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**SEC**  
**MAIL PROCESSING**  
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**FORM X-17A-5**  
**PART III**

SEC FILE NUMBER
8- 68173

MAR 01 2017

FACING PAGE

**Information Required of Brokers and Dealers Pursuant to Section 17 of the Securities Exchange Act of 1934 and Rule 17a-5 Thereunder**

REPORT FOR THE PERIOD BEGINNING 01/01/16 AND ENDING 12/31/16  
MM/DD/YY MM/DD/YY

**A. REGISTRANT IDENTIFICATION**

NAME OF BROKER-DEALER: TOD'S POINT CAPITAL LLC  
 ADDRESS OF PRINCIPAL PLACE OF BUSINESS: (Do not use P.O. Box No.)

OFFICIAL USE ONLY
FIRM I.D. NO.

53 FOREST AVENUE

(No. and Street)

OLD GREENWICH  
(City)

CT  
(State)

06870  
(Zip Code)

NAME AND TELEPHONE NUMBER OF PERSON TO CONTACT IN REGARD TO THIS REPORT  
JENNIFER POLISCHUK, CHIEF FINANCIAL OFFICER 203-409-3748  
(Area Code - Telephone Number)

**B. ACCOUNTANT IDENTIFICATION**

INDEPENDENT PUBLIC ACCOUNTANT whose opinion is contained in this Report\*

PRICEWATERHOUSECOOPERS LLP

(Name - if individual, state last, first, middle name)

PRICEWATERHOUSECOOPERS CENTER 300 MADISON AVENUE NEW YORK, NY 10017  
(Address) (City) (State) (Zip Code)

**CHECK ONE:**

- Certified Public Accountant
- Public Accountant
- Accountant not resident in United States or any of its possessions.

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\*Claims for exemption from the requirement that the annual report be covered by the opinion of an independent public accountant must be supported by a statement of facts and circumstances relied on as the basis for the exemption. See Section 240.17a-5(e)(2)

OATH OR AFFIRMATION

I, MARK TECOTZKY, swear (or affirm) that, to the best of my knowledge and belief the accompanying financial statement and supporting schedules pertaining to the firm of TOD'S POINT CAPITAL LLC, as of DECEMBER 31, 2016, are true and correct. I further swear (or affirm) that neither the company nor any partner, proprietor, principal officer or director has any proprietary interest in any account classified solely as that of a customer, except as follows:

[Handwritten Signature]
Signature

CHIEF EXECUTIVE OFFICER

Title

[Handwritten Signature]

Notary Public

This report \*\* contains (check all applicable boxes):

- (a) Facing Page.
(b) Statement of Financial Condition.
(c) Statement of Income (Loss) Operations
(d) Statement of Changes in Financial Condition.
(e) Statement of Changes in Equity of Partners or Sole Proprietors Capital Member's Equity
(f) Statement of Changes in Cash Flows
(g) Computation of Net Capital.
(h) Computation for Determination of Reserve Requirements Pursuant to Rule 15c3-3.
(i) Information Relating to the Possession or Control Requirements Under Rule 15c3-3.
(j) A Reconciliation, including appropriate explanation of the Computation of Net Capital Under Rule 15c3-1 and the Computation for Determination of the Reserve Requirements Under Exhibit A of Rule 15c3-3.
(k) A Reconciliation between the audited and unaudited Statements of Financial Condition with respect to methods of consolidation.
(l) An Oath or Affirmation.
(m) A copy of the SIPC Supplemental Report.
(n) A Report of the Material Made Available to the SEA Rule 15c3-3 Exemption Report

\*\*For conditions of confidential treatment of certain portions of this filing, see section 240.17a-5(e)(3).

Robert John DeBora
NOTARY PUBLIC
State of Connecticut
My Commission Expires 4/30/17

SEC  
Mail Processing  
Section

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Washington DC  
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**Tod's Point Capital LLC**  
Statement of Financial Condition  
December 31, 2016

**Tod's Point Capital LLC**

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**December 31, 2016**

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**Report of Independent Registered Public Accounting Firm**

To the Management of Tod's Point Capital LLC:

In our opinion, the accompanying statement of financial condition presents fairly, in all material respects, the financial position of Tod's Point Capital LLC as of December 31, 2016 in conformity with accounting principles generally accepted in the United States of America. The statement of financial condition is the responsibility of the Company's management. Our responsibility is to express an opinion on the statement of financial condition based on our audit. We conducted our audit of this statement of financial condition in accordance with the standards of the Public Company Accounting Oversight Board (United States). Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the statement of financial condition is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the statement of financial condition, assessing the accounting principles used and significant estimates made by management, and evaluating the overall statement of financial condition presentation. We believe that our audit of the statement of financial condition provides a reasonable basis for our opinion.

*PricewaterhouseCoopers LLP*

February 27, 2017

**Tod's Point Capital LLC**  
**Statement of Financial Condition**  
**December 31, 2016**

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**Assets**

Cash and cash equivalents	\$ 1,888,698
Prepaid expenses and other assets	<u>5,980</u>
Total assets	<u>\$ 1,894,678</u>

**Liabilities and Member's Equity**

Liabilities

Payable to related parties	\$ 204,074
Accounts payable and other accrued expenses	<u>45,930</u>
Total liabilities	<u>250,004</u>

Commitments and Contingencies (Note 3)

Member's Equity	<u>1,644,674</u>
Total liabilities and member's equity	<u>\$ 1,894,678</u>

The accompanying notes are an integral part of this statement of financial condition.

# Tod's Point Capital LLC

## Notes to Statement of Financial Condition

### December 31, 2016

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#### 1. Organization

Tod's Point Capital LLC (the "Company"), a Delaware limited liability company, is registered as a broker-dealer with the Securities and Exchange Commission ("SEC") and is a member of the Financial Industry Regulatory Authority, Inc. ("FINRA") since January 5, 2010. The Company is an introducing broker-dealer, does not carry securities accounts for customers or perform custodial services and, accordingly, claims exemption from Rule 15c3-3 of the Securities Exchange Act of 1934 under Section (k)(2)(i) for the year ended December 31, 2016.

The Company is a wholly owned subsidiary of Tod's Point Capital Holding Company LLC (the "Parent"), a Delaware limited liability company.

#### 2. Summary of Significant Accounting Policies

##### Basis of Presentation

This Statement of Financial Condition has been prepared on the accrual basis of accounting in conformity with accounting principles generally accepted in the United States of America ("U.S. GAAP").

The Financial Accounting Standards Board Accounting Standards Codification (the "Codification" or "ASC") is the single source of authoritative literature of U.S. GAAP. The Codification consolidates all authoritative accounting literature which supersedes all pre-existing accounting and reporting standards, excluding separate rules and other interpretive guidance released by the SEC. New accounting guidance is now issued in the form of Accounting Standards Updates, which update the Codification.

The following is a summary of the significant accounting policies followed by the Company.

##### Use of Estimates

The preparation of the Statement of Financial Condition in conformity with U.S. GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the Statement of Financial Condition and the reported amounts of income and expenses during the reporting period. Actual results could differ from those estimates.

##### Guarantees

ASC Topic 460, "Guarantees", requires the disclosure of representations and warranties which the Company enters into which may provide general indemnifications to others. The Company in its normal course of business may enter into contracts that contain a variety of these representations and warranties that provide general indemnifications. The Company's maximum exposure under these arrangements is unknown, as this would involve future claims that may be against the Company that have not yet occurred. However, based on its experience, the Company expects the risk of loss to be remote.

##### Cash and Cash Equivalents

Cash and cash equivalents include cash and short term investments with original maturities of three months or less. Cash accounts are maintained with The Bank of New York Mellon Corporation. Money market funds are not insured or guaranteed by the Federal Deposit Insurance Corporation (the "FDIC") or any other government agency. The cash held at The Bank of New York Mellon does not exceed the FDIC insurance limits. The Company has not experienced any

**Tod's Point Capital LLC**  
**Notes to Statement of Financial Condition**  
**December 31, 2016**

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losses in the cash and cash equivalents accounts and does not believe there to be any significant credit risk with respect to these accounts.

As of December 31, 2016, the Company's cash and cash equivalents are comprised of the following:

<b>Financial Institution</b>	<b>Balance</b>	<b>% of Total</b>
Blackrock Liquidity Fed Fund	\$ 581,046	30.77%
Goldman Sachs Financial Square Government Fund	581,045	30.76%
Morgan Stanley Institutional Liquidity Funds Government Portfolio	581,045	30.76%
Checking Account with the Bank of New York Mellon	145,562	7.71%
<b>Total</b>	<b>\$ 1,888,698</b>	<b>100.00%</b>

**Fair Value**

The Company's investments in money market funds are carried at fair value and are classified as Level 1 under ASC 820, Fair Value Measurement ("ASC 820"). The fair values of the Company's financial instruments, other than its investments in money market funds, approximate their carrying values due to their short-term nature (receivables, payables) and these other financial instruments are classified as Level 2 under the ASC 820 valuation hierarchy.

*Valuation Hierarchy*

A three-level valuation hierarchy has been established under ASC 820 for disclosure of fair value measurements. The valuation hierarchy is based on transparency of inputs to the valuation of an asset or liability as of a measurement date. The three levels are defined as follows:

- Level 1 – inputs to the valuation methodology are quoted prices (unadjusted) for identical assets or liabilities in active markets.
- Level 2 – inputs to the valuation methodology include quoted prices for similar assets and liabilities in active markets, and inputs that are observable for the asset or liability, either directly or indirectly, for substantially the full term of the financial instrument.
- Level 3 – one or more inputs to the valuation methodology are unobservable and significant to the fair value measurement.

The categorization within the valuation hierarchy is based on the lowest level of input that is significant to the fair value measurement.

**Income Taxes**

The Company is a wholly owned subsidiary of the Parent and is treated as a disregarded entity for United States ("U.S.") tax purposes. The Parent is not subject to Federal, State or Local income taxes as it has elected to be taxed as a partnership whereby its owners are personally responsible for taxes on income allocated to them.

The Company follows the provisions of ASC 740-10, "Income Taxes", which requires management to determine whether a tax position of the Company is more likely than not to be sustained upon examination by the applicable taxing authority, including resolution of any related appeals or litigation process, based on the technical merits of the position. The tax benefit to be recognized is measured as the largest amount of benefit that is greater than fifty percent likely of being realized



**Tod's Point Capital LLC**  
**Notes to Statement of Financial Condition**  
**December 31, 2016**

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upon ultimate settlement which could result in Company recording a tax liability that would reduce member's equity. The Company did not have any unrecognized tax benefits at December 31, 2016. The Company does not expect any change in unrecognized tax benefits in the next year.

The Company may take positions with respect to certain tax issues which depend on legal interpretation of facts or applicable tax regulations. Should the relevant tax regulators successfully challenge any such positions, the Company might be found to have a tax liability that has not been recorded in the Statement of Financial Condition. Also, management's conclusions regarding the authoritative guidance may be subject to review and adjustment at a later date based on changing tax laws, regulation and interpretations thereof.

**3. Commitments and Contingencies**

In the normal course of business, the Company may be named as a defendant in legal actions, including arbitrations and lawsuits. Certain of the actual or threatened legal actions may include claims for substantial compensatory and/or punitive damages or claims for indeterminate amounts of damages.

The Company establishes reserves for potential losses that may arise out of litigation to the extent that such losses are both reasonably probable and estimable. Management is not aware of any such matters that will have a material effect on its Statement of Financial Condition.

**4. Related Parties**

In accordance with applicable SEC and FINRA Regulations, the Parent is not permitted to withdraw capital from the Company if its net capital would fall below minimum required levels.

On December 1, 2014, the Company entered into an Expense Sharing, Personnel Allocation and Services Agreement ("2014 Services Agreement") with EMG. Under the 2014 Services Agreement, EMG agrees to provide certain administrative and operational services to the Company. These services include the provision of executive management, compliance, legal and accounting personnel, occupancy, utilities and maintenance fees as required and requested by the Company. In addition to expenses allocated under the 2014 Services Agreement, certain administrative and overhead expenses incurred by EMG and the Parent in providing services are charged directly to the Company. All expenses due to EMG and the Parent are included in Payable to related parties of \$204,074 on the accompanying Statement of Financial Condition as of December 31, 2016 of which \$156,161 are expenses allocated to the Company under the 2014 Services Agreement and \$47,913 are certain administrative and overhead expenses.

In May 2012, the Company entered into a Business Services Agreement ("BSA") with EMG which was amended in January 2016. Under the BSA, EMG agrees to compensate the Company for services provided by the Company's registered representatives.

**5. Net Capital Requirements**

As a registered broker-dealer, the Company is subject to the Uniform Net Capital Rule ("Rule 15c3-1") of the Securities Exchange Act of 1934, which requires the maintenance of minimum net capital and the ratio of aggregate indebtedness to net capital, both as defined, shall not exceed 15 to 1. Under Rule 15c3-1, the Company is required to maintain minimum net capital equal to the greater of \$100,000 or 6-2/3% of aggregate indebtedness.

**Tod's Point Capital LLC**  
**Notes to Statement of Financial Condition**  
**December 31, 2016**

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At December 31, 2016, the Company had net capital of \$1,604,400, which was \$1,504,400 above its required net capital of \$100,000. The ratio of aggregate indebtedness to net capital was .16 to 1 at December 31, 2016.

**6. Customer Protection Requirements**

The Company claims exemption from the Customer Protection Rule ("Rule 15c3-3") of the Securities Exchange Act of 1934, under exemption provision 17C.F.R. & 240.15c3-3:15c3-3(k)(2)(i) for the year ended December 31, 2016.