

UNITED STATES DISTRICT COURT
Western District of North Carolina
Charles R. Jonas Federal Building
401 West Trade Street, Room 195
Charlotte, North Carolina 28202

SELF INITIATED
AMENDMENT

Chambers of
Frank D. Whitney
U. S. District Judge

Phone: 704-350-7480

August 6, 2009

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

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DISCLOSURE OFFICE

SUBJECT: Letter Amendment to 2006 and 2007 Financial Disclosure Report

Dear Members of the Committee,

I would like to amend my 2006 and 2007 Financial Disclosure Report to include the fact that I joined the Board of Directors of two non-profit entities as well as became an Advisory Member of the Ethics Committee of the North Carolina State Bar. In preparing my 2008 Report, I discovered my mistakes. I had incorrectly presumed that, since the two non-profit organizations were charitable in nature, they fell under the social entity exception (section 102(a)(6)(A)) so I did not disclose them previously. I also incorrectly presumed that I did not need to disclose the State Bar Ethics Committee because it is a quasi-governmental entity; I now recognize that the governmental exception only applies to the United States government.

First, late in 2006, I became a judicial representative to the Board of Directors of Legal Services of Southern Piedmont, Inc., an IRC § 501(c)(3) organization. I was in that position in 2007 as well as 2008. The organization provides legal assistance to low income persons in the region. I neither practice law nor provide any legal assistance. I am not involved in fund-raising nor do I take any public position on anything that could negatively impact on the judiciary.

Second, also late in 2006, I became a board member of the Board of Directors of Festival in the Park, Inc., an IRC § 501(c)(3) charitable arts and crafts organization which sponsors an annual arts festival in a public park. I continued on that Board in 2007 and 2008. I do not do any fund-raising for that organization nor do I give or provide it any legal advise.

Finally in 2007, I became an Advisory Member of the Ethics Committee of the North Carolina State Bar. As a member of the Ethics Committee, I assist in the reviewing and updating of

Whitney, Frank D

the rules of professional conduct which govern attorneys licensed to practice generally in the State of North Carolina as well as specifically in my district, the Western District of North Carolina.

I am not compensated by any of the three organizations.

If you have any questions, please feel free to contact me at the above address or telephone number.

Thank you very much.

Sincerely

A large black rectangular redaction box covers the signature area of the letter.

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2008

*Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)*

1. Person Reporting (last name, first, middle initial) Whitney, Frank D.	2. Court or Organization District Court - WDNC	3. Date of Report 8/6/2009
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Judge - Active	5a. Report Type (check appropriate type) <input type="checkbox"/> Nomination, Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2008 to 12/31/2008
7. Chambers or Office Address Charles R. Jonas Federal Bldg 401 W. Trade St., Room 195 Charlotte, NC 28202	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

IMPORTANT NOTES: *The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.*

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of filing instructions.)*

NONE *(No reportable positions.)*

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Member	Whitney Properties LLC
2. Power of Attorney	[REDACTED] #1
3. Executor	Estate #1
4. Trustee	Trust #1
5. Administrator	Estate #2

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II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of filing instructions.)*

NONE *(No reportable agreements.)*

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

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Name of Person Reporting

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8/6/2009

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

A. Filer's Non-Investment Income

NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> <i>(yours, not spouse's)</i>
1.		
2.		
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

(Dollar amount not required except for honoraria.)

NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2008	Self-employed kitchen designer
2.	
3.	
4.	

IV. REIMBURSEMENTS - *transportation, lodging, food, entertainment.*

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Foundation for Research on Economics & the Environment	08/10/09 - 08/14/09	Gallatin Gateway, Montana	Conference Nat Sec Law	Travel, room & board
2.				
3.				
4.				
5.				

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.		
2.		
3.		
4.		
5.		

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. Bank of America	Loan on Rental Property #1, Davidson, NC (Part VII, Line 1)	K
2. Bank of America	Loan on Rental Property #1, Charlotte, NC (Part VII, Line 2)	None
3. Bank of America	Loan on Rental Property #1, Sunset Beach, NC (Part VII, Line 4)	N
4. Heirs of Joe B. Spivey and Leola F. Spivey	Loan on Rental Property #2 & #3, Sunset Beach, NC (Part VII, Lines 5 & 6)	J
5.		

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Rental Property #1, Davidson, NC	D	Rent	N	W					
2. Rental Property #1, Charlotte, NC	D	Rent			Sold	7/08	N	G	BC Rachel Street LLC
3. Whitney Properties, LLC:		None	O	W					
4. - Rental Property #1, Sunset Beach, NC	E	Rent	P1	W					
5. - Rental Property #2, Sunset Beach, NC	E	Rent	O	W					
6. - Rental Property #3, Sunset Beach, NC	E	Rent	O	W					
7. - Bank of America business accounts (Whitney Prop LLC)	A	Interest	K	T					
8. Carolina Panthers Permanent Seat License		None	J	W					
9. Co-author book, Lexis-Nexis, Newark, NJ (no inc since 2002)		None	J	W					
10. Banc of America Investment Security Money Manager Account	A	Interest	J	T					
11. Bank of America savings/checking accts - in c [REDACTED] #1	A	Interest	L	T					
12. Belk Corp Common Stock, Charlotte, NC	A	Dividend	J	W					
13. BB&T Equity Index Fund	B	Dividend	K	T					
14. BB&T Prime Fund	A	Interest	J	T					
15. United Parcel Service Class B	A	Dividend	J	T					
16. Fidelity Dividend Growth	A	Dividend	J	T					
17. Standard & Poors DEP RCPTS (SPY)	D	Dividend	M	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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Name of Person Reporting Whitney, Frank D.	Date of Report 8/6/2009
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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (I-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. US Payroll Savings Bonds		None	J	T					
19. Promissory Note Payable from Paul Citron		None	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

- I. 5. Board Member Festival in the Park, Inc (IRC 501(c)(3))
- 6. Judicial Representative to Board Legal Services of Southern Piedmont, Inc. (IRC 501(c)(3))
- 7. Council Member Government and Public Sector Section of the North Carolina Bar Association
- 8. Advisory Member North Carolina State Bar Ethics Committee
- 9. Committee Member Student Affairs Committee, UNC School of Law

VII. Investments and Trusts Continued

A	B1	B2	C1	C2	D1	D2	D3	D4
20. Trust #1:								
21. - Standard & Poors DEP RCPTS (SPY)	A	Dividend	L	F				
22. - Bank of America Trust Checking Acc	A	None	J	T Closed		6/08	J	
23. Bank of America Power of Attorney Fiduciary Checking Account for ██████ for VA Pension	A	None	J	T Opened as fiduciary		11/08	J	
24. Estate #1	(No assets held in 2008 because all assets distributed to ██████ in 2007; estate closed)							
25. Estate #2	(No assets held in 2008; ██████ passed away 03/09; became administrator in 04/09)							

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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature _____



NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

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Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544