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## **TD AMERITRADE INSTITUTIONAL SURVEY: REGULATORY CHANGE IS TOP CONCERN AMONG ADVISORS**

**Omaha, Neb. June 23, 2009** – Regulatory changes on the horizon, a humbling economy and profitability reflect registered investment advisors’ (RIAs) top business concerns over the next year. According to a survey released by TD AMERITRADE Institutional (NASDAQ: AMTD), regulatory changes replace business growth, which was the number one RIA business concern just six months ago. The majority of RIAs surveyed expect they will need to dedicate more of their time to managing any new regulatory requirements, which they say could reduce time with clients.

RIA top five business concerns over the next year based on survey responses:

- Regulatory changes (34 percent)
- Macro-economic environment (31percent)
- Profitability (27 percent)
- Managing risk, legal and compliance issues (18 percent)
- Marketing (17 percent)

“Regulatory changes are clearly weighing on the minds of RIAs right now, reflecting a growing fear of the unknown,” said Brian Stimpfl managing director of advisor advocacy and industry affairs, TD AMERITRADE Institutional. “While there is little consensus on the impact new regulatory rules or oversight might have on advisors, there is significant concern new regulations could put downward pressure on profitability and reduce time with clients.”

As the government sets out to reconstruct the financial system and the regulating bodies that oversee the financial industry, the majority of RIAs say they would prefer to see regulating authority stay with the Securities Exchange Commission (33 percent) or the states (22 percent) followed by an existing self-regulatory organization such as FINRA (19 percent).

In addition to oversight reform, regulators are considering several changes to the fiduciary standard model. RIAs are held to a fiduciary standard, which means they are required to always act in the best interest of the client. Two-thirds of RIAs surveyed would like to see the fiduciary standard applied to registered representatives, who are currently held to a suitability standard, meaning products they sell or recommend must be suitable for the investor’s goals and circumstances. But when asked which fiduciary model they would support, advisors have different ideas.

- Apply a universal fiduciary standard where the current fiduciary requirements for RIAs would also apply to brokers. (36 percent)
- Adopt SIFMA’s proposed Principles of Fair Dealing that emphasizes fair treatment of investors by applying the same core standards of care whether the firm is a financial

- planner, investment advisor, a securities broker-dealer or another financial services provider. (29 percent)
- Maintain the current fiduciary standard for RIAs and the suitability standard for brokers. (25 percent)

Many of the RIAs surveyed say they will wait to see the financial impact any new regulation requirements might have on their business (49 percent), while nearly half say they would absorb any additional costs or pass some on to clients (44 percent). Less than 10 percent surveyed expect to pass on all or most of any cost to clients.

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### **Survey Methodology**

These results are based on a survey conducted by Maritz, Inc. on behalf of TD AMERITRADE Institutional. Five hundred and three (503) RIAs participated in a telephone survey between May 14 and 22, 2009. RIAs who custody with TD AMERITRADE Institutional, as well as other independent RIAs from across the country were asked to share their views on the economic outlook for their firms and the advisor market in general. The margin of error in this survey is  $\pm 4.4\%$ . This means that in 19 cases out of 20, survey results based on 503 respondents will differ by no more than 4.3 percentage points in either direction from what would have been obtained by seeking the opinions of all eligible RIAs. Maritz, Inc. and TD AMERITRADE Institutional are separate, unaffiliated companies and are not responsible for each other's products and services.

### **About Maritz**

St. Louis-based Maritz, Inc. is a sales and marketing services company, which helps companies achieve their full potential through understanding, enabling, and motivating employees, channel partners, and customers. Maritz provides market and customer research, communications, learning solutions, incentive initiatives, rewards and recognition, effective meeting, event and incentive travel management services, and customer loyalty programs. For more information, visit [www.maritz.com](http://www.maritz.com) or contact us at 1-877-4MARITZ.

### **About TD AMERITRADE Institutional**

TD AMERITRADE Institutional is a leading provider of comprehensive brokerage and custody services to 4,500 fee-based, independent Registered Investment Advisors and their clients.<sup>1</sup> Our advanced technology platform, coupled with personal support from our dedicated service teams, allows investment advisors to run their practices more efficiently and effectively while optimizing time with clients.

### **About TD AMERITRADE Holding Corporation**

TD AMERITRADE Holding Corporation, through its brokerage subsidiaries,<sup>2</sup> combines innovative trading technology, easy-to-use and understand investment tools and services, investor education and superior client service to create a market-leading financial services experience. Now home to the award-winning thinkorswim trading platform<sup>3</sup> and the Investools investor education program, TD AMERITRADE provides millions of retail investors, traders and independent registered investment advisors (RIAs) with the tools, service and support they need to help build confidence in today's rapidly-changing market environment. The Company's common stock trades under the ticker symbol AMTD. For more information, please visit [www.amtd.com](http://www.amtd.com).

<sup>1</sup>TD AMERITRADE Institutional, Division of TD AMERITRADE, Inc., member FINRA/SIPC.

<sup>2</sup>TD AMERITRADE, Inc., member FINRA ([www.FINRA.org](http://www.FINRA.org)) /SIPC ([www.SIPC.org](http://www.SIPC.org)), TD AMERITRADE Clearing, Inc., member FINRA/SIPC, and thinkorswim, Inc., member FINRA([www.FINRA.org](http://www.FINRA.org)) /SIPC ([www.SIPC.org](http://www.SIPC.org)) /NFA ([www.nfa.futures.org](http://www.nfa.futures.org)).

<sup>3</sup>thinkorswim was rated #1 overall online broker, "best for frequent traders," and "best for options traders" in *Barron's* ranking of online brokers, 3/16/2009. thinkorswim was evaluated versus others in eight total categories, including trade experience/execution, trading technology, usability, range of offerings, research amenities, portfolio analysis & reporting, customer service & access and costs. thinkorswim topped the list in 2009 with the highest weighted-average score. *Barron's* is a registered trademark of Dow Jones & Company ©2009.