

## MEMORANDUM

October 27, 2010

**TO:** File No. 4-606

**FROM:** Leila Bham  
Division of Trading and Markets

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

On October 27, 2010, Jennifer McHugh of the Chairman’s Office; Dan Fisher, Emily Russell, and Leila Bham of the Division of Trading and Markets; Doug Scheidt, David Grim, Sara ten Siethoff, Sara Crovitz and Holly Hunter-Ceci of the Division of Investment Management; Mavis Kelly, Brian Snively and Sarah Young of the Office of Compliance Inspections and Examinations; Rich Ferlauto of the Office of Investor Education and Advocacy; Matthew Kozora of the Division of Risk, Strategy and Financial Innovation; and Sarah Buescher and Bob Bagnall of the Office of the General Counsel, met with the following representatives of the Financial Planning Coalition (“FPC”), which is comprised of the Certified Financial Planner (“CFP”) Board of Standards, Inc., the Financial Planning Association (“FPA”) and the National Association of Personal Financial Advisors (“NAPFA”): Robert Glovsky, Chair, CFP Board; Susan MacMichael John, Chair, NAPFA; Martin Kurtz, FPA (President-Elect); Diahann W. Lassus, CFP, NAPFA (Former Chair of the Board of Directors for NAPFA); Kevin R. Keller, CFP Board; Marilyn Mohrman-Gillis, Managing Director, Public Policy and Communications, CFP Board; Dan Barry, Director, Government Relations, FPA; and Nancy Hradsky, Special Projects Manager, NAPFA. At the meeting, the FPC representatives discussed the issues listed on the attached agenda that they had provided in advance of the meeting.

Proposed Agenda:

We would propose to highlight key points from the comment letter submitted by the Financial Planning Coalition regarding the Study, including

- Support for a strong and uniform fiduciary standard of care
- Investor confusion and expectations (including results of Sept. 15, 2010 National Opinion Survey)
- Specific application of the fiduciary standard of care to financial planning practitioners across business models (brokerage, insurance, advisory and financial planning) and across fee structures
- Role of disclosure and consent in the application of the fiduciary standard

We would also propose to respond to some concerns raised about the application of the fiduciary standard of care particularly in brokerage and insurance business models, including:

- Impact on self-directed accounts
- Impact on choices available to clients
- Potential increase in costs and decrease of services to clients
- Issues related to oversight and enforcement