

# BUSINESS CONTINUITY PLAN

## **I. Emergency Contact Persons**

Our firm's emergency contact persons are Regina Rudnick CEO and President, (561) 641-5050 / (561) 345-6681, Matthew Reynolds, CCO (561) 641-5050/ (561) 879-8322, and Christopher Mueller, COO (561) 641-5050/ (561) 345-6677

The firm will provide FINRA with the contact information for the emergency contact person: (1) name; (2) title; (3) mailing address; (4) email address; (5) telephone number; and (6) facsimile number through the FINRA Contact System (FCS). The firm will promptly notify FINRA of any change in this information through FCS (but no later than 30 days following the change) and will review, and if necessary, update this information within 14 business days after the end of the calendar year.

*FINRA Rule 4370(f) & FINRA Rule 4517*

## **II. Firm Policy**

Our firm's policy is to respond to a Significant Business Disruption (SBD) by safeguarding employees' lives and firm property, conducting a financial and operational assessment, quickly recovering, and resuming operations, protecting the firm's books and records, and allowing our customers to transact business. In the event that we determine we are unable to continue our business; we will assure customers prompt access to their funds and securities.

### **A. Significant Business Disruptions (SBDs)**

Our plan anticipates two kinds of SBDs, internal and external. Internal SBDs affect only our firm's ability to communicate and do business (e.g. such as a fire in our building). External SBDs prevent the operation of the securities markets or a number of firms, such as a terrorist attack, city flood, pandemic or other wide scale regional or national disruptions. Our response to an external SBD relies more heavily on other organizations and systems, especially on the capabilities of our clearing firm.

### **B. Approval and Execution Authority**

The CCO is responsible for approving the plan and for conducting the required annual review. The CEO, CCO, and COO have the authority to execute this BCP

### **C. Plan Location and Access**

Our Firm will maintain copies of the BCP, the annual reviews, and changes that have been made to it for inspection. An electronic copy of our plan is located on our cloud-based server from Microsoft called SharePoint.  
*FINRA Rule 4370(b)(d) and (e)*

## **III. Business Description**

Our firm conducts business in equity, fixed income, private placements, real estate investment trusts, variable insurance products, mutual funds, and derivative securities. Our firm is an introducing broker/dealer and does not perform any type of clearing function for itself or others. Furthermore, we do not hold customer funds or securities. We accept and enter orders. All transactions are sent to our clearing firm, executes our orders, compares them, allocates them, clears, and settles them on behalf of our customers. Our clearing firm also maintains our customers' accounts, can grant customers access to them.

Our clearing firm is Raymond James & Associates 880 Carillon Parkway St. Petersburg, FL 33716. They can be reached at 800.647.7378 or at [www.raymondjames.com](http://www.raymondjames.com).

## **IV. Office Locations**

### **A. Office Location #1**

**1070 E. Indiantown, Suite 208, Jupiter, FL 33477 (561) 641-5050**

Employees may travel to facility by foot, bicycle, bus or automobile. This is the home office where the back-office operations are primarily conducted. Our financial books and records, commission system and back office support is processed and housed at this location.

### **B. Office Location #2**

**305 Spindrift Williamsville, NY 14221 (716) 631-1515**

Employees may travel to facility by foot, bicycle, bus or automobile. This is an office of supervisory jurisdiction. We primarily engage in order taking in this facility.

### **C. Office Location #3**

#### **Texas**

COO and CFO both reside in Texas, not a registered location. Primarily engaged in managing operations for the firm as well as managing the finances for the firm.

## **V. Alternative Physical Location(s) of Employees**

In the event of an SBD, we will move our staff from affected office(s) to the closest of our unaffected office location or engage in work from home or other remote location that is both suitable and safe.

*FINRA Rule 4370 (c)(6)*

## **VI. Customers' Access to Funds and Securities**

Our firm does not maintain custody of customers' funds or securities. Our firm does not maintain custody of customers' funds or securities, which are maintained at our clearing firm, Raymond James & Associates. In the event of an internal or external SBD, if telephone service is available, our registered persons may take customer orders or instructions and contact our clearing firm on their behalf, and if our web access is available, our firm will post on our website that customers may access their funds and securities by contacting Raymond James & Associates or direct investment sponsor. The firm will make this information available to customers through its disclosure policy.

If SIPC determines that we are unable to meet our obligations to our customers or if our liabilities exceed our assets in violation of Securities Exchange Act Rule 15c3-1, SIPC may seek to appoint a trustee to disburse our assets to customers. We will assist SIPC and the trustee by providing our books and records identifying customer accounts subject to SIPC regulation.

*FINRA Rule 4370(a); Securities Exchange Act Rule 15c3-1 see also 15 U.S.C § 78eee.*

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### **VII. Data Back-Up and Recovery (Hard Copy and Electronic)**

Our firm maintains its primary books and records (until such time records are electronically scanned and stored) and its electronic records at 1070 E. Indiantown Road, Suite 208 – 210, Jupiter Florida 33477 (561) 641-5050. The CISO is responsible for the maintenance of these books and records. Our firm maintains the following document types and forms that are not transmitted to our clearing firm. New account forms, acknowledge forms, trade blotters and check blotters. Our firm maintains its back-up electronic books and records online using Amazon Glacier backup services. The CCO is responsible for the maintenance of these back-up books and records. Our firm backs up its paper records by scanning them daily and electronically storing them.

In the event of an internal or external SBD that causes the loss of our records, we will recover them from our back-up site. If our primary site is inoperable, we will continue operations from our back-up site or an alternate location. For the loss of electronic records, we will either physically recover the storage media or electronically recover data from our back-up site, or, if our primary site is inoperable, continue operations from our back-up site or an alternate location.

*FINRA Rule 4370(c)(1)*

### **VIII. Financial and Operational Assessments**

#### **A. Operational Risk**

In the event of an SBD, we will immediately identify what means will permit us to communicate with our customers, employees, critical business constituents, critical banks, critical counterparties, and regulators. Although the impact and magnitude of an SBD will determine the means of alternative communication, the communications options we will employ will include our website [www.peakbrokerageservices.com](http://www.peakbrokerageservices.com), telephone voice mail, secure email, etc. In addition, we will retrieve our key activity records as described in the section above, Data Backup and Recovery (Hard Copy and Electronic).

*Rules FINRA Rules 4370(c)(3),(c)(4),(c)(5),(c)(7),(c)(9)&(g)(2)*

#### **B. Financial and Credit Risk**

In the event of an SBD, we will determine the value and liquidity of our investments and other assets to evaluate our ability to continue to fund our operations and remain in capital compliance. We will contact our clearing firm, critical banks and investors to apprise them of our financial status. If we determine that we may be unable to meet our obligations to those counter-parties or otherwise continue to fund our operations, we will request additional financing from our bank or other credit sources to fulfill our obligations to our customers and clients. If we cannot remedy a capital deficiency, we will file appropriate notices with our regulators and immediately take appropriate steps, including notifying the SEC.

*Rules: FINRA Rules 4370(c)(3), (c)(8) & (g)(2)*

### **IX. Mission Critical Systems**

We have primary responsibility for establishing and maintaining our business relationships with our customers and have sole responsibility for our mission critical functions of order taking [and] entry [execution]. Our clearing firm provides, through contract, the execution, comparison, allocation, clearance and settlement of securities transactions, maintenance of customer accounts, access to customer accounts and the delivery of funds and securities. Our clearing firm contract provides that our clearing firm will maintain a business continuity plan and the capacity to execute that plan. Our clearing firm represents that will advise us of any material changes to its plan that might affect our ability to maintain our business and has presented us with an executive summary of its plan. In the event our clearing firm executes its plan, it represents that it will notify us of such execution and provides us equal access to services as its other customers. If we reasonably determine that our clearing firm has not or cannot put its plan in place quickly enough to meet our needs or is otherwise unable to provide access to such services, our clearing firm represents that it will assist us in seeking services from an alternative source. Our clearing firm represents that it backs up our records at a remote site.

Our clearing firm represents that it operates a back-up operating facility in a geographically separate area with the capability to conduct the same volume of business as its primary site. Our clearing firm has also confirmed the effectiveness of its back-up arrangements to recover from a wide scale disruption by testing and it has confirmed that it tests its back-up arrangements every six months. Recovery-time objectives provide concrete goals to plan for and test against. They are not, however, hard and fast deadlines that must be met in every emergency, and various external factors surrounding a disruption, such as time of day, scope of disruption and status of critical infrastructure- particularly telecommunications can affect actual recovery times.

Recovery refers to the restoration of clearing and settlement activities after a wide-scale disruption; resumption refers to the capacity to accept and process new transactions and payments after a wide-scale disruption. Our clearing firm has the following SBD recovery time and resumption objectives: recovery time period of 4 hours; and resumption time of the same business day. The CCO will periodically review our clearing firm's capabilities to perform the mission critical functions the clearing firm has contracted to perform for our firm.

### **A Our Firm's Mission Critical Systems**

#### **I. Order Taking**

Currently, our firm receives orders from customers via telephone or in-person visits by the customer. During an SSD, either internal or external, we will continue to take orders through any of these methods that are available and reliable, and in addition, as communications permit, we will inform our customers when communications become available to tell them what alternatives they must send their orders to us. Customers will be informed of alternatives by our web site and voice mail on the main telephone number.

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### 2. Order Entry

Currently, our firm enters orders by recording them electronically and sending them to our clearing firm electronically or telephonically.

Alternatively, we place customer orders through systems identified by our custodians. We can expect all services to be restored or operable within 24 hours. In the event of an Internal SBD, we will enter and send records to our clearing firm by the fastest alternative means available, which include internet and telephone or cell phone. In the event of an external SBD, we will maintain the order in electronic format, and deliver the order to the SAL by the fastest means available when it resumes operations. In addition, during an internal SBD, we may need to refer our customers to deal directly with our clearing firm for order entry.

### 3. Order Execution

We currently execute orders by online order entry from home office and branch level. In the event of an internal SBD, we would call orders into the custodian's trading department.

### 4. Other Services Currently Provided to Customers

In addition to those services listed above in this section, through a clearing arrangement we also provide clearing firm account services to our clients, process checks, wires, transfers, and we process business application way. In the event of an internal SBO, we would provide a cell number on our website for clients to contact us. In the event of an external SBD, we would relocate to the next viable office in FL. We will inform our clients on the website of this move and the telephone number to call. Our Centralized call routing facility can be redirected if required and we would transfer the calls from the home office telephone number to the secondary office number.

**5. Mission Critical Systems Provided by Our Clearing Firm** Through a Clearing Arrangement, our firm relies on our clearing firm to provide order execution, order comparison, order allocation and settlement, customer account maintenance and /or access and delivery of funds and securities.

*Rules: FINRA Rules 351 O(c)(2) & (g)(1).*

## X. Alternate Communications Between the Firm and Customers, Employees, and Regulators

### A. Customers

We now communicate with our customers using the firm website [www.peakbrokerageservices.com](http://www.peakbrokerageservices.com), phone 561-641-5050, email, U.S. mail, and in-person visits at our firm or another location. In the event of an SBD, we will assess which means of communication is still available to us and use the most expedient means available to communicate with the other party. E.g., if we have communicated with a party by email but the Internet is unavailable, we telephone them and follow up where a record is needed with a paper copy in the US Mail.

*Rule: FINRA Rule 4370(c)(4).*

### B. Employees

We now communicate with our employees by telephone, email and in person. In the event of an SBD, we will communicate with our employees with one or more of the above-mentioned methods. to communicate with the other party. We will also employ a call tree so that senior management can reach all employees quickly during an SBD. The call tree covers all Sr Managers. SR. Managers will contact their own staff.

#### Phone Tree Example:

President CEO calls his/her staff and the CCO

CCO calls his/her staff and the COO

COO calls his/her staff and the EVP's

EVP's contact their staff

*Rule: FINRA Rule 4370(c)(5)*

### C. Regulators

We are currently members of the following self-regulator/organizations: FINRA, SEC and MSRB and are also regulated by all fifty states and the District of Columbia. We communicate with our regulators using telephone, email, and fax.

*Rule: FINRA Rule 4370(c)(9)*

## XI. Critical Business Constituents, Banks and Counterparties

### A. Business Constituents

We have contacted our critical business constituents (businesses with which we have an ongoing commercial relationship in support of our operating activities, such as vendors providing us critical services), and determined the extent to which we can continue our business relationship with them in light of the internal or external SBD. We will quickly establish alternative arrangements if a business constituent can no longer provide the needed goods or services when we need them in the event of an SBD.

*Rules: FINRA Rule 437D(c)(7).*

### B. Banks

The bank maintaining our operating account is Chase Bank, 2500 PGA Blvd., Palm Beach Gardens, FL 33410. Our contact is the branch manager.

*Rules: RNRA Rule 4370(c)(7).*

### C. Counterparties

We have contacted our critical counterparties, such as other broker-dealers or institutional customers, to determine if we will be able to carry out our transactions with them in light of the internal or external SBD. Where the transactions cannot be completed, we will work with our clearing firm or contact those counterparties directly to make alternative arrangements to complete those transactions as soon as possible.

*Rules: FINRA. Rule 4370(c)(7).*

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### **XII. Regulatory Reporting**

Our firm is subject to regulation by: FINRA, SEC, MSRB and numerous state securities regulators. We now file reports with our regulators using paper copies in the U.S. mail, and electronically using fax, email and the Internet. In the event of an SBD, we will check with the SEC, FINRA and other regulators to determine which means of filing are still available to us and use the most expedient and available facility to fulfill our reporting requirements. In the event that we cannot contact our regulators, we will continue to file required reports using the communication means available to us.

#### **Regulatory Contact**

##### **Securities & Exchange Commission (SEC)**

100 F Street NE  
Washington, DC 20549  
202-942-808

##### **Financial Industry Regulatory Authority (FINRA)**

###### ***Boston, MA Office***

99 High Street  
Suite 900  
Boston, MA 02110  
(617) 532-3400  
Fax: (617) 451-3524

###### ***Frank Thorn***

617-532-3468

[Frank.thorn@finra.Org](mailto:Frank.thorn@finra.Org)

###### ***Boca Raton, FL Office***

Boca Center Tower 1  
5200 Town Center Circle  
Suite 200  
Boca Raton, FL 33486  
(561) 443-8000  
Fax: (561) 443-7995

##### **Florida Office of Financial Regulation**

200 East Gaines Street  
Tallahassee, FL 32399-0372  
(850) 487-9687

Rule: FINRA Rule 4370(c)(8).

### **XIII. Disclosure of Business Continuity Plan**

We provide the BCP to our customers when an account is opened and annually thereafter. The disclosure statement is also posted on our website and mailed to customers upon request. In addition, our firm will review this BCP annually, on or before 12/31 to incorporate any changes in our operations, structure, business or location or those of our clearing firm.

Rule: FINRA Rule 4370(b).

### **XIV. Updates and Annual Review**

Our firm will update this plan whenever we have a material change to our operations, structure, business, or location or to those of our clearing firm. In addition, our firm will review this BCP annually to modify it for any changes in our operations, structure, business, or location or those of our clearing firm.

Rule: FINRA Rule 4370(b).

### **XV. Senior Manager Approval**

I have approved this Business Continuity Plan as reasonably designed to enable our firm to meet its obligations to customers in the event of an SBD.

Rule: FINRA Rule 4370(d).

### **Execution:**



**Matthew Reynolds**

Chief Compliance Officer

Peak Brokerage Services, LLC