From: Ronald Johnston [mailto:rjohnston@annuityally.com]
Sent: Monday, May 18, 2015 12:21 PM
To: Mulhall, Tamara - EBSA
Cc: 'Ana Hernandez'; Barbara Treadwell (Business Fax)
Subject: Public comment-The proposed "fiduciary" Rules

Hearing Officer/s:
I appreciate the opportunity to weigh in with a comment on your Agency's proposed "Fiduciary" Rule proposal. First I would like to offer some credibility to my comments.

1. I am a [redacted] year old, actively employed senior.
2. I am a past [redacted] member of the /desert Advisory Council of the DOI [redacted].
3. I have been an outspoken critic of some of abuses that occur on "Wall Street" and served as an industry arbitrator for over 3 decades.
4. I am a licensed and registered principal in the financial services, i.e. securities and insurance. Industry for over 4 decades.

This proposed "Fiduciary Rule" is little more, in my opinion, than a self-serving attempt by the large commercial banks, attorneys, and a few of the large, SEC registered Investment Advisors, to eliminate, or diminish competition in the marketplace, while depriving the smaller investor of the opportunity to seek and receive investment guidance from licensed professionals. Any Registered Securities person has signed a contract, upon entry into the field, called an RE 1, which clearly states that the Representative, though he or she may work for or be associated with a Member Firm, will always hold their client's interests to be foremost in their recommendations of advice. This Rule, if the regulatory agencies enforce it, i.e. FINRA and the SEC, already has the Rule and tools to regulate and stop abuses. Do abuses exist? They most certainly do, and they are most evident in the marketing of "Private Placement REIT's, Oil and Gas partnerships, and Hedge Fund participations. Additionally, Variable Annuities, though a registered securities product, are being sold because of the perks and incentives that they offer the Broker-Dealer the t Registered sales person, including trailing commissions and fees which are deducted from the client's account values. To attempt to regulate the sale of these less than "suitable", high client commission-cost products as "Safe" 401-K Rollover vehicles is wrong in itself and closing the door to competition, so that the sales people who work for commercial banks, which now, because of the demise of Glass-Steagel, have gotten into the securities and insurance industries, can sell these products because they are "Fiduciaries", is just allowing the fox further into the hen house. The argument will be made, by the banks, that "our sales people are salaried, hence they have no commission incentive". Pish posh. I have worked with banks, and though the Registered person is salaried, the bank itself will collect the fees and incentivize the sales agent by recognizing them at luncheons, giving them bonuses and trips, or letting them keep their jobs. This is nothing more than a scam that I would hope your agency can see beyond. The DOL has already dropped the ball, decades ago, by allowing brokerage firms and banks to escape liability for payroll taxes, Medicare Taxes, and local taxes by letting them treat Registered persons, whom they totally control, act as Independent Contractors. Please don't fall into another trap, laid by the big banks, which will cost the public trillions of dollars and only worsen the problem. Below is an excerpt of a letter which I have sent to Senator Warren and President Obama. I hope that you will investigate further before ruling on this issue, and if you do, will see why this proposed Rule should be abandoned. Thank you.

Sincerely,

Ronald V. Johnston
4455 Arch St.
San Diego, CA 92116
619-840-1479
rjohnston@annuityally.com