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From: Paul Lofties

Sent: Sunday, March 12, 2017 6:04 PM

To: EBSA.FiduciaryRuleExamination

Subject: Support 60-Day Delay of DOL Rule

To: Department of Labor

I am writing to comment in favor of the proposed 60-day delay to the applicability date of the DOL fiduciary rule. Though I appreciate the intention of the DOL in its focus on instituting a fiduciary standard for retirement investors, the rule as written will result in a unprecedented increase in litigation against financial services firms that will result in catastrophic down stream consequences for the American investor. I applaud the Trump's administration direction to the DOL to review the current rule to specifically examine the rule's impact on litigation.

The recent bulletin published by the DOL saying they will not enforce the rule beginning April 10th due to uncertainty around the rule in reality perfectly proves how impactful the current rule would be to private litigation. Though the intent of the bulletin is appreciated, the reality is that DOL does not enforce the rule as it applies to retirement savers investing in Individual Retirement Accounts (IRA). The rule for IRAs is enforced via private litigation and private right to action. So when the DOL releases a bulletin saying it will not enforce the rule, what does that really mean? Does it mean that private right to action is also not available during the gap period? Since the issue is not addressed in the bulletin, my assumption is the private right to action is not stopped during the gap period.

I believe it quite likely the DOL just released a bulletin designed to lessen the enforcement impact of the rule, but due to the private right to action the DOL does not even control the ability to stop enforcement during the gap period. If the private right of action clause prohibits the DOL from even being able to take an action that they contemplate to ease uncertainty around the implementation date, just imagine all the other unintended consequences the private litigation will bring to financial services firms that are making best efforts to comply with rule. The interpretation of how to comply will no longer be up to the industry or the DOL, it will be up to private attorneys and there is nothing either of us can do about it.

I will be happy to provide additional comments on the points addressed in the proposed delay during the 45 day comment period.

Paul Lofties

Senior Vice President, Securities America

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