

# Business Continuity Plan

## March 17<sup>th</sup>, 2022

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## lowercase CAPITAL, LLC

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## **I. Emergency Contact Persons**

Our firm's emergency contact person is: Anthony James Nagle Jr, President, 1-972-679-0959, anthony@lowercasecapital.biz. These names will be updated in the event of a material change, and our President will review them quarterly.

## **II. 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 ensure 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, such as a fire in our building, damage to essential company systems, or prolonged loss of utility services. 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 brokerage and custody services.

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

Anthony James Nagle Jr, President, is responsible for approving and reviewing this plan on an annual basis. Anthony James Nagle Jr, President, also has the authority to execute actions defined in this plan.

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

We will maintain a current version of this plan in addition to all archived revisions. One physical copy of this plan is located in the filing cabinet stored at 805 Crystal Ln, Hurst, TX 76054. An electronic copy of this plan is stored on the local file server in the company network drive. This server is backed up weekly to an external hard drive. Critical files, including the BCP are additionally backed up to a DVD on an annual basis. These digital files are also stored at the 805 Crystal Ln address. The annually reviewed BCP is also sent to Anthony James Nagle

Jr, President, via email to ensure an off site copy of the plan is available in the event of an internal SBD.

### **III. Business Description**

Lowercase Capital, LLC is a Texas investment adviser that does business with individuals and companies residing in Texas. Services involve fee based financial planning, investment and financial literacy training, newsletter, and investment advisory services for assets under management. We do not act as a broker and we do not hold client funds or securities. All client assets are held at a custodian broker. All client assets are currently custodiated at Folio Institutional or Altruist. Our firm deals only in publicly traded securities. We do not advise on any private placements or other non-publicly traded investments.

### **IV. Office Locations**

Lowercase Capital, LLC has one office located at 805 Crystal Ln, Hurst, TX 76054. Our primary phone number is 1-214-717-4866.

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

In the event of an SBD that requires our staff to relocate, we will move our staff to a location in Arlington, Grand Prairie, or Irving which has access to internet services. Our primary phone number, 1-214-717-4866 will remain in service during this relocation.

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

Lowercase Capital, LLC does not maintain custody of customers' funds or securities. All client assets are held at a custodian broker (Folio Institutional or Altruist). In the event of a disruption that affects our firm's ability to communicate and do business, clients are advised to contact the custodian firm holding their investment assets.

Clients receive statements at a minimum of once each quarter from their custodian. Each custodian has annual notices of the firm's BCP and contact information for the client.

Folio Institutional is located at the following address:

Folio Institutional  
8180 Greensboro Drive, 8th Floor  
McLean, VA 221020

Altruist is located at the following address:

Altruist  
1621 Abbot Kinney Blvd  
Venice, CA 90291

Folio Institutional posts a summary of their BCP at <https://info.folioinstitutional.com/legal>, and a full copy can be requested by mailing:

Folio Investments, Inc.  
ATTN: Business Continuity Plan  
8180 Greensboro Drive, 8th Floor  
McLean, VA 22102

Altruist posts all their disclosures, including their BCP at <https://altruist.com/legal/>.

In the event that the SIPC should determine that any custodian is unable to meet their obligations to customers, SIPC may seek to appoint a trustee to disburse the custodian's assets to customers. We will assist SIPC and the trustee by providing our books and records identifying customer accounts subject to SIPC regulation.

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

Our firm provides to client custodian firms copies of all records it requires to conduct business for our clients. These forms typically include account agreements but may also include advisory agreements or other documents. Original copies of our records are maintained at 805 Crystal Ln, Hurst, TX 76054. Anthony James Nagle Jr, President, is responsible for the maintenance of these books and records.

We also maintain electronic copies of records on our local file server. This file server is backed up weekly to an external hard drive. Critical files are also backed up to DVD on an annual basis. These DVDs are stored in a fire rated safe.

In the event of an internal or external SBD that causes the loss of our paper records, we will physically recover client records from the custodian firm, from our DVD backup, and external backup drive(if it survives the SBD). If our primary site is inoperable, we will continue operations from an alternate location. A partial loss of electronic records will be recovered by restoring from either the external backup drive or DVD.

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

### **A. Financial Risk**

In the event of an SBD we will evaluate the value and liquidity of our finances in order to determine our ability to continue operations and ability to provide service to our clients. We will contact our bank, custodian, and clients as needed to inform them of our financial status. If we determine we're unable to meet our obligations we will pursue sources of additional funding which will allow us to continue operations.

### **B. Operational Risk**

In the event of an SBD we will immediately identify how we can most efficiently communicate with our clients, our bank, critical business or regulatory organizations, and our custodian. The nature of the SBD will impact what means of communication are available. We will attempt to use phones and email as a primary means of communication, and will use physical letters if required by the SBD.

## **IX. Mission Critical Systems**

Our firm's "mission critical systems" are those that ensure prompt and accurate access to client accounts and records and processing of securities transactions. These systems include the systems of client custodian firms who provides custody services and processing of securities transactions, the maintenance of customer accounts, access to customer accounts, and the delivery of funds and securities.

We have primary responsibility for establishing and maintaining our business relationships with our clients and have sole responsibility for our mission critical functions. Client custodian firms provide account access, transaction services, clearance and settlement of securities transactions, the maintenance of customer accounts, access to customer accounts, and the delivery of funds and securities.

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

### **A. Clients**

We currently communicate with clients via phone, email, US mail, and face to face conversations. In the event of an SBD, we will assess which means of communication are still available to us and use the means that will most efficiently communicate with the other party.

## **B. Employees**

Lowercase Capital, LLC is a single member company. As a result, communication to all company staff is ensured without the need for a phone tree or other communication plan.

## **C. Regulators**

We are currently registered as an investment advisory firm with the Texas State Securities Board. We communicate with our regulators using phone, email, US mail, and face to face conversations. In the event of an SBD, we will assess which means of communication are still available to us and use the means that will most efficiently communicate with the other party.

# **XI. Critical Business Constituents and Banks**

## **A. Business Constituents**

We have no critical business constituents. All essential operations are managed internally.

# **XII. Regulatory Reporting**

Our firm is subject to regulation by the Texas State Securities Board and the State of Texas. We now file reports with our regulators using paper copies in the U.S. mail, and electronically using e-mail and the Internet. In the event of an SBD, we will check with the Texas State Securities Board and the State of Texas to determine which means of filing are still available to us, and use the most efficient means available. In the event that we cannot contact our regulators, we will continue to file required reports using the communication means available to us.

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

We disclose in writing a copy of our BCP to customers at account opening and annually. We also mail it to customers upon request. Our BCP is also available on our website, [www.lowercasecapital.biz](http://www.lowercasecapital.biz).

# **XIV. Updates and Annual Review**

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

## **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.

Signed: Anthony James Nagle Jr  
Title: President  
Date: 3/17/2022