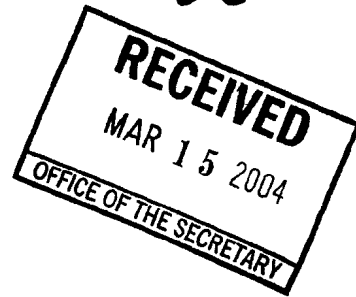


John David Marks
5077 Moor Dale Circle
Salt Lake City, UT 84117-6934
801-278-1092
February 27, 2004



Mr. Robert E. Plaze
Associate Director **Mail Stop 5-6**
Division of Investment Management
United States Securities and Exchange Commission
Washington D.C. 20549

S7-11-04

References,: My letter of Dec5 and your response Dec 22, 2003
Subject: Abusive Market Timing
Re: Comment on Mutual Fund Regulation

You requested my views be submitted during comment period. It is my understanding that period is now in effect from *The Wall Street Journal*, 26 Feb 2004, page D7.

My recommendations are presented by attaching a copy of my original letter herewith.

I would like to add additional thoughts based on the comments of Commissioners Paul Atkins, Cynthia Glassman, and Harvey Goldschmidt as reported in referenced article.

First **I object to the only 2 % penalty for sale the first 48 hours after the initial purchase.** Penalty for resale within the first 24 hours should be TEN Percent, or MORE if that is not enough to satisfy Commissioner Atkins. It should be FIVE percent or MORE for the second 24 hours..

There should be NO consideration for "first in – first out," simply if any shares are sold that were purchased. Example: if X purchases 100, 000 shares of Fund ABC on Friday from Broker #1 and sells 25,000 shares on Monday following from Broker #2, X should be charged 10 % of the sale price, and that 10 % should be placed in Fund ABC entirely for benefit of shareholders.

If none of the preceding is workable, make the simple rule that:

"Shares purchased cannot be sold to realize more than the purchase price for [one day], [two days] [one week] following said purchase."

The real question is: "Do you want to stop abusive trading?"

My sincere best wishes to you all in resolving this difficult problem.

John D. Marks

John David Marks
5077 Moor Dale Circle
Salt Lake City, UT 84117-6934
801-278-1092
Friday, December 05, 2003

Mr. William Donaldson
Chairman, Securities and Exchange Commission
450 5th Street, N.W.
Washington, DC 20549

Dear Mr. Donaldson:

COMMENT ON MUTUAL FUND REGULATION

Is there ever any reason to trade rapidly in mutual funds? Shouldn't Mutual Funds be long term investments?

Please institute the following trading schedule of minimum fees to be paid by the short term trader exclusively to shareholders of the fund. Such fees should be devoid of any charges by the fund company.

Length of time between buy and sell	MINIMUM Fee, percent of transaction
24 business hours or less	10 %
48 business hours or less	5%
1 week or less	2%
1 month or less	1%

This will place all funds on an equal basis to discourage rapid trades. The fees after one week are not so high as to severely penalize those who make honest mistakes and have second thoughts..

This writer and his wife are investors in mutual funds for near thirty years. I am taking the liberty of copying this letter to our funds managements.

Respectfully,

ORIGINAL SIGNED BY JOHN D MARKS