

**Effective February 1, 2022**

### **Our Role and Fiduciary Acknowledgment for Retirement Accounts**

This notice is being sent on behalf of Woodbury Financial Services, Inc. (hereinafter, "the Firm" "we" or "us"). We are providing you with the following acknowledgment for purposes of complying with the US Department of Labor's ("DOL") Prohibited Transaction Exemption 2020-02 ("PTE 2020-02"), where applicable. This acknowledgment will be effective when we rely on PTE 2020-02, which will be on February 1, 2022, or, if later, the date that the relief under DOL Field Assistance Bulletin 2021-02 (or subsequent similar guidance) ceases to be in effect. If there is a conflict between this disclosure and your agreement with the Firm, this disclosure will govern.

#### **Fiduciary Acknowledgment**

When the Firm and your financial professional provide "investment advice" within the meaning of Title 1 of the Employee Retirement Income Security Act and/or the Internal Revenue Code ("Retirement Laws") to you regarding your retirement plan account or individual retirement account ("Retirement Account(s)"), we are fiduciaries under the Retirement Laws with respect to such investment advice. The way we make money creates certain conflicts with your interests, so we operate under a special rule that requires us to act in your best interest and not put our interest ahead of yours. Under these requirements, when providing certain investment recommendations, we must:

- Meet a professional standard of care (give prudent advice);
- Not put our financial interests ahead of yours;
- Avoid misleading statements about our conflicts of interest, fees, and investments;
- Follow policies and procedures designed to ensure that we give advice that is in your best interest;
- Charge no more than what is reasonable for our services; and
- Give you basic information about our conflicts of interest.

#### **Rollovers and Transfers from an Employer Sponsored Plan**

We may provide (1) *general information and education* to you about the factors to consider when deciding whether to move retirement assets to the Firm, or (2) a *recommendation* that you roll or transfer assets out of an employer sponsored plan to the Firm. If we provide you with a recommendation to roll assets out of an employer plan, you understand and agree that our analysis of the costs and services of your retirement plan, as compared to the costs and services the Firm provides, depends on the information you provide to us (or in certain circumstances, information we obtain from third-parties about the plan (or similar types of plans)). You are responsible for updating us promptly if your investment objectives, risk tolerance, and financial circumstances change.

#### **Transfer of Individual Retirement Account ("IRA") to IRA**

If your financial professional makes a recommendation that you move assets from an IRA at another financial institution to the Firm, he or she is required to consider, based on the information you provide, whether you will be giving up certain investment-related benefits at the other financial institution, such as the effects of breakpoints or rights of accumulation, and has determined that the recommendation is in your best interest because (1) greater services and/or other benefits (including asset consolidation and holistic advice and planning) can be achieved with the Firm IRA; and (2) the costs associated with the Firm IRA are justified by these services and benefits.

### **Limitations to our Acknowledgment of Fiduciary Status**

This acknowledgment of status under the Retirement Laws does not create or expand any “fiduciary” relationship, capacity or obligations of the Firm and your financial professional under any federal or state laws, other than the Retirement Laws. There are many communications and recommendations that are not considered to be fiduciary “investment advice” under the Retirement Laws (which are subject to change), including, but not limited to:

- Recommendations with respect to non-qualified or taxable accounts you maintain with the Firm.
- Communications that are educational or informational and not intended to be viewed or construed as an individualized/personalized suggestion for you to take a particular course of action with respect to your retirement assets. Examples include:
  - Information we provide about the performance of a security in your account.
  - Information and education about alternatives you have when deciding whether to roll out of an employer plan or transfer assets from one IRA to another.
  - Information we provide regarding the products and services we offer when you are considering whether to leave one financial institution to follow your financial professional to the Firm.
  - Marketing materials, including information, education, or general descriptions of our services, the products we make available to you, the fees we charge, and the reasons we think you should hire us to provide services to you for your retirement and other accounts.
  - Transactions or trades you execute without a recommendation from us, such as an unsolicited trade.
  - Episodic or sporadic recommendations and interactions that are not provided as part of an ongoing or regular basis advice relationship, or recommendations made when there is no mutual understanding that our investment advice will serve as a primary basis for your investment decision(s).

You understand that when you engage with the Firm and your financial professional in a commissionable brokerage relationship for your Retirement Account(s), the Firm and your financial professional do not agree to provide investment advice or securities recommendations on a regular or ongoing basis, or provide ongoing monitoring of your Retirement Account(s). Commissionable brokerage relationships are intended for “buy and hold” investment strategies and for those investors who choose to pay for our services through transaction fees instead of ongoing advisory fees. If you wish for us to provide ongoing fiduciary investment advice to you, please contact your financial professional to learn more about establishing an advisory account relationship with the Firm. The standards of care we are subject to under the securities laws for brokerage accounts do not create fiduciary status under the Retirement Laws. For example, if we provide securities recommendations in your “best interest” under applicable securities regulations, this does not mean that we are necessarily a “fiduciary” under the Retirement Laws.

### **More Information Regarding Fees, Services, and Conflicts**

For a description of our fees, services, and conflicts of interest, please refer to our Form CRS, Broker-Dealer Firm Brochure, and Form ADV (if applicable) available at <https://www.woodburyfinancial.com/disclosures>.