

**Item 1: Cover Page for Part 2B of Form ADV:  
Brochure Supplement  
October 2012**

**Konrad Kuciej**

**315 Montgomery St., 9th Floor  
San Francisco, CA 94104**

**Firm Contact:  
Brian Eisenbarth, CFA  
Chief Investment Officer/Chief Compliance Officer**

**Firm Website Address:  
[www.lavacreekcap.com](http://www.lavacreekcap.com)**

This brochure supplement provides information about Konrad Kuciej that supplements our firm brochure. You should have received a copy of that brochure. Please contact us by telephone at (415) 829-4491 or by email at [BEisenbarth@Lavacreekcap.com](mailto:BEisenbarth@Lavacreekcap.com) if you did not receive Lava Creek Capital Management LLC's brochure or if you have any questions about the contents of this supplement.

Additional information about Konrad Kuciej is available on the SEC's website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov).

## **Item 2: Educational Background & Business Experience**

### **Konrad Kuciej**

**Year of Birth:** 1975

**Educational Background:**

- Spokane Community College

**Business Background:**

- 10/2012 – Present; Lava Creek Capital Management, LLC
- 02/2011 – 10/2012; GBS Financial Corp.
- 08/2009 – 7/2010; Nelson Securities Inc.
- 10/2008 – 08/2009; Morgan Stanley & Co. Incorporated
- 05/2008 – 10/2008; Merriman Curhan Ford & Co.
- 10/2004 – 05/2008; Merrill Lynch, Pierce, Fenner & Smith Incorporated
- 02/2002 – 10/2004; Morgan Stanley DW Inc.

**Exams, Licenses & Other Professional Designations:**

- 08/2000; Series 63
- 04/2002; Series 65

## **Item 3: Disciplinary Information**

If there are legal or disciplinary events material to your evaluation of Konrad Kuciej, we are required to disclose all material facts regarding those events.

We have nothing to disclose in this regard.

## **Item 4: Other Business Activities**

A. If Konrad Kuciej is actively engaged in any investment-related business or occupation, including if Konrad Kuciej is registered, or has an application pending to register, as a broker-dealer, registered representative of a broker-dealer, futures commission merchant ("FCM"), commodity pool operator ("CPO"), commodity trading advisor ("CTA"), or an associated person of an FCM, CPO, or CTA, we are required to disclose this fact and describe the business relationship, if any, between the advisory business and the other business.

1. If a relationship between the advisory business and Konrad Kuciej's other financial industry activities creates a material conflict of interest with you, the SEC requires us to describe the nature of the conflict and generally how we address it.

We have nothing to disclose in this regard.

2. If Konrad Kuciej receives commissions, bonuses or other compensation based on the sale of securities or other investment products, including as a broker-dealer or registered representative, and including distribution or service ("trail") fees from the sale of mutual funds, we have to disclose this fact. If this compensation is not cash, we are required to explain what type of compensation Konrad Kuciej receives. We must explain that this practice gives Konrad Kuciej an incentive to recommend investment products based on the compensation received, rather than on your needs.

We have nothing to disclose in this regard.

- B. If Konrad Kuciej is actively engaged in any business or occupation for compensation not discussed in response to Item 4.A, above, and the other business activity or activities provide a substantial source of Konrad Kuciej's income or involve a substantial amount of Konrad Kuciej's time, we are required to disclose this fact and must describe the nature of that business. If the other business activities represent less than 10 percent of Konrad Kuciej's time and income, we may presume that they are not substantial.

We have nothing to disclose in this regard.

#### **Item 5: Additional Compensation**

If someone who is not a client provides an economic benefit to Konrad Kuciej for providing advisory services, we are required to generally describe the arrangement. For purposes of this Item, economic benefits include sales awards and other prizes, but do not include Konrad Kuciej's regular salary. Any bonus that is based, at least in part, on the number or amount of sales, client referrals, or new accounts should be considered an economic benefit, but other regular bonuses should not.

Charles Schwab & Co., Inc. (Schwab) has provided a loan to Advisor to assist its business operations, and the loan is guaranteed by Brian Eisenbarth, principal of Advisor. The terms of the loan require that management fees to Advisor be paid to an account at Schwab for deduction of interest and principal payments on the loan before Advisor may access such management fees.

The loan agreement contains various representations and covenants by Advisor, including, among others, that Advisor will maintain at least \$75,000,000 in end client net assets held at Schwab ("Assets under Management at Schwab"), and that Advisor will comply with all applicable laws, regulations, and agreements, and obtain all necessary licenses, consents and permits. Upon the occurrence and during the continuance of an event of default under the loan agreement, Schwab may terminate and/or accelerate the loan, which may have a material adverse effect on the Advisor's ability to perform services for you.

Some of the products, services and other benefits provided by Schwab, including the loan noted above, benefit Advisor and may not benefit Advisor's client accounts. Advisor's recommendation or requirement that a client place assets in Schwab's custody may be based in part on benefits Schwab provides to Advisor, or Advisor's agreement to maintain certain Assets Under Management at Schwab, and not solely on the nature, cost or quality of custody and execution services provided by Schwab. Advisor places trades for its clients' accounts subject to its duty to seek best execution and its other fiduciary duties. Advisor may use broker-dealers other than Schwab to execute trades for client accounts maintained at Schwab, but this practice may result in additional costs to clients so that Advisor is more likely to place trades through Schwab rather than other broker-dealers. Schwab's execution quality may be different than other broker-dealers.

### **Item 6: Supervision**

We are required to explain how we supervise Konrad Kuciej, including how we monitor the advice Konrad Kuciej provides to you. Our firm has to provide the name, title and telephone number of the person responsible for supervising Konrad Kuciej's advisory activities on behalf of our firm.

Brian Eisenbarth, Chief Investment Officer and Chief Compliance Officer of Lava Creek Capital Management, supervises and monitors Konrad Kuciej's activities on a regular basis. Brian reviews all outgoing correspondence for written financial advice that Konrad Kuciej provides to his clients. Please contact Brian if you have any questions about Konrad Kuciej's brochure supplement by telephone at (415) 829-4491 or by email at [BEisenbarth@Lavacreekcap.com](mailto:BEisenbarth@Lavacreekcap.com).

### **Item 7: Requirements for State-Registered Advisers**

A. In addition to the events listed in Item 3 of Part 2B, if Konrad Kuciej has been involved in one of the events listed below, we disclose all material facts regarding the event.

1. An award or otherwise being found liable in an arbitration claim alleging damages in excess of \$2,500, involving any of the following:

- (a) an investment or an investment-related business or activity;
- (b) fraud, false statement(s), or omissions;
- (c) theft, embezzlement, or other wrongful taking of property;
- (d) bribery, forgery, counterfeiting, or extortion; or
- (e) dishonest, unfair, or unethical practices.

We have nothing to disclose in this regard.

2. An award or otherwise being found liable in a civil, self-regulatory organization, or administrative proceeding involving any of the following:

- (a) an investment or an investment-related business or activity;
- (b) fraud, false statement(s), or omissions;
- (c) theft, embezzlement, or other wrongful taking of property;
- (d) bribery, forgery, counterfeiting, or extortion; or
- (e) dishonest, unfair, or unethical practices.

We have nothing to disclose in this regard.

B. If Konrad Kuciej has been the subject of a bankruptcy petition, we must disclose that fact, the date the petition was first brought, and the current status.

We have nothing to disclose in this regard.