



## Business Continuity and Disaster Plan

Continued business operations are critical for Bane O'Leary LLC. We will attain continued business operations by following our Business Continuity and Disaster Plan as follows:

### **Emergency Contact Persons**

Our firm's two emergency contact persons are: Steven Bane, 952-236-4213, steve@baneoleary.com; and Patrick O'Leary, 952-831-0993, patrick@baneoleary.com. These names will be updated in the event of a material change, and our Executive Representative will review them annually.

### **Firm Policy**

Our firm's policy 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 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.

### **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, such as fire in our building, death or incapacitation of a principal. In the event Steven Bane becomes incapacitated or upon their death, Patrick O'Leary will notify all critical business constituents as well as all regulators who have jurisdiction over the business of Bane O'Leary LLC within 24 hours. Patrick O'Leary will make sure that the credit demands of the firm are met.

Notification shall be given to all clients of Bane O'Leary LLC within five business days from the death or incapacitation of any key persons of the firm. Any client who has prepaid any fees, will be refunded on a prorated basis. External SBDs prevent the operation of the securities markets or a number of firms, such as a terrorist attack, a city flood, or a wide-scale, regional disruption. Our response to an external SBD relies more heavily on other organizations and systems, especially on the capabilities of our clearing firm.

Clients' accounts will continue to be monitored by Patrick O'Leary in the event of any incapacitation or death of the principal of the firm/CCO.

### **Approval and Execution Authority**

Steven Bane, Chief Compliance Officer, is responsible for approving the plan and for conducting the required annual review. Steven Bane has the authority to execute this BCP.

### **Plan Location and Access**

Our firm will maintain copies of its BCP plan and the annual review, and the changes that have been made to it for inspection. An electronic copy of our plan is located in a secure location.

### **Business Description**

Our firm conducts business in financial planning and investment management. Our firm is an introducing firm and does not perform any type of clearing function for itself or others. Furthermore, we do not hold customer funds or securities. All transactions are sent to our clearing firm, which executes our orders, compares them, allocates them, clears and settles them, and delivers funds and securities. We do not engage in any private placements.

### **Office Locations**

Our Firm's main office is located at: 7400 Metro Blvd. Ste. 424; Edina, MN 55439. Its main telephone number is: 952-236-4213.

### **Alternate Physical Location**

In the event of an SBD, we will move business operations to 3024 Fairway Drive; Chaska, MN 55318. Its main telephone number is 612-207-2109.

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

Our firm does not maintain custody of customer's funds or securities, which are maintained at our clearing firm. TD Ameritrade, Inc. is our Custodian. In the event of an internal or external SBD, if telephone service is available, customers

may access their funds and securities by contacting TD Ameritrade Institutional at 800-934-6124. The firm will make this information available to customers through its disclosure policy.

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

Our firm maintains its primary electronic and hard copy books and records at 7400 Metro Blvd. Ste. 424; Edina, MN 55439.

The firm backs up its electronic records daily on a web based backup system in order to allow rapid resumption of the activities of the firm.

In the event of an internal or external SBD that causes the loss of our records, we will recover them from our electronic back up.

**Financial Operational Assessments**

**Operational Risk**

In the event of an SBD, we will immediately identify what means will permit us to communicate with our clients, employees, critical business constituents, critical banks, critical counterparties, and regulators. Although the effects of an SBD will determine the means of alternative communication, the communications options we will employ will include our telephone voice mail, and secure e-mail. In addition, we will retrieve our key activity records as described in the section above, Data Back-Up and Recovery.

**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, to apprise them of our financial status. If we determine that we may be unable to meet our obligations to those counterparties 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.

**Alternate Communications between the Firm and Customers, Employees, and Regulators**

**Customers**

We now communicate with our customers using the telephone, e-mail, our Web site, fax, U.S. mail. In the event of an SBD, we will assess which means of communication are still available to us, and use the means closest in speed and form (written or oral) to the means that we have used in the past to communicate with the other party. For example, if we have communicated with a party by e-mail but the Internet is unavailable, we will call them on the telephone and follow up where a record is needed with paper copy in the U.S. mail.

**Employees**

We now communicate with our employees using the telephone, e-mail, and in person. In the event of an SBD, we will assess which means of communication are still available to us, and use the means closest in speed and form (written and oral) to the means that we have used in the past to communicate with the other party.

**Critical 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 because of a SBD to them or our firm. Our major suppliers are:

**Company Name:**

City: State:

Phone:

Contact Name:

Materials/Service Provided: Compliance Consultant

**Company Name**

City: State:

Phone:

Contact Name:

Materials/Service Provided: Advisory Services/Custodian

Company Name:

City:           State:

Phone:

Contact Name:

Materials/Service Provided: Banking

**Regulatory Reporting**

Our firm is subject to regulation by Minnesota state regulators. We now file reports with our regulators using paper copies in the U.S. mail, and electronically using fax, e-mail, 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 means closest in speed and form (written or oral) to our previous filing method. In the event that we cannot contact our regulators, we will continue to file required reports using the communication means available to us.

**Disclosure of Business Continuity Plan**

We provide in writing a BCP disclosure to customers upon request.

**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.

**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.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Employee Acknowledgement**

I have received and understand this Business Continuity Plan.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_