

# PEAK FINANCIAL ADVISORS, LLC

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## WEALTH MANAGEMENT

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### **Brochure Supplement** **(Part 2A of Form ADV)**

This brochure provides information about the qualifications and business practices of Peak Financial Advisors. If you have any questions about the contents of this brochure, please contact us at: (303) 316-2799, or by email at: [lorrie@peakfinancial.net](mailto:lorrie@peakfinancial.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 Financial Advisors is available on the SEC's website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov)

February 2021

## Summary of Material Changes

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This section is dedicated to summarizing any material changes made since the last annual update of Peak Financial Advisors' brochure.

Whenever you would like to receive a complete copy of our brochure, please contact us at (303) 316-2799 or by email at: [lorrie@peakfinancial.net](mailto:lorrie@peakfinancial.net).

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## **Advisory Business**

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### **Firm Description**

Peak Financial Advisors, founded in 1997, offers asset management, financial planning and tax preparation to individuals, trusts, estates, charitable organizations and small businesses.

Peak Financial Advisors is a fee-only financial planning and asset management firm. Fee only means we are compensated by the client. We do not sell any commissioned products. We are not affiliated with entities that sell financial products or securities. No commissions or finder's fees are accepted.

Peak Financial Advisors does not act as a custodian of client assets. Custody of client assets is maintained by a third-party custodian. We place trades for clients under a limited power of attorney granted by the client.

The initial meeting, which can be held in person, via video conferencing or by telephone, is free of charge and is considered an exploratory interview to determine the extent to which our financial planning and asset management services are a fit with the client's goals & objectives.

If you decide to hire us, we will gather information about your personal financial situation; assist you in determining your goals and objectives, time horizon and risk tolerance. We will analyze the information in an objective manner and develop recommendations. We consider ourselves fiduciaries, intending to place the interests of our clients ahead of our own.

As of December 31, 2020, Peak Financial Advisors managed \$192,990,726 in assets for 127 clients - \$192,780,051 is managed on a discretionary basis and \$210,675 is managed on a non-discretionary basis.

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### **Principal Owners**

Brian T. Sells is the majority owner, Managing Partner and Chief Investment Officer of Peak Financial Advisors. Debbie J. Freeman is a Partner and Director of Tax and Financial Planning.

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### **Types of Advisory Services**

The primary advisory services we provide are asset management and financial planning. Asset management services encompass constructing and managing a portfolio of securities at a level of risk and return potential consistent with the client's goals and risk tolerance. Financial planning covers several different areas of service such as: retirement, insurance, education and tax planning as requested by the client.

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## **Types of Engagements**

Certain clients request asset management, financial planning and tax preparation. Other clients use one service or a combination of the engagements listed below.

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### **Asset Management**

The scope of work and fee is provided to the client in writing prior to the start of the relationship.

Asset management services include:

- Analysis of your current financial condition, goals, objectives and risk tolerance.
- The design of an investment portfolio appropriate to your individual circumstances, needs, goals, risk tolerance and time horizon.
- Quarterly reports on the status of your investment portfolio.
- Ongoing management of your investment portfolio.
- Availability of our professional staff to answer questions.

Other communication regarding the client's investment account can be in writing, by telephone, e-mail or office meetings. We are available to our clients for an annual update meeting if necessary or as requested by the client.

Monthly custody statements and transaction confirmation notifications are sent directly to the client by TD Ameritrade based upon the client's notification preference, either via email or USPS mail. We have immediate access to all client custody statements and trade confirmations via TD Ameritrade.

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### **Financial Planning**

A financial plan is designed to help the client with specific financial needs but does not include asset management. Financial planning is client specific and can include the following:

- Mutually defining the scope of the engagement with you.
- Analysis of your current financial condition, goals and objectives which are relevant to the scope of the engagement.
- Analysis of the information to gain an understanding of your situation and evaluate to what extent your goals, needs and priorities can be met by the current course of action.

- Develop alternatives to the current course of action when necessary. Communicate the recommendations to assist you in making an informed decision.
- Agree on the implementation and monitoring responsibilities consistent with the scope of the engagement.

The financial plan may include but is not limited to: a net worth statement; a review of investment accounts; strategic tax planning; a review of retirement accounts, insurance policies, retirement projections, estate planning and education planning.

Detailed investment advice and specific recommendations are provided as part of a financial plan. Implementation of the recommendations are at the discretion of the client.

It is incumbent on the client to advise us about financial planning issues and whether they want to sit down with us and address financial planning matters. We believe financial planning is important and there should be an ongoing review. However, if the client does not take advantage of this offer, then there is no change in our fee schedule.

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### **Tax Return Preparation**

Tax preparation work is not included in the financial planning or asset management scope of work, unless negotiated. Tax return preparation work is performed separately and is billed at a rate of \$200 per hour.

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### **Types of Investments**

Assets may be invested in a variety of vehicles including exchange traded equities, no-load mutual funds, exchange traded funds (ETFs), exchange traded notes (ETNs), preferred stocks, warrants, corporate debt securities, commercial paper, certificates of deposit, municipal bonds, convertible bonds, publically traded partnerships, U. S. government securities and options contracts.

Peak Financial Advisors may offer investment management services through a third-party investment adviser (“sub-adviser”). All sub-advisers used will be a registered investment adviser with the Securities and Exchange Commission or other appropriate jurisdictions.

Initial public offerings (IPOs) are sometimes available for purchase via TD Ameritrade provided all pertinent documents are completed and approved through TD Ameritrade’s review process. Peak Financial Advisors’ employees and their families are not eligible to participate in IPOs.

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## Termination of Agreement

The length of service is at the client's discretion. The engagements outlined above can be cancelled by either party *in writing with 30 days notice*. Any unused portion of fees collected in advance will be refunded within seven (7) business days via bank check written directly to the client.

All contractual relationships entered into between Peak Financial Advisors and its clients are terminable at will without penalty within the first five (5) business days of signing the Client Investment Management Agreement.

In addition, we reserve the right to terminate any engagement immediately where a client has willfully concealed or has refused to provide pertinent information about financial situations when necessary and appropriate, in our judgment, to providing proper financial advice.

## Fees and Compensation

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### Description

Peak Financial Advisors is a fee only firm. We are not compensated through commissions, sales charges or revenue sharing. All fee arrangements will be made in writing.

Asset management fees are based on a percentage of assets under management. Unless otherwise negotiated in writing, the annual fee schedule is as follows:

- 1.00% on the first \$1,000,000
- 0.75% on the next \$2,000,000 (from \$1,000,001 to \$3,000,000)
- 0.65% on the assets above \$3,000,000

The above fee schedule applies to all securities held in the account unless otherwise negotiated. We, in our sole discretion, may charge a lesser asset management fee than the fees posted above.

In addition to the asset management fees listed above, the client could potentially pay the following fees:

- Internal management fees to the investment advisor of the mutual fund/ETF.
- Transaction fees to TD Ameritrade for execution, including trade away fees (as described in the "other fees" section).
- Additional service charges to TD Ameritrade for items such as checks, overnight delivery fees, etc.



- Interest (if you borrow money using your portfolio as collateral).

Estimates of the financial planning fees are provided to the client at the initial meeting. In the event the client's situation is substantially different than disclosed, a revised fee will be provided for mutual agreement. The client must approve the change of scope in advance of the additional work being performed when a fee increase is necessary.

Some asset management clients require extensive financial planning and tax preparation. In these circumstances, instead of an hourly charge, we will determine an annual retainer amount that is suitable for the scope of work. We will bill these clients quarterly in addition to the separate asset management fee charged.

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## **Invoicing**

Asset management fees are billed quarterly in advance, meaning we invoice our client before the three-month billing period has begun. Payment in full is expected upon invoice presentation. Fees are deducted from a designated client account with the clients advanced written consent. If the client prefers, an invoice is mailed directly to them for payment, due upon receipt.

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## **Other Fees**

Equity and ETF purchases through TD Ameritrade are free. As mentioned above, TD Ameritrade charges transaction fees on purchases or sales of certain mutual funds. Mutual funds can have a \$24 transaction fee depending on the share class of the fund. Clients are responsible for paying these fees. *These transaction fees are paid to TD Ameritrade, not Peak Financial Advisors.*

For individual bonds purchased, we could use a different bond dealer in place of TD Ameritrade, at our discretion, in order to obtain the best execution. Any bonds purchased from a different broker than TD Ameritrade will be charged a \$15 trade away fee. *These trade away fees are paid to TD Ameritrade, not Peak Financial Advisors.*

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## **Past Due Accounts**

Peak Financial Advisors reserves the right to stop work on any account that is more than 30 days overdue.

## **Performance-Based Fees**

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Peak Financial Advisors *does not use a performance-based fee structure due to the potential conflict of interest.* Performance-based compensation can

create an incentive for the adviser to recommend an investment that could carry a higher degree of risk to the client.

## **Types of Clients**

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### **Description**

Peak Financial Advisors provides asset management, financial planning and tax preparation to individuals, trusts, pension and profit sharing plans, estates, charitable organizations and small businesses.

## **Methods of Analysis, Investment Strategies and Risk of Loss**

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### **Methods of Analysis**

We and our research partners use a variety of methods to analyze securities for investment, including technical analysis, fundamental analysis and macroeconomic indicators.

Technical analysis is a way of analyzing price movements. It is a method of identifying trends in asset prices and broad market indices and whether those trends should continue or reverse. Technical analysis helps us identify entry and exit points for our investments.

Fundamental analysis uses the financial statements of companies – balance sheets, income statements and cash flow statements to evaluate a company's financial strength and income generating capacity. We use fundamental analysis to determine if the current asset price provides us with appreciation potential and/or an income stream.

We also review macroeconomic indicators that help us develop investment strategies. The primary macroeconomic indicators include unemployment rates, gross domestic product (GDP), inflation, interest rates and government policy.

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### **Investment Strategies**

We create and actively manage our portfolios. We focus on stocks of companies we believe the market has undervalued. Portfolios are allocated across equity, fixed income, cash and alternative asset classes. Our process focuses on fundamental, technical and macroeconomic indicators.

We manage several investment strategies including Equity, Equity-Income, Balanced, Income-Equity, Tactical, Quarterly Focus List & Income. Our strategies range from very aggressive to conservative. We discuss the differences between strategies with clients and recommend the appropriate strategy based on the clients goals, risk tolerance and time horizon. At the

client's request we can develop a client specific strategy. It is possible a security is bought in one strategy while being sold in another.

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## **Risk of Loss**

All investment programs have certain risks that are borne by the investor. Investors face the following investment risks:

- **Interest-rate Risk:** Fluctuations in interest rates can cause investment prices to fluctuate. For example, when interest rates rise, yields on existing bonds become less attractive, causing their market values to decline. Rising interest rates can also have negative implications for stocks and commodities.
- **Market Risk:** The price of a security, bond, or mutual fund can drop in reaction to tangible and intangible events and conditions. This type of risk is caused by external factors independent of a security's particular underlying circumstances. For example, political, economic and social conditions could trigger market events.
- **Inflation Risk:** When any type of inflation is present, a dollar today will not buy as much as a dollar next year, because purchasing power is eroding at the rate of inflation.
- **Currency Risk:** Overseas investments are subject to fluctuations in the value of the dollar against the currency of the investment's originating country. This is also referred to as exchange rate risk.
- **Reinvestment Risk:** This is the risk that future proceeds from investments may have to be reinvested at a potentially lower rate of return (i.e. interest rate). This primarily relates to fixed income securities but also includes reinvested stock dividends.
- **Business Risk:** These risks are associated with a particular industry or a particular company within an industry.
- **Liquidity Risk:** Liquidity is the ability to readily convert an investment into cash. Generally, assets are more liquid if many traders are interested in a standardized product. For example, Treasury Bills are highly liquid, while real estate properties are not.
- **Financial Risk:** Excessive borrowing to finance a business' operations increases the risk of profitability, because the company must meet the terms of its obligations in good times and bad. During periods of financial stress, the inability to meet loan obligations can result in bankruptcy and/or a declining market value.

## **Disciplinary Information**

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### **Legal and Disciplinary**

Peak Financial Advisors and its employees have not been involved in legal or disciplinary events related to past or present investment clients.

## **Other Financial Industry Activities and Affiliations**

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Peak Financial Advisors is independent and does not have arrangements or affiliations with any other financial industry participants.

## **Code of Ethics, Participation or Interest in Client Transactions and Personal Trading**

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### **Code of Ethics**

The employees of Peak Financial Advisors have committed to a Code of Ethics that is available for review by clients and prospective clients upon request.

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

Our employees have investment accounts. It is likely they will own the same securities our clients own. Trading would be allowed in the same direction as a client order during the same trading day.

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### **Personal Trading**

Employees are free to trade any security they wish, as long as such trading is not of a size that it would negatively influence the price of client holdings. All employee trades need to be approved by Brian Sells. Employees may develop their own investment strategies which are not available to clients, as long as such strategies would not negatively influence the price of client holdings.

Lorrie Haverley is the Chief Compliance Officer and is responsible for reviewing all employee trades each month. When Lorrie has personal trades they are reviewed by Debbie Freeman.

We owe a fiduciary duty to our clients to conduct our affairs, including our personal securities transactions in such a manner as to avoid any actual or potential conflicts of interest or any abuse of our position of trust and responsibility. The excellent name and reputation of our firm continues to be a direct reflection of the conduct of each employee.

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## **Principal Transactions**

It is Peak Financial Advisor's policy that the firm will not affect any principal or agency cross securities transactions for client accounts. Principal transactions are generally defined as transactions where an adviser, acting as principal for its own account or the account of an affiliated broker-dealer, buys from or sells any security to any advisory client. A principal transaction can also be deemed to have occurred if a security is crossed between an affiliated hedge fund and another client account. An agency cross transaction is defined as a transaction where a person acts as an investment adviser in relation to a transaction in which the investment adviser, or any person controlled by or under common control with the investment adviser, acts as broker for both the advisory client and for another person on the other side of the transaction. Agency cross transactions can arise where an adviser is dually registered as a broker-dealer or has an affiliated broker-dealer.

## **Brokerage Practices**

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### **Selecting Brokerage Firms**

TD Ameritrade is the recommended custodian for Peak Financial Advisors based on the proven integrity and financial responsibility of the company and the best execution of orders at reasonable commission rates. However, clients can choose to use a different custodian.

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### **Best Execution**

We are required to seek the best execution available with each transaction. Best execution is not limited to obtaining the lowest transaction fees but involves seeking the most favorable terms for a transaction under the circumstances.

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### **Order Aggregation**

When buying securities for more than one client, we will aggregate orders. This allows the clients to receive the average share price for all the transactions in that security on the same trading day. We will not aggregate transactions unless it coincides with our duty to seek best execution. No one client will be favored over another client.

Aggregating orders will help clients obtain the best overall price but can be more costly if the size of our purchase drives the stock price higher. This can occur with thinly traded issues.

Before aggregating an order, we will prepare an allocation statement specifying the client accounts and the shares to allocate among those clients. If the order is filled, it will be allocated based on the allocation statement. If

the order is partially filled, the allocation will be distributed on a pro rata basis based on the allocation statement. Depending on the specific situation, the order can be allocated on a basis which differs from the allocation statement if all client accounts receive fair and equitable treatment and the reason for the difference in shares allocated is explained in writing and approved by the compliance officer on the same trading day. We do not receive additional compensation as a result of aggregated or blocked orders.

## **Review of Accounts**

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### **Periodic Reviews & Reports**

Brian Sells monitors investments on a regular basis. Account reviews will occur more frequently on an as needed basis or if changes in the clients' investment objectives warrant a review.

If a financial plan exists, we are available for an annual update review at least annually or more frequently as needed. Our clients are contacted each year via email asking if they would like to schedule an annual review with Brian and/or Debbie. We will discuss client goals and objectives and any other matters new to the client's financial picture. If the client chooses to not take advantage of this offer there is no change in our fee schedule.

*All clients are advised it remains their responsibility to promptly notify us of any changes in their investment objectives and/or financial situation, or if the client wishes to impose any reasonable restrictions upon our asset management services. All clients are encouraged to review financial planning issues, investment objectives and account performance with us on an annual basis.*

## **Client Referrals and Other Compensation**

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### **Referrals**

We do not compensate anyone for referrals. We do not accept referral fees from other professionals when a prospect or client is referred to them.

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### **Other Compensation**

We recommend TD Ameritrade to clients for custody and brokerage services and participate in TD Ameritrade's Institutional program. TD Ameritrade and Peak Financial Advisors are separate and unaffiliated. There is no direct link between our participation in the program and the investment advice we give to clients. We receive benefits through participation in programs that are typically not available to TD Ameritrade retail investors. TD Ameritrade offers services to RIAs which include custody of securities, trade execution and clearance and settlement of transactions.

Program benefits can include the following products and services provided without cost or at a discount: receipt of duplicate client statements and confirmations; research related products and tools; access to a trading desk serving adviser 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 client order entry and account information; access to some mutual funds that have no transaction fees and to certain institutional money managers; and discounts on compliance, marketing, research, technology and practice management products provided by third party vendors.

These products or services assist us in managing and administering client accounts. The benefits received through participation in the program do not depend on the amount of brokerage transactions directed to TD Ameritrade.

As part of our fiduciary duty to clients, we endeavor at all times to put the interests of our clients first. Clients should be aware, however, that the receipt of economic benefits by Peak Financial Advisors in and of itself creates a potential conflict of interest and can indirectly influence our choice of TD Ameritrade for custody and brokerage services.

## **Custody**

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### **Account Statements**

All client discretionary managed assets are held at TD Ameritrade. TD Ameritrade provides account statements directly to clients, via email notification of availability or mailed via USPS, on a monthly basis.

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### **Performance Reports**

Clients receive their performance reports from us on a quarterly basis.

## **Investment Discretion**

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### **Discretionary Authority for Trading**

Peak Financial Advisors has discretionary authority to manage accounts on behalf of clients. This allows us to trade the account without obtaining specific client consent regarding the securities to be bought or sold. We do not consult with the client prior to any trades placed, however if a client wishes to impose any trading restrictions on the account they can do so.

If a client imposes a limit on our discretionary authority, such as requiring we obtain approval for trades or use a specific broker, such actions can result in

the client having a higher overall cost on the purchase of securities and thus will forego any benefit we are able to obtain without such limitations.

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### **Limited Power of Attorney**

If a client enters into a management agreement with us, we are granted limited power of attorney to buy, sell or exchange all investments held in the client's accounts unless otherwise agreed to in writing. Clients retain complete control and ownership of all securities in their managed account. The limited power of attorney can be terminated by the client at any time by written notice.

### **Voting Client Securities**

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#### **Proxy Votes**

We do not vote shares of stock held in client accounts and therefore, do not provide proxy voting services for any established or new accounts held by clients. All of our clients are expected to vote their own proxies.

When assistance on voting proxies is requested, we will provide recommendations to the client. If a conflict of interest exists, it will be disclosed.

### **Financial Information**

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#### **Financial Condition**

No financial conditions currently exist that would impair our ability to meet our commitments to clients.



## Brochure Supplement (Part 2B of Form ADV)

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### Education and Business Standards

All advisors employed by Peak Financial Advisors are required to have a bachelor's degree, pass the NASD Series 65 exam and work towards earning additional credentials. These can include an advanced degree, CFP® certification or becoming licensed as a CPA.

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### Professional Certifications

Certified Financial Planners are licensed by the CFP Board to use the CFP® mark. The CFP® certification requirements are as follows:

- Bachelor's degree from an accredited college or university.
- Completion of the financial planning education requirements set by the CFP® Board ([www.cfp.net](http://www.cfp.net)).
- Successful completion of the 10-hour CFP® Certification Exam.
- Three-year qualifying full-time work experience.
- Successfully pass the Candidate Fitness Standards and background check.

Certified Public Accountants in Colorado are licensed by The Colorado State Board of Accountancy. The CPA certification requirements are as follows:

- Meet the education requirements to qualify to take the Uniform CPA Examination.
- Successfully pass the Uniform CPA Examination.
- Take and successfully pass the AICPA Ethics examination or its equivalent.
- Must have one year of experience in public accounting, under the direct supervision of an actively licensed Certified Public Accountant, or experience that the Board deems to be equivalent. The experience must be gained five years before or after passing the Uniform CPA Examination.

Certified Divorce Financial Analysts are licensed to use the CDFA® mark. The CDFA® certification requirements are as follows:

- Bachelor's degree from an accredited college or university.
- Successful completion of the CFDA® Certification Exam.
- Three-years of professional experience in finance.

Series 65 is an exam administered by the Financial Industry Regulatory Authority (FINRA). Completion of the Series 65 exam will qualify an investment professional to operate as an Investment Advisor Representative. The exam focuses on topic areas that are important for an investment advisor to know when providing investment advice. These areas include topics such as retirement planning, portfolio management strategies and fiduciary obligations.

## Advisory Personnel

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### BRIAN TIMOTHY SELLS

- Date of birth: June 11, 1965
- Education: B.S.B.A. in Accounting - University of Denver, 1989

#### Business Experience:

- Peak Financial Advisors 1997 – Present
- Sterling Limited 1995 – 1997
- Arthur Andersen & Co. 1990 – 1995

#### Professional Designations:

- Certified Financial Planner - CFP®, 1997
- Certified Public Accountant – CPA, 1994

Disciplinary Information: None

Other Business Activities: None

Additional Compensation: None

Brian founded Peak Financial Advisors in 1997 after gaining valuable experience working as a senior advisor at the family office of Sterling Limited and Sterling Asset Management Co. During his tenure in the Denver office of Arthur Andersen & Co., he completed the Arthur Anderson Investment Advisory Services Masters Program. Brian has over 30 years of experience in the financial services industry. He has been a Certified Public Accountant since 1994 and a Certified Financial Planner since 1997.

Brian's financial knowledge and experience is the backbone of Peak Financial. He has extensive experience in investment management, income tax, estate planning and retirement planning.

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**DEBBIE JOYCLYN FREEMAN**

- Date of birth: January 5, 1982
- Education: Masters of Accountancy – University of Montana, 2005  
B.S.B.A. Accounting – University of Montana, 2004

**Business Experience:**

- Peak Financial Advisors 2005 - Present
- Deloitte Tax, LLP 2005

**Professional Designations:**

- Certified Financial Planner - CFP®
- Certified Public Accountant – CPA
- Certified Divorce Financial Analyst – CDFA®

Disciplinary Information: None

Other Business Activities: None

Additional Compensation: None

Debbie is a Principal of Peak Financial Advisors. She was licensed as a Certified Public Accountant on May 12, 2006, received her Certified Financial Planner designation on August 26, 2008 and became a licensed Certified Divorce Financial Analyst on April 24, 2019.

Debbie is an integral part of our tax and financial planning practice. She provides income tax compliance and consulting, financial planning and assists with portfolio management and research. Prior to joining Peak Financial Advisors, Debbie worked with Deloitte Tax, LLP as a staff accountant.