

## MEMORANDUM

To: File No. 4-606

From: Jennifer B. McHugh

Re: Section 913 of the Dodd-Frank Wall Street Reform Act of 2010 (the “Act”)

On October 8, 2010, Chairman Mary L. Schapiro, Division of Trading and Markets Director Robert Cook, Advisor to the Chairman James Burns, and Senior Advisor to the Chairman Jennifer McHugh met with the following representatives from the Securities Industry and Financial Markets Association (“SIFMA”):

- Rosemary Berkery, UBS
- Debbie Castiglioni, Cutter and Company Brokerage, Inc.
- Chet Helck, Raymond James Financial, Inc.
- John Hogarty, Bank of America Merrill Lynch
- Charlie Johnston, Morgan Stanley Smith Barney
- Walter Robertson, Scott & Stringfellow, LLC
- Tom McDonald, Thomas McDonald Partners, LLC
- Tim Scheve, Janney Montgomery Scott LLC
- Randy Snook, SIFMA
- Ken Bentsen, SIFMA
- Ira Hammerman, SIFMA
- Kevin Carroll, SIFMA
- John Maurello, SIFMA
- Bob Colby, Davis Polk

At the meeting, the SIFMA representatives discussed potential implementation issues related to possible imposition of a fiduciary standard of conduct on broker-dealers when providing personalized investment advice about securities, in accordance with the attached agenda that they provided in advance of the meeting. They also discussed the views expressed in SIFMA’s comment letter dated August 30, 2010.



**SIFMA Member Firm Meeting with SEC Commissioners**

**October 7 - 8, 2010**

at

Securities and Exchange Commission

100 F Street, N.E.

Washington, DC 20549

**AGENDA:**

- 1) Overview of key points from SIFMA's August 30, 2010 comment on the Dodd-Frank Section 913 Study
  
- 2) SEC rulemaking and guidance – for both BDs and IAs when providing personalized investment advice to retail customers – should address the following implementation issues:
  - **Principal trading / proprietary products:** Continuing ability to act as principal and sell proprietary products
  
  - **Client choice/access and multi-faceted relationships:** Continuing ability to provide client choice and access to products and services, and a range of client relationships
  
  - **Disclosure**
  
  - **Effects on small firms**