From: Vinton Thengvall [mailto:VThengvall@labeltech.com]
Sent: Wednesday, February 02, 2011 4:21 PM
To: EBSA, E-ORI - EBSA
Subject: Definition of Fiduciary Proposed Rule

Dear Department of Labor,

I am writing to request that the new proposed regulations regarding ESOP fiduciary requirements be modified to remove the requirement that persons providing ESOP appraisals and fairness opinions are fiduciaries.

We respectfully request that the department of labor change this proposed requirement.

We have been an ESOP company since 1999 and became 100% Employee-Owned in 2007. The proposed requirement to make our appraiser a fiduciary is detrimental to our ESOP plan.

1. The valuation will cost more, since as a fiduciary the appraiser will require additional insurance.
2. The valuator will become a target for litigation, further increasing the costs of the valuation.
3. An additional fiduciary is unnecessary, as we have an independent trustee who is a fiduciary on the plan already.
4. The valuation needs to be by an independent appraiser, making them a fiduciary is in conflict with the Internal Revenue Code, which requires an independent appraiser.
5. The additional appraisal cost will take money that we would otherwise use for growth and hiring new employees.
6. In the end, we will pay more for the appraisal, and our employees lose out, both in share value and jobs.

Respectfully,

Vinton Thengvall
Vice President - Finance

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