

PUBLIC SUBMISSION

Received: December 26, 2023 Tracking No. lqm-ypo8-a8up Comments Due: January 02, 2024 Submission Type: API

Docket: EBSA-2023-0014
Definition of an Investment Advice Fiduciary

Comment On: EBSA-2023-0014-0001
Retirement Security Rule: Definition of an Investment Advice Fiduciary

Document: 1210-AC02 comment 00195 Walker 12262023

Submitter Information

Name: George Walker

General Comment

For over 40 years I have acted as a fiduciary and financial planner in the securities industry without a legal complaint on my record. I can expect a possible litigation problem when a client was put into investments that were suitable for the client and were not suitable for a beneficiary when his or her only parent died leaving the IRA or 401K to a child who felt the investment was not suitable of his needs and wanted to litigate the issue. Most reasonable financial advisors and financial planners may get gun shy and refrain from giving financial advice who held his retirement account because of a contingent possibility of being sued. Many will lose the service of a financial advisor and the client will be left with no adviser at all for help in guiding him or her on what to do. The employer will not accept this responsibility. Who will help the novice investor? . .

I'm writing to express my concerns with the Department of Labor's (DOL) Retirement Security rule proposal. I believe this proposal will harm millions of low- and middle-income households by limiting access to personalized financial guidance and advice.

As a financial professional, I'm already required to act in the best interests of my clients under the SEC's Regulation Best Interest (Reg BI) and, when considering annuities, applicable state laws that impose similar requirements. Together, these

regulations ensure that my clients and I can focus on working together to build responsible savings and investments habits.

This proposal has the potential to upend our existing, comprehensive structure by limiting our ability to help our clients safeguard their savings in a manner of their choosing. In particular, the previous iteration of a substantially similar DOL rule resulted in a meaningful reduction in services offered to millions of low- and middle-income households. I am concerned that the resurrection of this rule is expected to exacerbate the racial wealth gap by roughly 20% due to a disproportionate impact on Black and Hispanic communities.

I hope the DOL will consider the harm the previous fiduciary rule had on communities, as well as the changes in securities regulations that came with the adoption of Reg BI and state insurance suitability rules and withdraw the Retirement Security rule proposal.