



D | A | DAVIDSON COMPANIES

Corporate Office
Davidson Building
8 Third Street North
PO Box 5015 (59403)
Great Falls, MT 59401
(406) 727-4200
(800) 332-5915
Fax: (406) 791-7380
davidsoncompanies.com

VIA EMAIL: EBSA.FiduciaryRuleExamination@dol.gov

March 8, 2017

The Office of Regulations and Interpretations
Employee Benefits Security Administration
Room N-5655
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Attn: Proposed Definition of Fiduciary Regulation

Re: Proposed 60-day Delay of Conflict of Interest Rule (RIN 1210-AB79)

Ladies and Gentlemen:

D.A. Davidson Companies ("D.A. Davidson") appreciates the opportunity to comment on the Department of Labor's ("DOL") proposed 60-day delay in the applicability date of the regulation under the Employee Retirement Income Security Act of 1974, as amended ("ERISA") that redefines the term "fiduciary" under section 3(21) of ERISA and section 4975(e) of the Internal Revenue Code of 1986, as amended, and in the applicability dates of the exemptions granted with the final rule (collectively, the "Rule"). D.A. Davidson strongly supports the DOL's proposal to extend the applicability date of the Rule.

By Memorandum dated February 3, 2017, the President directed the DOL to conduct an examination of the Rule to determine whether the Rule may adversely affect the ability of Americans to gain access to retirement information and financial advice. As part of this examination, the President directed the DOL to prepare an updated economic and legal analysis concerning the likely impact of the final rule, which is required to consider, among other things:

- (1) whether the anticipated applicability of the final rule has harmed or is likely to harm investors due to a reduction of Americans' access to certain retirement savings offerings, retirement product structures, retirement savings information, or related financial advice;
- (2) whether the anticipated applicability of the final rule has resulted in dislocations or disruptions within the retirement services industry that may adversely affect investors or retirees; and
- (3) whether the final rule is likely to cause an increase in litigation, and an increase in the prices that investors and retirees must pay to gain access to retirement services.

A 60-day, if not longer, delay is a necessary step in order for the DOL to take the time to complete the examination ordered by the President's Memorandum. We note that the public comments on the substantive questions required to be addressed by the President's Memorandum are not due until April 17, 2017 – seven days after the Rule's current applicability date. ***Respectfully, it does not make sense to maintain the Rule's current April 10, 2017 applicability date, while public comment to address the President's concerns are not due until seven days after that date.*** Simply put, the Rule should not be applicable until the questions raised by the President are addressed and the new Secretary of the DOL determines whether rescission or revisions to the Rule are required or appropriate.

We strongly support a delay in the Rule's applicability date and urge the DOL to act as promptly as possible. Any such delay should apply to all parts of the Rule.

We appreciate the opportunity to comment on the DOL's delay proposal.

Respectfully submitted,

A handwritten signature in black ink that reads "Lawrence T. Martinez". The signature is written in a cursive, flowing style.

Lawrence T. Martinez
President and General Counsel
D.A. Davidson Companies