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Office of Regulations and Interpretations
Employee Benefits Security Administration
Attn: **2010 Investment Advice Proposed Rule**
Room N-5655
U. S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

May 5, 2010

To Whom It May Concern:

The proposed regulations provided by Department of Labor and Vice-President Biden's Middle Class Task Force will affect the provision of investment advice for the masses through the Web. We applaud the progress made to enrich advice for plan participants. However, removal of the advice sources which have been associated with product sales may be considered to leave a potential service gap. Those who have received "subsidized" advice from financial product manufacturers, even if the advice was tainted by conflicts of interest, could now be deprived of even the human contact of product support. We want regulators to know that innovative new business models like ours have anticipated the trend to "fiduciary" advice and will close the advice gap, providing personal, actionable financial advice to plan participants at the standard envisioned by the Pension Protection Act of 2006 and the present legislation.

In American financial history, the wide availability of personal financial advice grew out of brokerage and financial product sales, which subsidized it. Much of what passes for professional financial advice today is ensconced in a transaction environment where conflicts of interest are the rule not the exception. Because transactions will now be separated from advice, the new regulations seem to bring the use of computer models to the fore to fill the advice gap. However, we believe that this computer-generated approach may require more financial literacy than the average family can muster. When computer-generated advice is given or technical reports are supplemented by a qualified financial advisor, it is adjusted to the risk tolerance of the family and takes into account the other goals to which they aspire. Financial advice to middle-income people must

allow interaction with the family members it affects. Advisors can translate sophisticated financial concepts and interact with a family to meet their perceived needs and comfort, not just to their investment portfolio condition and performance. If advice is not provided in this human-to-human form, it is less trusted and less likely to be taken or followed. Indeed, this has historically been the case with the use of online calculators and computer model generated advice offered to retirement plan participants. In the same manner that health and medical advice cannot be delivered as a report and be taken, financial and investment advice delivered by a computer-calculated report alone is not likely to be trusted or taken.

We believe that most people need advice from a “trusted” human expert. But, as we read the Employee Benefits Security Administration’s summary and discussions, it appears there may be a tacit assumption on the part of regulators that “personal” “fiduciary advice” from a human being cannot scale to meet the size of market demand. We want to make regulators aware of the business model that our company and others have developed to deliver advice to everyone. Using the leverage of technology and currently existent Web and phone communication and tools, it is possible for all plan participants to get simple, unbiased financial advice sessions from a fiduciary advisor. The advantage is not just in delivery, but also in substance. Advice sessions from a trained expert in personal finance and planning can allow interactions around goals that may override retirement funding needs. Sickness, family emergencies, life event needs and economic, political and psychological considerations can be included in personal analysis and recommendations when technology and professional financial advisors are seamlessly combined.

Myfinancialadvice uses independent Certified Financial Planner™¹ professionals who are also registered investment advisers, equipping them with benefit package primers and aggregated personal data so they can give short, targeted advice sessions for the purpose of decision support (for adoption, funding and proper use) of 401(k)s, Health Savings Accounts and other family financial planning concerns.

¹ Although other designations may be able to provide some aspects of advice, we prefer the use of CFP® professionals, when possible. The training that they receive includes all aspects of personal finance. To the usual investment and tax training, their certification adds insurance, estate planning, cash flow and debt, employee benefits and family counseling. Therefore, they can help families prioritize the use of their resources beyond the “needs” of proper investment funding.

May 6, 2010

In summary, the proposed regulations should stimulate the coherent growth of a robust financial advice industry offering web-delivered human advice from independent, conflict-free, fiduciary financial advisers who give affordable advice sessions to retirement plan participants. If the regulations cleanly separate advice from product sales and eliminate the conflicts correctly identified by regulators and administration officials, they will provide many new jobs to recruit, train and embed fiduciary advisors who want to serve middle income plan participants un-conflicted by association with financial products. Siding with the public and encouraging the expert fiduciary advisors who wish to serve them will achieve the desired result of efficient, effective retirement funding and proper use of employee provided and government provided benefits for American families.

Sincerely,

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