

# PUBLIC SUBMISSION

<b>Received:</b> December 15, 2023 <b>Tracking No.</b> lq7-dddp-5w44 <b>Comments Due:</b> January 02, 2024 <b>Submission Type:</b> API
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**Docket:** EBSA-2023-0014  
Definition of an Investment Advice Fiduciary

**Comment On:** EBSA-2023-0014-0001  
Retirement Security Rule: Definition of an Investment Advice Fiduciary

**Document:** 1210-AC02 comment 00076 Yost 12152023

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## Submitter Information

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## General Comment

The Honorable Lisa M. Gomez  
Assistant Secretary of Labor  
Employee Benefits Security Administration  
U. S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

RE: RIN 1210-AC02

Dear Honorable Gomez,

I am writing this letter to express my fears over the new U.S. Department of Labor (DOL) proposed fiduciary rule that will threaten many lower and middle-income families who are currently able to access sound, unconflicted financial advice to advance their financial and retirement security.

This new rule imposes excessive amounts of costly red tape and duplicative administrative requirements on the investment transactions they make for their retirement.

Many savers simply cannot afford to retain advisors under the fiduciary-only model of regulation.

Regulators at the federal and state levels have addressed conflicts of interest. The U.S. Securities and Exchange Commission (SEC) adopted Regulation Best Interest (Reg BI), which requires all broker-dealers and their registered representatives to always act in their client's best interest without putting their own interests first. In addition, more than forty states have now enacted an updated National Association of Insurance Commissioners (NAIC) model regulation that requires insurance producers to satisfy a best interest standard that aligns well with Reg BI. In addition, DOL adopted its own new rule in 2020 that complements the federal and state regulatory regime.

Adoption of this proposed rule is both dangerous and unnecessary. It is dangerous because it will leave millions of investors on their own in trying to achieve retirement security for themselves and their families. It is unnecessary because there are already federal and state regulatory structures to protect consumers, and DOL has provided no evidence that consumers are not being protected by the existing rules.

I ask that you please withdraw the proposed final regulation and proposed amendments to protect the interest of Main Street Americans.

Sincerely,  
Richard Yost  
Oregon