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Definition of the Term ‘‘Fiduciary’’; Conflict of Interest Rule—Retirement Investment Advice; Notice of proposed rulemaking and withdrawal of previous proposed rule.

Comment On: EBSA-2010-0050-0204
Definition of the Term Fiduciary; Conflict of Interest Rule- Retirement Investment Advice

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General Comment

My concern relates to the manner of which an investment will be considered "suitable". How will this panel determine an investment vehicle meets this criteria, and how will they conduct a consistent overview?

An advisor can make a recommendation with the propper due diligence which aligns with the client's risk profile and investment objectives and still underperforms in a declining market.

How will Congress plan to protect clients from predatory attorneys from arguing suitability after the fact of when the recommendation in question was made? I think it is important a clear line is drawn making distinction between events with a clear conflict of interests which were unsuitable based solely on the client's risk tolerance and liquidity requirements, and actual performance will be taken in reference to market environments at the time of recommendation.

Thanks for your time.

Sincerely,
Grant Pollack