

# **Business Continuity and Disaster Recovery Plan**

## **Howard Capital Management, Inc. Business Continuity and Disaster Recovery Plan Succession Plan**

### **Policy**

This policy outlines *Howard Capital Management's (HCM)* immediate and long-term contingency planning and recovery process. The purpose of this Contingency and Disaster Recovery Plan is to provide specific guidelines for **HCM** to follow in the event of a failure of any critical business capability.

### **Responsibility**

The CCO is responsible for creating and maintaining the Company's immediate and long-term contingency planning and recovery procedures that are appropriate to the scale and scope of the Company's business.

### **If the physical files of the Company are destroyed.**

All client account opening forms and other documentation (client Information Statements, all types of IRA adoption agreements, margin agreements, powers of attorney, trust documents, account statements, and in the case of direct business, copies of new account applications) are scanned and archived both on the Company's server and off-site at custodian sites and finally to Docupace (paperless provider). Server address kept in Sharefile with access by the President and CCO.

All client information (general information such as name, address, phone, date of birth, social security numbers, and specific account information including account numbers and positions) is stored in the Company's client database. Backups are made frequently and are archived both on the Company's server and off-site on Docupace. The CEO will ensure daily backups.

RIA information (including a list of RIA clients and their fee arrangement) is stored in a data file that is archived as discussed above.

The Company's financial information is stored in a data file that is archived in an off-site cloud based provider as well as discussed above.

### **If the electronic files of the Company are destroyed.**

The Company will restore from its electronic backup all pertinent company and client records. The archived records are stored both on the Company's server and a third-party provider off-site provider Docupace.

### **If the phones of the Company are out for an extended period.**

The Company will request that our local phone carrier add a message to our line directing all incoming calls to a series of cell phone, or alternate business numbers, which will be determined at the time.

### **If the server of the Company becomes unusable for any reason.**

The Company will procure another server at that time. Time constraints for the purchase, delivery, and installation of a server will depend on a number of outside factors such as the retailer, delivery services, and the consultant hired to install the server, but it is expected that the Company will only be without a server for two to four business days. Once the new server is installed, the last electronic backup will be installed.

### **If the offices of the Company become uninhabitable or destroyed.**

The Company will initiate the procedures outlined above for the electronic and/or physical files, for phone service outage, and for the server being unusable.

The Company will acquire new office space as quickly as possible. In the meantime, the Company will operate from the office at 1145 Hembree Rd. and if this is not available the company will operate at 515 Rose Garden Way, Alpharetta, GA 30009. The Company will assign its staff to work from the home office until new office space is acquired.

The Company will require that any documentation (forms, letters, applications, correspondence, and advertising) that requires the review, approval, and/or signature of the CEO be delivered to the residence of the CEO.

The Company will direct the US Post Office to forward its mail to the home office of its most senior executive officer.

The Company will request from its vendors duplicate copies of their software programs for re-installation on client workstations.

**In the event of the loss of key personnel.**

The firm recognizes that Vance Howard is a “key” employee, for whose loss the firm must establish contingencies in an effort to prevent disruption to client service. Should Mr. Howard become unable to fulfill his obligations to the firm and clients, the firm has appointed Karen Howard to serve as alternate for any investment advisory activities not requiring registration as an investment adviser representative. For any duties which require such registration, Mike Wegner will serve as alternate.

Survivor contact will be kept in a Sharefile with access by the President and the CCO.

**Notification of Regulatory Authorities and Others.**

The Company will notify appropriate authorities, vendors (including account custodians), and other parties immediately, or as necessary.

**Annual Testing**

The Company will conduct a comprehensive test of the Contingency/Disaster Recovery Plan (DR Plan) on an annual basis and the results of the test will be documented and retained on file. If the DR Plan is implemented, this can serve in lieu of the annual testing as described above. Such incidents will also be documented and retained on file. The CCO and the CEO will have the responsibility for testing and documenting actual implementation of the DR Plan. The Company’s business is highly cloud-based, therefore much of the testing is dependent on internet access at the alternate location. The items tested during the annual testing process will include 1) access to the internet from the alternate location, 2) access to the various service providers (including custodians, email, archiving and phone services), 3) the ability to forward phones to cell phones, and 4) the integrity of backup services, etc.

If a disaster occurs, every effort will be made by the Company to contact all Advisors and or clients. This will either be done by phone calls, emails, general mailing, and/or posting a message on the company website. A list of all clients can be received by contacting the various custodians.

A step by step plan and phone tree is given to every employee. Information can also be accessed on the company’s Intranet.

### **Allocation of Duties in the Event of Death or Incapacity of Key Personnel**

Below is a list of duties that will be completed in the event of the death or incapacity of the firm's key personnel. The below designated individuals shall take steps necessary to ensure a smooth transition by performing their respective duties. Upon notice of the death or incapacity of the firm's key personnel, the below individuals shall take all steps necessary to carry out the following requirements:

1. Provide notification to clients of the investment advisor and to those states in which the advisor is registered of the death or incapacity of key persons;	Karen Howard
a. Notify the Division of Securities and Retail Franchising via IARD/CRD within 24 hours of the death or incapacity of key persons.	Karen Howard
b. Notify clients within five business days from the death or incapacity of key persons.	Karen Howard
3. Continue to monitor client accounts until an orderly liquidation, distribution or transfer of the clients' portfolio to another advisor can be achieved or until an actual notice to the client of investment advisor death or incapacity and client control of their assets occurs;	Mike Wegner
4. Meet the credit demands of the investment advisor, if applicable; and	Karen Howard
5. Ensure sufficient data backups to allow rapid resumption of the investment advisor's activities.	Karen Howard

In the event either Karen Howard or Mike Wegner is unable to perform their respective duties, Kathryn Howard shall serve as their alternate. In the event no registered investment adviser representatives remain able to perform duties which require such registration, the firm will immediately stop the receipt of compensation.