

## Item 1: Cover Page



### Kindness Financial Planning LLC

Mailing Address:  
2858 University Avenue, #326  
Madison, Wisconsin 53705

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

(206) 651-5097

[www.kindnessfp.com](http://www.kindnessfp.com)

April 24, 2024

This Brochure provides information about the qualifications and business practices of Kindness Financial Planning LLC, “KFP”. If you have any questions about the contents of this Brochure, please contact us at (206) 651-5097 or [elliott@kindnessfp.com](mailto:elliott@kindnessfp.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.

Kindness Financial Planning LLC is registered as an Investment Adviser with the States of Wisconsin and Washington. Registration of an Investment Adviser does not imply any level of skill or training.

Additional information about KFP is available on the SEC’s website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov), which can be found using the firm’s identification number, 316923.

## Item 2: Material Changes

We will promptly update this Firm Brochure when material changes occur. Material changes will be summarized in this section.

We initially provide you with a copy of our Firm 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 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 January 12, 2024, we have made the following material changes.

- **Item 15, Custody.** We have updated this section to provide additional information regarding our policies for directly debiting fees from client accounts, and for the use of standing letters of authorization for first-party and third-party transfers of assets. Although we do not have physical custody of your funds or securities, when we engage in these practices, we are deemed to have constructive custody over your funds and securities. Therefore, we need to take additional steps to safeguard your assets. Please see Item 15 for additional details.

We have made other minor changes that we do not deem to be material, such as editorial changes to correct typographical or grammatical errors, to correct formatting, or to provide consistency or clarifications.

You may request a current copy of our Firm Brochure at any time without charge by contacting us at (206) 651-5097 or [elliott@kindnessfp.com](mailto:elliott@kindnessfp.com). You may also obtain a copy of our current Disclosure Brochure at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov) by searching the firm's identification number, 316923.

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## Item 4: Advisory Business

### **Description of Advisory Firm**

Kindness Financial Planning LLC (hereinafter referred to as “KFP”, “we”, “firm”, and “us”) was founded in September 2021, and is registered as an Investment Adviser with the State of Wisconsin (September 2021) and the State of Washington (January 2022). Elliott M. Appel is the principal owner of KFP.

### **Types of Advisory Services**

#### **Investment Management Services**

We are in the business of managing individually tailored investment portfolios. Our firm provides continuous advice to a Client regarding the investment of Client funds based on the individual needs of the Client. Through personal discussions in which goals and objectives based on a Client's particular circumstances are established, we develop a Client's personal investment policy or an investment plan with an asset allocation target and create and manage a portfolio based on that policy and allocation targets. We will also review and discuss a Client's prior investment history, as well as family composition and background.

Account supervision is guided by the stated objectives of the Client (e.g., maximum capital appreciation, growth, income, or growth, and income), as well as tax considerations. Clients may impose reasonable restrictions on investing in certain securities, types of securities, or industry sectors. Please see Item 8 below for information on the types of investment products used in client portfolios.

Our Investment Management Services are provided on a discretionary basis. This means that we are not required to provide advance notice or seek Client's consent before making any changes to Client's portfolio.

#### **Ongoing Comprehensive Financial Planning**

Our Investment Management Services include Ongoing Comprehensive Financial Planning. This service involves working one-on-one with a planner over an extended period of time. Clients get to work with a planner who will work with them to develop and implement their plan. The planner will monitor the plan, recommend any changes and ensure the plan is up to date.

Upon engaging us for ongoing financial planning, a Client will be taken through establishing their goals and values around money. They will be required to provide information to help complete the following areas of analysis: net worth, cash flow, insurance, credit scores/reports, employee benefit, retirement planning, insurance, investments, college planning, and estate planning. Once the Client's information is reviewed, their plan will be built and analyzed, and then the findings, analysis and potential changes to their current situation will be reviewed with the Client. Clients subscribing to this service will receive a written or an electronic report, providing the Client with a detailed financial plan designed to achieve his or her stated financial goals and objectives. If a follow-up meeting is required, we will meet at the Client's convenience. The plan and the Client's financial situation and goals will be monitored throughout the year and follow-up phone calls and emails will be made to the Client to confirm that any agreed upon action steps have been carried out. On an annual basis, there will be a full review of this

plan to ensure its accuracy and ongoing appropriateness. Any needed updates will be implemented at that time.

### **Hourly Financial Planning Services**

Financial planning involves an evaluation of a Client's current and future financial state by using currently known variables to predict future cash flows, asset values, and withdrawal plans. The key defining aspect of financial planning is that through the financial planning process, all questions, information, and analysis will be considered as they affect and are affected by the entire financial and life situation of the Client. The Client and advisor will work together to select specific areas to cover. These areas may include, but are not limited to, the following:

**Business Planning:** We provide consulting services for Clients who currently operate their own business, are considering starting a business, or are planning for an exit from their current business. Under this type of engagement, we work with you to assess your current situation, identify your objectives, and develop a plan aimed at achieving your goals.

**Cash Flow and Debt Management:** We will conduct a review of your income and expenses to determine your current surplus or deficit along with advice on prioritizing how any surplus should be used or how to reduce expenses if they exceed your income. Advice may also be provided on which debts to pay off first based on factors such as the interest rate of the debt and any income tax ramifications. We may also recommend what we believe to be an appropriate cash reserve that should be considered for emergencies and other financial goals, along with a review of accounts (such as money market funds) for such reserves, plus strategies to save desired amounts.

**College Savings:** Includes projecting the amount that will be needed to achieve college or other post-secondary education funding goals, along with advice on ways for you to save the desired amount. Recommendations as to savings strategies are included, and, if needed, we will review your financial picture as it relates to eligibility for financial aid or the best way to contribute to grandchildren (if appropriate).

**Employee Benefits Optimization:** We will provide review and analysis as to whether you, as an employee, are taking the maximum advantage possible of your employee benefits. If you are a business owner, we will consider and/or recommend the various benefit programs that can be structured to meet both business and personal retirement goals.

**Estate Planning:** This usually includes an analysis of your exposure to estate taxes and your current estate plan, which may include whether you have a will, powers of attorney, trusts, and other related documents. Our advice also typically includes ways for you to minimize or avoid future estate taxes by implementing appropriate estate planning strategies such as the use of applicable trusts. We always recommend that you consult with a qualified attorney when you initiate, update, or complete estate planning activities. If you wish to hire an attorney for such purposes, we may be able to provide you with contact information for attorneys who specialize in estate planning, based on our knowledge or research of the credentials of such attorneys. When we provide contact information, we do so only as a convenience to you, and it should not be viewed as a recommendation or endorsement. You are encouraged to perform your own due diligence when hiring professionals. We do not receive referral fees for providing contact

information. From time-to-time, we will participate in meetings or phone calls between you and your attorney with your approval or request.

**Financial Goals:** We will help Clients identify financial goals and develop a plan to reach them. We will identify what you plan to accomplish, what resources you will need to make it happen, how much time you will need to reach the goal, and how much you should budget for your goal.

**Insurance:** Review of existing policies to ensure proper coverage for life, health, disability, long-term care, liability, home, and automobile.

**Investment Analysis:** This may involve developing an asset allocation strategy to meet Clients' financial goals and risk tolerance, providing information on investment vehicles and strategies, reviewing employee stock options, as well as assisting you in establishing your own investment account at a selected broker/dealer or custodian. The strategies and types of investments we may recommend are further discussed in Item 8 of this brochure.

**Retirement Planning:** Our retirement planning services typically include projections of your likelihood of achieving your financial goals, typically focusing on financial independence as the primary objective. For situations where projections show less than the desired results, we may make recommendations, including those that may impact the original projections by adjusting certain variables (e.g., working longer, saving more, spending less, taking more risk with investments).

If you are near retirement or already retired, advice may be given on appropriate distribution strategies to minimize the likelihood of running out of money or having to adversely alter spending during your retirement years

**Risk Management:** A risk management review includes an analysis of your exposure to major risks that could have a significant adverse impact on your financial picture, such as premature death, disability, property and casualty losses, or the need for long-term care planning. Advice may be provided on ways to minimize such risks and about weighing the costs of purchasing insurance versus the benefits of doing so and, likewise, the potential cost of not purchasing insurance ("self-insuring").

**Tax Planning Strategies:** Advice may include ways to minimize current and future income taxes as a part of your overall financial planning picture. For example, we may make recommendations on which type of account(s) or specific investments should be owned based in part on their "tax efficiency," with the consideration that there is always a possibility of future changes to federal, state or local tax laws and rates that may impact your situation.

We recommend that you consult with a qualified tax professional before initiating any tax planning strategy. If you wish to hire a tax professional, we may be able to provide you with contact information for tax professionals based on our knowledge or research of the credentials of such tax professionals. When we provide contact information, we do so only as a convenience to you, and it should not be viewed as a recommendation or endorsement. You are encouraged to perform your own due diligence when hiring professionals. We do not receive referral fees for providing contact information. We will participate in meetings or phone calls between you and your tax professional with your approval.

Hourly Financial Planning Services are offered on a non-discretionary basis, which means that you are free to choose whether to implement any of our recommendations. We do not provide any ongoing monitoring of your investments. You have the option to purchase investments or insurance products that we may recommend through other brokers or agents that are not affiliated with KFP or its investment adviser representatives.

**Client Tailored Services and Client Imposed Restrictions**

We consult with clients initially and on an ongoing basis, through the duration of their engagement with us, to determine risk tolerance, time horizon and other factors that may impact the clients’ investment and/or planning needs. We ensure that clients’ investment and planning recommendations are suitable for their needs, goals, objectives, and risk tolerance.

Clients are able to specify, within reason, any limitations they would like to place on discretionary authority as it pertains to individual securities and/or sectors that will be traded in their account. All such requests must be provided to KFP in writing. KFP will notify Clients if they are unable to accommodate any requests.

**Wrap Fee Programs**

We do not participate in wrap fee programs.

**Assets Under Management**

As of December 31, 2023, KFP provided discretionary investment management on \$16,319,611 of assets under management, and non-discretionary investment management on \$0 of assets under management.

**Item 5: Fees and Compensation**

Please note, unless a Client has received this brochure at least 48 hours prior to signing an investment advisory and/or a Financial Planning Agreement (collectively, “Client Contract”), the Client Contract may be terminated by the Client within five (5) business days of signing the Client Contract without incurring any fees and without penalty. How we are paid depends on the type of advisory services we perform. Below is a brief description of our fees, however, you should review your executed Client Contract for more detailed information regarding the exact fees you will be paying.

**Investment Management**

Our standard advisory fee is based on the market value of the assets under management and is calculated as follows:

<b>Account Value</b>	<b>Annual Advisory Fee</b>
<b>\$0 - \$1,000,000</b>	1.00%
<b>\$1,000,001 - \$3,000,000</b>	0.75%
<b>\$3,000,001 - \$5,000,000</b>	0.50%
<b>\$5,000,001 and above</b>	0.35%



Client portfolios will typically hold investment options that are regularly traded on an open exchange with an observable market value, which is used to calculate the advisory fee. The account custodian provides the valuation of these securities. In the rare event that a Client portfolio includes a holding which does not have an observable market value, KFP will use accepted industry methods for determining a fair market value for such holding. If a Client disputes our fair market valuation analysis, the Client may provide KFP with additional information to substantiate a different fair market value.

Client's accounts may be aggregated in a "household" for purposes of determining the fee breakpoints outlined in the table above. A household includes the accounts of the Client and Client's spouse or partner, minor children, or adult children residing in the same residence as Client. A household also includes accounts in which any of the above-described persons have control, are a beneficiary, or otherwise have beneficial ownership.

Because KFP provides discretionary investment management, the advisory fees are calculated on all assets held in Client's account, including cash. If Client wishes to hold assets not under KFP's management, such assets should be held in a separate account.

The annual fees are prorated and paid in arrears on a quarterly basis. Fees are not negotiable. KFP may however, at their discretion, reduce or amend its fees for employees of the firm or their friends and family. The advisory fee is a blended fee based on the average daily balance over the previous quarter and is calculated by assessing the percentage rates using the predefined levels of assets as shown in the above chart resulting in a combined weighted fee. For example, an account valued at \$2,000,000 would pay an effective fee of 0.875% with the annual fee of \$17,500.00. The quarterly fee is determined by the following calculation:  $((\$1,000,000 \times 1.00\%) + (\$1,000,000 \times 0.75\%)) \div 4 = \$4,375$ . No increase in the annual fee shall be effective without prior client written consent.

Each time KFP charges an advisory fee, we will provide an invoice to the client that contains the fee(s), the formula used to calculate the fee(s), the fee calculation itself, the time period covered by the fee(s) and if applicable, the amount of assets under management the fee is based on and the name of the custodian(s). KFP does not charge performance-based fees.

Advisory fees are directly debited from Client accounts. Accounts initiated or terminated during a calendar quarter will be charged a prorated fee based upon the number of days the account was open during the billing period. Client may terminate Investment Management services by providing written notice to KFP. KFP will calculate and deduct the final prorated fee from the Client's account promptly after receiving notice of termination. Since fees are paid in arrears, no refund will be needed upon termination of the account.

Ongoing financial planning will be included without an additional fee for clients utilizing our investment management services.

### **Financial Planning Services**

Financial Planning Services are offered on an hourly basis at a rate of rate of \$380 per hour, billed in 15-minute increments. Fees are not negotiable; however, KFP reserves the right, in its sole discretion, to waive or offer discounted fees under certain circumstances. KFP will provide Client with an invoice upon completion of the initial financial plan. KFP will provide follow-up services for a period of one month after the delivery of the initial financial plan. Upon expiration of the one-month period, the

services will automatically terminate, and Client will be invoiced for any additional services provided during the follow-up period. All fees are due within 14 calendar days of receipt of invoice. Invoices not paid by the due date will accrue interest at the rate of 1% per month. In the event of early termination by the Client, any fees for the hours already worked will be due. Fees for this service may be paid by electronic funds transfer using a third-party payment processor's secure portal through which Client can securely input banking information. An incomplete analysis may be inaccurate and misleading; therefore, KFP will generally not supply any work product to Client in the event of early termination.

Legacy Clients who received Hourly Financial Planning Services at \$300 an hour can, under KFP's discretion, receive hourly services at \$380 an hour through December 31, 2024 if they sign a new client agreement. After January 1, 2025, if legacy Clients wish to receive financial planning services, they will need to enter into a new engagement with KFP and are subject to a one-month follow-up service window.

Hourly Financial Planning Services are offered on a non-discretionary basis, which means that you are free to choose whether to implement any of our recommendations. We do not provide any ongoing monitoring of your investments. You have the option to purchase investments or insurance products that we may recommend through other brokers or agents that are not affiliated with KFP or its investment adviser representatives.

### **Other Types of Fees and Expenses**

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

Item 12 further describes the factors that we consider in selecting or recommending broker-dealers for Client's transactions and determining the reasonableness of their compensation (e.g., commissions).

We do not accept compensation for the sale of securities or other investment products including asset-based sales charges or service fees from the sale of mutual funds.

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

We do not offer performance-based fees and do not engage in side-by-side management.

### **Item 7: Types of Clients**

We provide financial planning and portfolio management services to individuals, and high net-worth individuals.

Our minimum relationship requirement is \$500,000, which may be waived at the discretion of KFP.

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

KFP primarily uses fundamental analysis in developing its investment recommendations, but may also use technical or cyclical analysis techniques in some cases when relevant. Descriptions of these analysis techniques are as follows:

- **Fundamental analysis** involves analyzing individual companies and their industry groups, such as a company's financial statements, details regarding the company's product line, the experience, and expertise of the company's management, and the outlook for the company's industry. The resulting data is used to measure the true value of the company's stock compared to the current market value. The risk of fundamental analysis is that the information obtained may be incorrect and the analysis may not provide an accurate estimate of earnings, which may be the basis for a stock's value. If securities prices adjust rapidly to new information, utilizing fundamental analysis may not result in favorable performance.
- **Technical analysis** involves using chart patterns, momentum, volume, and relative strength in an effort to pick sectors that may outperform market indices. However, there is no assurance of accurate forecasts or that trends will develop in the markets we follow. In the past, there have been periods without discernible trends and similar periods will presumably occur in the future. Even where major trends develop, outside factors like government intervention could potentially shorten them.
- Furthermore, one limitation of technical analysis is that it requires price movement data, which can translate into price trends sufficient to dictate a market entry or exit decision. In a trendless or erratic market, a technical method may fail to identify trends requiring action. In addition, technical methods may overreact to minor price movements, establishing positions contrary to overall price trends, which may result in losses. Finally, a technical trading method may underperform other trading methods when fundamental factors dominate price moves within a given market.
- **Cyclical analysis** is a type of technical analysis that involves evaluating recurring price patterns and trends based upon business cycles. Economic/business cycles may not be predictable and may have many fluctuations between long-term expansions and contractions. The lengths of economic cycles may be difficult to predict with accuracy and therefore the risk of cyclical analysis is the difficulty in predicting economic trends and consequently the changing value of securities that would be affected by these changing trends.

### Modern Portfolio Theory

The underlying principles of MPT are:

- Investors are risk averse. The only acceptable risk is that which is adequately compensated by an expected return. Risk and investment return are related and an increase in risk requires an increased expected return.
- Markets are efficient. The same market information is available to all investors at the same time. The market prices every security fairly based upon this equal availability of information.
- The design of the portfolio as a whole is more important than the selection of any particular security. The appropriate allocation of capital among asset classes will have far more influence on long-term portfolio performance than the selection of individual securities.

- Investing for the long-term (preferably longer than ten years) becomes critical to investment success because it allows the long-term characteristics of the asset classes to surface.
- Increasing diversification of the portfolio with lower correlated asset class positions can decrease portfolio risk. Correlation is the statistical term for the extent to which two asset classes move in tandem or opposition to one another.

### **Passive Investment Management**

We primarily practice passive investment management. Passive investing involves building portfolios that are composed of various distinct asset classes. The asset classes are weighted in a manner to achieve the desired relationship between correlation, risk, and return. Funds that passively capture the returns of the desired asset classes are placed in the portfolio. The funds that are used to build passive portfolios are typically index mutual funds or exchange-traded funds.

Passive investment management is characterized by low portfolio expenses (i.e. the funds inside the portfolio have low internal costs), minimal trading costs (due to infrequent trading activity), and relative tax efficiency (because the funds inside the portfolio are tax efficient and turnover inside the portfolio is minimal).

In contrast, active management involves a single manager or managers who employ some method, strategy or technique to construct a portfolio that is intended to generate returns that are greater than the broader market or a designated benchmark.

### **Strategic Asset Allocation**

Strategic Asset Allocation is another component of our investment strategy. In the portfolio construction process, we also focus not only on asset classes such as equities, fixed income, and cash, but also on investment strategy styles such as fundamental, quantitative, active, and passive. We believe that diversification across both asset classes and investment strategies is critical for achieving an attractive reward-to-risk ratio in the portfolio. We employ both strategic and tactical asset allocation approaches. Through strategic asset allocation, we construct our long-term target weights for asset classes and strategies based on the client's time horizon, risk tolerance, and required rate of return to meet his or her financial goals. Through tactical asset allocation approaches, we may deviate from target long-term weights established according to our strategic asset allocation approach within tolerance ranges based on our return expectations for asset classes and investment strategies at a given point in the market cycle.

### **Material Risks Involved**

**All investing strategies we offer involve risk and may result in a loss of your original investment which you should be prepared to bear.** Many of these risks apply equally to stocks, bonds, commodities, and any other investment or security. Material risks associated with our investment strategies are listed below.

**Market Risk:** Market risk involves the possibility that an investment's current market value will fall because of a general market decline, reducing the value of the investment regardless of the operational success of the issuer's operations or its financial condition.

**Strategy Risk:** The Adviser's investment strategies and/or investment techniques may not work as intended.

**Small and Medium Cap Company Risk:** Securities of companies with small and medium market capitalizations are often more volatile and less liquid than investments in larger companies. Small and medium cap companies may face a greater risk of business failure, which could increase the volatility of the Client's portfolio.

**Turnover Risk:** At times, the strategy may have a portfolio turnover rate that is higher than other strategies. A high portfolio turnover would result in correspondingly greater brokerage commission expenses and may result in the distribution of additional capital gains for tax purposes. These factors may negatively affect the account's performance.

**Limited markets:** Certain securities may be less liquid (harder to sell or buy) and their prices may at times be more volatile than at other times. Under certain market conditions, we may be unable to sell or liquidate investments at prices we consider reasonable or favorable or find buyers at any price.

**Concentration Risk:** Certain investment strategies focus on particular asset-classes, industries, sectors or types of investment. From time to time these strategies may be subject to greater risks of adverse developments in such areas of focus than a strategy that is more broadly diversified across a wider variety of investments.

**Interest Rate Risk:** Bond (fixed income) prices generally fall when interest rates rise, and the value may fall below par value or the principal investment. The opposite is also generally true: bond prices generally rise when interest rates fall. In general, fixed income securities with longer maturities are more sensitive to these price changes. Most other investments are also sensitive to the level and direction of interest rates.

**Legal or Legislative Risk:** Legislative changes or Court rulings may impact the value of investments, or the securities' claim on the issuer's assets and finances.

**Geopolitical Risk:** The risk of financial and market loss because of political decisions or disruptions in a particular country or region.

**Catastrophic Events:** In addition to general market risks, investments may be subject to the risk of loss arising from direct or indirect exposure to a number of types of catastrophic events, such as global pandemics, natural disasters, acts of terrorism, cyber-attacks, or network outages. The extent and impact of any such event on investment strategies will depend on many factors, including the duration and scope of the event, the extent of any governmental restrictions, the effect on the supply chain, overall consumer confidence, and the extent of the disruption to global and domestic markets.

**Inflation:** Inflation may erode the buying power of your investment portfolio, even if the dollar value of your investments remains the same.

### **Risks Associated with Securities**

Apart from the general risks outlined above which apply to all types of investments, specific securities may have other risks.

**Common stocks** may go up and down in price quite dramatically, and in the event of an issuer's bankruptcy or restructuring could lose all value. A slower-growth or recessionary economic environment could have an adverse effect on the price of all stocks.

**Corporate Bonds** are debt securities to borrow money. Generally, issuers pay investors periodic interest and repay the amount borrowed either periodically during the life of the security and/or at maturity. Alternatively, investors can purchase other debt securities, such as zero coupon bonds, which do not pay current interest, but rather are priced at a discount from their face values and their values accrete over time to face value at maturity. The market prices of debt securities fluctuate depending on factors such as interest rates, credit quality, and maturity. In general, market prices of debt securities decline when interest rates rise and increase when interest rates fall. The longer the time to a bond's maturity, the greater its interest rate risk.

**Bank Obligations** including bonds and certificates of deposit may be vulnerable to setbacks or panics in the banking industry. Banks and other financial institutions are greatly affected by interest rates and may be adversely affected by downturns in the U.S. and foreign economies or changes in banking regulations.

**Exchange Traded Funds** prices may vary significantly from the Net Asset Value due to market conditions. Certain Exchange Traded Funds may not track underlying benchmarks as expected. ETFs are also subject to the following risks: (i) an ETF's shares may trade at a market price that is above or below their net asset value; (ii) the ETF may employ an investment strategy that utilizes high leverage ratios; or (iii) trading of an ETF's shares may be halted if the listing exchange's officials deem such action appropriate, the shares are de-listed from the exchange, or the activation of market-wide "circuit breakers" (which are tied to large decreases in stock prices) halts stock trading generally. The Adviser has no control over the risks taken by the underlying funds in which the Clients invest.

**Mutual Funds:** When a Client invests in open-end mutual funds or ETFs, the Client indirectly bears its proportionate share of any fees and expenses payable directly by those funds. Therefore, the Client will incur higher expenses, many of which may be duplicative. In addition, the Client's overall portfolio may be affected by losses of an underlying fund and the level of risk arising from the investment practices of an underlying fund (such as the use of derivatives).

## Item 9: Disciplinary Information

### **Criminal or Civil Actions**

KFP and its management have not been involved in any criminal or civil action.

### **Administrative Enforcement Proceedings**

KFP and its management have not been involved in administrative enforcement proceedings.

### **Self-Regulatory Organization Enforcement Proceedings**

KFP and its management have not been involved in legal or disciplinary events that are material to a Client's or prospective Client's evaluation of KFP or the integrity of its management.

## Item 10: Other Financial Industry Activities and Affiliations

No KFP employee is registered, or has an application pending to register, as a broker-dealer or a registered representative of a broker-dealer.

No KFP employee is registered, or has an application pending to register, as a futures commission merchant, commodity pool operator or a commodity trading advisor.

KFP does not have any related parties. As a result, we do not have a relationship with any related parties.

KFP only receives compensation directly from Clients. We do not receive compensation from any outside source. We do not have any conflicts of interest with any outside party.

Elliott M. Appel is currently a licensed insurance agent, however, he no longer sells any insurance products, and is not affiliated with any insurance companies. Elliott M. Appel will not sell any insurance products to clients or prospective clients of KFP.

Elliott M. Appel is a blog writer for [italkaboutmoney.com](http://italkaboutmoney.com) and a podcast host for [makingthemostoftime.com](http://makingthemostoftime.com). This activity generally takes place outside of trading hours, and does not interfere with his obligations to his clients.

Elliott M. Appel was a contributing author for a book about Financial Planning, *More Than Money: Real Life Stories of Financial Planning*. All net proceeds from this book are given to non-profit organizations.

Elliott M. Appel also authored *Money Lessons for Change: What They Should Have Taught You in School*, regarding financial literacy. He receives royalties from sales.

Elliott M. Appel is authoring a book about financial considerations for caregivers. This activity generally takes place outside of business hours and does not interfere with his obligations to clients.

Elliott M. Appel is one of the administrators of a Facebook group called "Widows/Widowers and Money." The group is a private group that users must request to join. The administrators of the group post educational and informational content that is not intended to be individualized investment advice. The administrators also periodically host educational webinars open to participants in the group. This activity occupies approximately two hours per month, generally outside of trading hours, and does not interfere with his obligations to clients.

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Elliott M. Appel also hosts educational seminars, or may participate in educational seminars hosted by other entities or organizations. Seminars may be in-person or virtual presentations, providing content of an educational and informational nature, but will not include specific individualized investment advice. Topics will generally include subjects related to personal finance, financial planning, and investing.

### **Recommendations or Selections of Other Investment Advisers**

KFP does not recommend Clients to other investment advisers or TAMPs to manage their accounts.

## **Item 11: Code of Ethics, Participation or Interest in Client Transactions and Personal Trading**

As a registered investment adviser, we must act as your fiduciary, which is a position of utmost good faith and trust. As your fiduciary, we have the following duties:

- A duty of loyalty to put your best interests ahead of the interests of our firm or our employees;
- A duty of care to provide prudent investment advice based on your financial circumstances;
- A duty of obedience to comply with all applicable securities regulations;
- A duty to treat all clients fairly and equitably; and
- A duty to disclose all actual and potential conflicts of interest.

Our Clients entrust us with their funds and personal information, which in turn places a high standard on our conduct and integrity. Our fiduciary duty is a core aspect of our Code of Ethics and represents the expected basis of all of our dealings. The firm also 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.

### **Code of Ethics Description**

This code does not attempt to identify all possible conflicts of interest, and literal compliance with each of its specific provisions will not shield associated persons from liability for personal trading or other conduct that violates a fiduciary duty to advisory Clients. A summary of the Code of Ethics' Principles is outlined below.

- Integrity - Associated persons shall offer and provide professional services with integrity.
- Objectivity - Associated persons shall be objective in providing professional services to Clients.
- Competence - Associated persons shall provide services to Clients competently and maintain the necessary knowledge and skill to continue to do so in those areas in which they are engaged.
- Fairness - Associated persons shall perform professional services in a manner that is fair and reasonable to Clients, principals, partners, and employers, and shall disclose conflict(s) of interest in providing such services.
- Confidentiality - Associated persons shall not disclose confidential Client information without the specific consent of the Client unless in response to proper legal process, or as required by law.
- Professionalism - Associated persons' conduct in all matters shall reflect the credit of the profession.
- Diligence - Associated persons shall act diligently in providing professional services.



We periodically review and amend our Code of Ethics to ensure that it remains current, and we require all firm access persons to attest to their understanding of and adherence to the Code of Ethics at least annually. Our firm will provide a copy of its Code of Ethics to any Client or prospective Client upon request.

### **Investment Recommendations Involving a Material Financial Interest and Conflicts of Interest**

Neither our firm, its associates or any related person is authorized to recommend to a Client or effect a transaction for a Client, involving any security in which our firm or a related person has a material financial interest, such as in the capacity as an underwriter, adviser to the issuer, etc.

### **Advisory Firm Purchase of Same Securities Recommended to Clients and Conflicts of Interest**

Our firm and its "related persons" may buy or sell securities similar to, or different from, those we recommend to Clients for their accounts. In an effort to reduce or eliminate certain conflicts of interest involving the firm or personal trading, our policy may require that we restrict or prohibit associates' transactions in specific reportable securities transactions. Any exceptions or trading pre-clearance must be approved by the firm principal in advance of the transaction in an account, and we maintain the required personal securities transaction records per regulation. Our firm and its related persons are prohibited from trading ahead of clients or engaging in front-running activities.

### **Trading Securities At/Around the Same Time as Client's Securities**

From time to time, our firm or its "related persons" may buy or sell securities for themselves at or around the same time as clients. This may provide an opportunity for representatives of KFP to buy or sell securities before or after recommending securities to clients resulting in representatives profiting off the recommendations they provide to clients. Such transactions may create a conflict of interest; however, KFP will never engage in trading that operates to the client's disadvantage if representatives of KFP buy or sell securities at or around the same time as clients.

## **Item 12: Brokerage Practices**

### **Factors Used to Select Custodians and/or Broker-Dealers**

Kindness Financial Planning LLC does not have any affiliation with Broker-Dealers. However, for discretionary managed accounts under our Investment Management Services, KFP enters into strategic relationships with unaffiliated firms that are qualified custodians and that provide custodial and brokerage services. KFP will recommend that Clients use one of these qualified custodians to facilitate our management of their accounts. We execute Client transactions directly with the qualified custodian that holds the Client's account. We do not allow Clients to direct us to execute transactions through a specific broker-dealer. For accounts over which we do not have discretionary authority, Clients may custody their assets at a custodian of their choice, and are responsible for executing transactions in their accounts.

KFP does not participate in any soft dollar arrangements, nor do we receive any referrals from a broker-dealer or third party in exchange for using that broker-dealer or third party.

## The Custodian and Brokers We Use

KFP does not maintain custody of Client assets managed by our firm, although we may be deemed to have custody of Client assets if we have the authority to withdraw advisory fees from Client accounts (see Item 15—Custody, below). Client assets will be maintained in an account with a broker-dealer acting as a “qualified custodian.”

Based on the services a Client needs, we may recommend that Clients use one of several unaffiliated registered broker-dealers, member FINRA/SIPC, as the qualified custodian and broker for Client accounts. Our firm has established relationships with custodians that help facilitate our management of Client accounts. These custodians include the following, though others may be added from time to time:

- Charles Schwab & Co., Inc. through the Schwab Advisor Services Program
- Altruist Financial, LLC, through its programs for investment advisers

These custodians will hold Client assets in a separate brokerage account and will buy and sell securities as instructed by KFP or the Client. Although KFP may recommend that Clients use a particular custodian, Clients have the discretion to decide whether to do so and will open their accounts directly with the custodian by entering into an account agreement directly with them. We do not open the account for Clients, although we may assist Clients in doing so. If Clients do not wish to place their assets with one of the custodians with which we have an established relationship, we cannot manage the Client’s account on a discretionary basis.

Through KFP’s participation in the adviser programs offered by these custodians, we receive various benefits, provided without cost or at a discount, that may not be available to retail customers. These benefits include access to certain investment options; execution of securities transactions; custodial services; access to an electronic trading platform, including access to aggregated block trading; the ability to deduct our advisory fee from Client accounts; access to Client account data; receipt of duplicate trade confirmations and account statements; research related products and tools; pricing and market data; access to software, technology or services; attendance at educational conferences and events; consulting on technology, compliance or other business matters; access to industry publications. Some of these products and services may benefit Clients directly, while others may benefit us by assisting us in the administration of our business and the management of Client accounts, including accounts held with other custodians.

The availability of these services may be contingent upon KFP committing a certain number of accounts or assets under management to the custodian, but do not depend on the number of brokerage transactions directed to the custodian. The receipt of these benefits from the custodians creates a potential conflict of interest as we may have an incentive to recommend that Clients maintain their accounts with a specific custodian. However, we strive to recommend the custodian that is most appropriate based on the Client’s individual needs.

Qualified custodians may charge a separate custodial fee, or they may be compensated by commissions or trade fees on transactions executed in Client accounts. In addition, qualified custodians may be compensated by earning interest on the uninvested cash in Clients’ investment accounts. Clients are encouraged to review information provided by the qualified custodian regarding its fees and compensation.

Note that individual custodians establish their own trading policies and procedures that limit our ability to control, among other things, the timing of the execution of trades. Execution of trades may not be instant, and we are not able to control the specific time during a day that securities are bought or sold. Custodians will generally trade on the same business day as they receive instructions. However, transactions will be subject to processing delays in certain circumstances (e.g., orders initiated on non-business days or after markets close).

### **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. We may aggregate client orders in the event multiple clients have securities in which the same security would be appropriate to buy and sell at the same time. If we decide to aggregate client orders ("block trade"), we will do so in a manner where no client is systematically advantaged or disadvantaged. Notwithstanding the foregoing, the firm mainly manages accounts on a client-by-client basis. Thus, the opportunity to block trade may not be highly utilized.

## **Item 13: Review of Accounts**

Elliott M. Appel, Founder and CCO of KFP, will work with Clients to obtain current information regarding their assets and investment holdings and will review this information as part of our financial planning services. KFP does not provide specific reports to financial planning Clients, other than financial plans.

Client accounts with the Investment Advisory Service will be reviewed regularly on a quarterly basis by Elliott M. Appel, Founder and CCO. The account is reviewed with regards to the Client's investment policies and risk tolerance levels. Events that may trigger a special review would be unusual performance, addition or deletions of Client imposed restrictions, excessive draw-down, volatility in performance, or buy and sell decisions from the firm or per Client's needs.

Clients will receive trade confirmations from the broker(s) for each transaction in their accounts as well as monthly or quarterly statements and annual tax reporting statements from their custodian showing all activity in the accounts, such as receipt of dividends and interest.

Although KFP is not required to issue periodic reports, we will typically include a report with the quarterly invoice that shows portfolio allocation and performance. We may discontinue this practice at any time without notice. To the extent we provide periodic reports, you are encouraged to compare these reports with the statements you receive from the custodian. If you have any questions or concerns, please notify us immediately.

Each time KFP charges an advisory fee, we will provide an invoice to the client that contains the fee(s), the formula used to calculate the fee(s), the fee calculation itself, the time period covered by the fee(s) and if applicable, the amount of assets under management the fee is based on and the name of the custodian(s). KFP does not charge performance-based fees.

## Item 14: Client Referrals and Other Compensation

Outside of those listed above, we do not receive any economic benefit, directly or indirectly, from any third party for advice rendered to our Clients. Nor do we, directly or indirectly, compensate any person who is not advisory personnel for Client referrals.

## Item 15: Custody

KFP does not accept physical custody of our clients' funds or securities. However, as explained below, we may be deemed to have custody when we directly debit our advisory fees from your account, or if we are able to initiate transactions from your account to third-parties using a standing letter of instruction.

As explained above, you will open and maintain your investment accounts with a qualified custodian. You will receive transaction confirmations and account statements directly from the qualified custodian on at least a quarterly basis. We urge you to review the account statements received from your custodian carefully and compare them to any invoices you receive from us. Information shown on custodial statements may vary from information shown on our invoices for various reasons, such as differences in reporting dates, differences in accounting procedures, or valuation methodologies of certain securities. We encourage you to contact us with any questions about your statements, invoices, or other reports.

### **Deduction of Investment Advisory Fees**

Under applicable securities regulations, we are deemed to have custody of client funds or securities if we debit our investment advisory fees directly from your account. When our investment advisory fees are deducted from your account:

- KFP will obtain your written authorization to deduct our investment advisory fees from the client's account held by a qualified custodian. This written authorization is typically included in your advisory agreement.
- Each time a fee is deducted, KFP will send the qualified custodian notice of the amount of the fee to be deducted from the client's account.
- KFP will send a statement to the client that itemizes the fee, including the formula used to calculate the fee, the amount of assets under management upon which the fee is based, and the time period covered by the fee.
- The qualified custodian that holds your account will also send statements, on at least a quarterly basis, showing all disbursements from the account, including the amount of advisory fees.

### **Use of Standing Letters of Authorization**

Qualified custodians offer clients the ability to establish a standing letter of authorization ("SLOA") that allows their adviser to initiate transfers between client accounts at the same custodian, to initiate transfers to external accounts, or to request checks to be distributed from the client's account. These transactions can be first-party transactions (that is, transfers between internal or external accounts with the same account holder, or checks distributed to the client at the client's address of record) or third-party transfers (that is, transfers or checks to other parties).

Under applicable securities regulations, advisers are considered to have custody of client funds and securities if the adviser has the ability to initiate transfers from client accounts to third-parties under a SLOA. However, an adviser is not deemed to have custody in the event of a first-party transaction.

When a client establishes a SLOA for a third-party transfer, we will comply with each of the requirements and conditions enumerated below:

- You will provide an instruction to the qualified custodian, in writing, that includes your signature, the third party's name, and either the third party's address or the third party's account number at a custodian to which the transfer should be directed.
- You will authorize us in writing, either on the qualified custodian's form or separately, to direct transfers to the third party either on a specified schedule or from time to time.
- Your qualified custodian will perform appropriate verification of the instruction, such as a signature review or other method to verify your authorization, and will provide a transfer of funds notice to you promptly after each transfer.
- You have the ability to terminate or change the instruction to your qualified custodian at any time.
- We have no authority or ability to designate or change the identity of the third party, the address, or any other information about the third party contained in your instruction.
- We will maintain records showing that the third party is not a related party to our firm or our associated persons, and the third party is not located at the same address as our firm or our associated persons.
- Your qualified custodian will send you an initial written notice confirming the instruction, and an annual written notice reconfirming the instruction.

## Item 16: Investment Discretion

For those Client accounts where we provide Investment Management Services, we maintain discretion over Client accounts with respect to securities to be bought and sold and the amount of securities to be bought and sold. Investment discretion is explained to Clients in detail when an advisory relationship has commenced. At the start of the advisory relationship, the Client will execute a Limited Power of Attorney, which will grant our firm discretion over the account. Additionally, the discretionary relationship will be outlined in the advisory contract and signed by the Client.

## Item 17: Voting Client Securities

We do not vote Client proxies. Therefore, Clients maintain exclusive responsibility for: (1) voting proxies, and (2) acting on corporate actions pertaining to the Client's investment assets. The Client shall instruct the Client's qualified custodian to forward to the Client copies of all proxies and shareholder communications relating to the Client's investment assets. If the Client would like our opinion on a particular proxy vote, they may contact us at the number listed on the cover of this brochure.

In most cases, you will receive proxy materials directly from the account custodian. However, in the event we were to receive any written or electronic proxy materials, we would forward them directly to you by mail, unless you have authorized our firm to contact you by electronic mail, in which case, we would forward you any electronic solicitation to vote proxies.

## Item 18: Financial Information

Registered Investment Advisers are required in this Item to provide you with certain financial information or disclosures about our financial condition. We have no financial commitment that impairs our ability to meet contractual and fiduciary commitments to Clients, and we have not been the subject of a bankruptcy proceeding.

We do not have custody of Client funds or securities or require or solicit prepayment of more than \$500 in fees per Client six months or more in advance.

## Item 19: Requirements for State-Registered Advisers

### **Principal Officers**

Elliott M. Appel serves as KFP's sole principal. Information about Elliott M. Appel's education, business background, and outside business activities can be found on his ADV Part 2B, Brochure Supplement attached to this Brochure.

### **Outside Business Activities**

All outside business information, if applicable, of KFP is disclosed in Item 10 of this Brochure.

### **Performance-Based Fees**

Neither KFP nor Elliott M. Appel is compensated by performance-based fees. Please refer to Item 6 of this brochure.

### **Material Disciplinary Disclosures**

No management person at Kindness Financial Planning LLC has ever been involved in an arbitration claim of any kind or been found liable in a civil, self-regulatory organization, or administrative proceeding.

### **Material Relationships That Management Persons Have With Issuers of Securities**

Kindness Financial Planning LLC, nor Elliott M. Appel, have any relationship or arrangement with issuers of securities, in addition to what is described in Item 10.

### **Business Continuity Plan**

KFP maintains a written Business Continuity Plan that identifies procedures related to an emergency or significant business disruptions, including the death of the investment adviser or any of its representatives.



## Kindness Financial Planning LLC

Mailing Address:  
2858 University Avenue, #326  
Madison, Wisconsin 53705  
(206) 651-5097

elliott@kindnessfp.com

April 24, 2024

### Form ADV Part 2B – Brochure Supplement

*For*

**Elliott M. Appel**

Founder, and Chief Compliance Officer

This brochure supplement provides information about Elliott M. Appel that supplements Kindness Financial Planning LLC (“KFP”) brochure. A copy of that brochure precedes this supplement. Please contact Elliott M. Appel if the KFP brochure is not included with this supplement or if you have any questions about the contents of this supplement.

Additional information about Elliott M. Appel is available on the SEC’s website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov) which can be found using the identification number 5926520.

## Item 2: Educational Background and Business Experience

### **Elliott M. Appel**

Born: 1991

### **Educational Background**

- 2012, Seattle University, Bachelor of Arts, Business Administration, Finance Major

### **Business Experience**

- 09/2021 – Present, Kindness Financial Planning LLC, Founder and CCO
- 09/2018 – 09/2021, Empirical Wealth Management, VP Director of Associate Advisors, Financial Advisor
- 01/2016 – 09/2018, Empirical Wealth Management, Financial Advisor
- 08/2015 – 12/2017, Directional Financial Services, Financial Advisor
- 01/2014 – 01/2016, Empirical Wealth Management, Associate Financial Advisor
- 01/2013 – 01/2014, Empirical Wealth Management, Portfolio Manager
- 07/2012 – 01/2013, Empirical Wealth Management, Part-time Portfolio Manager

### **Professional Designations, Licensing & Exams**

**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. 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 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.

**Chartered Life Underwriter (CLU®)** This designation is issued by The American College and is granted to individuals who have at least three years of full-time business experience within the five years preceding the awarding of the designation. The candidate is required to take a series of mandatory courses which include, for example, the following: insurance planning, life insurance law, fundamentals of estate planning, planning for business owners, income taxation, group benefits, planning for retirement needs, and investments. Each course has a final proctored exam and once issued, the individual is required to submit 30 hours of continuing education every two years.

**Registered Life Planner® (RLP®)**. This designation is issued by the Kinder Institute of Life Planning and is granted to individuals who have successfully completed three training courses: (1) The Seven Stages of Money Maturity® (16 hours); (2) EVOKE® Life Planning Training (36-40 hours); and (3) Life Planning Mentorship (40-50 hours). After earning the RLP® designation, the planner is expected to keep their skills sharp by attending at least eight hours of Continuing Education every two years.

### Item 3: Disciplinary Information

No management person at Kindness Financial Planning LLC has ever been involved in an arbitration claim of any kind or been found liable in a civil, self-regulatory organization, or administrative proceeding.

### Item 4: Other Business Activities

Elliott M. Appel is currently a licensed insurance agent; however, he no longer sells any insurance products, and is not affiliated with any insurance companies. Elliott M. Appel will not sell any insurance products to clients or prospective clients of KFP.

Elliott M. Appel is a blog writer for [italkaboutmoney.com](http://italkaboutmoney.com) and a podcast host for [makingthemostoftime.com](http://makingthemostoftime.com). This activity generally takes place outside of trading hours, and does not interfere with his obligations to his clients.

Elliott M. Appel was a contributing author for a book about Financial Planning, *More Than Money: Real Life Stories of Financial Planning*. All net proceeds from this book are given to non-profit organizations.

Elliott M. Appel also authored *Money Lessons for Change: What They Should Have Taught You in School*, regarding financial literacy. He receives royalties from sales.

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## Item 5: Additional Compensation

Elliott M. Appel does not receive any economic benefit from any person, company, or organization, in exchange for providing Clients advisory services through KFP.

## Item 6: Supervision

Elliott M. Appel, as Founder and Chief Compliance Officer of KFP, is responsible for supervision of all firm activities, including his own. No other individual supervises him. He may be contacted at the phone number on this brochure supplement.

## Item 7: Requirements for State Registered Advisers

Elliott M. Appel has NOT been involved in an arbitration, civil proceeding, self-regulatory proceeding, administrative proceeding, or a bankruptcy petition.