

Item 1- Cover Page

Form ADV Part 2A: Firm Brochure

Peak Capital Management, LLC

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This Brochure provides information about the qualifications and business practices of Peak Capital Management, hereinafter referred to throughout this brochure as “PCM”, “We”, and “us”. If you have any questions about the contents of this Brochure, please contact us at (719) 203-6926 and/or [brian@peakcapitalmgt.net](mailto:brian@peakcapitalmgt.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.

PCM is a registered investment adviser. Registration of an Investment Adviser does not imply any level of skill or training. The oral and written communications of an Adviser provide you with information about which you determine to hire or retain an Adviser.

Additional information about Peak Capital Management also is available on the SEC’s website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov).

## Item 2 - Material Changes

This Item will discuss only specific material changes that are made to the Brochure and provide clients with a summary of such changes.

Last Annual Amendment Filing Date: 03/12/2012

Since our last annual amendment, PCM has made the following changes:

1. PCM's management structure has changed. Effective April 1, 2013, PCM will be dually owned by Brian Lockhart and Geoff Eliason.
2. Brian Lockhart serves as the Chief Investment Officer as well as the new Chief Compliance Officer.
3. PCM's management person is no longer registered with Cambridge Investment Research, Inc., Member NASD/SIPC.
4. PCM's investment management fee structure has been amended effective 01/01/2013. The new fee structure is as follows:

<u>Assets Under Management</u>	<u>Annual Percentage of Assets Charge</u>
First \$3,000,000	1.00%
\$3,000,001 - \$10,000,000	0.75%
\$10,000,000 and above	0.60%

5. PCM is now listed as a sub-adviser to other outside advisers whom engage PCM for access to our model portfolios. Further details are described in Item 4 of our Brochure.
6. PCM has amended its minimum account requirement to a minimum investment of \$500,000. This fee may be waived at PCM's discretion.
7. PCM has added a new outside business activity regarding our management person. Please see Item 10 for more information.

Currently, our Brochure may be requested by contacting Brian Lockhart, Chief Investment Officer at (719) 203-6926 or [brian@peakcapitalmgt.net](mailto:brian@peakcapitalmgt.net). Our Brochure is also available on our web site [www.peakcapitalmgt.net](http://www.peakcapitalmgt.net), also free of charge.

Additional information about Peak Capital Management is also available via the SEC's web site [www.advisorinfo.sec.gov](http://www.advisorinfo.sec.gov). The SEC's web site also provides information about any persons affiliated with PCM who are registered, or are required to be registered, as investment adviser representatives of PCM.

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## **Item 4 - Advisory Business**

### **Business Background**

PCM was formed in June, 2007 as a Limited Liability Company (LLC) and is registered as an investment advisor with the Securities and Exchange Commission. Effective April 1, 2013, the principal owners will be Brian D. Lockhart and Geoff Eliason.

PCM develops investment strategies designed to manage risk utilizing an absolute return philosophy. The basis of these strategies is to seek a smooth investment return independent of the returns in the stock and fixed income markets, while minimizing volatility.

### **Advisory Services**

#### *Financial Planning*

As part of its services, PCM offers financial planning with respect to estate, retirement, and tax plans. Clients are under no obligation to contract for a financial plan in order to receive investment management, and may contract for financial planning without utilizing investment management services. The initial financial planning engagement will include the following services:

- Reviewing the Client's personal and financial goals
- Net worth calculations and cash flow analysis
- Projecting and minimizing federal and state income taxes
- Education planning
- Reviewing all insurance needs and estate planning issues
- Retirement planning
- Investment portfolio evaluation and recommendations

#### *Investment Management*

Advisory services are tailored to meet the individual needs of clients with the use of a risk tolerance questionnaire and/or written notation from discussion with the client regarding investment objectives and risk tolerance. PCM then classifies each client into an *aggressive*, *moderate*, or *conservative* portfolio model. These models are structured around "core" holdings and are supplemented with "satellite" positions. The core holdings are generally represented by up to 10 diversified mutual funds that PCM has identified based on their long-term performance history and PCM's current assessment of economic and market conditions. The satellite positions are selected based on PCM's research and assessment of certain investment opportunities created through avenues such as sector rotation, and may include long/short equity mutual funds, equities, private equities, exchange traded funds, fixed income instruments and options.

#### *Sub-Advisory Service:*

PCM's expertise in managing globally diversified portfolios primarily utilizing exchange traded funds enables other registered investment advisers to hire our advisory affiliates to design and manage investment portfolios consisting of exchange traded funds and provide ongoing corresponding

asset management services on a sub-advisory basis for a percentage of assets. These other advisors typically gather information from clients about their financial situation, investment objectives, and reasonable restrictions they can impose on the management of the account. It is important to note that clients directly engage their personal advisors. We are only engaged by financial advisors and do not offer direct investment advice to the clients of other advisors.

### **Tailored Services**

We offer individualized investment advice to every client based upon their specific circumstances, including investment objectives, financial goals and risk tolerance. Clients may impose restrictions on investing in certain securities or types of securities by providing in writing, and with 30 days advance notice, which restrictions they wish to impose.

### **Participation in Wrap Fee Program**

We do not participate in a wrap fee program.

### **Assets under Management**

As of December 31, 2012 PCM's assets under management totaled:

Client Discretionary Managed Accounts.....	\$64,300,000
Client Non-Discretionary Managed Accounts.....	\$34,800,000

## **Item 5 - Fees and Compensation**

### **Advisory Fees**

PCM's basic fees structure for advisory services are as follows. All fees are subject to negotiation. The specific manner in which fees are charged by PCM is established in a client's written Investment Management and Fee Agreement with PCM which continues in effect until terminated by either party, without penalty, upon thirty days written notice.

#### *Financial Planning:*

The fees for financial planning are billed under a flat rate based on the extent and nature of the plan. Typically, fees for financial planning range from \$500 to \$15,000 based on the complexity of the plan. These services are provided under a separate agreement outlining the scope of the services and fees agreed upon.

#### *Investment Management Fee Schedule:*

<u>Assets Under Management</u>	<u>Annual Percentage of Assets Charge</u>
First \$3,000,000	1.00%
\$3,000,001 - \$10,000,000	0.75%
\$10,000,000 and above	0.60%

PCM is compensated for its services with an asset based fee, paid quarterly in advance. In order to effectively execute its investment strategies PCM requires a minimum investment of \$500,000. In certain situations, PCM may waive this minimum.

#### *Sub-Advisory Service:*

We are paid by outside investment advisers a portion of a percentage of assets under management paid by their client for sub-advisory services. Fees paid to PCM by other advisors are generally ongoing and are up to 50 basis points. All fees we receive from outside advisors and the written separate disclosures made to clients regarding these fees comply with applicable federal and state statutes and rules. It is the responsibility of the outside advisor to provide their clients with the required written disclosures, including a copy of their Form ADV Part 2 and privacy policy.

### **How Fees are Paid**

#### *Financial Planning:*

This fee will be payable, in full, when the Client receives the final version of their financial plan.

*Investment Management:*

Fees are automatically deducted from account balances on the first business day of each quarter, billed in advance, based on the assets under management on the last trading day of the prior quarter per written authorization in the Investment Management and Fee Agreement. PCM reserves the right to negotiate fees different than its basic fee structure; however, fees will never exceed the published fee schedule. PCM will send clients a copy of the invoice provided by the custodian. Clients will receive, at least quarterly, statements from the custodian showing all disbursements and advisory fees.

*Sub-Advisory Service:*

Fees for sub-advisory services are on a case-by-case basis and are specifically outlined in the Sub-Advisory Agreement between our firm and the outside investment adviser. Typically, fees are billed quarterly in advance.

**Other Fees/Expenses**

PCM's fees are exclusive of brokerage commissions, transaction fees, and other related costs and expenses which shall be incurred by the client. Clients may incur certain charges imposed by custodians, brokers, third party investment and other third parties such as fees charged by managers, custodial fees, deferred sales charges, odd-lot differentials, transfer taxes, wire transfer and electronic fund fees, and other fees and taxes on brokerage accounts and securities transactions. Mutual funds and exchange traded funds also charge internal management fees, which are disclosed in a fund's prospectus. Such charges, fees and commissions are exclusive of and in addition to PCM's fee, and PCM shall not receive any portion of these commissions, fees, and costs.

Advice offered by PCM may involve investment in mutual funds. Load and no-load mutual funds may pay annual distribution charges, sometimes referred to as 12b-1 fees, after the statutory section authorizing such payments. These 12b-1 fees may be paid to the account custodian but are never transmitted to Peak Capital Management. Recommendations made by PCM and its Advisory Representatives will always be consistent with the best interest of the client.

Item 12 further describes the factors that PCM considers in selecting or recommending custodians for client transactions and determining the reasonableness of their compensation (*e.g.*, transaction costs).

**Termination**

*Financial Planning:*

Where the client has not received PCM's brochure at least 48 hours prior to engagement, the client may terminate the financial planning agreement within five business days of the date of acceptance without penalty to the client. After the five day period, the financial planning agreement may be terminated in writing before the completion of the plan. The fee will be determined by the percentage of the plan that has been completed.

*Investment Management:*

PCM will refund to the client any unearned fees upon the termination of the Investment Management and Fee Agreement. Fees will be determined on a prorated basis. Where the client has not received PCM's form ADV Part 2 at least 48 hours prior to engagement, the client may terminate the Investment Management and Fee Agreement without penalty within five business days of signing the Agreement.

*Sub-Advisory Service:*

PCM will refund to the outside advisors any unearned fees upon the termination of the Sub-Advisory Agreement, given 30 days notice. Fees will be determined on a prorated basis.

**Commissionable Securities Sales**

We do not sell securities for a commission.

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

PCM does not charge any performance-based fees (fees are based on a share of capital gains or on capital appreciation of the assets of a client).

**Item 7 - Types of Clients**

**Type of Clients**

PCM provides portfolio management services to individuals, high net worth individuals, pension and profit sharing plans, charitable institutions, foundations, endowments, trust programs, other investment advisors and corporations and other business.

**Account Minimums**

In order to effectively execute its investment strategies, PCM requires a minimum investment of \$500,000. In certain situations PCM may waive this minimum.

**Pension and Retirement Plans**

The following shall apply if the managed account(s) is for (1) a pension or other qualified employee benefit plan, including a 401K plan, governed by the Employee Retirement Income Security Act of 1974, as amended ("ERISA"); (2) a tax-qualified retirement plan under section 401(a) of the Internal Revenue Code of 1986, as amended (the "Code"), and not covered by ERISA; or (3) an Individual Retirement Account ("IRA") under section 408 of the Code.

The client represents that PCM, as applicable, has been furnished complete copies of all documents that establish and govern the plan and evidencing client's authority to retain PCM. The client shall promptly furnish to PCM any amendments to the plan, and the client agrees that, if any amendment



affects the rights or obligations of PCM, such amendment will be binding on PCM only when agreed to by PCM in writing.

The client agrees to maintain appropriate ERISA bonding for the managed account(s) and to include within the coverage of the bond PCM and their personnel and representatives as may be required by law. If the client is a pension or other qualified plan subject to ERISA, the client appoints PCM or the Portfolio Manager(s), and the Portfolio Manager(s) accept the appointment of the "Investment Manager" for the purposes of ERISA, and the Code. The Portfolio Manager(s) acknowledges that their firm is a "fiduciary" within the meaning of Section 3(21) of ERISA and Section 4975(E) (3) of the Code (but only with respect to the provision of services normally associated with a Portfolio Manager(s)).

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

### **Methods of Analysis**

PCM's security analysis methods include charting, fundamental, technical and cyclical analyses. Investing in securities involves risk of loss that clients should be prepared to bear.

Our advisory services are designed to build long-term wealth while maintaining risk tolerance levels acceptable to clients. We combine investment objectives, time horizon and risk tolerance to yield an effective investment allocation strategy and then match the strategy with our investment programs. Our program investments are typically made in open-end mutual funds, exchange traded funds ("ETF's"), individual equities, options and individual bonds.

In analyzing and executing our various programs' strategies, we use a technical approach to guide our buy/sell decisions within our allocation process. Technical analysis utilizes current and historical pricing information to help us identify trends in the broader domestic and foreign equity and fixed income markets, and in the underlying assets themselves. This may involve the use of various technical indicators, such as moving averages and trend lines, among others.

### **Investment Strategies**

We are not bound to a specific investment strategy or ideology for the management of investment portfolios except for how such strategy might affect the pre-designed risk tolerance levels. However, our investment strategies generally incorporate these methodologies:

*Core & Satellite Portfolio Management* is an investment strategy that incorporates absolute return mutual funds, known as the "core" portion of the portfolio, with a percentage of selected individual securities, ETF's, individual bonds known as the "satellite" portion.

The "Core" is made of absolute return mutual funds. Because of the holdings passive nature and the belief that this structure is essential to long term planning and growth, these "core" holdings are generally not swapped for another type in this class style and are rarely sold unless the client either needs cash for personal use, the allocation is out of bounds within the constraints of the portfolio's plan, or the clients mix of fixed income/equities ratio is modified based on premeditated or unforeseen client events.

The "Satellite" portion, by contrast, comprises holdings that the advisor expects will add alpha, the financial term for returns exceeding systematic risk. Holdings may include: [1] actively managed stocks, [2] mutual funds, and [3] separate account managers with a particular sector, region of positions, or Micro or Mega Cap Company Holdings, or [4] passively managed assets with a particular style that is counter to, or even enhances the core. Short holding periods and tax-inefficient positions may result in short-term capital gains or losses.

If the entire allotment of the satellite portion is not deemed worthy of inclusion, that portion will either be reallocated across "core" positions or in a "satellite holder" -- a position that mirrors some aspect of the core.

The core and satellite allocations may be implemented into 100% equity allocations and/or allocations that blend with fixed-income or non-equity positions consistent with the clients risk tolerance and stated investment objective. The satellite portfolio may be used occasionally for fixed-income investing, but generally it is dedicated to: [1] equities and [2] alternative assets such as: ETF's, hedge funds, REITs, commodities, options, and foreign currencies. Principal Protected Structured Notes may also be used; these investments are truly hybrid in that they provide a guaranteed return of principal while providing upside participation in a number of equity and alternative-investments asset classes.

### **Recommending Securities**

PCM, in certain situations may recommend investments in selected hedge funds or commodity pools. These types of investments may present unique risks due to the use of leverage and potential lack of liquidity. In addition, such recommendations may be limited only to those clients that are termed as "Qualified Buyers" as defined in Rule 205-3 of the Investment Advisors Act of 1940. These types of investments also have varied and unique fee structures of their own. In the event PCM receives a portion of the fee charged from a third-party manager, the value of a client's assets invested with that manager will be removed from the asset based upon which PCM's fees are calculated and billed. Due to the unique and complex nature of these investments, clients will receive a separate disclosure prior to any investments being made.

The universe of mutual funds available to PCM is limited as a result of trading restrictions placed by many mutual fund companies, which discourage active trading. Due to these restrictions, PCM often utilizes mutual fund companies that are designed for active trading. Due to the nature of the mutual fund marketplace the time to confirm a trade and place correcting trades can often be in excess of 24 hours. Therefore, PCM has adopted a Trade Error Policy to take measures as warranted or necessary, with respect to each client account, to assure that trading errors with respect to an account are identified, analyzed and resolved in a timely basis and in a manner that is fair and equitable with respect to a client's interests. Included in this policy are trading errors identified as a result of a mutual fund trade where correcting actions have been made within a three (3) day period, beginning with the initial trading error. For those correcting actions, PCM shall have no further liability of responsibility for financial compensation. Further, to the extent any detriment to the client, as a result of a trading error, is the fault of other parties, such as custodians or brokers, the Advisor will contact them and as may be appropriate, and seek to recover compensation of behalf of the client.

## **Item 9 - Disciplinary Information**

Registered investment advisers are required to disclose all material facts regarding any legal or disciplinary events that would be material to your evaluation of PCM or the integrity of PCM's management. There are no legal or disciplinary events to report at this time that are material to your evaluation of our advisory business.

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

### **Broker-Dealer Registration**

Neither our firm nor management persons are registered or have a pending registration with a broker-dealer.

### **Futures Commission Merchant/Commodities**

Neither our firm nor any of its management persons is a commodity broker/futures commission merchant, a commodity pool operator, commodity trading advisor or an associated person for the foregoing entities or has an application for registration pending.

### **Relationships with Related Persons**

The principal of PCM is licensed to sell life, health, and disability insurance with several companies and may recommend insurance products to clients as a result of PCM's financial planning services. Clients are not under any obligation to purchase insurance products recommended through a financial plan from the principal, however, if they choose to do so, the principal will receive commissions on those products which will be disclosed at the time of purchase. Any assets placed in insurance products for which the principal(s) of PCM receive commissions will not be included in the assets upon which the investment advisory fees are calculated.

The principal of PCM, Brian Lockhart, is an executive producer for Christmas Candle, LLC. In this role, Mr. Lockhart reviews contracts and financial arrangements for cast, crew, location, among other duties. A conflict of interest may exist as Mr. Lockhart may solicit clients to invest in this outside business activity. Mr. Lockhart does not receive additional fees if clients choose to invest in Christmas Candle, LLC, except management fees as described in Item 5 of this Brochure. Clients are under no obligation to act upon any recommendations or effect any transactions through Mr. Lockhart if they decide to follow the recommendations.

### **Relationships with Other Advisers**

Our firm at times may refer other investment advisers to our clients whom we feel are suitable. As such, we receive a fee for such referrals. The compensation may vary based on factors such as the amount a client invests and the particular manager's fee schedule. However, fees generally range from 0-1.00% of the portion of advisory fees paid to the other investment adviser. Fees paid are disclosed to clients both in advance and on an ongoing basis. At no time does the firm have discretionary authority and as a result the client makes the investment decision and is free to

terminate any strategy or even the relationship with the firm at any time for any reason. Compensation paid to our firm may vary and thus there may be a conflict of interest in recommending a manager who shares a larger portion of its advisory fee over other another manager. Fees charged to the client are generally not higher than they would have been had the client obtained the service directly from the third party manager because for the most part such services are not directly available to retail investors. Prior to referring clients to third party advisers, PCM will ensure that third party advisers are licensed or notice filed with the respective authorities. Clients are under no obligation to select advisers we recommend.

## **Item 11 - Code of Ethics**

### **Description of Code of Ethics**

The principal and employees of PCM are allowed to maintain outside security accounts or participate in PCM programs and therefore may buy or sell securities that PCM is recommending to its clients. In order to monitor such investments PCM has adopted a Code of Ethics to set ethical standards for employees of PCM. Employees of PCM who have access to non-public information regarding clients' purchases or sales of securities, are involved in making securities recommendations to clients or who have access to such recommendations that are non-public are considered "access persons". Access persons are required to report transactions and holding for non-exempt investments held outside of a PCM program. Purchases of non-exempt securities and private placements require pre-approval and purchases of initial public offerings are prohibited. In all capacities, the principal of PCM will act in the best interests of their clients.

### **Participation or Interest in Client Transactions**

Neither the Adviser nor access person buys securities/investments from or sells securities/investments to clients acting as principals of a security, general partner in a partnership, or investment adviser to an investment company.

### **Personal Trading by Associated Persons**

Certain affiliated accounts may trade in the same securities with client accounts on an aggregated basis when consistent with PCM's obligation of best execution. In such circumstances, the advisory affiliate and client accounts will share commission costs equally and receive securities at a total average price. PCM will retain records of the trade order (specifying each participating account) and its allocation, which will be completed prior to the entry of the aggregated order. Completed orders will be allocated as specified in the initial trade order. Partially filled orders will be allocated on a pro rata basis. Any exceptions will be explained on the Order.

PCM has a fiduciary duty to ensure that your welfare is not subordinated to any interests of our or any of our personnel. Therefore, it is against our policies for any of our employees to invest with you or with a group of clients, or to advise you or a group of clients to invest in a private business interest or other non-marketable investment.

## **Conflicts of Interest with Personal Trading by Associated Persons**

The Code of Ethics includes provisions reminding employees of their obligations to clients including being objective, disclosing conflicts of interest, confidentiality of client information, a prohibition on insider trading, a prohibition of rumor mongering, restrictions on the acceptance of significant gifts and the reporting of certain gifts and business entertainment items, and personal securities trading procedures, among other things. All supervised persons at PCM must acknowledge the terms of the Code of Ethics annually, or as amended.

PCM's clients or prospective clients may request a copy of the firm's Code of Ethics by contacting Brian Lockhart at [brian@peakcapitalmgt.net](mailto:brian@peakcapitalmgt.net).

## **Item 12 - Brokerage Practices**

### **Selecting or Recommending Broker-Dealers**

PCM recommends TD Ameritrade as a custodian to its clients for execution. No client is obligated to use TD Ameritrade for execution of services; however, if a client designates the use of a custodian other than the recommended custodian, PCM retains the right to decline to enter into a relationship with the client if PCM believes that the use of the designated trust company or custodian would inhibit PCM's ability to provide asset management to the client. In directing PCM to use a particular custodian or trust company, the client should recognize that PCM will not have the ability to guarantee best execution. In addition, under these circumstances, a disparity in fee charges (if any) may exist between the fees and commissions charged to other clients.

PCM recommends TD Ameritrade as they provide execution services and access to securities and funds that compliment the investment strategies of PCM. In addition, TD Ameritrade provides confirmation of transactions and statements, not less than quarterly, which includes all transactions in the client's account as well as performance reporting.

Clients that utilize TD Ameritrade as custodian for their accounts may pay transaction fees charged by TD Ameritrade that are fair and reasonable when compared to similar custodians. However, there can be no assurance that the fees charged by TD Ameritrade are the lowest available.

PCM receives no compensation from TD Ameritrade based on its recommendation. However, in certain circumstances PCM may recommend mutual fund investments, which have agreed to pay TD Ameritrade a service fee. Such recommendations will only be made if PCM believes it is in the clients' best interest.

### **Research and Other Soft Dollar Benefits**

Soft dollar benefits are not limited to those clients who may have generated a particular benefit although certain soft dollar allocations are connected to particular clients or groups of clients.

On occasion, PCM places trades with mutual fund companies who in return provide research information that can be used in developing investment strategies.

### **Brokerage for Client Referrals**

PCM does not receive brokerage for client referrals.

### **Directed Brokerage**

We allow clients to direct brokerage. However, we may be unable to achieve the most favorable execution of client transactions. Client directed brokerage may cost clients more money. For example, in a directed brokerage account, you may pay higher brokerage commissions because we may not be able to aggregate orders to reduce transaction costs, or you may receive less favorable prices.

### **Aggregation of Orders**

PCM will process block trades of securities where possible and when advantageous to the client. Block trading of assets from multiple client accounts may decrease costs and allows PCM to execute trades in a timely manner. The transaction costs are shared equally on a prorated basis between all accounts included in any block.

As a result of these arrangements, clients should evaluate the fees and services provided by PCM to determine whether the client's needs may be more economically served by utilizing the brokerage services offered.

## **Item 13 - Review of Accounts**

Brian D. Lockhart, Chief Investment Officer is responsible for the formulation and implementation of investment strategies. As a result, he reviews accounts on a regular and continuous basis, including the confirmation of executed transactions. Each individual account is reviewed no less than quarterly as to its position in relation to the overall strategy.

In addition, significant deposits and/or withdrawals of assets from accounts will trigger a review to confirm the security weightings within the overall strategy. At least annually, each client's financial position is reviewed to insure that the investment strategy being pursued is accurate.

PCM will only deal with custodians that provide client statements, no less than quarterly and provide a complete transaction history during the reporting period, including all deposits, withdrawals, purchases and sales. Regular meetings and consultations with clients, in person or by telephone may be held as needed.

## **Item 14 - Client Referrals and Other Compensation**

### **Economic Benefits**

Other than described in Item 12, PCM does not receive any additional economic benefits.

## **Client Referrals**

In accordance with SEC 206-4-3 Advisor's Act, PCM may pay a solicitor fee, at a rate to be negotiated, to registered broker/dealers, investment advisors or sales representatives in accordance with the terms of a written Solicitor Agreement and after execution of a written Solicitor Disclosure Statement by each client of such persons. The solicitor fees paid by PCM are done so from the investment advisory fee paid by the client. The payment of a solicitor fee will not increase the investment advisory fee paid by the client, nor will the absence of paying a solicitor fee decrease the investment advisory fee paid by the client. Solicitors are only authorized to work with potential clients in an impersonal fashion. In cases where state law requires licensure of solicitors, we ensure that no solicitation fees are paid unless the solicitor is registered as an investment adviser representative of our firm.

## **Item 15 - Custody**

We do not take possession of, or maintain custody of, your funds or securities, but will simply monitor the holdings within your portfolio and exchange funds within your account based on stated investment objectives and risk tolerance.

Clients should receive at least quarterly statements from the qualified custodian that holds and maintains client's investment assets. PCM urges you to carefully review such statements and compare such official custodial records to the account statements that we may provide to you. Our statements may vary from custodial statements based on accounting procedures, reporting dates, or valuation methodologies of certain securities.

## **Item 16 - Investment Discretion**

Generally clients provide written authorization to PCM and its advisory representatives to grant discretionary authority over the securities and the amount of securities bought or sold on the client's behalf. In all cases, such discretion is to be exercised in a manner consistent with the stated investment objectives for the particular client account. Investment guidelines and restrictions must be provided to PCM in writing.

## **Item 17 - Voting Client Securities**

As a matter of firm policy and practice, PCM does not have any authority to and does not vote proxies on behalf of advisory clients. Clients retain the responsibility for receiving and voting proxies for any and all securities maintained in client portfolios. Any ownership communications will be forwarded to the client for review and/or voting. PCM may provide advice to clients regarding the clients' voting of proxies.

### **Item 18 - Financial Information**

Registered investment advisers are required in this Item to provide you with certain financial information or disclosures about PCM's financial condition. PCM has no financial commitment that impairs its ability to meet contractual and fiduciary commitments to clients, and has not been the subject of a bankruptcy proceeding.

PCM is not required to include financial information in our Disclosure Brochure since we will not take custody of client funds or securities or bill client accounts six (6) months or more in advance for more than \$1,200.00.

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

PCM is a federally registered investment adviser; therefore, this section does not apply.

**END OF DISCLOSURE BROCHURE**