



CAPITOL WEALTH
AN AFFILIATE OF CAPITOL BANCORP LIMITED

9300 Harris Corners Pkwy., Ste. 410
Charlotte, NC 28269
tel: 704.599.1055
fax: 704.599.6559

June 2, 2008

Marcia E. Asquith
Senior Vice President and Corporate Secretary
FINRA
1735 K Street, NW
Washington DC 20006-1500

VIA EMAIL
pubcom@finra.org

RE: Notice to Members 08-24; Proposed FINRA Rule 3110(b)(3): Supervision of
Outside Securities Activities

Dear Ms. Asquith:

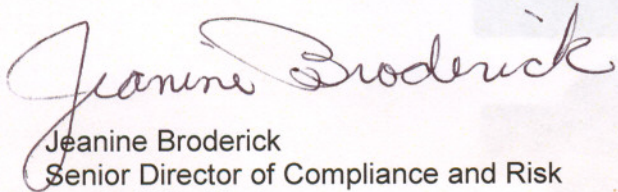
Capitol Wealth, Inc. appreciates the opportunity to comment on the proposed deletion of NASD Rule 3040 and replacement by FINRA Rule 3110(b)(3).

Capitol Wealth, Inc. is the Wealth Management affiliate of Capitol Bancorp, Ltd. We provide wealth management services to sixty-three affiliated banks. We have affiliates regulated by The Federal Reserve, the Office of Thrift Supervision and the FDIC as well as state banking authorities in fifteen states. Brokerage activities are conducted through 3rd party broker dealers. Our activities include brokerage, asset management, insurance, financial planning and trust. Compliance with NASD Rule 3040 has prevented the best allocation of our human resources in the past and we applaud the proposed changes as they will enable us to make better use of our talent.

As proposed, we believe FINRA Rule 3110(b)(3) goes a long way toward eliminating the areas where NASD Rule 3040 prevented full use of dual employees. We would like to see clarification of the requirement to provide the member Firm with written notice of and approval of securities transactions. It is not clear from the proposed rule whether this notice and approval could be a one time filing and approval of an activity or if each time a dual employee attended a Trust Investment Committee meeting or met with a trust client regarding trust investments such notice would be required. A single notice and approval for activities that fall within the statutory exceptions and regulatory exemptions from registration under GLB and Regulation R makes the most sense, however, as currently written, a conservative Firm could interpret the Rule to mean approval was required for each transaction which would make the benefits of the proposed rule questionable.

We appreciate FINRA considering the needs of banking institutions as they implement the provisions of Regulation R and your willingness to provide an exemption for securities activities of dual employees when they are adequately supervised under banking regulations.

Sincerely,

A handwritten signature in cursive script that reads "Jeanine Broderick". The signature is written in dark ink and is positioned above the typed name and address.

Jeanine Broderick
Senior Director of Compliance and Risk
Capitol Wealth, Inc.
9300 Harris Corners Parkway, Suite 410
Charlotte NC 28269