



## **Marathon Retirement Planning, Inc.**

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**Registered Investment Advisor #319258**

## **Form ADV, Part 2A Brochure**

**February 20, 2024**

This brochure provides information about the qualifications and business practices of Anthony J. Pontes, Jr. and Marathon Retirement Planning, Inc. If you have any questions about the contents of this brochure, please contact us at 925-362-9523 or [Anthonyv@MRPPEFG.com](mailto:Anthonyv@MRPPEFG.com). Mr. Pontes' CRD number is 1496668. 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 Marathon Retirement Planning is also available on the SEC's website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov). References herein to Marathon Retirement Planning as a "registered investment adviser" or any reference to being "registered" does not imply a certain level of skill or training.

## Item 2 – Material Changes

- Marathon Retirement Planning, Inc. (CRD #319258) is a successor to Marathon Retirement Planning, Inc. (CRD #281900) California regulations require the filing of a new application when there is a material ownership change to an existing California-domiciled registered investment advisor. Mr. Pontes is now 100% owner of Marathon Retirement Planning. There have been no material changes to the operations or structure of Marathon other than ownership change.
- Effective March 31, 2023 Anthony J. Pontes, Jr. is no longer affiliated with Arkadios Capital, a registered broker/dealer. There have been no other changes to the operations or structure of Marathon.

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## **Item 4 – Advisory Business**

Marathon Retirement Planning, Inc. (“Marathon” or “MRP”) was formed in October 2015 and became registered with California as an investment advisor February, 2016. Anthony J. Pontes, Jr. became 100% owner of the Firm in October, 2022 and full ownership and successor status was approved by California July 12, 2022. Marathon manages investments in accounts of clients who are primarily individuals, qualified plans (such as pension, 401(k), defined contribution, etc.), trusts, estates and charitable organizations, corporations and other business entities. The firm also provides comprehensive financial planning services and advice on specific investment and insurance-related projects. A description of each service follows.

Marathon Advisors (“Advisors”) evaluate each client's investments to determine whether they are consistent with the client’s financial objectives. The Advisor then designs and proposes a portfolio to help the client attain his or her financial goals.

The firm’s Advisors utilize many sources of public information including financial news and research materials and corporate rating services. Advisors may also consult with specialists in financial planning, mutual funds, limited partnerships, variable life and annuities, and speak with due diligence professionals to review the products of other issuers.

By its nature, financial planning is designed to establish a long-term investment plan. After a client’s Advisor evaluates the client's short-term cash needs and emergency fund, investment and insurance strategies are designed and presented to help the client achieve his or her financial goals. Casualty insurance (e.g. homeowners, auto, liability, etc.) is reviewed for comprehensive financial planning, but may be provided by an outside casualty firm.

### ***Education and Business Standards of Marathon***

Marathon requires its Advisors managing accounts or providing other advice to demonstrate technical competency through accredited studies and by achieving industry recognized licensing requirements and experience. The firm’s Advisors have passed the licensing exams for general securities and insurance sales.

Anthony J. Pontes, Jr. is President, Chief Financial Officer and 100% owner of Marathon Retirement Planning, Inc. He was born in 1962 and attended California State University – East Bay in Hayward, California, where he obtained a B.S. degree. Mr. Pontes holds Series 63 and 65 securities licenses.

Mr. Pontes has over 30 years’ experience in the securities and insurance industries. Mr. Pontes has been licensed as an insurance agent since 1986. From February 1988 to August 1989 he was an advisor with Pontes Financial Group in Oakland, CA. From August 1989 until April 1990 he was a registered representative with First Affiliated Securities in San Diego, CA. From April 1990 until June 1993 he was self-employed as a financial advisor and was a registered representative of Guardian Investor Services Corp. From June 1993 until July 1996 he was a registered representative of Linsco/Private Ledger Corp. in San Leandro, CA. From December 1995 until December 2016 he was founder and president of Rice Pontes Capital, Inc. in San Ramon, CA, a registered broker-dealer and investment advisor. Since December 2011 he has

been president of Pontes Financial Group in Dublin, CA. Mr. Pontes joined Marathon Retirement Planning, Inc., a registered investment advisor in 2016, where he is now president and 100% owner of the firm.

### ***Asset Management Services***

Each client usually works with one portfolio manager at the firm (“Advisor”) who provides the firm’s asset management services to the client. Asset management services begin with an interview with the client’s Advisor and preparation of a data gathering questionnaire to determine the client’s individual needs, current financial situation and risk tolerance. The Advisor then manages the client’s assets in a manner consistent with those objectives. Services include regular review of investments and other assets such as, and not necessarily limited to, stocks, bonds, ETFs, warrants, mutual funds, municipal securities, government bonds, annuities, certificates of deposit, limited partnerships, real estate investment trusts, cash, and cash equivalents. Advice given by the firm about partnerships can include advice about investments in equipment leasing, raw land, alternative energy and research/development. Clients have the ability to instruct their Advisor to refrain from investing in particular industries, or to limit investments to certain kinds of securities. Marathon does not engage in wrap fee programs. Periodically Marathon’s Advisors will request current financial status information from the client to determine if there have been any changes to the client’s financial situation. Clients may call their Advisor at any time to discuss the account, financial situation, or investment needs. Clients will receive transaction statements from the brokerage firm processing trades including a quarterly statement of the account. Other reports may be provided as mutually agreed between Marathon and the Client.

Client acknowledges that potential conflicts of interest exist between the interests of the investment adviser and the interests of the client. The client is under no obligation to act upon the investment advisor’s recommendation. If the client elects to act on any of the recommendations, the client is under no obligation to effect the transaction through the investment advisor.

At present, over 99% of the Firm’s income is from asset-based management fees.

Asset management services continue until either the client or Marathon terminates the services agreement upon 10 business days advance notice.

### ***Financial Planning and Project Services***

Marathon also provides financial plans consistent with a client’s financial and tax status and investment objectives. The service begins with a Marathon Advisor gathering financial data, identifying problems, assessing risk tolerance and defining financial objectives. Clients may request a comprehensive financial plan to include many focus areas, or may request advice on a limited project addressing a specific financial circumstance. For example, planning may focus on cash flow management, investments, insurance and risk management, taxes, business planning, children’s educational goals, retirement, and/or estate plans.

Please refer to Item 5 for discussion of fees and compensation.

Planning services continue until either the client or Marathon terminates the agreement on ten business (10) days written notice.

## ***Seminars***

On occasion Marathon Advisors may hold seminars. These seminars may include presentations on various securities and insurance products. However, the seminars generally focus on financial planning strategies. The seminars may be sponsored by colleges, churches, and businesses, or be conducted directly by Marathon. Fees may vary, but are usually nominal. At times the organization sponsoring the seminar sets the fee.

## ***Third Party Manager Searches***

Marathon acts as a solicitor to third party manager Retirement Management Systems LLC (“RMS”) CRD #150351. Marathon refers clients to RMS and receives a fee based on client accounts. In such instances, Marathon receives a portion of the advisory fee earned by RMS. The client is under no obligation to use the services of RMS.

Marathon has entered into agreements with other investment advisors specializing in account management and recommends these other advisors to clients. In such instances, Marathon receives a portion of the advisory fee earned by the advisor. The client is under no obligation to use the services of the other advisor(s) recommended.

Marathon Advisors will not conduct an individual search for an investment management firm before recommending a manager to a client. Instead, the Advisor will recommend a manager they are familiar with. Thus, the past performance of other managers not recommended by the Advisor, but available to the client, may be better or worse than that of the manager recommended.

While a client’s account is being managed by a manager, the client’s Marathon Advisor counsels the client about the managed account’s performance. Meetings occur as frequently as mutually agreed between the client and the Advisor.

Clients who choose to utilize the investment services of RMS will receive a separate advisory agreement for these services, including disclosure materials.

## ***Assets under Management***

As of December 31, 2023, Marathon had \$62,000,000 in assets under management. The majority of our clients have given MRP limited discretionary authority to charge quarterly fees and to purchase, sell, exchange and effect other transactions in securities at such times as Advisor deems appropriate provided, however, the Advisor shall not have authority to take custody or possession of any Account assets except for advisory fees withdrawn in accordance with their contract with Advisor. The client may elect to withhold all discretion and be contacted prior to any transactions or fee billing. No funds are managed on a full-discretionary basis.

## **Item 5 – Fees and Compensation**

Fees for portfolios managed by Marathon are billed as a percentage of assets under management and range between 0.25% and 1.25% per annum. Fees are negotiable for accounts over \$1 million.

Fees charged by Marathon may be negotiated, thus vary from client to client for similar services. The firm's fees are based upon a number of factors, including but not limited to the type of account, the size of the account, the projected nature of trading for the account and the number and range of supplemental advisory, group and client-related services to be provided by the client's Advisor.

Fees for third party money management services are set by the manager or manager search program sponsor and usually range from .40% to 1.00% of assets under management, depending on assets and investment products chosen. Third party management fees are in addition to Marathon standard asset management fees. Total fees charged will not exceed 3% of assets under management per year.

Fees are billed every three months after services are provided at a rate of one-quarter of the annual fee based on assets under management at the time. Management fees are either debited from the account or clients may pay by check; clients are given the choice of which method of payment they prefer and have the right to change it at any time. Fees are based upon the market value of the Account as of the last business day of the prior billing period. The fee for any period which is less than a full quarter is prorated. For purposes of valuing assets, the following and other related accounts may, at the discretion of Marathon, be combined and the net fee due from each account apportioned on a pro-rata basis among the accounts so combined: separate accounts of an individual, his or her spouse and close relatives of each, their minor children, trusts established on behalf of any of them, any corporation, partnership, association or similar organized group in which any of the foregoing hold a controlling interest, all profit sharing, pension and other retirement trusts and all funds and foundations maintained by a corporation, partnership or other entity, and their direct affiliates. Marathon may change its fees upon 30 days advance written notice to a client.

The firm's fees do not include transaction execution costs or any other expense associated with maintaining the account or implementing advice. Marathon will reduce advisory fees to offset the commissions received. This would include any commissions received from implemented financial planning recommendations or managed accounts. At present, over 99% of the Firm's income is from asset-based management fees.

To the extent mutual funds are included as managed assets, clients should be aware that such funds also deduct their own advisory fees and expenses which affect the fund's reported performance. Depending on the fund, a client may be able to invest directly in the shares of a fund without incurring any sales or advisory management fees. In addition, there are tax effects pertaining to fund share redemptions made by Marathon on behalf of clients. Redemptions may be taxable events which could accelerate the recognition of capital gains. Frequent redemptions may result in short term, rather than long term capital gains.

The firm's advisory fees for management or consultation services may be higher or lower than available from other service providers.

Flat fees for comprehensive and modular plans are negotiable and usually range from \$500-\$3,500 per engagement based upon complexity of the plan and the level of services required to be provided by Marathon's Advisor. A fee for consulting or financial planning services is quoted upon execution of the Consulting Agreement and becomes payable upon completion of the plan or services provided. Hourly consulting services are billed at \$300 per hour.

Fees for advisory services may be waived, at the sole discretion of Marathon.

For additional information regarding fees and expenses please see Item #12- Brokerage Practices in this Brochure.

Marathon Advisors may also invest client assets in money market, registered insurance products and other mutual funds. Additionally, other issuers of securities, insurance and certificates of deposit may pay fees for sales of these products. Thus, Marathon's Advisors' roles as providers of advice and as advisors receiving fees from investment products they sell may conflict as advice is provided.

At all times, Advisors will act in the best interest of their clients in terms of costs, price structure, and overall investment appropriateness of products offered.

## **Item 6 – Performance-Based Fees**

Marathon does not participate in any performance-based fees.

## **Item 7 – Types of Clients**

Marathon manages investments in brokerage accounts of clients who are primarily individuals, qualified plans (such as pension, 401(k), defined contribution, etc.), trusts, estates, and business entities. The firm also provides comprehensive financial planning services and advice on specific investment and insurance-related projects. We do not have a minimum account size requirement.

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

### ***Methods of Analysis***

Marathon Advisors evaluate each client's investments to determine whether they are consistent with the client's financial objectives based upon their current financial position as well as future goals. The Advisor then designs and proposes a portfolio to help the client attain his or her financial goals.

The firm's Advisors utilize many sources of public information including financial news and research materials and corporate rating services. Advisors may also consult specialists in financial planning, mutual funds, limited partnerships, variable life and annuities, and speak with that firm's due diligence staff to review the products of other issuers.

By its nature, financial planning is designed to establish a long-term investment plan. After a client's Advisor evaluates the client's short-term cash needs and emergency fund, investment and insurance strategies are designed and presented to help the client achieve his or her financial goals. Casualty insurance (e.g. homeowners, auto, liability, etc.) is reviewed for comprehensive financial planning, but may be provided by an outside casualty firm.

### ***Investment Strategies***

Through personal consultations with you we will develop a profile of your individual investment needs and objectives. If mutually determined, we may develop a full financial plan for you, including retirement analysis, tax and estate planning and investment risk tolerance. Based upon our analysis, we will then develop an asset allocation plan. Marathon Advisors will invest assets based upon that plan and will monitor and rebalance your portfolio on an ongoing basis to ensure it remains consistent with your goals.

### ***Risk of Loss***

The firm does not guarantee the results of the advice it gives. Thus, losses can occur by using the firm's services. The value of assets held in your account may increase or decrease in response to events taking place around the world as well as within companies whose stocks you may hold in your portfolio. Investing in securities involves risks of loss that clients should be prepared to bear.

## **Item 9 – Disciplinary Information**

Neither Marathon nor its management personnel have been involved in any criminal or civil action or in any proceeding before the SEC, federal or state regulatory body or other self-regulatory organization.

## **Item 10 -- Other Financial Industry Activities and Affiliations**

Marathon advisors are also licensed insurance agents. As a licensed insurance agent, they sell insurance through their personal license. Anthony Pontes devotes approximately 10% of his time to insurance. Another 90% is devoted to investment advisory and financial planning services.

Neither Mr. Pontes nor Marathon are, nor have any plans to, register as a futures commission merchant, commodity pool operator, commodity trading advisor or an association of any such entity. Mr. Pontes is sole owner of Marathon Retirement Planning, Inc., a registered investment

advisor, and there are no material conflicts of interest. Should clients implement recommendations through Marathon, Advisors may receive commissions in addition to the advisory fees. The Advisors may recommend securities or insurance products offered by affiliates. Only those investments that meet minimum internal requirements can be offered for sale to clients. If clients purchase these products through the Advisors, the Advisors will receive the customary sales commissions or fees. Thus, a conflict exists between the Advisor's role as advisor to a client and role as securities salesperson.

Advisors are also licensed as independent insurance salespersons and have the same conflict of interest when recommending insurance products they offer because they will receive a commission.

A client is under no obligation to purchase products recommended or to purchase products through Marathon Advisors.

Marathon has entered into agreements with other investment advisors specializing in account management and recommends these other advisors to clients. Before recommending other advisors Marathon ensures those advisors are properly licensed/registered as an investment advisor as required by regulation and law. In such instances, Marathon receives a portion of the advisory fee earned by the advisor. The client is under no obligation to use the services of the other advisor(s) recommended.

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

### ***Code of Ethics***

Marathon's Code of Ethics is provided to new clients at the time of account opening and to all other existing or prospective clients upon request. The Code of Ethics states: "We shall offer and provide professional services with integrity. We shall be objective in providing professional services to clients. We shall provide services to clients competently and maintain the necessary knowledge and skill to continue to do so in those areas in which the firm is engaged. We will not recommend securities in which the firm or management would have a material financial interest. We 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(s) in providing such services. We shall not disclose any confidential client information without the specific consent of the client. Our conduct in all matters shall reflect credit upon the profession. We shall act diligently in providing professional services."

At times the interest of Marathon or its Advisors may correspond with their client's interests. The Advisors may, for example, invest in the same securities that are recommended to clients. Clients have the opportunity to act on investment recommendations prior to and in preference to accounts of Marathon Advisors and Personnel. We have procedures to ensure Marathon and its Advisors will be "last in" and "last out" for the trading day.

Marathon Advisors obtain information from a wide variety of publicly available sources. They do not have, and do not claim to have, sources of inside or private information.

Neither Marathon, nor its related persons, have any material financial interest in any securities it recommends to clients, or buys or sells for client accounts.

Any controversy or claim, including, but not limited to, errors and omissions arising out of, or relating to, the advisory agreement is settled by arbitration in accordance with the code of Commercial Arbitration of the American Arbitration Association.

### ***Treatment of Confidential Information (Privacy Policy)***

**Privacy Notice to Our Clients.** Marathon strongly believes in protecting the confidentiality and security of information we collect about you. This notice describes our privacy policy and how we protect your personal information.

**Why We Collect And How We Use Information.** When we evaluate your request for our services, provide investment advice to you, and process transactions for your account, you typically provide us with certain personal information necessary for proper planning and transactions. We may also use that information to offer you other planning services to meet your investment and planning objectives.

**What Information We Collect.** The personal information we collect may include:

- Name, address, and phone number(s), e-mail address(s);
- Social Security or taxpayer identification number(s);
- Financial assets and net worth;
- Income;
- Account balance;
- Investment activity;
- Accounts at other institutions; and
- Personal and/or family situation and objectives.

**How We Protect Information.** We do not sell or provide your personal information to anyone, other than what is required to establish accounts with custodians or other financial service providers (e.g., insurance companies, etc.). Information collected in connection with, or in anticipation of, any claim or legal proceedings will be shared with appropriate legal and professional outside advisors.

We treat information about current and former clients and their accounts in a confidential manner. Our employees may access information and provide it to third parties only when completing transactions or providing our other services to you.

At your request, we may disclose information to or from attorneys, accountants, securities firms, and others to assist us, or them, in providing services to you. We may also share information with companies that perform services on our behalf, such as the companies that we retain for administrative services. Companies we may retain to provide support services are not allowed to use your personal information for their own purposes. We may make additional disclosures as permitted by law.

We also maintain physical, electronic, and procedural safeguards to protect information. Employees and our professional service advisors are required to comply with our established information confidentiality provisions.

**Access to and Correction of Information.** Generally, upon your written request, we will make available information for your review. Information collected in connection with, or in anticipation of, any claim or legal proceeding will not be made available.

If your personal information with us becomes inaccurate, or if you need to make a change to that information, please contact us at the number shown below so we can update our records.

For additional information regarding our privacy policy, please contact us at our Home Office by writing to us at 11501 Dublin Blvd, Suite 316, Dublin, CA 94568 or by calling us at 925-362-9523.

## **Item 12 – Brokerage Practices**

While providing asset management services, a Marathon Advisor may exercise discretion in selecting specific securities if given authority to do so by the client. Marathon will exercise discretion to select brokerage firms or custodians. Marathon, unlike some advisors, does not engage in brokerage referrals nor do we allow clients to engage in directed brokerage. From time to time a broker/dealer, client or other third party may refer a potential client to our firm or advisor for our services. We greatly appreciate the vote of confidence the referral implies but we do not compensate the referrer. Marathon also does not exercise discretion to negotiate commission rates paid. Marathon will however recommend, and clients receiving asset management services will designate, a custodian to be the account custodian and to execute all securities transactions. This custodian will be one of the following firms: 1) Charles Schwab & Co., Inc., (“Schwab”) or 2) ETC Brokerage Services, LLC, member of FINRA and SIPC. In choosing Schwab, Marathon considered many factors prior to recommending a custodian including financial strength, reputation, reporting, execution, pricing, and research. Some of our clients who moved with us from Rice Pontes Capital continue to utilize ETC Brokerage Services due to its offerings of non-standardized assets including promissory notes, private equity transactions, and non-traded REIT’s. We do not recommend this brokerage for any of our client accounts. Selection of one broker-dealer for executing orders may not allow Marathon to receive research from other broker-dealers in return for directing transactions to those firms or allow Marathon to evaluate the quality of execution services and commission costs of other broker-dealers. Thus, selecting a single broker-dealer may not result in the lowest commissions possible or best price or execution of transactions.

Marathon does not aggregate purchases or sales of securities as we do not have standardized models. Client accounts are customized to each investor. Thus, a buy or sell is an individualized recommendation.

Marathon may receive proprietary software products from Schwab at minimal or no cost. The software enables Marathon to have computer access to client accounts, to have real time quotes and to gather data for Marathon reports. Receipt of such services creates an inducement and conflict of interest for the firm since referring clients to any other brokerage firm not providing these support services may result in higher reporting and overhead costs to Marathon.

## Item 13 – Review of Accounts

Clients are invited to meet with their Marathon Advisor at least annually. Clients with portfolios valued at more than \$250,000 are encouraged to meet quarterly. It is a client's responsibility to establish the meeting schedule.

**Reviews.** Financial planning looks to the long term, so accounts are reviewed and clients are provided reports only at a client's request if such services are included in the client's contract. At times of economic uncertainty, or as special needs arise, additional consultations may be needed. Fees are billed at the hourly rate for such reviews.

Managed portfolios are reviewed by their Advisor quarterly. Other clients will have an annual review based on mutual agreement.

**Reports.** Clients receive standard account statements from investment sponsors and their brokerage firm.

Marathon Retirement Planning asset summaries are individualized. Thus, the nature and frequency of reports are determined by client needs. We recommend that clients review financial goals and objectives on an annual basis.

Advisors may periodically review client accounts or financial plans on a more frequent basis as market conditions and/or a change in client preferences may prompt an appropriate course of action. Client accounts, financial plans and reports to clients are periodically reviewed by the Chief Compliance Officer in accordance with regulation or as events may require.

Marathon Retirement Planning may also send free periodic newsletters to clients discussing general financial planning subjects.

## Item 14 – Client Referrals and Other Compensation

Marathon utilizes the services of Retirement Management Systems, LLC (CRD #150351) for its Savings Plan Management program and we may rely on the firm to make allocation changes to the client's savings plan account on the client's behalf. Please refer to Items 4 and 5 of this Brochure regarding the services and fees for the Advisor's arrangement with Retirement Systems Management.

From time to time our clients may refer a potential client to us for our services. We greatly appreciate the vote of confidence the referral implies but we do not compensate the referrer.

## **Item 15 – Custody**

Marathon does not maintain custody of any client accounts, funds or securities. Marathon advisors do not serve in any trustee capacity for clients. Mr. Pontes acts as trustee only for his personal living trust and a family-related trust. Clients receive standard account statements from investment sponsors, their bank, their brokerage firm, or other qualified custodian at least quarterly. Periodically, clients also receive asset summaries from Marathon Retirement Planning. Clients are urged to compare the account statements they receive to the reports from Marathon Retirement Planning.

Marathon has informed the Commissioner that it has advised its clients that it only has custody to make withdrawals from client accounts to pay its advisory fees, such authorization has been given in writing and that each time a fee is withdrawn from a client account the client and the custodian will be sent an invoice with itemization and calculation.

## **Item 16 – Investment Discretion**

The majority of our clients have given MRP limited discretionary authority to charge quarterly fees and discretionary authority to purchase, sell, exchange and effect other transactions in securities at such times as Advisor deems appropriate provided, however, that Advisor shall not have authority to take custody or possession of any Account assets except for advisory fees withdrawn in accordance with their contract with Advisor. No funds are managed on a full discretion basis.

For accounts managed on a non-discretionary basis, Advisor will contact the Client for permission prior to effecting any transactions in the Account provided, however, that Advisor may decide the time and price at which a transaction is authorized by Client may be affected.

Marathon will not act as power of attorney for any client account. Marathon will, however, honor a properly executed client's power of attorney request appointing a third party. Occasionally we may act as a power of attorney for a personal family-related account.

## **Item 17 – Voting Client Securities**

Marathon Retirement Planning does not vote client securities. All clients will receive their proxies or other solicitations directly from their custodian or a transfer agent. Clients may contact their advisor with any questions regarding proxy voting.

## Item 18 – Financial Information

Marathon Retirement Planning does not require or solicit prepayment of \$500 or more in fees per client, six months or more in advance, and therefore is not required to provide financial information. Neither Marathon Retirement Planning nor Anthony Pontes has been the subject of a bankruptcy in the past 10 years. There is no financial condition that is reasonably likely to impair our commitment to clients.

## Item 19 – Requirements for State-Registered Advisors

The following information is provided as required for state-registered Advisors:

1. **Principal Executive Officers and Management Persons** -- All principal executive officers and management personnel have been previously identified in this brochure under Item 4 – Advisory Business.
2. **Other Business Activities** -- All outside business activities and the percentage of time spent in each have been previously identified in the brochure under Item 10 – Other Financial Industry Activities and Affiliations.
3. **Performance-Based Fees** -- Neither Marathon nor its principal executive officer is compensated for advisory services with performance-based fees.
4. **Legal and Disciplinary Issues** -- Neither Marathon nor its principal executive officer has any legal, financial or regulatory disciplinary items to disclose.
5. **Arrangements with Securities Issuers** -- Neither Marathon nor its principal executive officer has any relationship with an issuer of securities.
6. **Advisor Information** – Additional information regarding Anthony J. Pontes, Jr. can be found in Form ADV, Part 2B Brochure.
7. **Arbitration** -- Neither Mr. Pontes nor Marathon Retirement Planning has been involved in an award or found liable in an arbitration claim alleging damages in excess of \$2,500 or found liable in any civil, self-regulatory organization or administrative proceedings.
8. **California Code 260.238(k)** – The Code Section 260-238(k) provides that failing to disclose to a client in writing before entering or renewing an advisory agreement with that client any material conflicts of interest regarding the investment adviser, its representatives or any of its employees, which could be reasonably expected to impair the rendering of unbiased and objective advice does not promote “fair, equitable or ethical principles”.