

Part 2A of Form ADV: Firm Brochure

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This brochure provides information about the qualifications and business practices of Kutz & Company Inc. If you have any questions about the contents of this brochure, please contact us at (516) 482-1158. 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 Kutz and Company, Inc. also is available on the SEC's website at www.adviserinfo.sec.gov.

MATERIAL CHANGES:

The firm's brochure has been amended to disclose its updated reportable assets under management as of its fiscal year end. We have the following material changes to report since the firm's last annual update on January 14, 2022.

- Item 4 – Ownership changes were made naming Andrew Kutz as the sole owner of the firm and chief compliance officer.
- Item 5 – Fees for asset management services have been updated ranging between 0.67% to 1.00%.

The firm may at any time update this document and either send a copy of its updated brochure or provide a summary of material changes to its brochure and an offer to send a copy of the updated brochure.

As with all firm documents, clients and prospective clients are encouraged to review this brochure in its entirety and are encouraged to ask any questions at any time prior to or throughout the engagement.

TABLE OF CONTENTS

MATERIAL CHANGES:	2
TABLE OF CONTENTS.....	3
ADVISORY BUSINESS	4
FEES AND COMPENSATION	5
PERFORMANCE-BASED FEES AND SIDE-BY-SIDE MANAGEMENT	7
TYPES OF CLIENTS.....	7
METHOD OF ANALYSIS, INVESTMENT STRATEGIES AND RISK OF LOSS.....	8
DISCIPLINARY INFORMATION.....	9
OTHER FINANCIAL INDUSTRY ACTIVITIES AND AFFILIATIONS	9
CODE OF ETHICS, PARTICIPATION OR INTEREST IN CLIENT TRANSACTIONS AND PERSONAL TRADING	9
BROKERAGE PRACTICES.....	10
REVIEW OF ACCOUNTS	11
CLIENT REFERRALS AND OTHER COMPENSATION.....	11
CUSTODY.....	12
INVESTMENT DISCRETION	13
VOTING CLIENT SECURITIES	13
FINANCIAL INFORMATION	13

ADVISORY BUSINESS

Kutz & Company Inc. is an accounting and financial planning firm, which has been in business in its current form since 1995. We offer a full variety of tax and accounting services as well as personal financial planning and asset management services.

The firm was held entirely by brothers Andrew Kutz and Paul Kutz. Andrew holds a BA in Accounting from Hofstra University (1984) and has been a NYS licensed CPA since 1985. Subsequently, in November 2022, Andrew Kutz became the sole owner of the firm and the Chief Compliance Officer.

We provide various levels of comprehensive personal financial planning at a fixed hourly rate of \$275 per hour. Total fees for an engagement therefore depend on the complexity of each case. We also provide discretionary asset management services.

Comprehensive financial planning is provided to clients pursuant to a written agreement and subject to the hourly charges outlined above. In general, the client agrees to complete the relevant questionnaires and provide other relevant information and authorizations. We agree to prepare a written plan, which describes the current situation, identifies needs and opportunities and makes recommendations designed to help the client achieve his or her goals.

Comprehensive financial planning is primarily an analytical process designed to help the client articulate and quantify goals, organize financial data, identify needs and opportunities and evaluate alternative courses of action. It includes an analysis of current net worth, income taxes, cash flow, investments, employee benefits, estate and gift tax planning and risk management.

Attention is directed toward restructuring existing assets to achieve the planning objectives.

While comprehensive financial planning includes investment advice concerning securities, it also includes investment advice with respect to products that may not constitute “securities” such as certificates of deposit, insurance and annuities. It also takes into consideration tax and estate planning issues which may not constitute “investment advice”.

Financial planning services are based upon the information provided to our firm by you the client at the time the plan is presented. It is your responsibility to promptly notify our firm if there is any change in your financial situation or investment objectives so that we may review, evaluate, and possibly revise the previous recommendations and/or service.

Discretionary asset management is provided to clients pursuant to a written agreement at rates of between .67% to 1.00% of the value of assets under management per annum. Under certain circumstances, asset management fees may be negotiable as agreed upon between the advisor and client. Our minimum account size is \$100,000.

Asset management services are designed to offer investment advice and implementation, asset allocation, rebalancing, monitoring, summary reporting, and periodic recommendations through

investments in no load mutual funds, exchange traded funds, fixed income and cash. We do not use load (sales commission) funds, individual issues, limited partnerships, options or non-publicly traded securities in our client accounts. The use of margin is restricted to those accounts where clients specifically request it. Clients are free to place restrictions on the types of securities used in their accounts.

Asset management services are provided based on the analysis and evaluation of Client's completed investment fact finding questionnaire as well as their current and expected income, financial status, other holdings, future spending needs, risk tolerance and tax situation. Based on these findings we will construct and maintain a portfolio comprised of investments selected by us. We will maintain regular communications with the Client in order to determine whether there have been any changes in the Client's circumstances and financial needs. Statements will be provided directly to the Client through the custodian (TD Ameritrade Institutional) on at least a quarterly basis or more frequently if there has been activity in the client account.

Our firm will use its best judgment and good faith effort in rendering its services; however, our firm cannot warrant or guarantee any particular level of account performance, that your account will be profitable over time, or that your financial planning goals will be met. Past performance is not necessarily indicative of future results.

Our firm will not be liable to the client, heirs or assignees for any loss that an account may suffer by reason of an investment decision made or other action taken or omitted in good faith by our firm with the degree of care, skill, prudence and diligence under the circumstances that a prudent person acting in a fiduciary capacity would use; any loss arising from our adherence to your direction of that of your legal agent; or any act or failure to act by a service provider maintaining an account.

Notwithstanding the preceding, nothing within our client agreement is intended to diminish in any way our fiduciary obligation to act in your best interest, or in any way limit or waive your rights under federal or state securities laws.

If we fail to deliver our Firm ADV part 2A to a client at least 48 hours prior to entering into an investment advisory agreement the client may terminate the agreement within 5 days without penalty.

As of December 31, 2022, Kutz & Company Inc. had approximately \$85,748,250 in discretionary assets under management.

FEES AND COMPENSATION

As noted in the previous section, fees for comprehensive financial planning services are charged at our normal hourly rate of \$275 per hour (negotiable). Fees are billed only after service is performed. We generally do not bill any fees in advance.

Fees for asset management services are billed based on a percentage of average monthly assets under management. Rates range between .67% and 1.00% per annum (negotiable). Fees are charged at the end of each quarter for the preceding quarter based on the average of each component month's account value. Again, no fees are billed in advance.

Asset management fees are generally deducted directly from the client's TD Ameritrade Institutional account though the client may make arrangements to have the fees billed to them directly. Either method is acceptable.

Either the firm or you may terminate the service agreement at any time, typically in writing. For investment supervisory clients, our firm will not be responsible for future allocations, transactional services or investment advice upon termination of the agreement. As fees are not billed in advance any prorated fee owed to the firm for the portion of the quarter that the agreement was in effect will be billed upon termination.

Asset management clients bear the additional costs of any mutual fund and exchange traded fund fees. Although we utilize no load funds, clients should be aware that all mutual funds and exchange traded funds have fees that are paid directly to the mutual fund company, to pay for management and marketing. Although these fees simply are netted against the fund's performance, they are a true cost to the buyer. The client will also bear the cost of brokerage fees and transaction costs to buy and sell securities. In addition, clients may occasionally incur redemption fees upon liquidating shares of certain mutual funds, although a conscious effort is made to avoid such fees. A summary of these fees is as follows:

TRADING COMMISSIONS – EQUITIES (MARKET AND LIMIT ORDERS):

Online – U.S. Exchange-Listed Stocks & ETFs \$0.00

Online – OTC Equities \$6.95

Offline – Broker-Assisted \$25

TRADING COMMISSIONS – MUTUAL FUNDS:

No-Transaction-Fee (NTF) Funds No commission

Transaction-Fee Funds

Online \$31

Offline — Broker Assisted \$45

Omnibus Pricing (Transaction-Fee Funds

and NTF) \$25 Omnibus pricing

Load Funds See prospectus Fee imposed by fund company.

MISCELLANEOUS TRADING FEES:

Trade Away \$25 Fee applies to trade executions in, or allocated to, client accounts..

Step Outs \$25 Fee applies to trade executions in, or allocated to, client accounts.

Prime Brokerage \$25 Fee applies to trade executions in, or allocated to, client accounts.

Delivery vs Payment (DVP)^{††} \$0.03 per share Only applies for Delivery vs Payment accounts.

SHORT-TERM REDEMPTION FEE – MUTUAL FUNDS:

Shares held 90 days or less \$49.99

Assessed on no-transaction-fee (NTF) funds (except ProFunds and Rydex) and load-waived A shares held 90 days or less. This fee is in addition to any fund-imposed fees in accordance with that fund's prospectus.

FIXED-INCOME COMMISSION SCHEDULE:

Treasuries at Auction No Charge

UITs \$35 Flat fee regardless of size.

Note: Transactions on most fixed income securities not mentioned above are done on a principal basis. There will be a markup

(on a purchase) or a markdown (on a sale) on each transaction, which will be included in the price and yield quoted on the bond.

The client should be aware that aside from the hourly and management fees described above, Kutz and Company Inc. receives NO commission or transactional based fees based on the sales of financial products nor does the firm receive any part of any 12 b 1 fees levied by any recommended funds.

RETIREMENT ROLLOVER CONFLICTS OF INTEREST

When we provide investment advice to you regarding your retirement plan account or individual retirement account, we are fiduciaries within the meaning of Title I of the Employee Retirement Income Security Act and/or the Internal Revenue Code, as applicable, which are laws governing retirement accounts. The way we make money creates some conflicts of interest with your interests, so we operate under a special rule that requires us to act in your best interest and not put our interests ahead of yours.

PERFORMANCE-BASED FEES AND SIDE-BY-SIDE MANAGEMENT

Our fees are not based upon a share of capital gains or capital appreciation of any portion of managed funds ("performance – based fees"). We do not use a performance-based fee structure because of the conflict of interest this type of fee structure poses.

Our fees are not based on side-by-side management, which refers to a firm simultaneously managing accounts that do pay performance-based fees and those that do not also because of the conflict of interest this type of fee structure poses.

TYPES OF CLIENTS

Our planning and asset management services are provided primarily to individuals of the general public, professional persons and individual executives, trusts and high net worth individuals. In

general, the vast majority of our planning clients come from our existing tax and accounting practice and are individuals with whom we have longstanding relationships.

Our ability to provide the best service possible depends on access to information. Accordingly, our clients are expected to provide us with an adequate level of information and supporting documentation throughout the term of the arrangement. This helps us determine the appropriateness of our financial planning or investment strategy for the client or account.

We reserve the right to waive or reduce certain fees based on individual circumstances or pre-existing relationships. We also reserve the right to decline services to any prospective client for any non-discriminatory reason. Our minimum account size is generally \$100,000 but lower amounts may be acceptable upon mutual agreement between our firm and the client.

METHOD OF ANALYSIS, INVESTMENT STRATEGIES AND RISK OF LOSS

While we do not evaluate individual securities, we do keep abreast of general business conditions and changes in the law, taxation and various investment and insurance products. To this end, we review general business publications, tax services, technical journals and other materials relevant to the services provided. We also utilize several mutual fund and exchange traded fund screening and ranking services.

Selection of an investment strategy is based on the unique resources, objectives and risk tolerance of each individual client. We not employ a particular method of analysis or investment strategy. Rather, investment strategy is developed on a case-by-case basis. We work with each customer to determine his/her risk profile and investment needs and objectives. With that information, we recommend the particular investments that best match the customer's requirements.

Although we generally utilize well diversified mutual funds and exchange traded funds the client should be aware that each and every investment is subject to risk including the risk of loss of principal invested. Any investment strategy involves a risk that the customer may lose part of his/her investment, and that loss could be substantial. Certain categories of investments have historically been viewed as having less risk than others, but recent history has shown that many of those asset classes lost substantial value as well. For example, so called "blue chip" stocks, bonds and bond funds, and similar investments that had been viewed as relatively conservative proved not to be so. "Guaranteed" investments, like fixed annuities, are deemed "safe," but in reality, are only as safe as the financial strength of the insurance company issuing the policy. Even U.S. Treasuries may go up and down in market value and are only "guaranteed" against loss if the customer is willing and able to hold the instrument until maturity. Clients should always be aware that investment returns on accounts will vary and there is no guarantee of positive results or protection against loss.

Clients should carefully read a copy of the current prospectus for each selected security which will be provided by the custodian TD Ameritrade.

DISCIPLINARY INFORMATION

This section is not applicable.

OTHER FINANCIAL INDUSTRY ACTIVITIES AND AFFILIATIONS

We are very active in a wide variety of professional organizations. These organizations provide continuing education and an exchange of planning techniques. The following list does not however constitute an endorsement by those associations.

- Financial Planning Association
- Institute of Certified Financial Planners
- NYS Society of Certified Public Accountants

Clients should note that the firm is also in the business of providing tax and accounting services to the general public and that a separate fee is charged for accounting and tax services. Since a separate fee is charged a potential conflict of interest exists to recommend the firm's tax or accounting services based on the incentive rather than on client need. Clients are not required to use the firm's accounting or tax advisory services.

Additionally, our associates may be licensed insurance agents and may recommend the sale of insurance products to the firm's clients. They may receive commissions that are separate from the advisory fees described in Item, 5 above, which give them a financial incentive to recommend and sell insurance products. Clients are not required to act on this recommendation and can purchase insurance products through any licensed insurance agent.

CODE OF ETHICS, PARTICIPATION OR INTEREST IN CLIENT TRANSACTIONS AND PERSONAL TRADING

Whenever our firm, any associated person or any family member would receive economic benefit from the transactions of clients, whether or not recommended in our plan, a "conflict of interest" exists. In all such cases we advise our clients of the circumstances, that commissions could be received and emphasize their freedom to do business elsewhere. That being said, Kutz & Company, Inc. or its principals do not receive any share of commissions on sales of securities or insurance products.

Our Code of Ethics establishes ideals for ethical conduct upon fundamental principles of openness, integrity, honesty and trust. We will provide a copy to any client or prospective client free of charge on request. Please call us at 516-482-1158 if you would like a copy of our Code of Ethics.

Our Code of Ethics covers all supervised persons and it describes our high standard of business and fiduciary duty to our clients. The Code of Ethics includes provisions relating to the 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 of our supervised persons must acknowledge the terms of the Code of Ethics annually or as amended.

Our approach to personal financial planning and investment management is to obtain from you significant financial and other information including your attitudes, goals and objectives; to analyze the information obtained in order to develop alternatives for your consideration; to educate you about the implications of selecting a particular alternative; to implement the alternative selected by you; and to periodically update the plan adopted. It is our goal to become your chief financial adviser and to coordinate the efforts of your other advisers in your best interests.

As an investment advisor, we understand the high level of fiduciary responsibility demanded by the industry, its regulators and our clients, and we accept that responsibility. We strive to gather information about you in an objective manner and to develop your plan putting your interests ahead of our own.

We do not have a material interest in any of the securities or companies in which we invest our Client's funds. Please note that principals of Kutz & Company may have an interest in Client transactions insofar as they may personally invest in the same securities recommended to Advisory Clients. These transactions involve a conflict of interest as we may benefit from an increase in price from subsequent purchases by Advisory Clients. To address this conflict of interest, Kutz & Company will adhere to the following procedures regarding their personal trading:

- (1) Client transactions will always be placed ahead of those for Kutz & Company and its principals;
- (2) Kutz & Company will only recommend investments that are widely traded;
- (3) Neither Advisory Clients nor firm principals will have enough funds invested in any given security to move the market in that particular security.

BROKERAGE PRACTICES

We participate in the TD Ameritrade Institutional program. TD Ameritrade Institutional is a division of TD Ameritrade, Inc. ("TD Ameritrade"), member FINRA/SIPC/NFA. TD Ameritrade is an independent [and unaffiliated] SEC-registered broker-dealer. TD Ameritrade offers to independent investment Advisors services which include custody of securities, trade execution, clearance and settlement of transactions. We receive some benefits from TD

Ameritrade through its participation in the program. (Please see the disclosure under “Client Referrals” below.)

Kutz & Company Inc. custodies client accounts with TD Ameritrade Institutional, a leading national provider of retail and institutional trading and custodial services. As noted above, our firm receives no hard dollar benefits for using TD Ameritrade in this capacity. We do occasionally receive “soft dollar benefits” in the form of reduced prices for research tools, publications and the like.

Kutz & Company Inc. will rely on TD Ameritrade Institutional for the execution of transactions and will not direct trades to specific brokers. As such, Clients may not receive the lowest price possible if they were to have their trades directed to specific brokers. Furthermore, client trades are not aggregated on a block basis which may result in slightly higher commissions per trade.

Our firm will initiate the steps necessary, upon receipt of investment funds, to open the client’s account and to initiate securities transactions. The custodian, TD Ameritrade Institutional (not our firm), will maintain physical custody of all funds and securities. The client will make all checks for funds to be invested payable to the custodian, not to Kutz and Company, Inc.

The client will receive statements at least quarterly (or more often when there is account activity) and trade confirmations directly from the custodian. Performance and other analytical reports will be received from our firm on a quarterly basis. Although we make every attempt to verify the accuracy of the reports provided and reconcile them to the statements provided by the custodian, the client should check their accuracy as well.

REVIEW OF ACCOUNTS

All client accounts are reviewed by Chaim Deutsch, our firm’s investment adviser representative. Written performance reporting is provided thereon on a quarterly basis. Accounts are also reviewed to verify transaction reporting transfer to our portfolio management software and to effect periodic rebalancing to bring accounts back to their target asset allocations.

If the client is also a financial planning client, written financial plans are provided upon completion of the engagement and as the plan is updates, generally upon client request.

CLIENT REFERRALS AND OTHER COMPENSATION

Although client referrals are always appreciated, our firm does not compensate individuals for making such referrals nor do we receive any compensation for referring clients to other professionals.

As noted above under “Brokerage Practices”, Kutz & Company Inc. participates in TD Ameritrade’s institutional customer program and we may recommend TD Ameritrade to Clients for custody and brokerage services. There is no direct link between our participation in the

program and the investment advice it give to our Clients, although we receive economic benefits through its participation in the program that are typically not available to TD Ameritrade retail investors. These benefits include the following products and services (provided without cost or at a discount): receipt of duplicate Client statements and confirmations; research related products and tools; consulting services; access to a trading desk serving our participants; access to block trading (which provides the ability to aggregate securities transactions for execution and then allocate the appropriate shares to Client accounts); the ability to have advisory fees deducted directly from Client accounts; access to an electronic communications network for Client order entry and account information; access to mutual funds with no transaction fees and to certain institutional money managers; and discounts on compliance, marketing, research, technology, and practice management products or services provided to us by third party vendors. TD Ameritrade may also have paid for business consulting and professional services received by our related persons. Some of the products and services made available by TD Ameritrade through the program may benefit us but may not benefit its Client accounts. These products or services may assist us in managing and administering Client accounts, including accounts not maintained at TD Ameritrade. Other services made available by TD Ameritrade are intended to help us manage and further develop our business enterprise. The benefits received by us or our personnel through participation in the program do not depend on the amount of brokerage transactions directed to TD Ameritrade. As part of its fiduciary duties 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 us or our related persons in and of itself creates a potential conflict of interest and may indirectly influence our choice of TD Ameritrade for custody and brokerage services.

CUSTODY

As described above, client accounts are held at TD Ameritrade Institutional (the Custodian). The custodian will provide the client statements directly at least on a quarterly basis, or more often if there is activity in the account. You as the client should always carefully review the statements you receive. We also urge you to compare the statements you receive from our firm (quarterly) to those received from the custodian to verify their accuracy.

As noted, we do not take possession of client securities. However, you will be asked to authorize us with the ability to withdraw our management fee directly from your account. You may terminate this ability at any time. Fees are paid on a quarterly basis either directly from the Client account or by check directly to our firm from the Client. Invoices are provided to both the Client and the Custodian in the event the fee is paid directly from the account. A full fee calculation detailing the amount paid, the period covered, the balance on which it was based and how it was calculated accompanies all client invoices and fee payment notifications.

INVESTMENT DISCRETION

Our firm generally manages our client accounts with full trading discretion. The limited power of attorney, supplied by the Custodian and also stated in your asset management agreement, allows us to trade securities in client accounts without prior authorization in order to meet account objectives and withdraw our fee directly from client accounts. We are not in any case permitted to withdraw client funds for our own benefit, except for payment of our fee under the arrangement described earlier. The client may request that fees be paid directly to our firm by them, rather than having the fees directly deducted from the account.

Our firm also has discretion over which broker dealer we use to execute trades.

VOTING CLIENT SECURITIES

We do not vote client securities on their behalf. Clients will receive their proxies or other solicitations directly from their custodian. They are then free to contact us with questions about a particular solicitation.

FINANCIAL INFORMATION

As we do not require prepayment of client fees this section is not applicable.
