

# KEVIN M. GIBNEY AND COMPANY, LLC

Form CRS – March 27, 2025

## **Item 1. Introduction**

We are registered with the Securities and Exchange Commission (SEC) as an investment adviser. Brokerage and investment advisory services and fees differ, and it is important for you to understand these differences. Free and simple tools are available to research firms and financial professionals at [Investor.gov/CRS](https://www.investor.gov/CRS), which also provides educational materials about broker-dealers, investment advisers, and investing.

## **Item 2. Relationships and Services** *What investment services and advice can you provide me?*

We provide investment advisory services to retail investors with our principal service being investment management. We use a strategic asset allocation program that chooses from among a range of investment management products and strategies based on a profile questionnaire you complete and our discussions with you. We will then use this information to develop a strategic asset allocation program. In addition to this principal service, we may also provide ongoing financial planning/counseling services that incorporates tax planning, cash flow planning, retirement planning, risk management, asset protection and estate and wealth transfer strategies.

As part of our principal service, we monitor the investments in our client accounts on an ongoing basis, and we review our client accounts at least quarterly. Financial planning/counseling service accounts are reviewed on an “as needed” basis. We encourage you to meet with us at least annually to review your accounts and financial situation.

Our investment management service can be provided on a discretionary basis (where we are able to carry out our recommendations without specific approval from you each time) or non-discretionary basis (where we need to secure your specific approval for each recommendation we make). Our client contract would grant us discretionary authority. For non-discretionary services, you make the ultimate decision regarding the purchase or sale of investments.

Our advice is typically limited to various equity securities (such as exchange-listed and securities traded over-the-counter), investment company securities (such as mutual fund shares), third party investment managers (also known as separately managed accounts), United States government securities, and options contracts on securities but we may provide advice with respect to other investment opportunities in response to your request or where we determine that it would be in your interests to pursue those other investment opportunities.

While we do not impose any minimum for our investment management services, we do impose a minimum fee of \$2,500 for our financial planning/counseling services for clients who only engage us for such services. Also note that we reserve the right to deviate from these fees based on criteria further described in our Form ADV.

*For additional information, please see Form ADV, Part 2A (Items 4 and 7).*

## **CONVERSATION STARTER: Ask your financial professional:**

- *Given my financial situation, should I choose an investment advisory service? Why or why not?*
- *How will you choose investments to recommend to me?*
- *What is your relevant experience, including your licenses, education, and other qualifications? What do these qualifications mean?*

## **Item 3. Fees, Costs, Conflicts, and Standard of Conduct** *What fees will I pay?*

Our investment management fee is based on the assets we manage for you, is charged quarterly in arrears and will generally be equal to 1.00% of the assets under our management. If you have multiple accounts with us, we may combine those accounts for determining the total amount of assets against which our fee will be based. Because our fee is based on the assets we manage for you, the more assets there are in your account, the more you will pay in fees, and therefore we may have an incentive to encourage you to either increase or not decrease the assets in your account.

In addition to fees paid to us, your account will incur charges imposed by third parties including the custodian of your account, the broker-dealer executing transactions for your account, and fees and expenses that are imposed by investment management products and strategies. For example, if your assets are invested in a mutual fund, that mutual fund manager may impose fees and charges on your account. Another example might be if your assets are allocated to another investment manager, that investment manager will impose their fee and charges on your account. These vary by fund or investment manager and we encourage you to review the fund prospectus for specific fund expenses or the fee information for specific investment managers to which your assets are allocated.

In general, we do not receive any compensation from investment products used for your asset allocation. However, certain of our personnel are licensed insurance agents and may receive a commission if you purchase insurance products

from or through them. This is a conflict of interest to the extent we or they recommend a transaction when any of our personnel would receive a commission as a result of our recommendation.

Our fees for our financial planning/consulting services vary but are payable in advance or arrears and fixed generally between \$2,500.00 to \$250,000.00 based on a budgeted number of hours determined by us and you. If you also hire us for investment management services, we may determine to offset all or any portion of our fees for services based on the amount paid for financial planning/consulting services.

You will pay fees and costs whether you make or lose money on your investments. Fees and costs will reduce any amount of money you make on your investments over time. Please make sure you understand what fees and costs you are paying.

*For additional information, please see our Form ADV, Part 2A (Item 5).*

**CONVERSATION STARTER: Ask your financial professional:**

- *Help me understand how these fees and costs might affect my investments. If I give you \$10,000 to invest, how much will go to fees and costs, and how much will be invested for me?*

***What are your legal obligations to me when acting as my investment adviser? How else does your firm make money and what conflicts of interest do you have?***

When we act as your investment adviser, we have to act in your best interest and not put our interest ahead of yours. At the same time the way we make money creates some conflicts with your interests. You should understand and ask us about these conflicts because they can affect the investment advice we provide you. Here are some examples to help you understand that this means. When we recommend a party to provide custody and brokerage services to your account, we may take into account the availability of products or services available from that party and not solely the cost of that party. We may also use any products or services for all of our clients which may benefit us, so this is a conflict that arises out of us providing our services to you. Another example is how some of our personnel have their insurance license and may be entitled to receive a commission from the sale of insurance or annuity products that we or they recommend to you, so this is another conflict that raises out of us providing our services to you. Another example is that we may recommend that you rollover assets in a former employer sponsored retirement account into an account that we manage in order to increase your total assets under our management which will increase our fee.

**CONVERSATION STARTER: Ask your financial professional:**

- *How might your conflicts of interest affect me, and how will you address them?*

*For additional information, please see our Form ADV, Part 2A (Item 12, Item 14).*

***How do your financial professionals make money?***

Our employees' annual compensation may include a salary, bonus, and retirement plan contribution.

**Item 4. Disciplinary History *Do you or your financial professionals have legal or disciplinary history?***

No. Visit Investor.gov/CRS for a free and simple search tool to research us and our financial professionals.

**CONVERSATION STARTER: Ask your financial professional:**

- *As a financial professional, do you have any disciplinary history? For what type of conduct?*

**Item 5. Additional Information**

For additional information about our services visit our website [www.gibneywealth.com](http://www.gibneywealth.com). If you would like additional, up-to-date information or a copy of this disclosure, please call us at (908) 970-9800.

**CONVERSATION STARTER: Ask your financial professional:**

- *Who is my primary contact person? Is he or she a representative of an investment adviser or a broker-dealer? Who can I talk to if I have concerns about how this person is treating me?*