



June 16, 2014

**VIA ELECTRONIC MAIL**

Marcia E. Asquith  
Office of the Corporate Secretary  
FINRA  
1735 K Street, NW  
Washington, DC 20006-1506

**Re: Response to Regulatory Notice 14-19 on proposal to include BrokerCheck References on Electronic Communication**

Dear Ms. Asquith:

We are submitting this letter on behalf of Lincoln Financial Advisors Corp. ("LFA", CRD#3978) and Lincoln Financial Securities Corp. ("LFS", CRD#3870), each a broker-dealer affiliated with Lincoln National Corporation, in response to Regulatory Notice 14-19, *FINRA Requests Comment on a Revised Proposal to Require a Hyperlink to BrokerCheck in Online Retail Communications With the Public* (the "Notice") issued on April 30, 2014. The Notice proposes amending FINRA Rule 2210(d)(8)(B) (the "Proposal") to require a firm and its associated persons to post a 'readily apparent reference and hyperlink' to BrokerCheck on both websites and personal profiles on certain social media sites.

We appreciate the opportunity to submit comments in response to the Notice. While both LFA and LFS understand the aim of enhancing investors' use of BrokerCheck, the Proposal creates a significant burden on each firm to ensure full adoption on each of its associated websites and social media outlets. The operational costs associated with embedding a generic link to the BrokerCheck website would be very high. Even a generic reference to BrokerCheck would create a significant drain to our staffing resources for the desired benefit of the Notice, and we urge you to revise the tenets of the Notice.

**SPECIFIC COMMENTS**

Our comments on the Proposal center around concerns related to the following topics:

**Operational Cost.** The firm currently has reviewed and monitors more than 400 websites for its retail representatives between the two broker-dealers. Additionally, each broker-dealer allows its representatives to maintain a profile on LinkedIn subsequent to review by broker-dealer principals. To date, LFA has approved roughly 700 LinkedIn profiles, and LFS has approved more than 300. In order to achieve compliance with the

Notice, the firms would need to contact each website host and all individuals with approved profiles to inform them of the requirement, and ensure (through evidence of re-approval) that each website and profile complies. With an estimate of between 15-30 minutes per site on average needed for training, review and evidence of approval, the estimated review time needed to ensure full compliance with existing sites/profiles would total up to 700 hours, or nearly 17 weeks of a full-time employee's time, for the initial transition. This does not take into account time for new associated persons and websites, or any additional time if the firm chooses in the future to allow additional venues for social media hosting.

**Location of an associated person's record.** Because of the amended Proposal, any link to BrokerCheck's main site would require the user to know the full name of the registered representative and/or the full name of the firm. For instance, the firm has a limited number of individuals with common names, and there are a number of firms with names similar to LFA or LFS. Therefore, in order for effective use of the site as the Notice proposes, there would need to be not only a link to the BrokerCheck site, but also some standard language to be developed on appropriate methods to search on the site. This may cause an increase to the time and resources needed to successfully implement this requirement.

**Responsibility for implementation on third-party websites.** The Proposal does not clarify how a firm must manage the link for sites that may appear on a "third party" website. Many sites intended to help customers find representatives may provide information well beyond the name/address that is listed among the Notice's exceptions. Should the Proposal extend to these location-type service sites, the resource cost to the compliance departments implementing and reviewing this update will increase significantly.

Based on these concerns, we believe that other strategies should be explored to help increase the visibility of BrokerCheck to the investing public. We trust that the goal for increasing investor awareness of the availability of BrokerCheck can be accomplished within the other types of general education efforts (such as "know your customer" communications).

## **ADDITIONAL CONSIDERATIONS**

Beyond our comments, we also request that FINRA consider further clarifying the Proposal as described below:

**Limitation of the rule concerning associated persons who may not deal directly with the investing public.** FINRA should consider limiting the requirement in the Proposal away from associated persons who do not interact with the public on behalf of a FINRA member firm. We believe that extending the Proposal's requirement to all "associated persons", including home office personnel or administrative staff with little to no contact with retail customers, would offer a limited benefit to investors for the resources required for implementation of the Proposal.

**Sites that identify multiple representatives.** We request that FINRA clarify whether online retail communication that includes a site or profile which includes multiple associated persons would also require multiple hyperlinks to BrokerCheck under FINRA Rule 2210(d)(8)(B). We believe in this instance that a single hyperlink to BrokerCheck would satisfy the requirements of the Proposal when there are multiple associated persons referenced in certain retail communications, but we request confirmation of this premise within the rule.

We appreciate the opportunity to comment on this Notice. Please do not hesitate to contact me by phone at 860-466-3325 or by email at [Mark.Russell@lfg.com](mailto:Mark.Russell@lfg.com) if you have any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script that reads "Mark Russell".

Mark Russell  
Head of Advertising Compliance, Lincoln Financial Group