

PUBLIC SUBMISSION

Received: December 28, 2023 Tracking No. lqp-w3h7-e36z Comments Due: January 02, 2024 Submission Type: API

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 00268 Gomez 12282023

Submitter Information

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General Comment

Working in the industry I have seen firsthand what happens every time the government believes they are taking actions to protect the consumer. The law of unintended consequences either drives consumers away from pursuing financial independence out of frustration, or worse yet, become so confused by the hoops we both must then jump through, that they blindly put their faith in their advisor. EVEN if a fiduciary standard is met, no consumer should blindly trust anyone when it comes to their financial wellbeing. This standard will further alienate consumers from pursuing financial success rather than provide them protections.

I'm writing to express my concerns with the Department of Labor's (DOL) Retirement Security rule proposal. I believe this proposal will harm millions of low- and middle-income households by limiting access to personalized financial guidance and advice.

As a financial professional, I'm already required to act in the best interests of my clients under the SEC's Regulation Best Interest (Reg BI) and, when considering annuities, applicable state laws that impose similar requirements. Together, these regulations ensure that my clients and I can focus on working together to build responsible savings and investments habits.

This proposal has the potential to upend our existing, comprehensive structure by limiting our ability to help our clients safeguard their savings in a manner of their choosing. In particular, the previous iteration of a substantially similar DOL rule resulted in a meaningful reduction in services offered to millions of low- and middle-income households. I am concerned that the resurrection of this rule is expected to exacerbate the racial wealth gap by roughly 20% due to a disproportionate impact on Black and Hispanic communities.

I hope the DOL will consider the harm the previous fiduciary rule had on communities, as well as the changes in securities regulations that came with the adoption of Reg BI and state insurance suitability rules and withdraw the Retirement Security rule proposal.