From: Rob Shaw [mailto:robs@cfu.net]
Sent: Friday, May 22, 2015 10:16 PM
To: EBSA, E-ORI - EBSA
Subject: RIN 1210-AB32

I am writing to ask that the Department of Labor drop its proposed fiduciary rule and defer to the SEC to further the rulemaking process.

As someone who can act as a fiduciary or under the suitability standard, I believe this rule will be extremely harmful to lower and middle class investors.

The rule at its source is based on slanted, cherry-picked research which completely ignores the value of financial advisors. This is not to mention the insulting "snake-oil" comments and the ridiculous math that numerous others have already debunked. The private sector has invested billions in putting competing financial advisors in virtually every small town in America. Most of the smaller investors need to be personally recruited, coached and walked through the long process of financial planning and saving for retirement. The DOL already has research it apparently ignored and well as slighting hordes of academic research showing the value of working with advisors.

"Conflicted" advice needs to be accepted as part of the process of a consumer shopping for advice and investments. Mr. Perez's examples of physicians and lawyers not being conflicted is ridiculous as physicians operate on a multitude of different pay scales and advice levels and lawyers can operate on contingency fees which is about as conflicted as you can get. This rule would crush consumer choice, and IRA holders will be livid with losing their ability to keep their planners or products. Right now, consumers can chose a fiduciary if they wish or choose to invest in index funds with John Bogle, who helped draft this legislation which would benefit his company. Those are fine choices. However, this law would harm the majority of IRA investors who have chosen their own planners or brokers.

For some reason the DOL is intent on Walmartizing the fee structure on IRAs. It seems strange that the labor unions and consumer federation groups that normally support small business are backing this destructive rule. The government should not be pushing index investing which is proven to be riskier in down markets to retirees and trashing annuity investments which provide safety. In addition, forcing small and middle class investors to go to fiduciary fee programs will be much more costly to them than the traditional broker route.

Plus, the consumer will now be subject to the incredibly onerous BIC contract before even discussing retirement
planning. Clients who have been happy for decades will now have to be dragged in to sign contracts for investments they already

know they are happy with. They will then have to understand that if they have non-IRA money, they could have the option to buy products which would essentially be banned in their IRA accounts... products they like and have had success with. I heard one advisor say this is the "New Coke" of regulations and that is appropriate. This is not a problem that needs this drastic of changes.

I also believe this will harm the advice business as the cost of compliance will skyrocket and drive more brokers out of the retirement market when they are needed the most. In my state alone some are estimating the costs to be tens of millions of wasted dollars.

One client asked me why they are subjected to rules under the Employee Retirement Income Security Act when they are no longer an employee? ERISA 401(K) rules should not govern individual IRAs.

In summary, The DOL does not the experience in making these types of decisions and should relent and let the SEC work on rules to differentiate between fiduciary and suitability standards.

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