



**STERNECK CAPITAL MANAGEMENT, LLC  
BUSINESS CONTINUITY  
& CONTINGENCY PLAN**

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## PREFACE

Despite the efforts of each business, state and local government and federal agency to renovate, validate, and implement their mission-critical information systems, the financial industry remains vulnerable to the disruption of its business processes. Because most companies in the financial industry are highly dependent on information technology to carry out their business, a business disruption induced failure of one or more mission critical system(s) may have a severe impact on a financial services Firm's ability to deliver core business services.

Because of these risks, the U.S. Securities and Exchange Commission ("SEC") and State Regulators have implemented programs to attempt to mitigate the risks associated with business failures in the financial industry which would be caused by an event causing a failure to deliver financial services as a result of a significant business disruption. The SEC has required that Firms create and maintain a business continuity plan.

Ultimately, the business continuity planning process focuses on reducing the risk of business failures resulting from business disruptions. It safeguards a company's ability to produce a minimum acceptable level of outputs and services in the event of failures of internal or external mission-critical information systems and services. While it does not offer a long-term solution to all situations which creates significant business disruption, it will help Sterneck Capital Management to prepare for a potential crisis.

## REGULATORY BACKGROUND

### GENERAL OVERVIEW

The SEC takes the position that an adviser's fiduciary obligation to its clients includes the obligation to its clients' interests from being placed at risk as a result of the adviser's inability to provide advisory services after a disaster, death of a key personnel or other interruption of business. Recordkeeping Rule 204-2(g)(3) ("the Rule") requires advisers that maintain records in electronic formats to establish and maintain procedures to safeguard the records from destruction or loss.

### PLAN ELEMENTS

The Business Continuity Plan ("the Plan") for Sterneck Capital Management, LLC (referred to herein as "SCM" and/or "Firm") addresses the elements set forth in the Rule. The Rule requires that a Firm's business continuity plan, at a minimum, address 10 critical elements, those are:

1. Data back-up and recovery (hard copy and electronic);
2. All mission critical systems;
3. Financial and operational assessments;
4. Alternate communications between customers and the member;
5. Alternate communications between the member and its employees;
6. Alternate physical location of employees;
7. Critical business constituents, banks, and counter-party impact;
8. Regulatory reporting;
9. Communications with regulators; and
10. How the member will assure customers' prompt access to their funds and securities in the event that the member determines that it is unable to continue its business.

## PLAN OVERVIEW

### FIRM POLICY

The policy of SCM is to respond to a Significant Business Disruption ("SBD") by safeguarding employees' lives and Firm property, making a financial and operational assessment, quickly recovering and resuming operations, protecting all of the Firm's books and records, and to the extent practicable, allowing our customers to transact business as soon as possible following an SBD. In the event that SCM determines that it is unable to continue its business, the Firm will take steps to assure customers prompt access to investments and the underlying issuers of those investments.

### SIGNIFICANT BUSINESS DISRUPTIONS ('SBD')

The Plan anticipates two kinds of Significant Business Disruptions (SBDs), internal and external. Internal SBDs affect only the ability of SCM to communicate and do business, such as a fire in its building. External SBDs prevent the operation of the securities markets or a number of Firms, such as a terrorist attack, a pandemic, a city flood, or a wide-scale, regional disruption. The response of SCM to an external SBD relies more heavily on other organizations and systems. In the event of a flu pandemic or other form of viral outbreak, depending on the circumstances involved, this Firm could disperse main office personnel to other locations in the Paola Kansas, Parkville Kansas, Waterloo Nebraska, Park City Utah or surrounding areas, provide employees with electronic access to work from their homes, and/or assess ways to make the main office facilities more biohazard resistant.

## APPROVAL AND EXECUTION AUTHORITY

Brandie Giffin ("Chief Compliance Officer," or "CCO") is the designated officer responsible for approving the Plan on behalf of the Firm, and for conducting the required periodic review. The CCO or designee has the authority to execute this Plan.

## PLAN LOCATION AND ACCESS

SCM will maintain copies of the Plan and the periodic reviews, and the changes that have been made to it. The Firm will make such records available for inspection by the SEC and/or various state regulators. An electronic copy of the Plan is located on SCM's Microsoft 365 SharePoint in the Compliance section, subfolder Compliance Documents, folder labeled Disaster Recover Continuity of Business, Current.

## UPDATES AND ANNUAL REVIEW

SCM will update the Plan whenever there is a material change in the operations, structure, business or location of the Firm. In addition, SCM will review this Plan periodically to modify it for any changes in the operations, structure, business or location of the Firm.

## EMERGENCY CONTACT PERSON

Executive Management is aware of the potentially devastating financial, organizational, and political consequences of the failure of one or more mission-critical information systems. The two emergency contact persons for SCM are:

Frank Sterneck CO-OWNER; CHIEF INVESTMENT OFFICER  
Office Phone: 816-268-2230  
Cell Number: 913-707-1193  
E-Mail Address: [fsterneck@sterneckcapital.com](mailto:fsterneck@sterneckcapital.com)

Austin Drake CO\_OWNER; SENIOR WEALTH ADVISOR & CFP®  
Office Phone: 268-2244  
Cell Number: 785-215-9947  
E-Mail Address: [adrake@sterneckcapital.com](mailto:adrake@sterneckcapital.com)

Brandie Giffin CHIEF COMPLIANCE OFFICER, CHIEF OPERATING OFFICER  
Office Phone: 816-268-2243  
Cell Number: 402-536-9110  
E-Mail Address: [bgiffin@sterneckcapital.com](mailto:bgiffin@sterneckcapital.com)

## BUSINESS DESCRIPTION

SCM is registered as an investment adviser and notice filed in the appropriate states. SCM is organized as a Limited Liability Company (LLC).

## OUR SERVICES INCLUDE

## INVESTMENT ADVISORY

Services include investment analysis, allocation of investments, security selection, quarterly portfolio statements, ongoing monitoring of your portfolios, financial planning, quarterly newsletters, industry education and corporate coaching.

## **FINANCIAL PLANNING**

We conduct an analysis of your current situation and identify and implement appropriate financial planning and investment management techniques to help you to meet your specific financial objectives. Such services include various reports on specific goals and objectives or general investment and/or planning recommendations, answers to outside assets and periodic updates.

## **EMPLOYER SPONSORED RETIREMENT PLAN CONSULTING**

We offer consulting on the best ways to maximize your employer sponsored retirement plan options.

## **CONSULTING SERVICES AND COACHING**

We provide clients advisory services on a more-limited basis on one-or-more isolated areas of concern such as estate planning, real estate, corporate coaching, or any other specific topic.

## **OFFICE LOCATIONS**

SCM has the one business office at 1251 NW Briarcliff Pkwy Ste 95, Kansas City, MO 64116. Its main telephone number is 816-531-2254. SCM's employees may travel to that office by means of foot, car, or plane.

## **ALTERNATIVE LOCATION FOR EMPLOYEES**

In the event of an SBD, we will move our staff from affected office(s) to an unaffected location or they will work from their homes. If an event impacts the business office region, employees can work seamlessly remotely at their homes or temporarily relocate to predetermined locations in Paola Kansas, Waterloo Nebraska or Salt Lake City Utah. Staff will use their cell phones for contact purposes.

## **EMPLOYEES WORKING REMOTELY**

We will allow employees to work remotely (i.e., teleworking) provided the following procedures are in place and followed:

- each supervisor will review his or her responsibilities and adjust them as necessary in light of the different type of interaction with the supervised person working remotely and the supervisor may need to take on expanded roles;
- employees will be permitted to only use a work-issued laptop or desktop that has been appropriately secured;
- security for communications, web-based applications and electronic connectivity systems will be enhanced to address new potential threats of employees working outside the network at the office;
- employees will be trained or will have been trained on working remotely;
- where necessary, new or modified procedures for placing client trades will be implemented; and
- where necessary, onboarding new employee procedures will be adjusted due to the greater challenges of performing background checks and other due diligence,

## **CUSTOMERS' ACCESS TO FUNDS AND SECURITIES**

SCM does not maintain physical possession of customers' funds and securities. Both customer funds and securities are maintained by qualified custodians. In the event of an internal or external SBD, if telephone service is available, our Investment Adviser Representatives will continue to take customer orders or instructions and, to the extent practicable, assist such customers in contacting custodians. In the event that

customers of SCM are unable to access the Firm, either at its primary phone number or one of the Firm emergency number, customers will be able to contact the custodian directly for instructions on how they may obtain prompt access to funds and securities, subject, however, to any limitations set forth previously by the custodian.

## DATA BACK-UP AND RECOVERY

### ELECTRONIC AND HARD COPY BOOKS AND RECORDS

Financial and operational assessments occur regularly. All core systems (Custodial, portfolio management, model/rebalance, CRM, email, document storage, planning, etc.) are web based and accessible through any secured internet connected computer. SCM electronic books/records are stored on a secure/restricted web-based Microsoft 365 SharePoint site. SCM maintains primary hard copy books and records at 1251 Briarcliff Pkwy Ste 95, Kansas City, MO. Brandie Giffin is responsible for the maintenance of these books and records. The Firm maintains there are very few of the following document types and forms that are not maintained electronically: (i) certain documents that have been unable to be scanned due to age or quality of copy; (ii) certain documents from former clients that weren't previously scanned; (iii) certain financial records and corporate records of the Firm that weren't previously scanned.

### BACK UP PROCEDURES

SCM's IT partner is Visory (formally known as RightSize Solutions). Visory monitors client production environments 24x7x365 for availability, capacity, and performance. Backups are performed daily and stored off-site. Visory's support team monitors backups and failed backups are logged in a ticketing system and followed up on by the appropriate team. Visory performs quarterly backup restore tests.

In the event of an internal or external SBD that causes the loss of the records, SCM will either physically recover the storage media or electronically recover data from its back-up site, or if its primary site is inoperable, continue operations from an alternative location.

## FINANCIAL AND OPERATIONAL ASSESSMENTS

### OPERATIONAL RISK

In the event of a SBD, SCM will immediately identify what means will permit the Firm to communicate with its customers, employees, critical business constituents, critical banks, critical counter-parties, and regulators. Although the effects of a SBD will determine the means of alternative communication, the communication options we will employ will generally include (a) facsimile; (b) e-mail; (c) telephone; (d) telephone voice mail; (e) cellular and mobile phone services; (f) service providers, including compliance consultants, attorneys and accountants; (g) messenger; and (h) mail service. In addition, we retrieve our key activity records as described in the section, *Data Back-Up and Recovery*.

### FINANCIAL CREDIT RISK

In the event of a SBD, SCM will determine if the business interruption causes the company to interrupt its operations to the point that the alternative measure discussed in the sections above and below cannot be implemented, the Company's customers shall be referred to the custodian.

## MISSION CRITICAL SYSTEMS

### DEFINITION

“Mission critical systems” are those that ensure prompt and accurate processing of securities transactions, including order taking, entry, execution, comparison, allocation, the maintenance of customer accounts, access to customer accounts, and the delivery of funds and securities.

#### **IDENTIFY BUSINESS SYSTEM**

SCM will identify the mission critical systems utilized by the Firm in providing services to its clients. Mission critical systems used for prompt and accurate processing of securities transactions, including order taking, entry and execution are systems integrated with the custodian including iRebal. Reporting and billing/invoice activities are supported via Orion. Ability to communicate internally, with business partners/vendors and with clients electronically is via Microsoft Outlook.

#### **ASSESSMENT**

SCM has primary responsibility for establishing and maintaining its business relationships with customers, and the sole responsibility for maintaining our mission critical functions of order taking and entry. Its mission critical systems include a network server, laptop computers, phone systems integrated electronically through Microsoft Teams and email via Microsoft Outlook.

#### **FIRM SYSTEMS**

##### **ORDER TAKING**

Currently, SCM may correspond with customers in person, via telephone, live video conferencing, or electronic mail. During a SBD, either internal or external, the Firm will continue to correspond in any of these methods that are reasonably available to it and reliable, and in addition, as communications permit, the Firm will inform its customers when communications become reasonably available to tell them what alternatives are available.

##### **OTHER SERVICES CURRENTLY PROVIDED TO CUSTOMERS**

Investment Adviser Representatives may provide services to customers other than those directly related to investment management and financial planning via other affiliated entities (ex. Client Opt-in service for class action lawsuit tracking, claim filing and settlement distribution via Chicago Clearing Corp.).

Currently, Investment Adviser Representatives may correspond with customers in person, via telephone, live video conferencing, or electronic mail. During an SBD, either internal or external, the Firm will continue to correspond in any of these methods that are reasonably available and reliable, and in addition, as communications permits. The Firm will inform its customers when communications become available.

#### **ALTERNATIVE COMMUNICATIONS BETWEEN FIRM & CUSTOMERS, EMPLOYEES & REGULATORS**

We provide investment advice to individuals, high-net worth individuals, institutions, charitable organizations, trusts, foundations and estates.

#### **CUSTOMERS**

SCM currently communicates with our customers using the telephone, e-mail, live video conferencing, US Mail, delivery services and in person visits at our offices or at the customer’s location of choice. In the event of a SBD, the Firm will assess which means of communication are still reasonably available to it, and use the means closest in speed and form, either written or oral, to the means that have been used in the past to communicate with the other party. For example, if SCM has communicated with a party by e-mail but the

Internet is unavailable, the Firm will call them on the telephone and follow up where a record is needed with paper copy in the United States Mail.

## EMPLOYEES

SCM currently communicates with its employees using the telephone, e-mail, Microsoft TEAMS instant messaging and in person. In the event of a SBD, the Firm will assess which means of communication are still reasonably available, and use the means closest in speed and form, either written or oral, to the means that have been used in the past to communicate with the other party. Frank Sterneck, Co-owner and CIO, Brandie Giffin, CCO, or designee shall contact and communicate with appropriate executives of the Firm as to who shall be responsible to contact and/or communicate to the employees by telephone, e-mail, messenger or in person.

### EMPLOYEES WORKING REMOTELY

The Firm shall permit employees to work remotely (*i.e.*, teleworking) provided the following procedures are in place and followed:

- each supervisor will review his or her responsibilities and adjust them accordingly with various types of interaction with the supervised person working remotely, and the supervisor may need to take on expanded roles;
- employees will be permitted to use only a Firm approved laptop, desktop, or device that has been appropriately secured;
- security for communications, web-based applications and electronic connectivity systems will be enhanced to address new potential threats to employees working outside the network at the office;
- employees will be trained, or will have been trained, on the work remotely procedures;
- where necessary, new or modified procedures for placing client trades will be implemented; and
- where necessary, onboarding new employee procedures will be adjusted due to the greater challenges of performing background checks and other due diligence.

In addition, the Firm, where necessary, will modify its “normal operating” supervisory and compliance policies and procedures to address the unique risks and conflicts of interest presented by remote operations. In doing so, the Firm will consider:

- whether additional resources and/or measures for securing servers and systems are needed;
- how to maintain and secure the integrity of vacated facilities is maintained;
- how to collect regulatory-required records generated by employees working remotely;
- whether there is a need for relocation infrastructure and support for personnel operating from remote sites is provided; and
- how to protect data located remotely.

### REGULATORS & REGULATORY REPORTING

With respect to regulatory reporting, SCM currently files reports with the respective Regulators using paper copies in the United States Mail and delivery services, electronically using facsimile, e-mail, and the Internet, and through service providers who provide access through the same methods. In the event of a SBD, the Firm will check with Regulators to determine which means of filing are still available to it, and use the means closest in speed and form (written or oral) to previous filing methods utilized by SCM. In the event that SCM cannot contact its Regulators, it will continue to file required reports using the communication means available to the Firm. Contact information regarding the Regulators with whom the Firm files reports on a regular basis is attached hereto on ***Exhibit A***.

## CRITICAL BUSINESS CONSTITUENTS, BANKS, AND COUNTER-PARTIES

## **BUSINESS CONSTITUENTS**

SCM will contact its critical business constituents (businesses with which the Firm has ongoing commercial relationship in support of its operating activities, such as vendors providing us critical services) and determine the extent to which the Firm can continue its business relationship with them in light of the internal or external SBD. The Firm will quickly establish alternative arrangements if a business constituent can no longer provide the needed goods or services when needed because of a SBD to them or the Firm. The Firm maintains a list of Critical Business Constituents including the supplier's name, service and/or product, address and phone number and any alternative supplier's name, service, address, and phone number.

## **COUNTER-PARTIES**

SCM will contact its critical counter-parties, such as custodians, companies or entities offering investment products, or institutional customers, to determine if it will be able to carry out its transactions with them in light of the internal or external SBD. Where the transactions cannot be completed, the Firm will contact those counter-parties directly to make alternative arrangements to complete those transactions as soon as possible.

## **SUCCESSION PLAN POLICY**

In the event the CCO of SCM is no longer able to serve in this position, the advisory accounts will be overseen by Austin Drake or referred to the custodian of the account.

## **SIGNIFICANT BUSINESS DISRUPTIONS (“SBD”)**

### **INTERNAL SBD – FACILITIES EMERGENCY EVACUATION PROCEDURES**

#### **FIRE EMERGENCY OR BOMB THREAT EVACUATION PROCEDURES**

If an evacuation of any facility is necessary, follow the directions given by the designated Fire Marshall for the facility. If evacuation of the space is necessary because of fire, on hearing the fire alarm bells sounding continuously, employees should:

- Evacuate the building by the nearest available fire exit. As always, if you see or smell smoke, you should proceed to one of the other fire exits. Remember, if you have visitors or contractors with you, instruct them to follow you.
- CLOSE ALL DOORS WITHOUT CAUSING DELAYS, taking risks or obstructing people behind you.
- DO NOT stop to collect personal belongings
- DO NOT use the elevators
- Leave the building by calmly
- DO NOT re-enter the building until instructed to do so by the facility management or Fire Marshall.

### **EMERGENCY DURING BUSINESS HOURS**

All personnel of SCM should follow the standard emergency evacuation procedures above.

### **EMERGENCY OUTSIDE OF BUSINESS HOURS**

In an emergency involving any employees' personal safety, it is the responsibility of every employee to check in and report their whereabouts. You should leave a voice mail on the CCO office phone and/or cell phone. If you cannot reach the COO, please leave a voicemail on the CIO's phone:

Frank Sterneck

CO-OWNER; CHIEF INVESTMENT OFFICER

Office Phone: 816-268-2230

Cell Number: 913-707-1193

E-Mail Address: [fsterneck@sterneckcapital.com](mailto:fsterneck@sterneckcapital.com)

Brandie Giffin

CHIEF COMPLIANCE OFFICER  
Office Phone: 816-268-2243  
Cell Number: 402-536-9110  
E-Mail Address: [bgiffin@sterneckcapital.com](mailto:bgiffin@sterneckcapital.com)

Austin Drake

CO\_OWNER; SENIOR WEALTH ADVISOR & CFP®  
Office Phone: 268-2244  
Cell Number: 785-215-9947  
E-Mail Address: [adrake@sterneckcapital.com](mailto:adrake@sterneckcapital.com)

When leaving your initial message, please include the following information:

- Your Name
- Your contact number
- Where you are physically
- Whether you have access to your voicemail and e-mail

## SUCCESSION PLAN

SCM ensures our business will remain successful and be able to adapt to events that may arise (including, among other things, retirement). The following is an overview of our succession plan considerations:

### SUCCESSION PLAN CONSIDERATIONS

- **Temporary & Short-term absences (periods between a week and 120 days)**

*Temporary Absence would NOT trigger a succession plan. Key functions of all firm roles have been cross-trained whereas team members are able to maintain business activities in a temporary or short-term absence of another team member.* When a key individual is absent from the operations, either on a planned basis or unexpectedly for a period of time lasting from one week to 120 days, duties will be assumed as follows:

In the event of a death or disability of a key member, the role is temporarily filled by an existing staff member, and the leadership team decides upon and pursues a reorganizational plan. If the CEO/CIO is unable to function in their role, the President becomes the acting CEO and the Senior Portfolio Manager becomes the acting CIO. If the President becomes unable to function in their role, the CEO will assume the acting president duties. If the COO and/or CCO is unable to function in their role, the President becomes the acting COO and CCO. If the Senior Portfolio Advisor becomes unable to function in their role, responsibilities will be covered by the CIO & Certified Financial Planner / Senior Wealth Advisor. If the Certified Financial Planner/ Senior Wealth Advisor becomes unable to function in their role, the Senior Portfolio Advisor assumes their duties. If the Office Manager is unable to function in their role, the Certified Financial Planner/ Senior Wealth Advisor and CCO/COO will assume their duties.

- **Long Term Absences, Death or Disability (absences longer than 120 days)**

*As long as an employee will return, a plan will be drafted to address the needs of the business to ensure seamless business activities and servicing of clients.* Permanent absences, most commonly due to either retirement or death of an adviser, would prompt a formal succession plan.

## NOTIFICATION

In addition to any action taken by the Firm with respect to disruption of its business processes which relate to the ability of SCM to deliver financial services to its customers, SCM will promptly notify the appropriate regulators of any such problems.

## EMPLOYEE AWARENESS OF PLAN

Brandie Giffin will take steps to both educate and increase the awareness of its employees and associated persons with respect to the Firms' Plan and the current actions being taken to address such issues by the financial services industry and SCM. To this end, Brandie Giffin shall deliver the Plan to all associated persons of SCM along with a Business Continuity Internal-Only Contact document including employee and vendor detail. Employees shall acknowledge their receipt and review of the Plan via the annual compliance attestation.

## GLOSSARY & EXHIBIT A

### APPLICATION

A computer program or set of programs designed to help people perform certain types of work.

### ASSESSMENT

The process of identifying core business areas and processes, completing an inventory and analyzing systems supporting the core business areas, prioritizing their conversion or replacement, identifying risks and the necessary resources.

### BUSINESS AREA

A grouping of business functions and processes that result in the production of specific outputs or services.

### BUSINESS FUNCTION

A group of logically related tasks, which when they are performed, accomplish an objective.

### BUSINESS CONTINUITY PLAN

A contingency plan describes the steps a company would take, including the activation of manual or contract processes, to ensure the continuity of its core business processes in the event which causes a business interruption induced system or process failure.

### DEFECT

A problem or "bug" that, if not removed, could cause a program to either produce erroneous results or otherwise fail.

### FIRM

Sterneck Capital Management, LLC (SCM)

### INFRASTRUCTURE

The computer and communication hardware, software, databases, people, and policies supporting the company's businesses and operations.

### INTERFACE

A connection between two business systems or processes. The hardware or software needed to enable one device to communicate with another.

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**MISSION-CRITICAL SYSTEM**

The off these critical functions would cause an immediate stoppage or significant impairment to core business areas.

**OUTSOURCING**

Paying another company or individual, to provide services that an organization might otherwise have performed itself, (i.e., software development, payroll)

**PLATFORM**

The foundation technology of a computer system. Typically, a specific combination of hardware and operating software.

**REGULATORS**

Refers collectively to the SEC and various other regulatory entities having jurisdiction over the business activities of Sterneck Capital Management.

**SBD**

Significant Business Disruption

**SEC**

U.S. Securities and Exchange Commission

**QUALITY ASSURANCE**

The critical review process to guarantee that all procedures, tasks, analysis, and reporting were correctly performed.

**UTILITIES**

To a business this could mean several things: computer programs designed to perform maintenance work on the system or on system components, i.e., a storage back-up system, a disk or file recovery program, or a resource editor; or the general phrase used to refer to telecommunication, electrical, gas, water and waste management services.

## EXHIBIT A

### REGULATOR CONTACT INFORMATION

#### **U.S. Securities and Exchange Commission (“SEC”)**

100 F Street, NE  
Washington, DC 20549  
Office of Investor Education and Assistance  
Phone: (202) 551-6551

#### **IARD Website**

<http://www.iard.com/>