

From: [REDACTED]
To: [Comments, Public](#)
Subject: Important Comment on Regulatory Notice 26-15: Best Execution and FINRA Rule 5310
Date: Tuesday, September 22, 2026 5:03:32 AM
Importance: High

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Dear Ms. Mitchell,

I am writing as an individual investor regarding Regulatory Notice 26-15 and FINRA's request for comment on modernizing its best execution guidance under Rule 5310. I understand that some of the questions before FINRA may sound technical: whether order-by-order review of internalized orders should still be required, whether a firm's own order router can effectively serve as the review of that same router, and whether documented procedures should provide firms with safe harbors. But from the perspective of an ordinary investor, the issue is much simpler.

Order-by-order review is where the rule finally reaches the actual transaction and the actual price that I receive. If that protection is weakened, the distance between the principle of "best execution" and the money that ultimately reaches an investor's account becomes even greater.

For that reason, I believe FINRA should move in the opposite direction. Best execution standards should be strengthened, conflicts of interest should be reduced, and accountability should become more direct and more transparent.

Specifically, I urge FINRA to adopt:

1. Order-by-order review for all non-institutional orders, replacing aggregate review for retail order flow.
2. An objective price-improvement floor for conflicted retail executions: midpoint or better at a one-tick spread, and a full tick where spreads are wider.
3. Execution-quality reporting by routing broker rather than only in aggregate.
4. Review of the inputs and incentives that determine routing decisions, not merely the outputs. A firm should not be permitted to design the system that produces an outcome and then point to that same outcome as evidence that the system is fair.
5. A prohibition on reliance under Supplementary Material .09(c) on reviews conducted by firms that pay for the order flow or execute those orders as principal.
6. Clear guidance that blanket "not held" designations for ordinary retail orders are

inconsistent with Rule 5310.

7. Periodic examiner access to complete routing audit trails, together with annual publication of Rule 5310 examination findings, enforcement statistics, and restitution figures.
8. A standardized examination module for best execution and customer order routing.
9. An enforcement action applying the theory set out in Regulatory Notice 21-23, which has now existed for years and should have practical consequences.
10. Quarterly peer benchmarking of execution quality, with persistent outliers referred to Enforcement for further review.
11. The removal from FINRA's Board of Governors of firms facing significant enforcement actions, as well as firms whose business models create substantial conflicts in the areas FINRA is responsible for regulating.
12. A requirement that a specifically named individual within each firm be accountable for oversight of best execution and customer order routing.

There is also a broader reason why I believe this matters.

For thousands of years, societies have understood that institutions do not usually fail all at once. They deteriorate gradually when conflicts become accepted, responsibility becomes diffuse, and conduct that would once have been considered improper slowly becomes normal.

Plato was already concerned with this problem in antiquity: the corruption of institutions, the character of those entrusted with power, and the need for meaningful oversight if a political or legal order is to endure.

More than two thousand years later, we should not still be treating this as an abstract lesson.

Rules governing financial markets are ultimately rules governing trust. If an institution allows those with the strongest financial incentives to influence the standards by which their own conduct is judged, trust is slowly replaced by cynicism. And once that process becomes normal, the damage extends far beyond a few cents of execution quality on an individual trade.

It affects what kind of economic system the next generation inherits.

I am deeply concerned that younger and future generations are increasingly being asked to live with the consequences of decisions from which they received little benefit and over which they had little influence. Their future should not be gradually traded away through weaker safeguards, diluted accountability, and the normalization of conflicts of

interest.

Every generation inherits institutions from the one before it. We have a responsibility to hand those institutions forward in better condition, not to extract as much value from them as possible before passing on what remains.

That is why the timing of Regulatory Notice 26-15 is especially important.

The SEC has proposed rescinding Rule 611, the Order Protection Rule. If that protection is removed, significantly more weight will necessarily fall on brokers' best execution obligations and on FINRA's willingness to enforce Rule 5310 in practice.

If Rule 5310 is expected to carry more of that burden, then investors deserve more than assurances that the existing framework remains adequate.

I would like FINRA to state clearly what will become stronger, what will become measurable, who will be held accountable, and what FINRA intends to do differently from what it has done over the last decade.

Modernization should not mean replacing concrete protections with procedures, documentation, and safe harbors.

It should mean using modern technology and market data to make conflicts easier to detect, execution quality easier to compare, responsibility harder to avoid, and investor protections stronger than they were before.

Thank you for considering my comment.

Sincerely,

Senad Serdarevic

An individual investor