

August 27, 2010

Elizabeth M. Murphy
Secretary
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090

RE: "Study Regarding Obligations of Brokers, Dealers and Investment Advisers,"
File No. 4-606

Dear Ms. Murphy,

As an investment advisor and financial planning educator, I am strongly in favor of harmonizing the standard of care for broker-dealers and investment advisors and appreciate this opportunity to share my views with you.

Roberts Financial Planning Services, Inc. has been serving investors for 17 years, helping clients meet their financial challenges with a total wealth management approach. About 80% of our business is advisory or fee-based. The remaining clients are in non-discretionary brokerage accounts. I am the OSJ for nine offices with sixteen representatives, and I also teach a class for adults on financial planning at Gulf Coast Community College. This is a purely educational class – no products are mentioned. In fact, I consider myself an educator in all of these roles – as an advisor, an OSJ and a classroom instructor.

In my many years with both clients and students, it has become very clear that investors do not know what kind of conduct they should expect from a registered investment advisor versus a registered representative. And no wonder: Some professionals operate under one set of rules, others under another, and still others seem to operate under few rules at all. This leaves investors confused at best, exposed at worst.

As a reputable advisor, I think it's a shame that investors have to take a "buyer beware" approach in the marketplace of financial advice, but I believe the right approach to harmonization of regulations will help. What, specifically, should be harmonized? First, securities professionals providing the same service to retail customers should be held to the same standard of care and the same best practices, no matter what their title. And in providing personalized investment advice, the standard of care should be consistent with the fiduciary standard.

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However, I would respectfully suggest that the SEC look carefully at the various services that investment professionals provide and apply the standard accordingly. For example, my firm does not offer what some may call “one-up” financial plans, largely because it does not suit our business model. However, I believe if a client requests a financial plan but does not want the advisor to execute that plan or to provide advice on an ongoing basis, he or she should be able to enter into a contract with an investment professional that clearly defines the scope of the relationship and the standard of care. In this instance, the standard of care should apply just to that service in question. The advisor’s responsibilities (and liabilities) would end there, with the investor protected by a contract with clear boundaries.

The same should be true in non-discretionary brokerage accounts. While I don’t serve clients who are seeking unsolicited trades, investors who would like to do so should be permitted to enter into a contract with a broker-dealer that dictates a standard of conduct that applies just to that activity.

There are a variety of additional areas of harmonization that would help investors. The first is in the area of disclosures. The investment advisor and broker-dealers at a minimum should be required to provide every new client with a uniform “plain English” disclosure brochure explaining the various services offered to clients, the nature of the firm’s relationships with clients, the capacity in which the firm is acting when providing each service offered (adviser vs. broker-dealer); and any material conflicts of interest or relationships.

Additionally, broker-dealers and investment advisors should have the same recordkeeping requirements, and – very importantly – broker-dealer and advisors should have the same kind of licenses. Investors do not understand the difference between an insurance license, a securities license, and no license, and they shouldn’t have to.

Investors should be comfortable that their investment professional – no matter what letters appeared after his or her name –is held to a strict set of standards. I believe those of us in the financial services industry who pride ourselves on integrity and excellent service would see a more harmonized regulatory system as a “rising tide lifting all boats.” As the various industry professionals adhere to the same rules, investors will have greater confidence and we will all enjoy a healthier marketplace.

Thank you again for the opportunity to provide these comments. Please let me know if you have further questions.

Sincerely,



Bobby Roberts
Roberts Financial Planning
Panama City, Florida