuities, and life insurance), the future release of a modified Rule or PTEs (particularly PTE 84-24) should be counted in the Department's final action **before** the 18-month clock starts as noted above.

Shurwest strongly recommends keeping the current Impartial Conduct Standards **in place as is** during any transition period. This is important to allow the Department to take the time necessary to adequately address the issues raised in the Presidential Memorandum and in the comments it received in response to both the Proposed IMO Exemption and Request for Information (July 7, 2017; 82 FR 31278).

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We appreciate this opportunity to provide additional feedback on the Proposed Amendments to the Department's Conflicts of Interest Rule ("Rule") and the extension of time to the transition period that the Proposed Amendments set forth. We will be happy to discuss the above, and provide additional input as requested. Please feel free to contact us directly at (800) 440-1088.

Sincerely,



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Ron Shurts, President

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Jim Maschek, Vice President – Annuity & Life Distribution