



## **O'Brien Capital Management, Inc.**

### **Form ADV Part 2A – Disclosure Brochure**

**March 29, 2021**

#### **Item 1 – Cover Page**

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This Disclosure Brochure provides information about the qualifications and business practices of O'Brien Capital Management, Inc. (OCM). If you have any questions about the contents of this Brochure, please contact us at 845- 358-4930 and/or email [john@obriencm.com](mailto:john@obriencm.com). 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.

OCM is a registered investment adviser. Registration as an investment adviser does not imply any specific level of skill or training.

Additional information about OCM is available on the SEC's Investment Adviser Public Disclosure website at <http://adviserinfo.sec.gov> by conducting a Firm search using our CRD No. 136100.

O'Brien Capital Management, Inc.  
48 Burd Street, Suite 209  
Nyack, NY 10960  
Phone 845-358-4930 | Fax 845-358-4937

## Item 2 – Material Changes

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OCM believes that transparency and communication are the foundations of our relationship and continually strive to provide you with the complete and accurate information at all times. We encourage all current and prospective investors to read this Disclosure Brochure and discuss any questions you may have with us. We always welcome your feedback.

We initially provide you with a copy of our Disclosure Brochure when we enter into an agreement with you. On an annual basis, we will provide you with a Summary of Material Changes within 120 days of our December 31 fiscal year end. In the alternative, we may choose to provide you with a complete copy of our Brochure.

Since our last annual update dated March 31, 2020, we have made the following material changes:

- As of December 31, 2020, our discretionary assets under management exceeded \$25 million. Therefore, we are in the process of transitioning to registration with the United States Securities and Exchange Commission (SEC).
- We have updated Item 12 – Brokerage Practices to more clearly describe the benefits we receive due to our participation in TD Ameritrade’s institutional adviser program. We do not participate in soft dollar arrangements. Information regarding our block trading practices has also been included.
- Information regarding our non-discretionary services has been added to Item 16 – Investment Discretion.
- Our Privacy Policy has been updated to provide more information on our privacy practices.
- Information regarding the CFP® designation has been added to John O’Brien’s Form ADV Part 2B Brochure Supplement.

We have made other editorial changes to correct typographical or grammatical errors, to correct formatting issues, for clarification or for consistency where necessary. We do not consider these changes to be material.

### Future Changes

From time to time, we may amend this Brochure to reflect changes in our business practices, changes in regulations, and routine annual updates as required by the securities regulators. This complete Brochure or a Summary of Material Changes shall be provided to each client annually or if a material change is made.

At any time, you may view the current Firm Brochure online at the SEC’s Investment Adviser Public Disclosure website at <http://adviserinfo.sec.gov>.

To review the firm information for OCM,

- Click Investment Adviser Search in the left navigation menu.
- Select “Firm” search, and enter OCM’s CRD Number 136100 in the search field.
- In the search results, select “More Details” to display our record.
- This will provide access to Form ADV Part 1 and 2 Brochures.

You may also request a Brochure at any time by contacting us at 845-358-4930.

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## Item 4 – Advisory Business

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### A. Firm Information

O'Brien Capital Management, Inc. ("OCM") is a registered investment adviser with the State of New York, and was organized as a corporation in the State of New York in June 2005. Because our assets under management as of December 31, 2020, exceeded \$25 million, we are in the process of transitioning to registration with the SEC. John M. O'Brien, CFP® is the only principal owner.

### B. Advisory Services Offered

#### *Investment Advisory Services*

OCM provides continuous, active management of Client investment portfolios. OCM will emphasize continuous personal client contact and interaction in providing discretionary investment supervisory services. Discretion is limited to purchases and sales of securities. Further, OCM will work with clients to identify their investment goals and objectives as well as risk tolerance in order to create an initial portfolio allocation designed to complement clients' educational, home ownership, and retirement funding goals and objectives. OCM may create a portfolio, consisting of individual stocks or bonds, exchange traded funds, no-load funds and/or load-waived funds (front-end commissions will not be charged), or any other security deemed appropriate by OCM.

Investment strategy will generally focus primarily on a long term buy and hold approach as opposed to short-term trading. Each portfolio will be initially designed to meet a particular investment goal, which OCM has determined to be suitable to the client's circumstances. Once the appropriate portfolio has been determined, OCM will review the portfolio quarterly and if necessary, suggest to the client that rebalancing take place, based upon the client's individual needs, stated goals and objectives.

Accounts are typically managed on a discretionary basis, though non-discretionary services are also available. See Item 16 – Investment Discretion for more information.

#### *Financial Planning Services*

OCM provides comprehensive financial planning and consulting services. Generally, such financial planning services will involve preparing a financial program or rendering a financial consultation for clients based on the client's financial circumstances, objectives, risk tolerance and time horizon. This information normally would cover present and anticipated assets and liabilities, including insurance, savings, investments, and anticipated retirement or other employee benefits.

The program developed for financial consultation rendered to the clients will usually include general recommendations for a course of activity or specific actions to be taken by the clients. For example, recommendations may be made that the clients obtain insurance or revise existing coverage, establish an individual retirement account, increase or decrease funds held in savings accounts or invest funds in securities. OCM may develop tax or estate plans for its clients and recommend professional accountants or attorneys to implement the plan. Clients are under no obligation to engage the services of any such recommended professional. Clients retain absolute discretion over all implementation decisions and are free to accept or reject any recommendation from OCM.

### C. Client Account Management

OCM tailors our advisory services to the individual needs of each client. OCM will work with each client to determine and understand their unique circumstances, including their: financial objectives, risk tolerance, time horizon, liquidity preferences and tax situation.

With these guidelines in place OCM determines an appropriate asset allocation for the client and constructs a portfolio utilizing:

- Individual company stocks
- Stock and bond mutual funds
- Individual fixed income securities (bonds)
- US and international equity (stock)
- Exchange Traded Funds (ETFs)
- Exchange Traded Notes
- Bond ETFs
- Other instruments deemed appropriate.

Each client will have the opportunity to place reasonable restrictions on the types of investments to be held in the portfolio. OCM will not attempt to manage short-term market fluctuations with active trading (market-timing/allocation). However, all portfolios are rebalanced as necessary upon OCM review. More or less frequent rebalancing may be required depending on macro-economic, market or sector factors.

#### **D. Wrap Fee Programs**

OCM does not manage any wrap fee programs.

#### **E. Assets Under Management.**

As of December 31, 2020, OCM manages the following assets:

Discretionary Assets	\$27,651,000
Non-Discretionary Assets	\$0
<b>Total</b>	<b>\$27,651,000</b>

### **Item 5 – Fees and Compensation**

The following paragraphs detail the fee structure and compensation methodology for investment management services. Each client shall sign an Investment Advisory Agreement that details the responsibilities of OCM and the Client.

#### **A. Fees for Advisory Services**

##### *Investment Advisory Services*

Asset-Based Fees – OCM's fee for investment advisory services varies based on the amount of assets managed by OCM. Typically, fees are a fixed percentage of the assets under management. This fee includes all investment recommendations and portfolio implementation, unless the client contract states otherwise. Investment management clients' fees will generally adhere to the following table.

<b>Investment Advisory Assets</b>	<b>Annual Fee</b>
Up to \$150,000	2.00%
\$150,001 and above	1.00%

Securities held in a portfolio managed by OCM will be independently valued by the custodian. OCM will not have the authority or responsibility to value portfolio securities.

OCM, in its sole discretion may waive its stated minimum or charge a lesser management fee based upon certain criteria (i.e., anticipated future earnings capacity, anticipated future additional assets, dollar amount of assets to be managed, related accounts, account composition, pre-existing client, account retention, pro bono activities, etc.).

### *Financial Planning Services*

**Hourly-Based Fees.** OCM may render services on an hourly fee basis. The fee for hourly service is \$250 per hour. Prior to engaging OCM on an hourly basis OCM will provide an estimate of hours necessary to complete a project. Hourly fees are recorded during the project work and the Client will receive an invoice for the fee.

**Flat Fees.** OCM may render services on a flat fee basis. Flat fees will range from \$500 - \$3,000. The fee amount and billing arrangements will be determined in advance and agreed to in writing. The services to be provided will agreed to by contract. The fee will cover all aspects of the project.

## **B. Fee Billing**

### *Asset-Based Fees*

Clients pay a quarterly Account Fee, in advance, based upon the market value of the assets under management as of the last business day of the preceding calendar quarter. The fee is negotiable in certain circumstances. Any such valuation shall not be deemed a guarantee of any kind with respect to the value of those assets. As stated previously, all advisory fees are charged in advance, at the start of each calendar quarter, based upon the fair market value of the assets in the portfolio as of the last business day of the prior quarter. The initial fee will be payable when the account is established, prorated for the first partial quarter, if applicable. Thereafter, the fee will be payable on the first day of each calendar quarter based on the asset value of the account as of the last business day of the prior quarter. Additional deposits to the account are subject to the same fee procedures.

Upon client's written authorization, fees will be automatically deducted from the account. Clients will be provided with a quarterly statement reflecting deduction of the advisory fee. Clients may choose to pay fees separately as well.

### *Hourly-Based Fee*

Clients paying by an hourly fee will be monthly or upon completion of the work as agreed to by contract. Hourly fees are documented during the project work and the client will receive an invoice for the fee. OCM may bill up to 50% of the fee in advance of commencing any project work.

### *Flat Fees*

Once the flat fee for the client is determined, OCM may bill up to 50% of the fee in advance of commencing any project work. The balance of the fee is due upon completion of the work agreed to by contract.

## **C. Other Fees and Expenses**

Clients may incur certain charges imposed by financial institutions or other third parties such as custodial fees, charges imposed directly by a mutual fund or exchange traded fund in the account, which shall be disclosed in the fund's prospectus (i.e., fund management fees) and other fees and taxes on brokerage accounts and securities transactions. Additionally, clients may incur brokerage commissions and transaction fees. Such charges, fees and commissions are exclusive of and in addition to the OCM fee.

## **D. Advance Payments of fees and Termination**

All advisory fees are charged in advance, at the start of each calendar quarter, based upon the fair market value of the assets in the portfolio as of the last business day of the prior quarter.

If a client does not receive a copy of our Brochure at least 48 hours prior to entering into an advisory agreement, the client may terminate the advisory agreement within five business days without penalty. Thereafter, the advisory agreement may be terminated upon written notice. Upon termination, clients will receive, where applicable, a prorated refund of any prepaid advisory fees. Such prorated refund will

be based upon actual services and termination costs incurred up to and at the time of termination of OCM's services.

#### **E. Compensation for Sales of Securities**

OCM does not receive commission or any compensation for transactions in any client account. As a fee-only adviser, OCM is paid only on the advice and investment management provided to clients based on the assets under management in the clients' accounts.

### **Item 6 – Performance-Based Fees and Side-by-Side Management**

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#### *Performance-Based Fees*

OCM does not charge performance-based fees for its investment advisory services. The fees charged by OCM are as described in Item 5 – Fees and Compensation above and are not based upon capital appreciation of the funds or securities held by any Client.

#### *Side-by-Side Management*

OCM does not manage any proprietary investment funds or limited partnerships (for example, a mutual fund or a hedge fund) and has no financial incentive to recommend any particular investment options for its clients.

### **Item 7 – Types of Clients**

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OCM may provide services to a variety of client types. Clients include:

- Individuals, including high net worth individuals, personal trusts, and estates
- Pension and profit-sharing plans – generally organized as a trust, investing the pooled assets of plan participants
- Charitable organizations – non-profit organizations that manage a pool of assets, and distribute funds according to a mandate or mission.
- Corporations – taxable entities organized for a specific business purpose, investing cash reserves

The relative percentage each client type currently represents is available on OCM's Form ADV Part 1. The actual mix of types of Clients changes over time based upon market conditions, business plans and other factors. OCM does not specialize in, or actively seek any given client type. OCM is committed to providing services to qualified investors, regardless of legal or corporate status.

### **Item 8 – Method of Analysis, Investment Strategies, and Risk of Loss**

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#### **A. Methods of Analysis**

Fundamental Analysis – Mainly, OCM uses fundamental analysis in making investment decisions with respect to investments in equities and fixed incomes instruments. Criteria used in fundamental analysis could include economic indicators, current market conditions and other business indicators. These criteria are usually ratios and trends that may indicate the overall strength and financial viability of the entity being analyzed. OCM uses a number of macro-economic factors that include, but are not limited to:

- Inflation trends
- Monetary policy
- Political environment
- Market trends and volatility
- Current economic conditions

Issue specific factors include, but are not limited to:

- Price to earnings ratio
- Cash flow and dividend yield
- Management strength and stability
- Credit rating
- Growth estimates and trends

Other methods of analysis may be employed by OCM as deemed appropriate.

One method of analysis includes modern portfolio theory, which looks at certain criteria to construct portfolios to optimize or maximize expected returns based on a given level of market risk, emphasizing that risk is an inherent part of higher reward.

There are four basic steps involved in portfolio construction:

- Security valuation
- Asset allocation
- Portfolio optimization, the mix of securities in a portfolio
- Performance measurement

## **B. Investment Strategies**

OCM structures portfolios using various methodologies described above. Using our own methods OCM believes that clients will benefit from having a portfolio of holdings invested in a variety of asset classes. To the extent that these asset classes are non-correlated, the portfolio will experience returns with mitigated risks.

At OCM each client's situation is assessed on an individual basis and an appropriate investment program is implemented to meet the specific needs of each client. OCM will not pursue strategies that are speculative in nature.

## **C. Risk of Loss**

Investing in securities involves certain investment risks. Securities may fluctuate in value or lose value. Clients should be prepared to bear the potential risk or loss.

OCM will work with the client in determining an appropriate strategy based on their tolerance for risk and other factors noted above. However, there is no guarantee that a client will meet their investment goals.

Each client engagement will entail a review of the client's investment goals, financial situation, time horizon, risk tolerance and other factors to develop a portfolio strategy for managing a client's account.

Clients are expected to provide full and accurate disclosure of requested information which is essential for the analysis of the client's account. OCM shall rely on the financial and other information provided by clients or their designees without the duty or obligation to validate the accuracy and completeness of the provided information. It is the responsibility of the client to inform OCM of any changes in financial condition, goals or other factors that may affect this analysis.

OCM generally does not employ strategies that involve significant risks other than normal market risks in both domestic and international markets. The risks associated with a particular strategy are provided to the client in advance of investing. Different types of investments involve varying degrees of risk, including the possible loss of principal and that past performance may not be indicative of future results.



Therefore, it should be not be assumed that future performance of any specific investment or investment strategy will be profitable, including the investment strategies undertaken by OCM.

## **Item 9 – Disciplinary Information**

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There are no legal, regulatory or disciplinary events involving OCM or any of its employees.

## **Item 10 – Other Financial Activities and Affiliations**

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OCM does not engage in other financial activities and does not have any affiliations.

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

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### **A. Code of Ethics**

OCM has implemented a Code of Ethics that defines our fiduciary commitment to each client. This code of Ethics applies to all persons associated with OCM. The code of ethics was developed to provide general ethical guidelines and specific instructions regarding our duties to you, our Client. It is the obligation of OCM associates to adhere not only to the specific provisions of the Code but to the general principles that guide the Code. The Code of Ethics covers a range of topics that may include general ethical principles, reporting personal securities trading, Initial Public Offerings and private placements, reporting of ethical violations, distribution of the Code of Ethics, review and enforcement processes, amendments to Form ADV and supervisory procedures.

In addition, as the principal of the firm is also a CERTIFIED FINANCIAL PLANNER™, OCM also adheres to the Code of Ethics and Standards of Conduct adopted by the CFP® Board of Standards, Inc., and accepts the obligation not only to comply with the mandates and requirements of all applicable laws and regulations, but also to take responsibility to act in an ethical and professionally responsible manner in all professional services and activities.

OCM has written its Code of Ethics to meet and exceed regulatory standards. To request a copy of our Code of Ethics please contact us at 845-358-4930.

### **B. Personal Trading and Conflicts of Interest**

Associated persons or their immediate family members shall not buy or sell securities for their personal portfolio(s) where their decisions are derived in whole or in part, by reason of the associated person's employment, unless the information is also available to the investing public on reasonable inquiry.

OCM and/or its representatives may buy or sell for their personal account(s) investment products identical to those recommended to clients. It is the express policy of OCM that neither OCM, nor its representatives 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. Owning the same securities, we recommend (purchase or sell) to you presents a conflict of interest that, as fiduciaries, we must mitigate through policies and procedures.

OCM and its employees generally may not participate in private placements or initial public offerings (IPOs) without the pre-clearance from the firm's Chief Compliance Officer. OCM requires that all individuals must act in accordance with all applicable federal and state regulations governing registered investment.

In accordance with Section 204-A of the Investment Advisers Act of 1940, OCM also maintains and enforces written policies reasonably designed to prevent the misuse of material non-public information (insider trading).

No associated person of OCM shall prefer his or her own interest to that of the advisory client. OCM and its associated persons generally may not purchase and sell securities being considered for, or held by client accounts without pre-clearance of the firm's Chief Compliance Officer. Moreover, investment personnel may be subject to a blackout period from trading in such securities.

OCM requires that all individuals must act in accordance with all applicable federal and state regulations governing registered investment advisory practices. Records will be maintained of all securities bought and sold by OCM, associated persons of OCM, and related entities.

## **Item 12 – Brokerage Practices**

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### **A. Recommendation of Custodian**

Client assets must be maintained in an account with a “qualified custodian,” generally a broker-dealer or a bank. OCM does not have any affiliation with broker-dealers, and OCM does not have discretionary authority to select the broker-dealer/custodian for custodial and execution services. However, we may recommend that clients use a broker-dealer/custodian with which OCM has an established relationship to help facilitate our management of the client's account.

OCM participates in the institutional adviser program offered by TD Ameritrade Institutional, a division of TD Ameritrade, Inc., member FINRA/SIPC (“TD Ameritrade”), an unaffiliated SEC-registered broker-dealer. OCM does not participate in any soft dollar arrangements, and receives no referrals from TD Ameritrade in exchange for clients using TD Ameritrade's services. Furthermore, there is no direct link between OCM's participation in the program and the investment advice it gives to its clients, although OCM receives economic benefits through its participation in the program that are typically not available to TD Ameritrade retail investors. These benefits include products and services, provided without cost or at a discount, such as receipt of duplicate client statements and confirmations; access to a trading desk; 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 investment options with no transaction fees and to certain institutional money managers; and access to compliance, marketing, research, technology, and practice management products or services provided to OCM by third-party vendors.

These products or services may assist OCM in managing and administering client accounts, including accounts not maintained at TD Ameritrade. Other services made available by TD Ameritrade are intended to help OCM manage and further develop its business enterprise. The benefits received by OCM or its personnel through participation in the program do not depend on the amount of brokerage transactions directed to TD Ameritrade. Clients should be aware, however, that the receipt of economic benefits by OCM or its related persons in and of itself creates a potential conflict of interest and may indirectly influence OCM's choice/recommendation of TD Ameritrade for custody and brokerage services.

### **B. Aggregating (Block) Trading for Multiple Client Accounts**

Investment advisers may elect to purchase or sell the same securities for several clients at approximately the same time when they believe such action may prove advantageous to clients. This process is referred to as aggregating orders, batch trading or block trading. Typically, OCM will implement client orders on an individual basis. In its sole discretion, OCM may implement trades on a block or aggregate basis when deemed favorable for best execution, for operational expediency, or to allocate differences in prices or transaction costs equitably among clients. When block trading is used, transactions will be averaged as to price and will be allocated among clients in proportion to the purchase and sale orders placed for

each client account. Accounts owned by OCM or its associated persons may participate in block trades with client accounts; however, they will never be given preferential treatment.

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**Item 13 – Review of Accounts**

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**A. Frequency of Reviews***Investment Advisory Services*

Accounts are monitored on an ongoing basis by OCM for adherence to investment strategy and client objectives. Investment management and supervision over securities contained in the client's portfolio are performed on an ongoing basis by OCM, as applicable.

*Financial Planning Services*

Financial plans are reviewed on an as needed basis. Reviews may be more or less frequent

**B. Causes for Reviews**

In addition to the investment monitoring noted in Item 13.A, each client account shall be reviewed at least quarterly. Reviews may be conducted more or less frequently at the client's request. Accounts may be reviewed as a result of major changes in economic conditions, known changes in the client's financial situation and/or large deposits or withdrawals in the client's account. Clients are encouraged to notify OCM of material changes in the client's financial situation that might adversely affect his/her investment plan.

**C. Review Reports***Investment Advisory Services*

Clients will receive brokerage statements no less than quarterly from the custodian. These reports are sent directly to the client from the custodian and include all positions, transactions and fees relating to the client's account.

*Financial Planning Services*

Financial plans are reviewed and updated at least annually. OCM will provide financial planning clients a report summarizing OCM's recommendations and any action required by the client.

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

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**A. Compensation Received by OCM**

OCM is a fee-only adviser, who in all circumstances is compensated solely by the client. OCM does not receive commissions or other compensation from product sponsors, broker dealers or any unrelated third party.

**C. Client Referrals from Solicitors**

OCM does not presently pay any solicitors to refer business to OCM. OCM may refer clients to various third parties to provide certain financial services necessary to meet the goals of its clients. Likewise, OCM may receive referrals of new clients from a third party. In all cases no compensation is given or received. All referrals are a professional courtesy and in the best interest of the client.

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**Item 15 – Custody**

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OCM does not maintain custody of client assets. All clients must place their assets with a qualified custodian. Clients are required to select their own custodian and the custodian will be required to send account statements detailing holdings, transaction and fees. It is the client's responsibility to review those statements for accuracy.

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**Item 16 – Investment Discretion**

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*Investment Advisory Services*

OCM generally has discretion over an amount of securities to be bought or sold in client accounts without obtaining consent or approval from the client. However, these purchases or sales may be subject to specified investment objectives, guidelines or limitations previously set forth by the Client and agreed to by OCM. Discretionary authority will only be authorized upon full disclosure to the Client. The granting of such power of authority will be evidenced by the Client's execution of an Investment Management Agreement and power of attorney from the custodian containing all applicable limitations to such authority. All discretionary trades made by OCM will be in accordance with each Client's investment objectives and goals.

*Financial Planning Services*

Financial planning services are provided on a non-discretionary basis. At all times, clients are free to choose whether to implement any recommendations made by OCM, and are responsible for executing any transactions necessary to implement such recommendations they so choose. Because OCM does not control the timing or method of execution for transactions initiated by the client, OCM is not responsible for the timing or accuracy of such transactions.

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**Item 17 – Voting Client Securities**

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OCM does not accept proxy voting responsibility for any client. Therefore, although OCM may provide investment advisory services related to client investment assets, OCM clients maintain responsibility for directing the manner in which proxies are solicited by issuers of securities beneficially owned by client and for making all the elections relative to any mergers, acquisitions, tender offers, bankruptcy proceedings to other types of events pertaining to the client's investment assets. The custodian will be notified by the client and OCM to send proxies directly to the client. Clients may call OCM with any questions relating to any proxies.

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**Item 18 – Financial Information**

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Neither OCM nor any of its advisory persons has been subject to a bankruptcy or a financial compromise. OCM is not required to deliver a balance sheet along with this brochure as the firm does not collect fees in advance for services to be performed six months or more in advance. Please see item 5 – Fees and Compensation for additional details.

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**Item 19 – Requirements for the State Registered Advisers**

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OCM has no additional state disclosures to make. OCM believes itself to be fully compliant with all state laws and regulations with respect to the business of OCM.

# Privacy Policy

Effective March 29, 2021

Financial companies choose how they share your personal information. Please read this notice carefully to understand what we do.

Federal law gives you the right to limit the sharing of your personal information only under certain circumstances, such as sharing information with affiliates regarding your creditworthiness, or sharing information with affiliates or third parties for purposes of marketing products with you. OCM does not have any affiliates, and we do not participate in any joint marketing arrangements with third parties.

Federal law also requires us to tell you how we collect, share, and protect your personal information.

The types of personal information we collect and share depend on the service you have with us. This information can include your social security number, date of birth, assets and liabilities, income and net worth, account numbers, and information regarding account balances and transactions. We collect your personal information through applications and questionnaires and through personal interviews with you. We also receive information from third parties, such as your broker-dealer/custodian.

All financial companies need to share the personal information of their clients to provide services to clients. We share information with third parties, such as your broker-dealer/custodian, for various reasons, including to process your transactions and maintain your accounts. We may also share your personal information with nonaffiliated third parties that we use in providing services to you, such as software vendors or website application providers. In such cases, we require strict confidentiality in our agreements with these unaffiliated third parties. Finally, in some cases, we may be required to share your personal information in response to court orders or legal investigations, or reports to credit bureaus.

We may use your personal information to market additional services to you that we believe may be appropriate for your financial situation. However, we do not share your personal information with any third parties for purposes of marketing their products or services to you.

To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured access to our physical office.

If you have any questions or concerns regarding our privacy policies, please contact us at 845- 358-4930 and/or email [john@obriencm.com](mailto:john@obriencm.com).



## **O'Brien Capital Management, Inc.**

### **Form ADV Part 2B – Brochure Supplement**

for

**John M. O'Brien, CFP®**  
**President**

**March 29, 2021**

#### **Item 1 – Cover Page**

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This brochure supplement provides information about the background and qualifications of John M. O'Brien (CRD# 136100) in addition to the information contained in the O'Brien Capital Management, Inc. ("OCM") Brochure. If you have not received a copy of this brochure or if you have any questions about the contents of the OCM Brochure or this supplement please contact us at 845-358-4930.

Additional information about John M. O'Brien is available on the SEC's Investment Adviser Public Disclosure website at <http://adviserinfo.sec.gov> by conducting an Individual search using his CRD Number 1700706.

O'Brien Capital Management, Inc.  
48 Burd Street, Suite 209  
Nyack, NY 10960  
Phone 845-358-4930 | Fax 845-358-4937

## Item 2 – Educational Background and Business Experience

John M. O'Brien, CFP®

Date of Birth: 1966

### Education

- Bachelors of Science in Business Economics – SUNY Oneonta State College (1989)
- College for Financial Planning – Certified Financial Planner TM (1998)

### Business Background

- O'Brien Capital Management, Inc. – 06/2005 to Present -- President, Chief Compliance Officer and Investment Adviser Representative
- Sentinel Investment Management, Inc. – 03/1999 to 06/2005

### Professional Designation

**CFP® - Certified Financial Planner:** The CERTIFIED FINANCIAL PLANNER™, CFP® and federally registered CFP (with flame design) marks (collectively, the “CFP® marks”) are professional certification marks granted in the United States by Certified Financial Planner Board of Standards, Inc. (“CFP Board”).

The CFP® certification is a voluntary certification; no federal or state law or regulation requires financial planners to hold CFP® certification. It is recognized in the United States and a number of other countries for its (1) high standard of professional education; (2) stringent code of conduct and standards of practice; and (3) ethical requirements that govern professional engagements with clients. Currently, more than 83,000 individuals have obtained CFP® certification in the United States.

To attain the right to use the CFP® marks, an individual must satisfactorily fulfill the following requirements:

- **Education** – Complete an advanced college-level course of study addressing the financial planning subject areas that CFP Board’s studies have determined as necessary for the competent and professional delivery of financial planning services, and attain a Bachelor’s Degree from a regionally accredited United States college or university (or its equivalent from a foreign university). CFP Board’s financial planning subject areas include insurance planning and risk management, employee benefits planning, investment planning, income tax planning, retirement planning, and estate planning;
- **Examination** – Pass the comprehensive CFP® Certification Examination. The examination, administered in 10 hours over a two-day period, includes case studies and client scenarios designed to test one’s ability to correctly diagnose financial planning issues and apply one’s knowledge of financial planning to real world circumstances;
- **Experience** – Complete at least three years of full-time financial planning-related experience (or the equivalent, measured as 2,000 hours per year); and
- **Ethics** – Agree to be bound by CFP Board’s *Code of Ethics and Standards of Conduct*, a set of documents outlining the ethical and practice standards for CFP® professionals.

Individuals who become certified must complete the following ongoing education and ethics requirements in order to maintain the right to continue to use the CFP® marks:

- **Continuing Education** – Complete 30 hours of continuing education hours every two years, including two hours on the *Code of Ethics and Standards of Conduct*, to maintain competence and keep up with developments in the financial planning field; and



- **Ethics** – Renew an agreement to be bound by the *Code of Ethics and Standards of Conduct*. The Standards prominently require that CFP® professionals provide financial planning services at a fiduciary standard of care. This means CFP® professionals must provide financial planning services in the best interests of their clients.

CFP® professionals who fail to comply with the above standards and requirements may be subject to CFP Board's enforcement process, which could result in suspension or permanent revocation of their CFP® certification.

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### **Item 3 – Disciplinary Information**

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OCM and its advisory personnel value the trust you place in us. As we advise all clients, we encourage you to perform the requisite due diligence on anyone providing services to you.

**There are no legal or disciplinary events to disclose regarding John M. O'Brien.**

However, we do encourage you to independently view the background of John M. O'Brien on the SEC's Investment Adviser Public Disclosure website at <http://adviserinfo.sec.gov> by conducting an Individual search using his CRD Number 1700706.

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### **Item 4 – Other Business Activities**

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John M. O'Brien does not engage in any other activity for compensation.

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### **Item 5 – Additional Compensation**

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Mr. O'Brien is compensated solely by OCM for the services it provides to clients. Mr. O'Brien does not receive any additional compensation or economic benefit from any unaffiliated person, company or organization in connection with the services provided to clients of OCM.

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### **Item 6 -Supervision**

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Mr. O'Brien serves as the sole investment adviser representative of OCM, as well as performing all operational and administrative functions. Mr. O'Brien's full contact information is included on the cover of this Brochure Supplement.

OCM has implemented a Code of Ethics and internal compliance guidelines to guide employees in meeting their fiduciary obligations to OCM.