

**Item 1: Cover Page**

Form ADV Part 2A – Firm Brochure



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*This brochure provides information about the qualifications and business practices of Harvey Capital Management, Inc. If you have any questions about the contents of this brochure, please contact us at (561) 804-9181. The information in this brochure has not been approved or verified by the United States Securities and Exchange Commission or by any state securities authority.*

Additional information about the Firm and its representatives are also available on the SEC's website at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov). You can search the site by our firm's unique [CRD number 801-52027](#).

## **Item 2: Material Changes**

Consistent with the new rules, we will ensure that you receive a summary of any material changes to this and subsequent Brochures within 120 days of the close of our business' fiscal year. As necessary, we will provide you with other interim disclosures about material changes.

### Item 3: Table of Contents

Item 1: Cover Page.....	1
Item 2: Material Changes .....	2
Item 3: Table of Contents .....	3
Item 4: Advisory Business .....	4
Item 5: Fees and Compensation .....	6
Item 6: Performance-Based Fees and Side-By-Side Management.....	6
Item 7: Client Types .....	7
Item 8: Methods of Analysis, Investment Strategies & Risk of Loss .....	7
Item 9: Disciplinary Information .....	9
Item 10:Other Financial Industry Activities and Affiliations.....	10
Item 11:Code of Ethics, Participation or Interest in Client Transactions and Personal Trading .....	10
Item 12:Brokerage Practices.....	11
Item 13:Review of Accounts .....	13
Item 14:Client Referrals and Other Compensation.....	14
Item 15:Custody .....	14
Item 16:Investment Discretion .....	15
Item 17:Voting Client Securities.....	15
Item 18:Financial Information.....	16
Brochure Supplement.....	17

## Item 4: Advisory Business

### About The Firm

Harvey Capital Management, Inc. is an independent investment advisory firm established in 1996 that is registered\* with the Securities and Exchange Commission (SEC). The company was formed under Florida laws and is headquartered in Palm Beach, Florida. Robert D. Harvey is the founder and principal owner of Harvey Capital Management, Inc. and serves as the Chairman and Chief Executive Officer. The company can be found on the SEC's website [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov) using the unique identifying file number 801-52027.

Harvey Capital Management, Inc. provides investment management services to high net-worth individuals that include trust, estates, retirement, partnership, pension plans, profit-sharing plans, corporate and foundation accounts. Our firm specializes in developing tailored investment strategies for the Client with individualized service and attention. We assist our clients to meet their financial goals and needs.

At Harvey Capital Management, we pride ourselves in the longevity of our client relationships and the satisfaction of meeting the Client's investment goals.

### Types of Investment Advisory Services Offered

Harvey Capital Management provides discretionary investment management services where the investment advice is customized to meet the objectives of the Client. Discretionary authority allows the Firm to perform investment functions on the Client's behalf without further approval from the Client. The Client must notify the Firm **in writing** if there are any investment restrictions in certain securities or industry groups/sectors.

Portfolios are re-optimized when there are changes in market conditions or client's objectives.

Our firm may offer advice on the following types of investments:

- ❖ CDs
- ❖ Commercial Paper
- ❖ Corporate Debt Securities
- ❖ Equity Securities
- ❖ Municipal Securities
- ❖ Mutual Fund Shares/ETFs
- ❖ Option Contracts on Securities
- ❖ United States Government Securities
- ❖ Warrants

\* "registered" does not imply a certain level of skill or training.

## **Conditions for Managing Accounts**

Before providing investment management services, the Client is required to enter into a formal Investment Management Agreement with Harvey Capital Management, Inc. Our Agreement sets forth the terms and conditions under which the Firm will manage the Client's assets. It is our policy that the Client uses a qualified custodian to safeguard their assets. To avoid conflicts of interest, we do not have affiliations with any broker-dealer or investment banking divisions.

The Client may terminate the Investment Management Agreement with prior written notice to Harvey Capital Management. The Agreement will be cancelled ten (10) business days after given notice. Harvey Capital Management will pro-rate the fees from the last billing cycle to the termination date.

Harvey Capital Management does not participate in any Wrap Fee Program.

As of December 31, 2016, Harvey Capital Management managed \$333 million of clients' assets on a discretionary basis.

## Item 5: Fees and Compensation

### Investment Management Services Compensation

Harvey Capital Management charges each account an investment management fee based upon the market value of the account at quarter end. The investment management fees are billed quarterly and in arrears. Fees are calculated pro-rata in the event the investment management agreement is executed at any time other than the first day of the quarter.

By signing the investment management agreement, the Client authorizes the qualified custodian to pay advisory fees directly to Harvey Capital Management, unless prior arrangements are made in writing. The qualified custodian will facilitate the deduction of the investment management fee from your account. The Firm will only accept checks payable to Harvey Capital Management for payment of advisory fees.

On an annualized basis, our fees for investment management services are as follows:

<b>Portfolio Size</b>	<b>Annualized Fee</b>
On the first \$2,000,000	1.0%
Balances over the next \$2,000,000	Negotiable
Minimum Annual Fee - \$3,000	

The Firm generally requires a minimum of \$1 million to open and maintain an advisory account. However, this account minimum may be waived at the discretion of Harvey Capital Management.

### Other Fees

In addition to our advisory fees, clients are responsible for the fees, expenses and transaction cost charged separately by custodians and broker-dealers. We do not directly or indirectly share or receive a portion of these fees.

## Item 6: Performance-Based Fees and Side-By-Side Management

Harvey Capital Management does not charge fees based on performance or side-by-side management.

## Item 7: Client Types

Harvey Capital Management provides discretionary investment management services to high net-worth individuals. We specialize in these types of accounts:

- ❖ Individuals
- ❖ Retirement Accounts (i.e. IRA and Roth)
- ❖ Charitable Organizations
- ❖ Corporations, Foundations and other business entities
- ❖ Limited Partnerships
- ❖ Pension and Profit-Sharing Plans
- ❖ Trusts and Estates

We offer individualized investment management services all tailored to meet the investment objectives of the Client. Our firm customizes portfolios based on the specific investment needs of the Client whether it is growth, income or a combination of the two.

## Item 8: Methods of Analysis, Investment Strategies & Risk of Loss

### Methods of Analysis

We use the following methods of analysis in formulating our investment advice and managing client assets:

- ❖ **Fundamental:** Fundamental analysis is a general assessment based upon various factors including stock valuation, earnings, balance sheet and cash flow analysis.
- ❖ **Charting and Technical:** Charting consists of a technical analysis using graphs to illustrate various patterns or progressions in the market or account movement.

The main source of research includes:

- ❖ Bloomberg
- ❖ Research Services Prepared by others (i.e. O'Neil, Value Line, etc.)
- ❖ Financial Newspapers/Magazines
- ❖ Company Presentations
- ❖ Annual Reports, Prospectuses and SEC Filings
- ❖ Internet

Our method of analysis relies on the assumption that the companies we purchase and sell are providing accurate data. There is always a risk that our analysis may be compromised by inaccurate or misleading information. To make ourselves available to a variety of investment opportunities, we keep our investment style flexible. Our focus is bottom-up and Harvey Capital Management does not limit our clients to any one investment style.

## Investment Strategies

The investment strategies used to implement investment advice includes both short-term and long-term views. To determine these views, we gather financial background information from the Client through personal interviews.

We will review the following information with the Client:

- ❖ Risk Tolerance
- ❖ Investment Time Horizon
- ❖ Tax Bracket
- ❖ Current Financial Situation
- ❖ Type of Account (i.e. taxable versus non-taxable)
- ❖ Family Composition
- ❖ Prior Investment History
- ❖ Income/Liquidity Needs
- ❖ Future Investment Goals and Expectations

Once all of these essentials are considered, the Client chooses an investment objective/strategy best suited for the account. The chart below shows the different investment objectives available:

Investment Objective	Investment Goal	Allocation Ranges		
		Equities	Fixed Income	Cash
Growth	Capital Appreciation	65% - 100%	0% - 35%	0% - 35%
Balanced	Growth to Moderate Income	35% - 65%	35% - 65%	0% - 30%
Income	Preservation of Capital	0% - 35%	65% - 100%	0% - 35%

**Growth** portfolios typically consist of individual securities with equity positions of approximately 5% or less. Harvey Capital Management utilizes ETFs (Exchange-Traded Funds) in certain circumstances for broad diversification. Covered calls maybe employed for accounts set up with option capabilities.



**Income** portfolios consist of individual taxable, tax-exempt bonds and/or preferred stock, as well as, ETFs. Based on the Client's election, portfolios can be structured to include:

- 1) Both investment and non-investment grade bonds, or
- 2) Strictly investment grade bonds

Risks of fixed income investing include:

- ❖ Interest rate risk
- ❖ Credit risk
- ❖ Inflation risk
- ❖ Call risk
- ❖ Prepayment risk
- ❖ Reinvestment risk

**Balance** portfolio is a blend between equity and fixed income allocations. The investment goal is growth with moderate income.

We use the above investment objectives strategy(ies) as our guidelines in managing the Client's portfolio. Investments are rebalanced when necessary. We require the Client to review their investment objective through our annual mailing.

### **Risk of Loss**

Harvey Capital Management does not represent, warrant or imply that the services or methods of analysis employed by the Firm can or will predict future results, successfully identify market tops or bottoms, or insulate clients from losses due to market decline corrections. Securities investments are not guaranteed and the Client may lose money on their investments.

## **Item 9: Disciplinary Information**

Our firm, including the investment management team, does not have any legal or disciplinary events that are material to a client's or prospective client's evaluation of this advisory business or the integrity of our management.

## **Item 10: Other Financial Industry Activities and Affiliations**

Harvey Capital Management and its investment management team do not have any affiliation or related person in the following industries:

- ❖ broker-dealer, municipal securities dealer, or government securities dealer or broker
- ❖ investment company or other pooled investment vehicle (including a mutual fund, closed-end investment company, unit investment trust, private investment company or "hedge fund," and offshore fund)
- ❖ other investment adviser or financial planner
- ❖ futures commission merchant, commodity pool operator, or commodity trading advisor
- ❖ banking or thrift institution
- ❖ accountant or accounting firm
- ❖ lawyer or law firm
- ❖ insurance company or agency
- ❖ pension consultant
- ❖ real estate broker or dealer
- ❖ sponsor or syndicator of limited partnerships

## **Item 11: Code of Ethics, Participation or Interest in Client Transactions and Personal Trading**

### **Code of Ethics**

Harvey Capital Management has adopted a Code of Ethics which sets the standard for business conduct. The purpose of the Code is to preclude activities which may lead to or give the appearance of conflicts of interest, insider trading and other forms of prohibited or unethical business conduct. We require our employees to be in compliance with the applicable federal securities laws.

Our employees have a fiduciary responsibility to its Clients to conduct their affairs in such a manner as to avoid:

- ❖ serving their own personal interests ahead of its Clients
- ❖ taking inappropriate advantage of their position of trust
- ❖ conflicts of interest

A copy of our Code of Ethics is available to our advisory clients and prospective clients upon written request.

## **Privacy**

At Harvey Capital Management, we realize that your relationship with us is built on trust. Maintaining and protecting your privacy is very important to us. We collect and use non-public information to service our clients.

Non-public information is personal information that we obtain from the Client to provide a financial service. We will keep non-public personal information safeguarded in accordance with our Privacy Policy. We use email encryption when sending sensitive information to help keep confidential information from data breach or loss. As required by federal law, we will provide the Client with of our Privacy Policy annually.

## **Participation or Interest in Client Transactions**

Harvey Capital Management and individuals associated with the Firm may buy or sell investment securities identical to those recommended to clients for their personal account(s). All personal trading is reported and reviewed in accordance to the policies established by Harvey Capital Management and SEC regulations.

## **Personal Trading**

All employees and their immediate family members of the Firm are subject to the Code of Ethics and the requirements of the Personal Security Trading Policy. Sanction will be issued to any employee who conducts any applicable trade without following the Personal Security Trading Policy.

## **Item 12: Brokerage Practices**

### **Brokerage Selection Factors**

Harvey Capital Management uses broker-dealers which charges brokerage commission and/or transaction fees for executing trades. Generally, clients grant us complete discretion of the broker-dealer to be used and the commission rates to be paid. The evaluation of the commission rates to be paid to the broker/dealer is based on several factors:

- ❖ best execution
- ❖ volume discounts/execution price negotiations
- ❖ broker's reputation, financial stability and experience
- ❖ quality of service

These brokerage commissions and/or transaction fees charged by the designated broker-dealer may be higher or lower than those charged by other broker-dealers, in addition to, the investment management fee charged by Harvey Capital Management. The Client is responsible for reviewing the specific schedules of their chosen broker dealer.

Harvey Capital Management may recommend clients to establish brokerage accounts with the Fidelity Brokerage Services LLC and National Financial Services LLC (collectively, and together with all affiliates, "Fidelity"), to maintain custody of clients' assets and to execute trades for their accounts. Although we recommend that clients establish accounts at Fidelity, it is the Client's decision to custody and trade with Fidelity.

Fidelity provides Harvey Capital Management with an institutional platform services. The institutional platform services include brokerage, custody, and other related services. Fidelity's institutional platform services that assist Harvey Capital Management in managing and administering clients' accounts include software and technology that (i) provide access to client account data (such as trade confirmations and account statements); (ii) facilitate trade execution and allocate aggregated trade orders for multiple client accounts; (iii) provide research, pricing and other market data; (iv) facilitate payment of fees from its clients' accounts; and (v) assist with back-office functions, recordkeeping and client reporting.

In seeking best execution, the determinative factor is not the lowest possible cost, but whether the transaction represents the best qualitative execution. In making this assessment, we consider the full range of a custodian's services, including the value of research provided, execution capability, commission rates, and responsiveness. While we always will seek competitive rates, we may not necessarily obtain the lowest commission rates for our clients.

Fidelity also offers other services intended to help Harvey Capital Management manage and further develop its advisory practice such as the Fidelity Wealth Advisory Solution Program. These services include, but are not limited to, performance reporting, financial planning, third-party research, publications, access to educational conferences, roundtables and webinars, practice management resources, access to consultants and other third-party services.

Fidelity generally does not charge its advisor clients separately for custody services, but is compensated by account holders through commissions and other transaction-related or asset-based fees for securities trades that are executed through Fidelity or that settle into Fidelity accounts (i.e., transactions fees are charged for certain no-load mutual funds, commissions are charged for individual equity and debt securities transactions). Fidelity provides access to many no-load mutual funds without transaction charges and other no-load funds at nominal transaction charges.

Harvey Capital Management is independently owned, and not affiliated with any broker-dealer. We do not have a soft dollar arrangement with Fidelity; therefore, our firm does not receive any portion of the brokerage commission.

### **Research and Other Soft Dollar Practices**

Harvey Capital Management does not utilize soft dollar commission to pay for research, products or services.

### **Directed Brokerage**

The Client may direct Harvey Capital Management to use a particular broker-dealer to execute trade transactions for the Client's account. Such directions must be **in writing** and delivered to the Firm by the Client. The Client is responsible for negotiating the terms and arrangements for the account with that directed broker.

The Client should understand that this arrangement will prevent Harvey Capital Management from aggregating trade orders, obtaining volume discounts, best execution and effectively negotiating brokerage compensation on their behalf. Clients should consider whether the commission expenses, execution, clearance and settlement capabilities through the directed brokerage comparable to those of the firm's selection of broker-dealers.

### **Conditions for Aggregating Trades for Clients**

The aggregation or blocking of client transactions allows an adviser to execute transactions in a timely, equitable, and efficient manner. This allows all clients to receive an average price per share. As a matter of policy, an adviser's allocation procedures must be fair and equitable to all clients with no particular group or client(s) being favored over any other clients. Our firm's policy is to aggregate client transactions where possible and when advantageous to clients.

## **Item 13: Review of Accounts**

Harvey Capital Management has established an Investment Committee to formally review the Client's account(s) on an annual basis. The Investment Committee may be composed of, but not limited to:

- ❖ Robert Harvey, CFA, Chairman
- ❖ Alexander Harvey, CFA, President & Chief Executive Officer
- ❖ Sophia Burnichon, Executive Vice President

For more information about our advisory personnel of Harvey Capital Management, please refer to the Brochure Supplemental.

The Portfolio Manager reviews the investment objectives for all clients on a quarterly basis. We require the Client to review their investment objective through our annual mailing. More frequent reviews may be triggered by material changes such as the Client's individual circumstances, large deposits/withdrawals, market fluctuation, political or economic climate. Our firm will offer a formal account review upon request from the Client.

Each client is responsible to promptly notify Harvey Capital Management if there are any changes to their financial situation or investment objectives for the purpose of revising the Firm's previous recommendations.

## **Item 14: Client Referrals and Other Compensation**

Harvey Capital Management does not engage solicitors or pay related or non-related persons for referring potential clients to our firm. It is our firm's policy not to accept compensation, including cash or other items, excluding de minimis amount from a non-client in conjunction with the advisory services we provide to our clients.

## **Item 15: Custody**

Harvey Capital Management uses an unaffiliated qualified custodial firm to safeguard the Client's assets. Our firm does not have actual or constructive custody of our client's assets.

Harvey Capital Management recommends that clients establish an account with Fidelity, to maintain custody of the assets. Although we recommend that the Client establishes an account at Fidelity, it is the Client's decision to custody assets with Fidelity. Harvey Capital Management is independently owned and operated and not affiliated with Fidelity.

Fidelity generally does not charge for custody services. Other custodians may charge separately for custody services. The Client is responsible for reviewing the specific schedules of their chosen custodian.

The Client must provide written authorization to the qualified custodian permitting the fees to be paid directly to Harvey Capital Management. The Firm does not have access

to client funds for payment of fees without written consent by the Client. By signing the investment management agreement, the Client authorizes the qualified custodian to pay advisory fees directly to Harvey Capital Management, unless prior arrangements are made in writing. The Firm will only accept checks payable to Harvey Capital Management for payment of advisory fees.

Clients will receive monthly statements and annual tax statements from their qualified custodian. It is important for clients to carefully review their custodial statements to verify the accuracy of the information. Clients should contact us directly if there is an error in the statement.

## **Item 16: Investment Discretion**

Harvey Capital Management provides both investment supervisory and advisory services. Both are tailored to the investment objectives of the Client. Currently, our business focus is on discretionary management.

The Client grants us discretionary authority to manage the portfolio when an Investment Management Discretionary Agreement is signed by the Client. Discretionary authority allows the Firm to execute trades in a client's account without contacting the Client prior to each trade to obtain their permission. Such discretion and authority allows the Firm to perform various investment functions without further approval from the Client.

This may include:

- ❖ determination of the securities to be purchased/sold
- ❖ determination of the quantity/amount of securities to be purchased/sold
- ❖ selection of broker-dealer to be used
- ❖ determination of the commission rates
- ❖ qualified custodians facilitating the debiting of the account for the investment management fees

The Client may limit this discretion and authority restriction, that is reasonable (i.e. buying/selling restriction on certain securities or industry group/sectors), by providing the Firm with written instruction.

## **Item 17: Voting Client Securities**

Harvey Capital Management does not accept authority for voting proxies on behalf of the Clients.

This disclosure is stated in the Investment Management Agreement between Harvey Capital Management and the Client. Although our firm may provide investment advisory services relative to client investment assets, clients maintain exclusive responsibility for directing the voting of proxies. For ERISA accounts, Harvey Capital Management will review the Voting Proxies Policy on the Client's Plan Investment Policy.

We shall retain the authority to make all elections relative to any mergers, acquisitions, tender offers, bankruptcy proceedings or other type events pertaining to the securities in the Account. We may provide clients with consulting assistance regarding corporate actions and the exercise of proxy voting rights if they contact us with questions.

## **Item 18: Financial Information**

Harvey Capital Management has no additional financial circumstances to report. We do not include a financial statement because the Firm does not require or solicit pre-payment of fees for services rendered or take custody of client funds or securities. The Firm has no financial commitment that impairs its ability to meet its contractual and fiduciary commitments to clients, and has not been the subject of a bankruptcy petition since inception.



## Brochure Supplement

Form ADV Part 2B – Investment Advisor Representatives Disclosure Brochure

### **Business Standards**

Our business standard for Investment Advisors Representatives of Harvey Capital Management are required to meet all examinations or experience requirements of the State(s) and/or jurisdictions(s) in which the individual provides advisory services.

## Brochure Supplement

### Item 1: Cover Page

**Robert D. Harvey**  
**Alexander T. Harvey**  
**Sophia Harvey Burnichon**

400 Royal Palm Way, Suite 400  
Palm Beach, FL 33480  
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As of February 24, 2017

This brochure supplement provides information about investment advisor representatives of Harvey Capital Management, Inc. If you have any questions about the contents of this supplement or would like to receive a copy of this brochure, please contact the firm at (561) 804-9181. Additional information about is available on the SEC's website at <http://www.adviserinfo.sec.gov>.

## Brochure Supplement

### Item 2: Educational Background and Business Experience

#### **Robert D. Harvey, CFA**

Year of Birth: 1942

#### **Formal Education after High School:**

University of Chicago – MBA, Finance

Kent State University – B.S., Business Administration

#### **Business Background:**

Harvey Capital Management, 1996 – Present, Chairman

Chemical Bank of Florida, 1994 – 1996, Chief Investment Officer

Chase Manhattan Bank of Florida, 1985 – 1994, Senior Vice President & Chief Investment Officer

Northern Trust Bank of Florida, 1982 – 1985, Vice President & Chief Investment Officer

#### **Professional Designations:**

CFA charterholder (CFA)

To earn a CFA charter, a candidate must have four years of qualified investment work experience, pass three CFA Program exam levels, and adhere to our Code of Ethics and Standards of Professional Conduct.

Robert D. Harvey does not have any legal or disciplinary information, other business activities to report.

## Brochure Supplement

### Item 2: Educational Background and Business Experience

#### **Alexander Harvey, CFA**

Year of Birth: 1973

#### **Formal Education after High School:**

University of Chicago – MBA, Finance & Economics

Wake Forest University – B.S., Mathematical Economics

#### **Business Background:**

Harvey Capital Management, 2011 – Present, President and Chief Executive Officer

Harvey Capital Management, 2007 – 2011, Vice President

Precision Asset Management, 2005 – 2006, Portfolio Manager

J. Safra Investments, 2004 – 2005, Trader

HSBC Bank USA, 1996 – 2001, Assistant Vice President/Emerging Market Analyst

#### **Professional Designations:**

CFA charterholder (CFA)

To earn a CFA charter, a candidate must have four years of qualified investment work experience, pass three CFA Program exam levels, and adhere to our Code of Ethics and Standards of Professional Conduct.

Alexander Harvey does not have any legal or disciplinary information, other business activities or additional compensation to report.

## Brochure Supplement

### Item 2: Educational Background and Business Experience

#### **Sophia H. Burnichon**

Year of Birth: 1975

#### **Formal Education after High School:**

Florida International University – MIB International Business

Wake Forest University – B.S., Calloway School of Business

#### **Business Background:**

Harvey Capital Management, 2011 – Present, Executive Vice President

Harvey Capital Management, 2007 – 2011, Vice President

UBS AG Wealth Management, 2005 – 2007, Associate Director

HSBC Private Bank International, 2005 – 2003, Private Banking Officer

Northern Trust Bank, 1998 – 2001, Investment Associate

#### **Professional Designations:**

Series 65 license

Completion of the Series 65 Exam qualifies an investment professional to operate as an Investment Advisor Representative in certain states.

Sophia Harvey Burnichon serves as Chief Financial Officer and Secretary for Private Cask Imports, Inc., and is a minority shareholder in the company. The company operates as importation and consultation for wines and spirits, and does not have any conflict of interest with Harvey Capital Management, Inc. nor its clients. She does not have any legal or disciplinary information to report.