



**CYPEN & CYPEN**  
**NEWSLETTER**  
**SPECIAL SUPPLEMENT**  
**for**  
**APRIL 6, 2016**

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Stephen H. Cypen, Esq., Editor

Never Forget September 11, 2001

and

Always Remember May 2, 2011

**DEPARTMENT OF LABOR FINALLY ISSUES**  
**“FIDUCIARY,” CONFLICT OF INTEREST RULE**

The Department of Labor, Employee Benefits Security Administration

has released its final version of the DOL's fiduciary rule. The document contains a final regulation defining who is a "fiduciary" of an employee benefit plan under the Employee Retirement Income Security Act of 1974, as a result of giving investment advice to a plan or its participants or beneficiaries. The final rule also applies to the definition of a "fiduciary" of a plan (including an individual retirement account) under the Internal Revenue Code of 1986. The final rule treats persons who provide investment advice or recommendations for a fee or other compensation with respect to assets of a plan or IRA as fiduciaries in a wider array of advice relationships. See <https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-07924.pdf>.

The Department of Labor has determined that, in light of the importance of the final rule's consumer protections and the significance of the continuing monetary harm to retirement investors without the rule's changes, an applicability date of April 10, 2017, is adequate time for plans and their affected financial services and other service providers to adjust to the basic change from non-fiduciary to fiduciary status. The Department has also decided to delay the application of certain requirements of certain of the exemptions being finalized with this rule, which, will allow firms and advisers to benefit from the relevant exemptions without having to meet all of the exemptions' requirements for a limited time.

29 CFR Parts 2509 and 2510, RIN 1210-AB32 (April 6, 2015.)

