

**Part 2A of Form ADV: *Firm Brochure***

**PEAK INVESTMENT SOLUTIONS, LLC**

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06/23/2012

**This brochure provides information about the qualifications and business practices of Peak Investment Solutions, LLC (hereinafter “Peak” or “firm” or “we”). If you have any questions about the contents of this brochure, please contact us at (916) 772-5022 or at [kpope@peakis.net](mailto:kpope@peakis.net). The information in this brochure has not been approved or verified by the United States Securities and Exchange Commission or by any state securities authority.**

**Additional information about Peak is available on the SEC’s website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov). You can search this site by a unique identifying number, known as a CRD number. The CRD number for Peak is 134846.**

**Registration as an investment adviser does not imply a certain level of skill or training.**

**Item 2.           Summary of Material Changes**

The SEC adopted new rules and rule amendments under the Investment Advisers Act of 1940 to implement provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act. As a result, we are no longer eligible for SEC registration. We are in the process of switching from federal to state oversight, and the transition must be complete by June 28, 2012. Once the transition is complete, our investment advisory business will be regulated by the California Department of Corporations and other states in which we are required to be registered as an investment adviser.

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#### **Item 4.        Advisory Business**

Peak is a fee-only state-registered investment adviser (SEC File Number 801-64263), with its principal place of business located in Roseville, California. We have been in business since 1999 with Theril Lund, Member, and Kenneth Pope, Managing Member and Chief Compliance Officer, as direct owners of the firm.

Discretionary assets under our firm's management were \$34,047,320 as of February 13, 2012.

Non-discretionary assets under our firm's management were \$1,045,249 as of February 13, 2012.

California Clients: All material conflicts of interest under CCR Section 260.238(k) are disclosed regarding our firm, our representatives and any employees, which could be reasonably expected to impair the rendering of unbiased and objective advice.

#### Portfolio Management Services

Peak is in the business of managing individually tailored investment portfolios. Our firm provides continuous advice to a client regarding the investment of client funds, holdings and the overall allocation strategy based on the individual needs of the client. Through personal discussions in which goals and objectives based on a client's particular circumstances are established, we develop a client's personal investment policy or investment plan and create and manage a portfolio based on that policy or plan. We use investment and portfolio allocation software to evaluate alternative portfolio designs. During our data-gathering process, we determine the client's individual objectives, time horizons, risk tolerance, and liquidity needs. We may also review and discuss a client's prior investment history, as well as family composition and background.

We manage mutual fund and equity portfolios on a discretionary or non-discretionary basis. For discretionary accounts, we will implement transactions without seeking prior client consent. For non-discretionary accounts, we will seek prior client consent for every contemplated transaction. Therefore, clients with non-discretionary accounts should understand that any delay in obtaining consent may result in less favorable transaction terms, including higher security price and/or higher commissions and/or limited availability of the securities sought.

#### Use of Third-Party Managers and/or Sub-Advisers

We may also recommend fixed income portfolios consisting of managed accounts of individual bonds to advisory clients. Under this scenario, we will request discretionary authority from advisory clients to manage fixed income portfolios, including the discretion to retain a third-party fixed income manager, typically when those manager(s) demonstrate knowledge and expertise in this particular investment strategy.

We will prepare a separate Fixed Income Investment Policy Statement for any client qualifying for separate fixed income portfolio services.

Pursuant to our discretionary authority, we will retain an independent third-party fixed income investment manager. We will only refer clients to third-party managers that are licensed, notice filed or otherwise exempt from registration as an investment adviser with the California Department of Corporations. We will then delegate discretionary investment authority to the fixed income manager to invest client assets in fixed income securities consistent with the client's Fixed Income Investment Policy Statement. The manager will monitor the account for changes in credit ratings, security call provisions, and tax loss harvesting opportunities (to the extent that the manager is provided with cost basis information).

We will regularly and continuously monitor the performance of the selected third-party manager(s). If we determine that a particular selected manager(s) are not providing sufficient management services to the client, or are not managing the client's portfolio in a manner consistent with the client's IPS or investment plan, we will remove the client's assets from that selected manager(s) and place the client's assets with another third-party manager(s) at our discretion and without prior consent from the client.

#### Employee Benefit Retirement Plan Services

We also provide advisory services to participant-directed employee retirement benefit plans. We will analyze the plan's current investment platform, and assist the plan in creating an investment policy statement defining the types of investments to be offered and the restrictions that may be imposed. We will recommend investment options to achieve the plan's objectives, provide participant education meetings, and monitor the performance of the plan's investment vehicles.

We will recommend the changes in the plan's investment vehicles as may be appropriate from time to time. We will generally review the plan's investment vehicles and investment policy at least quarterly.

#### *Investment Policy Statement ("IPS") Development or Review*

We will meet with the client to determine or review the client's investment needs and goals. We will prepare a written IPS stating their needs and goals and encompassing a policy under which these goals are to be achieved. The IPS will also list the criteria for the selection of investment vehicles and the procedures and timing interval for monitoring investment performance.

#### *Construction of Investment Strategies*

We will review various investments, consisting primarily of mutual funds, service providers and strategies to determine which ones are appropriate to implement the client's IPS. The nature and selection of investments and service providers to be recommended will be determined by the client, based on the IPS.

### *Monitoring of Investment Procedures and Performance*

We will monitor client investments continuously based on the procedures and timing intervals delineated in the IPS. We will monitor the client's portfolio and will make recommendations to the client as market factors and the client's needs dictate. The frequency of reviews will be determined by the client's needs and the IPS.

### *Employee Communications*

For pension, profit sharing and 401(k) plan clients in self-directed plans, we will provide periodic educational support and investment workshops designed for the plan participants. Topics to be discussed will be determined in conjunction with the plan sponsor and in accordance with guidelines established in ERISA Section 404(c). The educational support and investment workshops will not provide plan participants with individualized, tailored investment advice or individualized, tailored asset allocation recommendations.

### Services in General

Account supervision is guided by the stated objectives of the client (i.e., maximum capital appreciation, growth, income, or growth and income), as well as tax considerations. Clients may impose reasonable restrictions on investing in certain securities, types of securities, or industry sectors.

While our investment recommendations are not limited to any specific product or service offered by a broker dealer or insurance company, client portfolios will primarily consist of mutual funds offered by Dimensional Fund Advisors (DFA). DFA-sponsored mutual funds follow a passive asset class investment philosophy with low holdings turnover. Consequently, the DFA fund fees are generally lower than fees and expenses charged by other types of funds. Client portfolios may also include some individual equity securities.

Our firm has contracted with BAM Advisor Services, LLC (hereinafter, "BAM"), for services including trade processing, collection of management fees, record maintenance, report preparation, marketing assistance, and research. We have also contracted with Buckingham Asset Management, LLC (hereinafter, "Buckingham"), an affiliate of BAM, for sub-advisory services with respect to clients' fixed income accounts. Therefore, our recommendation of a fixed income manager will typically be limited to Buckingham.

We tailor all of our portfolio management recommendations to the individual needs of each client. All such recommendations are tailored based on information gathered through client questionnaires, electronic communications, telephone and in-person discussions.

## **Item 5. Fees and Compensation**

### Portfolio Management Services

For these services, we charge an annual fee based on a percentage of assets under our management, in accordance with the following schedule:

<u>Assets Under Management (\$)</u>	<u>Annual Fee (%)</u>
First \$200,000	1.85%
Next \$300,000	1.25%
Next \$500,000	0.90%
Next \$1,000,000	0.70%
Next \$1,000,000	0.50%
Next \$2,000,000	0.40%
All amounts thereafter	0.35%

### Employee Benefit Retirement Plan Services

For these services, we charge an annual fee equal to 75% of our Portfolio Management fees.

### Fees in General

California Clients: Subsection (j) of Rule 260.238, California Code of Regulations, requires that all investment advisers disclose to their advisory clients that lower fees for comparable services may be available from other sources.

Our advisory fees are directly debited or invoiced (as agreed with each client) in advance, at the beginning of each calendar quarter, based upon the net value of the assets in the client account on the last business day of the previous calendar quarter.

Fees and account minimums for all services are negotiable based upon certain criteria (i.e. anticipated future earning capacity, anticipated future additional assets, dollar amount of assets to be managed, related accounts, account composition, negotiations with client, etc.). Discounts, not generally available to our advisory clients, may be offered to family members and friends.

We may group certain related client accounts for the purposes of determining the account size and/or annualized fee.

Certain legacy client agreements may be governed by fee schedules different from those listed above.

Under no circumstances will we earn fees in excess of \$500 more than six months in advance of services rendered.

#### Account Termination

Clients will have a period of five (5) business days from the date of signing the agreement to unconditionally rescind the agreement and receive a full refund of all fees. Thereafter, the client may terminate the agreement by providing us a 30-day written notice at our principal place of business. Upon termination of any account, any prepaid, unearned fees will be promptly refunded, and any earned, unpaid fees will be due and payable.

#### Mutual Fund and ETF Fees and Expenses

All fees paid to our firm for investment advisory services are separate and distinct from the fees and expenses charged by mutual funds and ETFs to their shareholders. These fees and expenses are described in each fund's prospectus. These fees will generally include a management fee, other fund expenses, and a possible distribution fee. A client could invest in a mutual fund or and ETF directly, without the services of our firm. In that case, the client would not receive the services provided by us which are designed, among other things, to assist the client in determining which mutual fund or funds or ETFs are most appropriate to each client's financial condition and objectives. Moreover, certain DFA funds may not be available to clients directly. Accordingly, the client should review both the fees charged by the funds and ETFs and the fees charged by us to fully understand the total amount of fees to be paid by the client and to thereby evaluate the advisory services being provided.

#### BAM Fees

Our firm pays a fee for BAM services based on management fees paid to us on accounts that use BAM Advisor Services. The fee paid by our firm to BAM consists of a portion of the fee paid by clients to us and varies based on the total client assets administered through BAM. These fees are not separately charged to advisory clients.

#### Brokerage and Custodial Fees

In addition to advisory fees paid to our firm, clients will also be responsible for all transaction, brokerage, trade-away and custodial fees incurred as part of their account management. Please see Item 12 of this Brochure for important disclosures regarding our brokerage practices.

### **Item 6. Performance-Based Fees and Side-By-Side Management**



We do not charge any fees based on a share of capital gains on or capital appreciation of the assets of a client.

#### **Item 7. Types of Clients**

Our firm generally provides advisory services to individuals, pension and profit sharing plans, trusts, estates, charitable organizations, corporations and other business entities.

We require a minimum account size of \$400,000 for fixed income portfolios.

#### **Item 8. Methods of Analysis, Investment Strategies and Risk of Loss**

Our firm employs the following types of analysis to formulate client recommendations:

Asset Allocation: Rather than focusing primarily on securities selection, we attempt to identify an appropriate ratio of securities, fixed income, and cash suitable to the client's investment goals and risk tolerance.

A risk of asset allocation is that the client may not participate in sharp increases in a particular security, industry or market sector. Another risk is that the ratio of securities, fixed income, and cash will change over time due to stock and market movements and, if not corrected, will no longer be appropriate for the client's goals.

Mutual fund and/or ETF analysis: We look at the experience and track record of the manager of the mutual fund or ETF in an attempt to determine if that manager has demonstrated an ability to invest over a period of time and in different economic conditions. We also look at the underlying assets in a mutual fund or ETF in an attempt to determine if there is significant overlap in the underlying investments held in other funds in the client's portfolio. We also monitor the funds or ETFs in an attempt to determine if they are continuing to follow their stated investment strategy.

A risk of mutual fund and/or ETF analysis is that, as in all securities investments, past performance does not guarantee future results. A manager who has been successful may not be able to replicate that success in the future. In addition, as we do not control the underlying investments in a fund or ETF, managers of different funds held by the client may purchase the same security, increasing the risk to the client if that security were to fall in value. There is also a risk that a manager may deviate from the stated investment mandate or strategy of the fund or ETF, which could make the fund or ETF less suitable of the client's portfolio.

Third-Party Manager Analysis: We examine the experience, expertise, investment philosophies, and past performance of independent third-party investment managers in an attempt to determine if that manager has demonstrated an ability to invest over a period of time and in different economic conditions. We monitor the manager's underlying holdings, strategies, concentrations and leverage as part of our overall periodic risk

assessment. Additionally, as part of our due-diligence process, we survey the manager's compliance and business enterprise risks.

A risk of investing with a third-party manager who has been successful in the past is that he/she may not be able to replicate that success in the future. In addition, as we do not control the underlying investments in a third-party manager's portfolio, there is also a risk that a manager may deviate from the stated investment mandate or strategy of the portfolio, making it a less suitable investment for our clients. Moreover, as we do not control the manager's daily business and compliance operations, it is possible for us to miss the absence of internal controls necessary to prevent business, regulatory or reputational deficiencies.

Risks for all forms of analysis: Our securities analysis method relies on the assumption that the companies whose securities we purchase and sell, the rating agencies that review these securities, and other publicly-available sources of information about these securities, are providing accurate and unbiased data. While we are alert to indications that data may be incorrect, there is always a risk that our analysis may be compromised by inaccurate or misleading information.

Our firm employs the following investment strategies to implement investment advice given to clients:

Long-term purchases: Our advice is based upon long-term investment strategies. Therefore, we mostly purchase securities with the idea of holding them in the clients account for a year or longer. We may do this because we want exposure to a particular asset class over time, regardless of the current projection for this class. We may also do this because our investment approach is firmly rooted in the belief that markets are "efficient," and that investors' returns are determined principally by asset allocation decisions, not market timing or stock pricing.

A risk in a long-term purchase strategy is that, by holding the security for this length of time, we may not take advantages of short-term gains that could be profitable to a client. Moreover, if our predictions are incorrect, a security may decline sharply in value before we make the decision to sell.

*Clients should understand that investing in any securities, including mutual funds and ETFs, involves a risk of loss of both income and principal that a client should be prepared to bear.*

#### **Item 9. Disciplinary Information**

Our firm has no reportable disciplinary events to disclose.

#### **Item 10. Other Financial Industry Activities and Affiliations**

Kenneth Pope, Managing Member of our firm, is also separately employed as owner of and accountant with Kenneth Pope, CPA, an accounting firm affiliated with Peak by virtue of common ownership and control. Our clients may be referred to this separate affiliated entity and vice versa. However, no referral fees of any kind will be paid for these referrals by either party.

Kenneth Pope, CPA, does not have signatory authority for any client's accounts.

This non-advisory activity presents a potential conflict of interest, to the extent that Mr. Pope may receive additional compensation as a result of recommending additional accounting services to advisory clients. Potential conflicts of interest also arise to the extent that this non-advisory activity may require a significant time commitment from Mr. Pope, thus limiting the amount of time he can dedicate to management of advisory client accounts.

Since we endeavor at all times to put the interest of our clients first as part of our fiduciary duty as a registered investment adviser, we take the following steps to address this conflict:

1. We disclose to clients that they are not obligated to purchase any additional services from our firm or its employees;
2. We do not pay or collect referral fees from any related persons or entities;
3. We collect, maintain and document accurate, complete and relevant client background information, including the client's financial goals, objectives and risk tolerance;
4. Our management conducts regular reviews of each client account to verify that all recommendations made to a client are suitable to the client's needs and circumstances;
5. We require that our employees seek prior approval of any outside employment activity so that we may ensure that any conflicts of interests in such activities are properly addressed;
6. We periodically monitor these outside employment activities to verify that any conflicts of interest continue to be properly addressed by our firm; and
7. We periodically review and analyze our responsibilities of a fiduciary, including the need for having a reasonable and independent basis for the investment advice provided to clients.

While we have the discretionary authority to recommend other investment advisers for clients, we do not receive compensation directly or indirectly from those advisers and do

not have any other business relationships with those advisers that would create a material conflict of interest.

## **Item 11. Code of Ethics, Participation in Client Transactions and Personal Trading**

### Code of Ethics Disclosure

Our firm has adopted a Code of Ethics which sets forth high ethical standards of business conduct that we require of our employees, including compliance with applicable federal securities laws. Our Code of Ethics includes policies and procedures for the review of quarterly securities transactions reports as well as initial and annual securities holdings reports that must be submitted by the firm's access persons. Among other things, our Code of Ethics also requires the prior approval of any acquisition of securities in a limited offering (e.g., private placement) or an initial public offering. Our code provides for oversight, enforcement and recordkeeping provisions. A copy of our Code of Ethics is available to our advisory clients and prospective clients upon request to Kenneth Pope at the firm's principal office address.

Our firm or individuals associated with our firm may buy or sell securities identical to those recommended to or purchased for customers for their personal accounts. This practice results in a potential conflict of interest, as we may have an incentive to manipulate the timing of such purchases to obtain a better price or more favorable allocation in rare cases of limited availability.

To mitigate these potential conflicts of interest and ensure the fulfillment of our fiduciary responsibilities, we have established the following restrictions:

1. No principal or employee of our firm may buy or sell securities for their personal portfolio(s) where their decision is substantially derived, in whole or in part, by reason of his or her employment unless the information is also available to the investing public on reasonable inquiry. No principal or employee of our firm may prefer his or her own interest to that of the advisory client.
2. It is the expressed policy of our firm that no person employed by us may purchase or sell any security prior to a transaction(s) being implemented for an advisory account, and therefore, preventing such employees from benefiting from transactions placed on behalf of advisory accounts.
3. We maintain a list of all securities holdings for our firm and anyone associated with this advisory practice with access to advisory recommendations.
4. We emphasize the unrestricted right of the client to decline to implement any advice rendered, except in situations where our firm is granted

discretionary authority.

5. All of our principals and employees must act in accordance with all applicable Federal and State regulations governing registered investment advisory practices.
6. Any individual not in observance of the above may be subject to disciplinary action or termination.

## **Item 12. Brokerage Practices**

We do not have any formal or informal soft-dollar arrangements and do not receive any soft-dollar benefits.

Our firm arranges for the execution of securities transactions with the assistance of BAM.

Through BAM, our firm participates in the Schwab Institutional (SI) services program offered to independent investment advisers by Charles Schwab & Company Inc.. Clients in need of brokerage and custodial services will have Schwab recommended to them. As part of the SI program, our firm receives benefits that it would not receive if it did not offer investment. These benefits include: receipt of duplicate client confirmations and bundled duplicate statements; access to a trading desk serving SI participants exclusively; access to block trading which provides the ability to aggregate securities transactions and then allocate the appropriate shares to client accounts; ability to have investment advisory fees deducted directly from client account; access, for a fee, to an electronic communication network for client order entry and account information; receipt of compliance publications; and access to mutual funds which generally require significantly higher minimum initial investments or are generally available only to institutional investors.

The benefits received through participation in the SI program may or may not depend upon the amount of transactions directed to, or amount of assets custodied by, Schwab.

Through BAM, our firm participates in the Fidelity Institutional Wealth Services Program (hereinafter, "FIWS") sponsored by Fidelity Brokerage Services, LLC. Clients in need of brokerage and custodial services will have Fidelity recommended to them. While there is no direct linkage between the investment advice given to clients and our firm's participation in the FIWS program, we receive economic benefits which would not be received if we did not give investment advice to clients. These benefits include: A dedicated trading desk that services FIWS participants exclusively, a dedicated service group and an account services manager dedicated to our firm's accounts, access to a real-time order matching system, ability to 'block' client trades, electronic download of trades, balances and positions, access, for a fee, to an electronic interface with FIWS' software, duplicate and batched client statements, confirmations and year-end summaries, the ability to have advisory fees directly debited from client accounts (in accordance with

federal and state requirements), availability of third-party research and technology, a quarterly newsletter, access to Fidelity mutual funds, access to AdvisorChannel.com (internet access to statements, confirmations and transfer of asset status), access to Account View (through which clients may access their account information over the internet via our website), access to mutual fund families and mutual funds NOT affiliated with Fidelity, of which many have no transaction fee, ability to have loads waived for our clients who invest in certain Fidelity loaded funds, when certain conditions are met and maintained and the ability to have custody fees waived (when negotiated by the adviser and allowed under certain circumstances).

The benefits we receive through participation in the FIWS program may depend upon the amount of transactions directed to, or amount of assets custodied by, Fidelity.

We also participate in the institutional customer program offered by TD Ameritrade Institutional, a division of TD Ameritrade, Inc., member FINRA/SIPC (hereinafter, "TD Ameritrade"), an unaffiliated SEC-registered broker-dealer and FINRA member. TD Ameritrade offers to independent investment advisors services which include custody of securities, trade execution, clearance and settlement of transactions. Our firm receives some benefits from TD Ameritrade through its participation in the program that are typically not available to TD Ameritrade retail investors. These benefits include the following products and services (provided without cost or at a discount): duplicate client statements and confirmations; research related products and tools; consulting services; access to a trading desk serving advisor participants; access to block trading (which provides the ability to aggregate securities transactions for execution and then allocate the appropriate shares to client accounts); the ability to have advisory fees deducted directly from client accounts; access to an electronic communications network for client order entry and account information; access to mutual funds with no transaction fees and to certain institutional money managers; and discounts on compliance, marketing, research, technology, and practice management products or services provided to us by third party vendors. TD Ameritrade may also have paid for business consulting and professional services received by our staff and may also pay or reimburse expenses (including travel, lodging, meals and entertainment expenses) for our firm's personnel to attend conferences or meetings relating to the program or to TD Ameritrade's advisor custody and brokerage services generally. Some of the products and services made available by TD Ameritrade through the program may benefit our firm but may not benefit our client accounts directly. These products or services may assist us in managing and administering client accounts, including accounts not maintained at TD Ameritrade. Other services made available by TD Ameritrade are intended to help us manage and further develop our business enterprise.

The benefits received by our firm or its personnel through participation in the program do not depend on the amount of brokerage transactions directed to TD Ameritrade.

Participation in the SI, FIWS and TD Ameritrade programs results a potential conflict of interest for our firm, as the receipt of the above benefits creates an incentive for us to recommend Schwab, Fidelity and TD Ameritrade.

Nonetheless, we have reviewed the services of Schwab, Fidelity and TD Ameritrade and recommend their services based on a number of factors. These factors include the professional services offered, commission rates, and the custodial platform provided to clients. While, based on our business model, we will not seek to exercise discretion to negotiate trades among various brokers on behalf of clients, we may, however, periodically attempt to negotiate lower commission rates for our clients with Schwab, Fidelity and TD Ameritrade.

We do not request or accept the discretionary authority to determine the broker dealer to be used for client accounts. Clients must direct us as to the broker dealer to be used for all client securities transactions. In directing the use of a particular broker or dealer, it should be understood that we will not have authority to negotiate commissions among various brokers, and best execution may not be achieved, resulting in higher transaction costs for clients. *Not all advisers require their clients to direct brokerage.*

We reserve the right to decline acceptance of any client account for which the client directs the use of a broker if we believe that this choice would hinder its fiduciary duty to the client and/or its ability to service the account.

#### Trade Aggregation

As a matter of policy and practice, our firm does not generally block client trades and, therefore, implements client transactions separately for each account. Due to this practice, certain client trades may be executed before others, at a different price and/or commission rate. Additionally, our clients may not receive volume discounts available to advisers to block client trades.

#### **Item 13. Review of Accounts**

Theril Lund, Member, and Kenneth Pope, Managing Member and Chief Compliance Officer, will continuously monitor the underlying securities in client accounts and perform at least annual reviews of account holdings for all clients. Accounts are reviewed for consistency with client investment strategy, asset allocation, risk tolerance and performance relative to the appropriate benchmark. More frequent reviews may be triggered by changes in an account holder's personal, tax or financial status, specific client request, imbalance in asset allocation. Domestic, geopolitical and macroeconomic events may also trigger reviews.

For Employee Benefit Retirement Plan Services accounts, we will review the client's IPS whenever the client indicates a change in circumstances regarding the needs of the plan. We will also review the investment options of the plan according to the agreed-upon time intervals established in the IPS. Such reviews will generally occur quarterly.

In addition to the monthly statements and confirmations of transactions that clients receive from their custodian and/or broker dealer, Peak will provide clients with quarterly performance reports.

**Item 14. Client Referrals and Other Compensation**

Other than that already described in this Brochure, our firm does not receive any additional compensation from third parties for providing investment advice to its clients and does not compensate anyone for client referrals.

**Item 15. Custody**

Custody is defined as any legal or actual ability by our firm to access client funds or securities. Since all client funds and securities are maintained with a qualified custodian, we don't take physical possession of client assets. However, because we directly debit client fees from their custodial accounts, our firm is deemed to have constructive custody of client funds. We urge all of our management clients to carefully review and compare their reviews of account holdings and/or performance results received from us to those they receive from their custodian. Should you notice any discrepancies, please notify us and/or your custodian as soon as possible.

**Item 16. Investment Discretion**

For clients granting us discretionary authority to determine which securities and the amounts of securities that are to be bought or sold for their account(s), we request that such authority be granted in writing, typically in the executed investment management agreement. We will delegate discretionary authority granted to us by a client to the selected third-party fixed income manager.

Should the client wish to impose reasonable limitations on this discretionary authority, such limitations shall be included in this written authority statement. Clients may change/amend these limitations as desired. Such amendments must be submitted to us by the client in writing.

**Item 17. Voting Client Securities**

As a matter of firm policy, our firm does not vote proxies on behalf of clients. Clients will receive their proxies and other solicitations directly from their custodian or transfer agent and retain sole responsibility for voting. However, we may provide clients with consulting assistance regarding proxy issues if they contact us with questions at our principal place of business.

We will neither advise nor act on behalf of the client in legal proceedings involving companies whose securities are held in the client's account(s), including, but not limited



to, the filing of “Proofs of Claim” in class action settlements. If desired, clients may direct us to transmit copies of class action notices to the client or a third party. Upon such direction, we will make commercially reasonable efforts to forward such notices in a timely manner.

#### **Item 18. Financial Information**

As an advisory firm that maintains discretionary authority for client accounts, we are required to disclose any financial condition that is reasonable likely to impair our ability to meet our contractual obligations. PEAK Investment Solutions, LLC has no such financial circumstances to report.

PEAK Investment Solutions, LLC has not been the subject of a bankruptcy petition at any time during the past ten years.

Under no circumstances will we earn fees in excess of \$500 more than six months in advance of services rendered.

#### **Item 19 Requirements for State-Registered Advisers**

A. The following individuals are the principal executive officers and management persons of PEAK Investment Solutions, LLC:

- Theril H. Lund, Member
- Kenneth E. Pope, Managing Member & Chief Compliance Officer

Information regarding the formal education and business background for each of these individuals is provided in their respective Brochure Supplements.

B. Our firm is not engaged in any business activity other than giving investment advice.

C. Neither our firm nor our supervised persons are compensated for advisory services with performance-based fees.

D. We are required to disclose all material facts regarding certain legal or disciplinary events pertaining to arbitration awards or other civil, regulatory or administrative proceedings in which our firm or management personnel were found liable or against whom an award was granted. Our firm and our management personnel have no reportable disciplinary events to disclose.

E. Neither our firm nor our management personnel have a relationship or arrangement with any issuer of securities.



## **Part 2B of Form ADV: *Brochure Supplement***

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06/06/2012

**This brochure supplement provides information about Kenneth Pope that supplements the Peak Investment Solutions, LLC brochure. You should have received a copy of that brochure. Please contact Kenneth Pope, Chief Compliance Officer, if you did not receive our brochure or if you have any questions about the contents of this supplement.**

**Additional information about Kenneth Pope is available on the SEC's website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov). You can search this site by a unique identifying number, known as a CRD number. The CRD number for Kenneth Pope is 4936470.**

**Item 2. Educational Background and Business Experience**

Kenneth E. Pope

Year of Birth: 1948

Education:

Kenneth Pope graduated from Brigham Young University with a BS degree in Accounting in 1972.

Business Background:

Managing Member, Chief Compliance Officer, Peak Investment Solutions, LLC from 11/1999 to present

Kenneth E. Pope, CPA, Certified Public Accountant from 01/2005 to present

Bartig, Basler & Ray, CPAs, Inc. from 01/1973 to 01/2005

Professional Designations:

Kenneth Pope earned the Certified Public Accountant (CPA) designation. CPA is the statutory title of qualified accountants in the United States who have passed the Uniform Certified Public Accountant Examination and have met additional state education and experience requirements for certification as a CPA.

**Item 3. Disciplinary Information**

Kenneth Pope does not have any history of disciplinary events.

**Item 4. Other Business Activities**

Kenneth Pope is also separately employed as owner of and accountant with Kenneth Pope, CPA, an accounting firm affiliated with Peak by virtue of common ownership and control. Mr. Pope may spend up to 25% of his time on this non-advisory activity.

**Item 5. Additional Compensation**

Kenneth Pope does not receive any additional compensation from third parties for providing investment advice to its clients.

**Item 6. Supervision**

As the owners of Peak, Theril Lund and Kenneth Pope are responsible for all employee supervision and general business strategy of the firm, as well as formulation and

monitoring of investment advice offered to client, documenting investment meeting deliberations, overseeing all material investment policy changes, and conducting periodic testing to ensure that client objectives and mandates are being met. Kenneth Pope, Chief Compliance Officer, is responsible for monitoring and enforcing compliance with our policies and procedures, Code of Ethics, employee rules of conduct, and all relevant federal and state laws and regulations. Kenneth Pope can be reached at (916) 772-5022.

**Item 7. Requirements for State-Registered Advisers**

Mr. Pope has never been the subject of a bankruptcy petition nor has he ever been involved in any of the additional disciplinary events reportable under this Item.

## **Part 2B of Form ADV: *Brochure Supplement***

Theril H. Lund  
517 Mountain Sage Drive  
Phoenix, AZ 85048

Telephone: (602) 292-7101

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1508 Eureka Road  
Suite 180  
Roseville, CA 95661

Telephone: (916) 772-5022

06/06/2012

**This brochure supplement provides information about Theril Lund that supplements the Peak Investment Solutions, LLC brochure. You should have received a copy of that brochure. Please contact Kenneth Pope, Chief Compliance Officer, if you did not receive our brochure or if you have any questions about the contents of this supplement.**

**Additional information about Theril Lund is available on the SEC's website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov). You can search this site by a unique identifying number, known as a CRD number. The CRD number for Theril Lund is 4936468.**

**Item 2. Educational Background and Business Experience**

Theril H. Lund

Year of Birth: 1955

Education:

Theril Lund graduated from Weber State University with a BS degree in Accounting in 1981 and attended Utah State University.

Business Background:

Member, Peak Investment Solutions, LLC from 11/1999 to present

Freightliner of Arizona from 06/2004 to present

Bartig, Basler & Ray, CPAs, Inc. from 03/1988 to 06/2004

Professional Designations:

Theril Lund earned the Certified Public Accountant (CPA) designation. CPA is the statutory title of qualified accountants in the United States who have passed the Uniform Certified Public Accountant Examination and have met additional state education and experience requirements for certification as a CPA.

**Item 3. Disciplinary Information**

Theril Lund does not have any history of disciplinary events.

**Item 4. Other Business Activities**

Theril Lund is also separately employed as Chief Financial Officer and General Manager of Freightliner of Arizona a commercial truck dealership. Mr. Lund may spend up to 70% of his time on this non-advisory activity.

**Item 5. Additional Compensation**

Theril Lund does not receive any additional compensation from third parties for providing investment advice to its clients.

**Item 6. Supervision**

As the owners of Peak, Theril Lund and Kenneth Pope are responsible for all employee supervision and general business strategy of the firm, as well as formulation and monitoring of investment advice offered to client, documenting investment meeting

deliberations, overseeing all material investment policy changes, and conducting periodic testing to ensure that client objectives and mandates are being met. Kenneth Pope, Chief Compliance Officer, is responsible for monitoring and enforcing compliance with our policies and procedures, Code of Ethics, employee rules of conduct, and all relevant federal and state laws and regulations. Theril Lund can be reached at (602) 292-7101.

**Item 7. Requirements for State-Registered Advisers**

Mr. Lund has never been the subject of a bankruptcy petition nor has he ever been involved in any of the additional disciplinary events reportable under this Item.