

## BUSINESS CONTINUITY

### Contingency and Disaster Recovery Plan

#### Summary

This document outlines the immediate and long-term contingency planning and recovery process of MBC. The purpose of this Contingency and Disaster Recovery Plan (“CDRP”) is to provide specific guidelines the firm will follow in the event of a failure of any critical business capability.

#### Goals and Objectives

The CDRP goal is to provide uninterrupted service to our clients or to minimize the downtime should a system or vendor failure occur. The CDRP has been developed to meet the following objectives:

- Provide for immediate, accurate and measured response to emergency situations;
- Minimize the impact upon the safety and well being of firm personnel;
- Protect against the loss or damage to organizational assets;
- Provide our clients with alternative site processing with a minimum of inconvenience.

Risk assessment, disaster prevention, and disaster avoidance are critical components of MBC’s contingency planning process. The implementation of this CDRP should help to ensure all data processing systems, data communication facilities, information, data and business functions can be restored in a secure manner. Restoration must be accomplished in a time frame consistent with legal, regulatory and business requirements while maintaining information integrity.

#### Contingency and Disaster Recovery Team

The following list provides both a MBC employee and a vendor support contact for each of our firm’s critical business areas:

Business Area	Boyar Coordinator	Vendor Contact	Vendor Phone Number
<b>Physical Facilities</b>	Mark Boyar- President Cell: 516-732-0043 Home: 516-997-4358 Jonathan Boyar: 516-732-0044	Mr. Hay-Landlord	212-308-4443
<b>Communications</b>	Joan Boyar- Secretary of Corp. Cell: 516-732-0044	Phone Company, Internet, Verizon, Boyar Phone Tree.	212-447-7967
<b>Client Services</b>	Edouard Pierre- Portfolio Admin Cell: 516-538-9808	Fiserv formerly known as Checkfree- APL	1888-457-2437
<b>Hardware/Software</b>	Rosa Wellington- Portfolio Admin Cell: 917-553-1294 Niyi Awoleye Cell: 646-220- 4346	Computer Company Software Company	917-553-1294
<b>Executing and Clearing Firms/custodians</b>	Arline Strelzik- Assistant to Mr. Boyar 732-396-7131	Custodians, Pershing etc. – John Verga Pershing LLC Tel:201.413.2572 Mobile (718)637-4547A. Finkelstein:908- 304-4700	201-413-2000  201-413-2001 – Pershing Recovery Desk – ALT SITE- FLORHAM Park NJ
<b>Regulatory Matters</b>	Jonathan Boyar Arline Strelzik Brian Kawakami Compliance Consultant	Ascendant Compliance	212-956-9142

## **Contingency Policies and Procedures**

The contingency and disaster recovery team will be responsible for assessing the extent of damage, verifying the usability of all essential services during any major disruption or emergency and, more importantly, for ensuring the completion of all detailed continuity planning by each line of business.

In order to maintain operations during the commencement of a significant emergency or disaster, MBC will ensure all of the firm's personnel are contacted to confirm their well-being and to provide information about altered work arrangements. Essential business and technology personnel will be notified via telephone, cell phone, or electronic mail with instructions on how and when to proceed to a known and agreed upon alternative site.

### **A. Physical Facilities and Alternative Work Sites**

Arrangements have been made to provide alternative physical facilities for employees to use in the event MBC's primary facilities become unusable. If it is determined that the building occupied by MBC is uninhabitable for any reason, an assessment will be made to immediately determine the nature and extent of the problem, emergency or disaster. In the event the building cannot be entered due to riot, fire, government action or for any other reason, the following procedures are to be followed:

The individual discovering the situation will immediately notify Mark Boyar.

Mark Boyar will notify all other personnel that the building cannot be entered, and that an offsite emergency meeting will take place.

The nature of any further action will be determined during the offsite emergency meeting, including, if necessary, relocation of key business and technical personnel. In addition, MBC personnel have the ability to access nearly all of the firm's electronic records and conduct securities transactions on behalf of MBC's clients from their homes.

If necessary, alternative, functioning sites will be utilized until the primary offices can be re-inhabited or permanently relocated.

MBC will notify personnel of any alternative site. Currently, the residences of Mark Boyar and Jonathan Boyar serve as the alternate working sites.

Every effort will be made to protect and preserve the original documents maintained in MBC's OSJ and primary office. Backup information files and copies of duplicate electronic records will be retrieved and/or transferred to any alternative work site.

### **B. Communications**

In the event MBC loses local telephone service, long-distance service or any other telecommunications services, then the following procedures will be followed:

Arline Strelzik will immediately ascertain the nature and expected duration of the outage.

If the outage appears significant and involves loss of local service or all long-distance service, it may force a relocation of key business and technology personnel to the alternative work site.

If the outage is limited to the temporary loss of local or long-distance services, Arline Strelzik will continually reassess the situation until service has been fully restored.

MBC has created a master employee phone list, which includes the cell phone number of each of its employees. In the event of a total phone system failure, employees will utilize their cell phones to maintain contact with one another and operate the business where necessary.

#### C. Client Services and Record keeping

MBC has implemented a variety of procedures to maintain close contact with each of its clients and clearing and executing broker-dealers to ensure there is no disruption in service during any failure of one of MBC's critical business capabilities. MBC maintains a detailed list of the contact persons at each of its clearing and executing broker-dealers. If either MBC or any of its clearing and executing firms experiences a systems or business failure, immediate contact will be initiated with affected firms to determine the cause, nature and extent of the disruption. Since MBC's executing and clearing firms maintain several offices throughout the United States and around the world, MBC is confident that any major disruption, emergency or disaster that could potentially affect one geographic region (e.g., New York City) would have little impact on the ability of MBC to continue its operational and business relationships with such firms.

MBC's contingency planning process includes a number of procedures for maintaining client records. MBC takes very seriously its obligation to protect information and allow access to backup sources of information in the event of a disaster. MBC receives daily electronic trading downloads from each of its clearing and executing broker-dealers. In addition to daily electronic transmissions, MBC may request that each of its broker-dealers send physical reports which detail clients' securities transactions. If an emergency or disaster results in MBC's loss of original documentation, MBC's broker-dealers will provide the necessary supporting documentation. Arline Strelzik is responsible for efforts to remediate issues with client services and record keeping.

#### D. Hardware/Software

The failure or temporary loss of certain of MBC's hardware infrastructure or software applications will be addressed by Rosa Ortiz-Wellington. MBC has determined that it is more likely for the firm to encounter sporadic hardware and software failures rather than a preponderance of such failures at one time. Our outside Tech consultant performs an assessment of our hardware on an annual basis.

If a failure of the internal system network is suspected, a designated

representative will immediately contact the vendor(s) and technology consultants. Functionality tests will be performed to determine the extent of damage. If hardware is functional, all software and files can be restored from a tape backup. If hardware has been damaged, the vendor will be instructed to repair the network or build a new one with similar capabilities.

MBC's electronic records are backed-up on a daily basis and stored offsite by Iron Mountain. MBC's off-site record storage arrangements ensure that all necessary records will be available to meet operational and regulatory requirements in the event of a disaster. In the event the network is functional but employees cannot access MBC's office, employees can access their e-mail from a remote location.

E. Executing and Clearing Firms

MBC does not maintain custody of clients' funds or securities, make markets in any securities, execute trades directly or participate in underwritings for advisory clients. Each of these tasks is conducted by MBC's executing and clearing broker-dealers/custodians. Each of MBC's executing and clearing broker-dealers (including its affiliated broker/dealer that clears through Pershing) has developed contingency procedures to provide the above noted services in the event of a business disruption. Nevertheless, in the event of a disaster, Arline Strelzik shall be responsible for leading the efforts to remediate all problems.

F. Training, Testing and Evaluation

Employees are provided with a copy of MBC's CDRP upon commencement of employment. In addition, firm personnel are required to periodically review the relevant portions of the contingency plan that pertain to them. Arline Strelzik shall be responsible for training employees on the CDRP and answering questions about employees' responsibilities to ensure the success of the CDRP in the event of a disaster.

Mark Boyar's home in Old Westbury is the alternative office and point of contact as well. Most clients and all employees know the location and phone and fax numbers in case of emergency. In addition, as Mr. Boyar works from there from time to time, the operation of this alternative site is tested regularly.

In addition, Jonathan Boyar's residence in New York City is used as an alternative site.

In a business interruption where Pershing could not get into their 1 Pershing Plaza location their backup location is located in Florham Park where business would continue. The Pershing Recovery phone number is 201-413-2001.

These policies are reviewed annually by Mark Boyar and updated for any necessary changes. After the review is completed Mark Boyar will approve the new plan. Boyar's BCP plan is distributed to customers upon account opening

MARK A. BOYAR  
April, 2010