

# PUBLIC SUBMISSION

<b>Received:</b> January 02, 2024 <b>Tracking No.</b> lqw-zs0f-zozg <b>Comments Due:</b> January 02, 2024 <b>Submission Type:</b> 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 00380 Hall 01022024

---

## Submitter Information

**Name:** Jeffrey Hall

---

## General Comment

The Honorable Lisa M. Gomez  
Assistant Secretary of Labor  
Employee Benefits Security Administration  
U. S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

RE: RIN 1210-AC02

Dear Honorable Gomez,

I am writing this letter to let you know my concerns I have about the new U.S. Department of Labor (DOL) proposed fiduciary rule. I believe it will threaten my ability as a financial professional to serve the many lower and middle-income Main Street families, a market that I have served for over 30 years. The vast majority of these people want and need help from advisors like me who really know them, their financial situations and concerns. Most of these people don't have pensions and are concerned about how or even if, they will be able to live out their retirement years and be financially secure. So having access to advisors like me - who don't charge for my advice - that can develop plans for them that provide them financial security is critical

for them. I, and advisors like me throughout the industry, provide everyday working people the access to resources, like paths and accounts that bring them peace of mind. We offer people information, experienced viewpoints and sound, unconflicted financial advice. To create barriers to them for benefiting from access to this would be a huge disservice. It would also add unnecessary costs to them to get the help they need.

This new rule proposes to revise the current fiduciary rule under the Employee Retirement Income Security Act (ERISA), governing the advice that financial advisors provide their clients. This proposed revision largely resurrects the failed 2016 DOL “fiduciary-only” rule that limited savers’ choice of advisors and investments by imposing excessive amounts of costly red tape and duplicative administrative requirements on the investment transactions they make for their retirement. These costs would ultimately be borne by the consumer.

With this proposed revision, DOL ignores the real-world experience decisively demonstrating that the 2016 DOL fiduciary rule significantly harmed lower and middle-income workers before being thrown out in 2018 by a federal appeals court. The adoption of the 2016 fiduciary rule resulted in more than 10 million smaller retirement account owners losing the ability to work with their preferred financial professionals. Main Street savers could simply not afford to retain advisors under the fiduciary-only model of regulation.

Since the 2016 fiduciary rule was invalidated, regulators at the federal and state levels have adopted significant new regulations that directly address the conflicts of interest that DOL asserts it is seeking to address with its new proposed rule. The U.S. Securities and Exchange Commission (SEC) adopted Regulation Best Interest (Reg BI), which requires all broker-dealers and their registered representatives to always act in their client’s best interest without putting their own interests first. This fiduciary/best interest based practice is the only model I have ever worked by for over 30 years. No DOL ruling will ever improve that. It's what results in happy clients and no complaints.

This proposed DOL regulation is additionally unneeded and a waste because more than forty states have now enacted an updated National Association of Insurance Commissioners (NAIC) model regulation that requires insurance producers to satisfy a best interest standard that aligns well with Reg BI. In addition, DOL adopted its own new rule in 2020 that complements the federal and state regulatory regime. Further, when companies like the one I represent put each new account transaction through a suitability screening process, consumers have that additional protection as well.

Adoption of this proposed DOL rule is both dangerous and unnecessary. It is dangerous because it will leave millions of Main Street investors on their own in trying to achieve retirement security for themselves and their families. It is unnecessary because there are already federal and state regulatory structures to protect consumers, and DOL has provided no evidence that consumers are not being protected by the existing rules. Lastly, I submit that not all consumers are alike. Just because one consumer would not be in favor of owning a higher cost product that offers guarantees or greater protections for them than other options, doesn't mean that those products or plans are suitable for everyone. Consumers should be able to make up their own minds on what is best for them, and not be told by government what is and is not suitable for them.

I ask that you please withdraw the proposed final regulation and proposed amendments to protect the interest of Main Street Americans.

Sincerely,  
Jeffrey Hall  
Washington