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EPIISODE
67

Douglass Lodmell

Show Notes at: <http://www.aesnation.com/67>



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Best of success,



John Bowen
Co-founder, AES Nation

John Bowen: As entrepreneurs, we love building wealth. The capital markets work. As we deliver more and more value to our clients, our customers, we're able to create tremendous wealth. The problem with that though and when we survey you, the fourth biggest concern is protecting that wealth. Today's world I don't have to tell you about all the different ways that you can have your assets unjustly taken from you.

Today we've got a too-far as a special guest, unbelievable successful entrepreneur who's going to share how he has built a tremendous business, the nation's largest asset protection legal service. He is an amazing individual. He's working with fellow entrepreneurs like you to protect over 5 billion in assets, 4,000 clients worldwide. I've asked him to join us for 2 reasons, one to show us really how he has built this great business but second, to share with us how we can protect our assets.

I'm John Bowen. You're at aesnation.com. You don't want to miss this.

John: Douglass, how are you doing? Thank you for joining us and sharing your insights on building business and protecting assets with our audience.

Douglass Lodmell: Great to be here, John. Thanks for having me.

John: You've done some amazing things. We've got some good mutual friends who said, "John, you got to have him on the show. Whether they're on video or whether they're on audio podcast, they're going to love hearing from Doug." Just before we turn on the recorder, the opportunity to visit with you, I know they're right.

What I'd like to do is I mentioned we want to go on 2 things, the entrepreneur side as well as the asset protection, but I'd love to hear from you your back story. How did you get to where you are today as one of the nation's largest asset protection attorneys?

Douglass: It's interesting attorneys don't have a marketing mindset. They don't have a business mindset for the most part. They just do their thing. My partner was my brother Benjamin and my father Gary who is a lawyer. They brought, particularly my brother, brought this entrepreneurial sales culture.

What ultimately happened is we didn't treat it like a law firm even though it is. We treat it like an entrepreneurial adventure we marketed like heck. We're on the road 40 weeks a year for 5 years building it. We built a database, we learned how to market, we learned how to use the internet, all the things that lawyers traditionally haven't figured out. The results have been great. We had a little luck. Asset protection became a huge concern over the past 10 years and we were positioned, right place at the right time.

John: That's great and you take advantage. One of the things that I love about growing a business and you certainly, you and your brother and father grown a dramatic businesses that you let the marketplace tell you what's working. The internet has become such a great facilitator of getting information and making this happen. There are so many issues that attorneys can help entrepreneurs with. How did you land on asset protection?

Douglass: That's a great question. That was serendipity. My father who has been an attorney for almost 50 years now, he did real-estates indications in the '70s and '80s. He was in Arizona. What happened is in the mid '80s we had the S&L crisis. They use limited partnerships to set up these indications. What happened in a lot of the members of the limited partnerships, the clients, had financial difficulties because of the crisis.

What they learned is that the limited partnership actually protected their assets, so the banks that were trying to get in there couldn't reach it. My father said, "Wow that worked really well." These clients all settled for pace on the dollar. What we did is on purpose and really, again, serendipity. Other attorneys at the time were working on the same problem, which is how do you specifically set up legal structures to protect the assets. It was really an organic outgrowth of him seeing it worked first time with his clients.

John: What I love is that the most successful entrepreneurs I've had the opportunity to meet and work with. They've gone ahead and what they've done is that they're out in the marketplace and the marketplace has told them its working and then they run with it.

Let's go into a little bit from the standpoint of your really found that asset protection was the right area that you could specialize in. Let's take a little step further. Did you start locally and then expand? Did you get the client service, the experience? What order did you build it out on?

Douglass: No. We focused on going where that need was, so who needed our services were, successful entrepreneurs, definitely doctors and professionals that have a lot of personal liability. Again, the '80s, '90s asset lawsuits were rampant. I said lawyers don't know how to market. The one exception to that of course is plaintiff's attorneys. They figured out how to market really well right down the TV, billboards and massive campaigns so that was happening at the same time.

We actually travelled all around the country. Sometimes my brother and father and I were at different speaking engagement in a different state on the same weekend. We went where the clients where and that meant going to conferences and seminars where those people weren't speaking about asset protection.

Then, again, coming back from those and not acting like lawyers, we acted like, "Here's leads. Let's process them. Let's grip on them. Let's call them. Let's sell." We just built it like you would build any business with a lot of effort particularly in the beginning and just good systems.

John: I know it is. This is part we've talked about is its persistency. It's tenacity. You mentioned earlier before we turn on the recorder is you just have to keep on doing it. What I love is the market gives you feedback and if you can just find that 1 area and this is no matter where you are in business, whether you're really just getting started or you're hugely successful the market will point you in a direction.

I'm in Silicon Valley. We get taught to fail quick. You test something. If market tells you it doesn't make sense, you pivot. You did some pivoting, you got that, you get out in front, you put the systems in place, there's so much value there.

I want to switch now, Douglass, and go to the asset protection side. Entrepreneurs when we survey, what we see, the successful entrepreneurs, there's 5 things that they want on a personal financial side.

Number 1, they want to make smart decisions about their personal money.

Number 2, they want to mitigate taxes. They want to pay no more than their first share.

Number 3, what they're looking for is they want to take care of their heirs. They want to have those plans in place for that.

Number 4, its pretty high up. We find that once people get over 1 million dollars of financial assets, 58 percent are concerned with number 4 and it's a rising number. They want to protect their assets from being unjustly taken.

Then lastly of the big 5 concerns we see is the charitable side.

You're focusing on something that you're well over half the entrepreneurs. Probably today we're focused on a million plus or 5 million of revenue plus, let's say it's about 2/3 our concern with. Maybe let's talk about why they are concerned. Is their concern justified?

Douglass: Here's the thing that I've learned dealing with thousands of clients is that it's justified because the single biggest headwind that we face as entrepreneurs is ourselves, our own fear, our own inability to face the challenge that's ahead of us. When you're afraid that's something you're going to do is going to cause you to lose which you've already built, you become more and more conservative.

The biggest message that I've got from my clients is that by doing the asset protection what I've done is I've freed myself from the worry that I might make that 1 mistake and cause complete financial devastation in my family. They are right to be concerned. If for nothing else, then it will be a reduction of the fear that's holding them from making their next leap.

Why do they have that fear in the first place? Lawsuits. Are they right to worry about lawsuits? To me the answer is clearly yes. 70,000 new ones are filed every day in this country.

The barriers, the entry of what it used to file a lawsuit, have all been dropped. It used to be attorneys couldn't advertise so they couldn't take contingent fees and there were very strict ethical rules. Even the rules of simple procedure required you to state your case very specifically, all that's gone. I can sue you for anything and you have to respond in. I'm going to get my damn court. It makes we're very uncertain marketplace. As entrepreneurs, we're pushing the edge all the time and that scares us and that's my clients are.

John: Having gone through a few lawsuits along the way of multi-businesses. I've talked to some of my more successful billionaire friends. I have one that has 400 lawsuits going on currently. I think he's one of the most integrity guys I've ever met in my life. It has nothing to do with integrity. It's opportunity. I have a very good friend on one of the boards of one of the major Silicon Valley companies. They will not ever settle. They just have this rule and even there the wear-and-tear people still go after him left and right.

What I do like about what you said expressed that way but I think that's actually brilliant, this is something that we want to get all the things that we can off our play. As entrepreneurs, being an entrepreneur is hard enough but if we can get rid of some of these concerns, those big 5 I've talked about just get them off so we can focus on doing what we're really good at. A goof friend, Dan Sullivan of Strategic Coach, he calls it the unique ability. If we can take our unique ability and really run with it, serve the marketplace and not worry about these side distractions as much that can be extremely powerful.

We've got a whole bunch of entrepreneurs listening to us or watching us on video. They're going, "I like this concept of protecting my assets. I'd like to not ever have to worry about lawsuits, unjustly lawsuits." We're always going to be responsible for our own negligence and doing something stupid. We shouldn't do that. The other side, how do you advise when somebody comes to you and they're thinking about doing something beyond the classic buy insurance and transfer some of the risk?

Douglass: It's individual. Every client comes to me and the first thing I do is I look at their financial assets, all their assets, so their real estate, their liquid assets, their 401Ks, their IRAs, their investments, their private companies and of course their primary business or what they're building. We determine if it's at risk.

A lot of times some people will be surprised to find that they're actually pretty well protected. They have to live in Texas and their biggest asset is their home. Texas unlimited home tax exemption is enough or their biggest asset is their home and their risk of plan, their defined benefit plan has 5 million dollars in it and they live in a 2 million-dollar home, they don't need any asset protection.

More often than not, it's the other way around. They have some assets that are protected a little a little bit but most of them are on the table and so we look at that. From there, we look at what their risk is. I can't tell you if they're coming to me, they already are worried about it and so I know they need it because if they're worried about it that's what we want to get out of the way, the fear. We look at their profession. We look at their industry.

I got lots of entrepreneurs that are doing things where the biggest concern they have is the FTC because the FTC doesn't like successful marketers so that's a big risk. I used to have more doctors. Now it's really pretty rare that have a doctor walk in the door. It's entrepreneurs and it's marketers that are leading the charge.

We look at it individually. I tell them what it is they can do, present it very clearly, make sure they understand exactly how it works and then they have a roadmap to follow if they want to move forward with it.

John: What I see on my side is whoever the highest profile entrepreneurs. When you become more successful, you become a target and it's presumed that you have wealth in that end. It's easier to have lawsuits come to you. Obviously, you mentioned ... We're saying high profile as well as the type of business you're doing and what state you're domiciled in.

I know in California where I live there's not an unlimited ... There's a homestead. I'm not sure. I think it's 7,500 dollars. It's not ... or maybe it's 48, some dollar amount. It doesn't quite cover the average home in Silicon Valley. It's very specific to what your situation is and also where you're domiciled, type of business that you're doing.

What are some of the ... Maybe take us through a hierarchy of simple things as entrepreneurs we can do to protect ourselves through where if somebody is looking to go the more extreme. The challenge always is as we do this, we can do some simple things and it's pretty easy and then we get it off the table. We can do some extreme things and there are consequences of doing this as well. It can make us harder to do business and lose control over some of the assets.

People, as entrepreneurs, we're controlling height, Doug. I don't know if you are, but I know I like to be a little bit. How do we ... Give us a little bit of hierarchy of what are some the solutions. We're doing this and one of the ... I want to put a caution on all the entrepreneurs

is we're doing it just assuring ideas. It's not about the idea or the strategy or tactics. This is everything very personal so you want to work with a professional that actually gets this stuff and if you're going to proceed with it.

With that caveat, what are some of the strategies and tactics that are available to entrepreneurs today?

Douglass: That's a great question, John, because it really is important. How do you go about figuring this out? What I would recommend is sort at the top, not at the bottom. Don't start it well. I'm going to put some stuff in insurance policy because I heard it was exempted in my state. You want to start at the top and understand where you're going or where you may already be and that means really getting with someone, as you said, really stuff gets this stuff and doing a full analysis so that you understand what the platinum version of it is in your case.

From there, it's very easy to peel it back and say, "I'm going to do this, this and this." When someone comes to me and says, "Let's do a full analysis." If they need everything, what everything looks like is an asset protection trust. It's the cornerstone of the plan.

The way I do the trust is ... You're correct. Most people are very hesitant to give up control and they want it. They don't want to just say, "There's offshore thing in some part. We're just fixing it. I'm just going to trust them," so understanding how you can keep control and still protect your assets.

That's usually combined with some form of domestic tools, like limited partnership, limited liability companies, all the things that you know and that the listeners here probably know what we already have in place. Then it goes down to the bottom level of the assets and where they need to be placed inside of that.

Once you're done with the high-level 360 analysis, it's very clear. You'll know exactly what's protected, what you can take are the easy steps, the quick and dirty ones, and then what you would do if you really wanted to fully protect everything and how you can keep that control piece and yet still have the protection.

John: This one of the things as entrepreneurs enjoy in advantage, because we can have different structures and the way we're setting it up compared to somebody who were just pure financial assets or non-business-operating businesses. There's a lot more flexibility and creativeness that can be done here.

Where do you see the mistakes, Doug, that entrepreneurs are making when they're going out and getting advice on the ... there's no shortage on the internet the asset protection. I haven't done it my guess is I'll get well over 1 million responses in 1/10th of a second. There's some

good advice. Certainly, there's no shortage of former asset-protection people who are now in jail or their clients are.

How do they sort through making smart decisions on this? This is something that they want to take care of if it's an issue and put it aside and not being looking over their shoulder that there are something that's going to be getting them whether it's a lawsuit, whether it's a government action that type of thing.

Douglass: That's another great question, John. The number 1 is that asset protection is not tax filing. They don't go together. All the people that have gotten trouble that are sitting in jail today they basically were selling abusive tax structures designed to reduce your taxes, calling it asset protection and using lots of constitutional reasoning and pure trust and all these things that sounded really good. They would cite chapter verse to you but it was out of context.

It's true you can have a pure trust. It doesn't mean you don't have to pay taxes on it, so that's the number 1 is don't put them together. Asset protection should be tax neutral. It should not increase your taxes. It should not reduce your taxes. It really needs to be seen as a pure field of love that is done just to protect your assets.

Probably the second biggest mistake is the misunderstanding of the use of the domestic side versus the use of the international, the offshore side. The international side is 30 years old. The domestic side of it is half as old, as far as the trust part of it is concerned. It is very important that you understand the distinction and the limitations of both and just quickly to say, the domestic side is more popular but is much more limited and you have to be very careful. If you're considering doing a domestic asset protection trust, I would really advise you to think twice and make sure you understand what the limitations are of that.

John: Certainly because that's become a little bit more popular. More recently, there's lots of case log. We don't have as much guidance and the world has changed here fairly quickly.

Douglass: We put it this way. It's half as old and it's got 4 times as many bad cases and many failures already, particularly in California. California is outright set if you create a domestic asset protection trust. For us, it's a fraudulent transfer. It doesn't matter if you had no problems when you set it up. Certainly, a California client would never ever, ever, ever use a domestic asset protection trust.

John: That's great. When we look at this, when we look at protecting the assets, they're going through this inventory of what we have, where we are, we want to protect. What are you seeing that's keeping more ... You have 4,000 clients. That's a huge amount of clients but it's really small part of the population that could benefit from this type. What's holding people

back from actually ... They've done the analysis. They've got the recommendations. What's holding entrepreneurs back from actually executing this?

Douglass: That's really a good question as well. It's a combination of not feeling comfortable, they haven't done enough research or spoken to the right person that really has helped them understand it and you brought it up. There's a big component of this which is the control versus the ownership component.

Asset protection capitalizes on the difference and the distinction between ownership and control. You can own an asset. You can have the beneficial use of it. It can be yours for all practical purposes and yet you don't have to physically control it. When it comes to standing in front of a judge and withstanding an attack, that's the key point you can't be in physical control.

That's what scares a lot of people. They think that that is just too much to ask for. Done correctly, it's really not. When people get done speaking with me about it, they understand that it's you can have the control right up to the point where it doesn't make sense for you to have the control and believe me at point you have no problem in giving it up.

This is a concept that really no other attorney that I know of uses. I call it a bridge. It's a bridge trust. It bridges the domestic trust with the foreign trust, allows the client to stay in control and have the ease of use of a domestic trust with the protection of the foreign trust. I think that's why I've grown to be the largest asset protection attorney because I've solved their biggest concern which is giving up control too early.

John: One of the things, Doug, your clients who have done this who have executed it, somebody comes after them. How is it different once they have an asset protection-type trust or bridge versus someone who didn't go and execute?

Douglass: It's massively different. If you have your asset protection plan in place, it's funded, it's there, your assets are in it and then you have a problem. You have a lawsuit. You have an attack on the wealth. You have an investigation, whatever it might be. The assets are already in the plan so at that point all the things can occur to take the assets and move them to a more protective place, which might be offshore in a Swiss bank account.

If you don't have the plan in place, you cannot then put your assets into the plan after you have a problem because that is the definition of a fraudulent transfer, transferring your assets with an intent to delay, hinder or defraud the creditor. Transfer refers to legal transfer, in other words transfer of title. In asset protection structure, you've transferred the title before you have a problem. You physically moved the assets after the problem comes up, but that's not legal transfer and therefore that's not a fraudulent transfer and that's the key distinction.

Where this plays out John is in the negotiation because lawsuits are just negotiations. That's all they are. Once the other side realizes that they don't have access to your assets, they are economic incentive to continue to pursue goes way down and ends up with a settlement much more in your terms.

John: That's the one that I love about doing it right is that I have seen that play out. I've seen the pain, the agony of a full-blown lawsuit without the asset protection side. What asset protection, I always look at it, what it does is that it forces people to the table a lot quicker. When you know it's going to cost you an awful lot to litigate something and with uncertainty of what level of assets you're going to be able to get, that's usually gets everybody together pretty quickly and it gives you as an entrepreneur a strong negotiating position.

I want to go change this segment here and this is the book of the day and because you're a well-read guy, what you recommend to your fellow entrepreneurs?

Douglass: There's so many books coming out. They're all really good. There's a stack of 10 that have been released in the last 12 months, the Maid to Stick and all of those, they're great.

Frankly, the one I find myself just going back to and going back to just as a concept that it just pops to my mind a lot is really the classic, The Tipping Point, which was Malcolm Gladwell's really first big book on how things tip. Where I see this is it's not just in the market a bad tip but in the way you execute within your own business, your idea or your understanding of something. It just tips so I see it coming up all the time.

For someone who missed that one because it's old now, I would go back and read it.

John: I'd even recommend to reread it. It's one of those books that tipping point for entrepreneurs is really an important thing and little things make a big difference. Malcolm does a great job of sharing some super stories on methodology of doing that. You had another book you wanted to recommend.

Douglass: Again, this one is also a little old by now. I think you did a great job of just giving a certain set of stuff out of the way and that was Tim Ferris' Four-Hour Work Week. You and I know, I'm sure Tim doesn't work 4 hours a week, certainly not today.

John: We work as many 4-hour work weeks. Tim is one of the most disciplined and hard-working guys I've ever met in my life.

Douglass: Exactly. What he brought up in that is if you can think about stuff in different ways, it doesn't have to be the same old same on. He's constantly pushing and trying to reinvent

how he does something to see if he can do it more efficiently. I think that book is more about efficiency than it is about working 4 hours a week.

John: It really is. If you haven't read it, I would encourage it. Tim has got a great podcast as well in blog and he's just fantastic. He's out there experimenting on himself ...

Douglass: That's right.

John: ... and help other entrepreneurs. He does a great job.

Let me go to the next segment and this is the application of the day. When you're thinking of applications, Doug, where does your mind go for your fellow entrepreneurs?

Douglass: It's funny when you asked me that question before. I actually pulled out my phone and I started looking at all my apps and what I use. The thing that's most important, the thing that if lost would radically change my life is my CRM, my Customer Resource Management database. I'm working with attorneys all the time, coaching them, building a network of affiliated attorneys. What I'm shocked at is that most of them don't even have a basic CRM.

The value of a CRM, the value of a place that you can digitally store, organize and contact your list is immeasurable. It's not really an app as that but it is. It's the lifeblood I think of your business.

John: I totally agree. I think the sooner you can get to 1 database where everything is there you do. In today's world, there are so many add-ons whether you're using Infusion-soft, which is a marketing CRM, to Salesforce which is one the bigger enterprise type. There are so many add-ons that you can do.

I always like the term Doug that you got to nail a client experience. Whatever that you're looking to do, you got to do it really well. They have to scale it up and there's no way you can scale it up without a great CRM.

Let's go to the last segment here, resources. I'd like to go on your website and let me pull that up here. Tell us what's available for people who want to learn a little bit more about asset protection here.

Douglass: Again, this one of the areas where I really learned early on that it was critical to have a great website. I put a lot of energy into it so there's literally thousands of articles pretty much on any subject related to asset protection.

The thing that I found most valuable as far as building the business and what my clients tell me they appreciate the most and attach to and were able to get to know deal, so we put a lot of effort. I think there's almost 100 videos up there again on every topic. I'm constantly creating new ones and changing how I express it, how I explain it. The current video that's on the homepage is almost brand new and I talked specifically in there about those concerns and explained the bridge trust and how it works, so I would definitely encourage you.

I have some clients call me that say, "My gosh. I feel like I'm talking to a superstar here and I've watched all your videos." All I can think is, "My God, how could you watch 100 hours of video of me. That's just not right." When they come to me, they know. They know who I am and what they find is I'm the same guy in the phone as I am on the video. I think that's really important is just to be who you are and that's what people want. That's what I would encourage. You just go there, watch a couple of the videos and see it with you.

John: I would totally agree, Douglass. We got introduced by a mutual friend, Ben Altadonna. Ben is a super guy, great marketing, really serves in chiro-practice marketplace very well. I had met you and I watched a number of your videos and they're very clear and concise.

Let's go then next step. What I want to do in the next segment is playback to you that I would like to share with our fellow entrepreneurs. I'm looking at my notes and really I want to go to the first segment where we talked about entrepreneurship.

What you did was so great and this is one that we all need to do and we have to remind ourselves is that we want to listen to the marketplace. We want to pick an area that we can really serve that we're passionate about. We want to be a hero to our clients and you chose asset protection. You've gotten deep and narrow into it so that you can bring that unique perspective to those clients.

Then also, somebody delivering the experience but then you have to run with it and you have to have tracked a steady stream and use the tools available. You use both local workshops also the internet. You've videos and again much of what classically attorneys don't use.

Second thing I want to do is I want to go top the next area where we talked about asset protection. To me, this is something that's very important for all of us to think through. It is that 2/3s of us is entrepreneurs who want to make sure our assets are not unjustly taken and it's in the back of our mind. I'm surprised even on simple affluent, not complicated individuals. They oftentimes are very concerned.

In my mind, maybe even more concern than they should be but to the extent, you can take it off the table. That's very important as an entrepreneur is you have more success. The nice

thing about being an entrepreneur is you have more success, more opportunities come. Also, some of these negative things come, too. More people are willing to help you part.

The big thing is to look at asset protection correctly. It is not a tax mitigation strategy. It can be a tax-avoidance strategy but that's unfortunately illegal. You don't want to do that. You want to understand. I always like the term that what it does is it forces people to the table quicker and you have a strong negotiating position and that's really what it's for, but work with a top professional.

As a top professional, Doug, I want to thank you for joining us today. Take the information that Doug and I shared with you. I always end with your clients and your future clients are counting on it. All your stakeholders, your teammates, your partners and your family are counting on you to do a good job and protect those assets so that you can serve your clients well.

Wish you the best of success.

A Second Opinion on Your Finances

A Complimentary Service from Financial Advisor Select for the Members of AES Nation

Dear Fellow Entrepreneur,

Like many members of AESNation, I'm a serial entrepreneur. In addition to co-founding AESNation, I'm the founder and CEO of Financial Advisor Select, a firm dedicated to helping successful people make informed financial decisions by introducing them to top financial advisors.

If you're like many successful entrepreneurs, you and your family already have a relationship with a financial advisor. You may even work with several financial advisors. If you are completely satisfied with these relationships and confident that your finances are on track toward helping you achieve all that is most important to you, we congratulate you.

However, you may not be entirely satisfied. You may be wondering if there's a financial advisor who is better-suited to address your family's very specific financial challenges. If so, you are not alone. In today's uncertain economic climate, many successful entrepreneurs are wondering if they have the right financial advisor.

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Best of success,



John Bowen
Founder and CEO
Financial Advisor Select