

Thank you for the opportunity to comment on the proposal.

In the preamble, it seems that FINRA presumes that spouses have a “personal financial interest” in each other’s financial affairs—in this case, a securities account maintained at another financial institution. I believe that this is an incorrect assumption, as there are numerous instances under state law where a spouse does NOT have a “personal financial interest” in the other spouse’s finances. I would prefer that the proposed Rule only make such an assumption of a “personal financial interest” if the relevant state law explicitly or impliedly grants such a presumption—usually by the way a particular account is titled, and the manner in which spousal financial assets are held.

The proposed rule should not specify the information-gathering methodology, as the particular methodology should be left to the discretion of the particular FINRA member.

I note that the proposed rule seems to cover transactions for open-end mutual funds and variable annuities and variable life insurance policies, which were formerly exempted from the “old” NASD rule that addressed personal securities transactions of associated persons. I think it is still prudent to exempt those types of personal securities accounts from the proposed rule.

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