



**OATLEY & DIAK, LLC**  
REGISTERED INVESTMENT ADVISOR

18801 East Mainstreet  
Suite 240  
Parker, CO 80134  
(303) 221-1900

[info@oatleydiak.com](mailto:info@oatleydiak.com)  
[www.oatleydiak.com](http://www.oatleydiak.com)

**Firm Brochure**  
**(Part 2A of Form ADV)**  
**February 3, 2025**

This Brochure provides information about the qualifications and business practices of Oatley & Diak, LLC [“Advisor”]. If you have any questions about the contents of this Brochure, please contact us at (303) 221-1900 or email at [info@oatleydiak.com](mailto:info@oatleydiak.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.

Oatley & Diak, LLC (CRD# 123589) is a registered investment adviser. Registration of an Investment Adviser does not imply any level of skill or training. The oral and written communications of an Adviser provide you with information about which you determine to hire or retain an Adviser.

Additional information about Oatley & Diak, LLC also is available on the SEC’s website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov).

## **Item 2 – Material Changes**

### **Annual Update**

The Material Changes section of this brochure only discusses material changes from the previous annual update. The Material Changes section will update annually or when material changes occur since the previous release of the Firm Brochure.

### **Material Changes**

Since the last updating amendment to Oatley & Diak, LLC's Form ADV Part 2 brochure on February 3, 2025, we note the following material changes to this Brochure:

**None**

### **Full Brochure Available**

Whenever you would like a complete copy of our Firm Brochure, please contact us by telephone at (303) 221-1900 or by email [info@oatleydiak.com](mailto:info@oatleydiak.com).

Additional information is also available via the SEC's web site [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov). The SEC's web site also provides information about any persons affiliated with Oatley & Diak, LLC who are registered, or are required to be registered, as investment adviser representatives of Oatley & Diak, LLC.

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## **Item 4 – Advisory Business**

### **Firm Description**

Oatley & Diak, LLC was founded in 1998 by Donald F. Oatley. There are currently two members – John J Diak and Noelle O Diak – this includes one Certified Financial Planner™.

Oatley & Diak, LLC provides financial planning and investment management to individuals, families and their related entities, trusts and estates, and family businesses. Oatley & Diak, LLC works with clients to define financial objectives and to develop strategies for reaching those objectives, some of which may include: identification of financial problems, cash flow and budget management, tax planning, risk exposure review, investment management, education funding, retirement planning, estate planning, charitable goals, special needs planning, divorce planning, family business succession issues, fringe benefits, and/or other issues specific to the client.

The firm’s compensation is solely from fees paid directly by clients. The firm does not receive commission based on the client’s purchase of any financial product, including insurance. No commissions in any form are accepted. No referral fees are paid or accepted. No benefits are received from custodians/broker-dealers based on client securities transactions (“soft dollar benefits”).

Assets under the direct management of Oatley & Diak, LLC are held by independent custodians including Charles Schwab & Co., Nationwide/Jefferson National, or others in client’s name. Oatley & Diak, LLC does not act as a custodian of client assets, although we may, at times, be considered by an individual custodian, the SEC and/or the state regulatory entity to technically have “custody” over certain types of accounts held at independent custodians. This occurs primarily when Oatley & Diak, LLC client provides the firm authority to assist in money movement between two accounts with different named registrations (e.g. individual’s IRA account into an individual’s brokerage account) as well as having the authority to deduct fees directly from client’s accounts under management at Oatley & Diak, LLC.

We may recommend other professionals (e.g. lawyers, accountants, insurance agents, real estate agents, etc.) at the request of the client. Other professionals are engaged directly by the client on an as needed basis even when recommended by the Advisor. Conflicts of interest will be disclosed to the client and managed in the best interest of the client.

### **Principal Owners**

Noelle O. Diak and John J. Diak each own a 50.0% interest in Oatley & Diak LLC. There are no intermediate subsidiaries.

### **Types of Financial Services**

#### **Investment Advisory Services**

Oatley & Diak, LLC provides investment advisory services (i.e. “asset management”) defined as giving continuous advice to a client, based upon a prior-established client profile or investment policy. Such a profile or investment policy is created through personal discussions in which goals and objectives based on a client’s particular circumstances are established. Each portfolio will be

designed to meet a particular investment goal which the Advisor has determined to be suitable to the client's circumstances and risk tolerance. Once the appropriate portfolio has been determined, the portfolio will be continuously managed based on the portfolio's investment objectives, rather than on the client's individual needs. However, each client will have the opportunity to place reasonable restrictions on the types of investments to be held in the portfolio. The Advisor will provide such continuous advisory services on a discretionary and non-discretionary basis as pre-determined in discussions with the client and stated in the Investment Advisory Agreement. Account supervision will be guided by the stated objectives of the clients (i.e. maximum capital appreciation, growth, income, or growth and income).

The Advisor will create a portfolio consisting of individual stocks or bonds, exchange traded funds (ETF), no-load funds (funds with no front-end or deferred sales charges and whose total charges against net assets for sales related expenses and/or services do not exceed 0.25%), and load-waived funds (front-end commissions will not be charged).

All ETF and mutual funds will be selected based on any or all of the following criteria: fund investment objectives, fund performance history, fund manager's performance history, fund manager's investment style and philosophy, industry sector in which the fund invests and the fund's management fee structure. Each client's individual needs and circumstances will determine the initial portfolio weighting between funds and market sectors. Clients will retain individual ownership of all securities.

#### Comprehensive Financial Planning

This service includes financial planning, implementation and ongoing asset management/monitoring services. Financial planning may include identification of financial problems, cash flow and budget management, tax planning, risk exposure review, investment management, education funding, retirement planning, divorce planning, charitable goals, small business planning issues, special needs planning or other issues specific to the client. A written evaluation of the client's current situation and their goals is provided to the client. The engagement also includes implementation of recommendations accepted by clients, unlimited telephone support, meetings as required, on-going financial planning services, reminders of specific courses of action that need to be taken, and quarterly, semi-annual or annual written portfolio reviews as negotiated with each client. More frequent reviews may occur but are not necessarily communicated to the client unless immediate changes are recommended.

#### Individual Financial Planning

The service includes financial planning only. No implementation services or ongoing asset management services are provided. Financial planning may include identification of financial problems, cash flow and budget management, tax planning, risk exposure review, investment management, education funding, retirement planning, divorce planning, charitable goals, small business planning issues, special needs planning or other issues specific to the client. A written evaluation of the client's current situation and their goals is provided to the client. Recommendations are given in each area specifically requested by the client. This service includes up to two meetings in addition to the introductory meeting.

Individual financial plan engagements may be upgraded to the Comprehensive Financial Planning arrangement upon completion or implementation may be provided via our hourly fee Concierge Services and Special Projects arrangement.

#### Concierge Services and Special Projects

Projects may be undertaken that are not described in other types of agreements, including implementation of Individual Financial Plan recommendations, periodic investment portfolio review, assistance with tax planning, assistance with wealth transition, or other services specifically described in an engagement letter.

#### **Tailored Relationships**

At Oatley & Diak, LLC, advisory services are tailored to the individual needs of the client. Client goals and objectives are clarified in meetings and via correspondence and are used to determine the course of action for each individual client. The goals and objectives for each client are documented in our client files, either in hard copy or electronic files.

Clients may impose restrictions on investing in certain securities or types of securities. This must be done in writing and be signed by the client and Oatley & Diak, LLC. Agreements may not be assigned without client consent.

#### **Managed Assets**

As of December 31, 2024, Oatley & Diak, LLC manages approximately \$29,289,457.02 in assets for 167 accounts or 47 client households - \$28,884,482.85 is managed on a discretionary basis and \$404,974.17 is managed on a non-discretionary basis.

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

#### **Description**

Oatley & Diak, LLC bases its fees on a percentage of Assets Under Management, hourly charges, fixed fees, and a retainer that is not calculated on an Assets Under Management basis or on an hourly estimate. All fees are negotiable.

#### Investment Advisory Services

Investment Advisory Service fees are based on a percentage of Assets Under Management. The following is a schedule of investment advisory services:

<u>Portfolio Value</u>	<u>Maximum</u>
For The First \$1,000,000	1.00%
For The Next \$2,000,000	0.70%
For The Next \$2,000,000	0.50%
Beyond \$5,000,000	Negotiable

Asset-based fees are charged on a blended tier. For example, an account with assets of \$1,200,000 will be charged an annualized asset-based fee of 1.00% on the first \$1,000,000 and the remaining assets would be assessed the lower fee of 0.70%.

Fees are billed quarterly, in advance, and are based on the amount of the assets under management on the last day of the prior quarter as valued by the custodian.

#### Comprehensive Financial Planning

Initial financial planning fees for the Comprehensive Financial Planning agreement are based on provided client information and adjusted based on individual client complexity. An initial fee range is determined at the outset by an engagement letter and are based on a variety of factors, including but not limited to historical relationships, total assets, investable assets, types of assets, anticipated future additional assets, gross income, anticipated future earning capacity, complexity of financial planning needs, relationships with other professionals, related accounts, or negotiations with clients.

Implementation and ongoing asset management/monitoring service fees of the Comprehensive Financial Planning engagement are based on a percentage of Assets Under Management and are consistent with Investment Advisory Service fees. Fees are calculated and billed quarterly in advance.

#### Individual Financial Planning

Initial financial planning fees for the Individual Financial Planning agreement are based on provided client information and adjusted based on individual client complexity. An initial fee range is determined at the outset by an engagement letter and are based on a variety of factors, including but not limited to historical relationships, total assets, investable assets, types of assets, anticipated future additional assets, gross income, anticipated future earning capacity, complexity of financial planning needs, relationships with other professionals, related accounts, or negotiations with clients.

Unless otherwise stated in an engagement letter, the Individual Financial Planning engagements are billed as follows: 25% upon signing the agreement, 25% within 30 days of the date of the agreement, and 50% on completion of specified work.

The client may choose to upgrade the Individual Financial Planning engagement to a Comprehensive Financial Planning engagement. Implementation and ongoing asset management/monitoring service fees will be added at the rate consistent with the Investment Advisory Service fees. Fees are calculated and billed quarterly in advance.

#### Concierge Services and Special Projects

Special Projects involving senior planners (with a CPA or CFP® designation) will be billed at the rate of \$300/hour. Special Projects involving an associate planner (without a CPA or CFP® designation) are billed at \$150/hour. Non-planner staff time for Special Projects is billed at \$50/hour. Estimates are provided and a deposit requested. Since the nature of the work often involves variables or circumstances unknown at the start of the engagement, estimates are not guaranteed.

#### **Fee Billing**

Clients using Investment Advisory Services and Comprehensive Financial Planning services may choose to have fees deducted quarterly from a designated brokerage account at their qualified

custodian to facilitate billing, or to be invoiced quarterly. The client must consent in advance to direct debiting of their investment account for financial planning fees.

Individual Financial Planning clients are billed 25% of the quoted financial planning fee upon signing a contract and an additional 25% within 30 days of the contract date, with the balance due on completion of specified work, or by other written arrangement. These fees cannot be paid by direct debit of a brokerage account.

Clients using Concierge Services and Special Projects services are billed monthly in arrears, or as otherwise specified in an engagement letter. These fees cannot be paid by direct debit of a brokerage account.

### **Other Fees**

Custodians may charge transaction fees on purchases or sales of certain mutual funds, stocks, bonds, and exchange-traded funds. These transaction charges are usually relatively small and are incidental to the purchase or sale of the security. In some cases, custodians also charge monthly, quarterly or annual custody fees. Fees for custody are disclosed to clients when this type of arrangement is recommended.

Mutual funds and exchange-traded funds generally charge a management fee for their services as investment managers. The management fee is included in the expense ratio. Mutual fund fees also include transaction charges for the purchase or sale of securities within the fund and may charge other fees as disclosed in the fund prospectus. These fees are in addition to the fees paid by the client to Oatley & Diak, LCC.

Please see the section entitled "Brokerage Practices" on page 7 for more information.

### **Past Due Accounts and Termination of Agreement**

Oatley & Diak, LLC reserves the right to stop working on any account that is more than 60 days overdue. In addition, Oatley & Diak, LLC reserves the right to terminate any financial planning engagement where a client has willfully concealed or has refused to provide pertinent information about financial situations when necessary and appropriate to providing proper financial advice, per the judgment of Oatley & Diak, LLC. Clients may terminate their agreement at any time by providing written notice.

Terminated clients will receive an itemized bill based on hourly rates (see Concierge Services and Special Projects above) for work completed. Any unused portion of fees collected in advance will be refunded within 30 days.

### **Compensation for Sales of Investment Products**

The firm's compensation is solely from fees paid directly by clients. The firm does not receive commission based on the client's purchase of any financial product, including insurance. No commissions in any form are accepted.



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

Oatley & Diak, LLC does not use a performance-based fee structure because of the potential conflict of interest. Performance-based compensation may create an incentive for the advisor to recommend an investment that may carry a higher degree of risk to the client. However, the nature of asset-based fees allows Oatley & Diak, LLC to participate in the growth of the client's wealth. This also means that our fees decline when the client's portfolio declines in value.

## **Item 7 – Types of Clients**

Oatley & Diak, LLC generally provides investment advice to individuals, families, trusts and estates. Advice may extend to entities related to the client such as small business and charitable organizations, including foundations and endowments. Client relationships vary in scope and length of service. Oatley & Diak, LLC does not impose a minimum dollar value of assets or other condition for opening or maintaining an account.

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

### **Methods of Analysis**

Security analysis methods at Oatley & Diak, LLC include fundamental analysis. The main sources of information include Morningstar reports, fund prospectuses; Thompson Reuters stock reports, financial newspapers and magazines, research materials prepared by others, filings with the Securities and Exchange Commission, and annual reports. Employees of Oatley & Diak, LLC also attend on-site and off- site visits with fund and portfolio managers, conference calls, and industry conferences.

### **Investment Strategies**

The investment strategy for a specific client is based upon the goals, objectives, risk tolerance, time horizon, income needs, and tax situation stated by the client during consultations. The client's goals and objectives are recorded during meetings and via correspondence with the client. Client is presented with a risk tolerance questionnaire to further assist in defining investment strategy. The client may change investment strategy at any time.

Once investment strategy is defined, the firm uses strategic asset allocation through the use of passively-managed index exchange-traded funds (ETF's) and actively – managed mutual funds. Generally, portfolios are globally diversified to control the risk associated with traditional markets.

Each client portfolio is constructed solely for that client. We do not use model portfolios, and we do not utilize composites to illustrate results.

### **Risk of Loss**

All investment programs have certain risks that are borne by the investor. Our investment approach keeps the risk of loss in mind. However, as with all investments, clients face investment risks including the following: Loss of Principal Risk, Interest-Rate Risk, Market Risk, Inflation Risk, Currency Risk, Reinvestment Risk, Business Risk, Liquidity Risk, and Financial Risk.

## **Item 9 – Disciplinary Information**

The firm and its employees have not been involved in any legal or disciplinary events related to past or present activities.

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

### **Activities**

Oatley & Diak, LLC does not participate in any other industry business activities.

### **Affiliations**

Oatley & Diak, LLC does not have arrangements that are material to its advisory business or its clients with any related person. We may at times recommend unrelated, third party investment managers or other professionals who have greater experience in certain disciplines when appropriate for the client; we do not receive any compensation for the recommendation or selection of these investment advisors or other professionals.

## **Item 11 – Code of Ethics**

### **Code of Ethics**

The employees of Oatley & Diak, LLC have committed to a Code of Ethics outlined by the CFP® Board of Standards. The key points are: integrity, objectivity, competence, fairness, confidentiality, professionalism and diligence. The firm will provide a copy of the Code of Ethics to any client or prospective client upon request.

### **Participation or Interest in Client Transactions**

Oatley & Diak, LLC and its employees may at times buy or sell securities that are also held by clients. Employees may not trade their own securities ahead of client trades.

## **Item 12 – Brokerage Practices**

### **Selecting Brokerage Firms**

Oatley & Diak, LLC does not have any affiliation with product sales firms. Specific custodian recommendations are made to clients based on their need for such services. Oatley & Diak, LLC recommend custodians based on the proven integrity and financial responsibility of the firm, best execution of orders at reasonable commission rates, and the quality of client service.

Oatley & Diak, LLC recommends discount brokerage firms and trust companies (“qualified custodians”) such as Charles Schwab. Oatley & Diak, LLC does not receive any fees or commission from any of these arrangements, although Oatley & Diak, LLC may benefit from electronic delivery of client information, electronic trading platforms and other services provided by custodians for the benefit of clients. Oatley & Diak, LLC may also benefit from other services provided by custodians, such as research, continuing education, and practice management advice. These benefits are standard in a relationship with these custodians and are not in return for client recommendations or transactions.

Oatley & Diak, LLC reviews the execution of trades at each custodian manually. Trading fees charged by the custodians are also reviewed on an annual basis. Oatley & Diak, LLC does not receive any portion of the trading fees.

### **Soft Dollars**

Oatley & Diak, LLC does not receive soft dollar benefits from the custodians to whom we recommend clients.

### **Directed Brokerage**

Oatley & Diak, LLC does not direct brokerage for specific client transactions. However, when more than one account is trading a particular stock or traded fund on the same day, block trading may be used to get identical pricing on the trades.

## **Item 13 – Review of Accounts**

### **Periodic Reviews**

The frequency of reviews is individually negotiated with each client. Comprehensive Financial Planning and Investment Advisory Service clients are provided with quarterly, semi-annual, or annual reviews, which vary in focus by quarter and may include asset allocation updates and rebalancing, performance reviews, tax and estate plan reviews, investment reviews, cash flow monitoring and more.

Individual financial planning clients are given the option to return annually at their expense for an update of their financial plan.

Oatley & Diak, LLC utilizes a committee approach to determine client investment guidelines with each Principal qualified to perform account reviews. Generally, account reviews are performed by John Diak and/or Donald Oatley. All investment plans are reviewed by Donald Oatley and John Diak prior to distribution to clients.

### **Review Triggers**

Account reviews for Comprehensive Financial Planning and Investment Advisory Service clients are performed more frequently when market conditions dictate, or when a client's objectives change. A review may be triggered by client requests, changes in market condition, new information about an investment, changes in tax laws, or other important changes.

### **Regular Reports**

Quarterly performance reports are sent to Comprehensive Financial Planning and Investment Advisory Service clients. In addition, a monthly newsletter is sent via email to provide educational articles provided by third party vendors and additional firm correspondence to all clients.

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

### **Incoming Referrals**

Oatley & Diak, LLC has been fortunate to receive client referrals over the years. The referrals have come from current clients, estate planning attorneys, accountants, personal friends of employees and other sources. The firm does not pay for referrals.

### **Referrals to Other Professionals**

Oatley & Diak, LLC does not accept referral fees or any form of remuneration from other professionals when a prospect or client is referred to them.

## **Item 15 – Custody**

### **Account Statements Provided By Qualified Custodian**

All assets are held at qualified custodians, who provide account statements directly to clients at their address of record at least quarterly. Clients are encouraged to carefully review the statements provided by their custodian.

### **Statements/Reports Provided By Oatley & Diak, LLC**

Clients are provided quarterly performance statements out of our portfolio accounting software. At times, clients are provided with net worth statements and graphs that are generated from our portfolio accounting and financial planning software. Net worth statements contain approximations of bank account balances provided by client, as well as the value of land, real estate, limited partnerships, and other hard-to-price assets. The net worth statements are used for long-term financial planning where the exact values of assets are not material to the financial planning tasks. The book values of hard-to-price assets are reviewed whenever supplemental information relating to valuation is received. Otherwise, these assets are priced at client cost. Clients are urged to compare the statements they receive from us to those they receive from their qualified custodians.

## **Item 16 – Investment Discretion**

### **Discretionary Authority for Trading**

Oatley & Diak, LLC accepts discretionary authority to manage securities accounts on behalf of clients. Oatley & Diak, LLC has the authority to determine, without obtaining specific client consent, the securities bought or sold, and the amount of the securities bought or sold. However, if discretionary authority or a limited power of attorney has not been given, Oatley & Diak, LLC consults with the client prior to each trade to obtain concurrence. Discretionary trading authority facilitates placing trades in clients' accounts on their behalf so that we may promptly implement the investment policy that they have approved. In most cases, clients are provided with an opportunity for review and discussion prior to initial implementation and recommendations.

Third party investment managers have full discretion over trades and do not consult with Oatley & Diak, LLC or with clients before placing trades.

### **Limited Power of Attorney**

Clients must sign and the qualified custodian must accept a limited power of attorney before Oatley & Diak, LLC is given discretionary authority or can transact in a non-discretionary capacity. The limited power of attorney is included in the qualified custodian's account application for our main custodians. For accounts not held with our main custodians, clients may sign a separate limited power of attorney document authority to Oatley & Diak, LLC.

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

Unless the client designates otherwise, Oatley & Diak, LLC does not vote proxies for securities over which it maintains discretionary and non-discretionary authority.

## **Item 18 – Financial Information**

Oatley & Diak, LLC does not have any financial impairment that will preclude the firm from meeting contractual commitments to clients. A balance sheet is not required to be provided because Oatley & Diak, LLC does not serve as a custodian for client funds or securities, other than as described above, and does not require prepayment of fees of more than \$1,200 per client, six months or more in advance.

## Item 19 – Requirements for State-Registered Advisers

John J. Diak, CFP®

CRD #: 5207863

Date of Birth: 07/16/1970

Educational Background:

- BS – Business Administration – Finance - Colorado State University
- BS – Human Development and Family Studies – Colorado State University
- MS – Finance - University of Colorado
- Personal Financial Planning Certificate - Metro State College of Denver

Business Experience:

Prior to joining Oatley & Diak, LLC, John was a shareholder of a mid-sized land surveying firm in Parker, Colorado before selling his interest in 2006. John was responsible for all financial and accounting related activities of the firm and worked with a diverse clientele in construction, engineering, architecture, real estate mining, special districts as well as federal, state and local municipalities. He is a member of the Financial Planning Association (FPA) and actively provides financial outreach through local non-profits and the many opportunities the FPA provides to its members. In 2012, John was elected to the Parker Town Council. His duties include sitting on committees, making policy decisions for the local government and approving the Town budget. This is not a full-time position, and the required meetings are primarily held at night. John does sit on various financial related advisory and oversight committees. John's role is to monitor cash management and investment results, develop and recommend investment policies to the Town Council and assist in the selection of investment professionals to implement policy. John has no role in the investment selection and/or active management of municipal investment assets.

Noelle O. Diak

CRD #: 4125107

Date of Birth: 7/24/1969

Educational Background:

- BS – Merchandising – Colorado State University
- Personal Financial Planning Certificate – Metro State College of Denver

Business Experience:

Prior to joining Oatley & Diak, LLC in 2002, Noelle was a registered representative with Janus Funds. Noelle's role at Oatley & Diak, LLC is as-needed support to both the firm and the client. In 2023, Noelle took a full-time position with A.J. Gallagher & Co - a leading insurance brokerage, risk management and HR & benefits consulting company - as a Client Service Representative. Noelle has focused on giving back by serving in the Junior League, Colorado Women's Chamber of Commerce and volunteering at her church.