

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2018

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 07/17/2019
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) ☐ Nomination ☐ Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2018 to 12/31/2018
7. Chambers or Office Address Charles R. Jonas Federal Building and United States Courthouse 401 West Trade Street, Room 250 Charlotte, North Carolina 28202		
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.		

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. Power of Attorney	Person # 1
2. Executor	Estate # 1
3. Trustee	Trust # 1 (Trust of Decedant from Estate #1)
4. Member	Whitney Properties LLC
5. Member	Whitney Assets LLC
6. Board of Directors	Festival in the Park, Inc. (IRC section 501(c)(3) organization)
7. Advisory Member	North Carolina State Bar LAMP Committee
8. Council Member	North Carolina Bar Association (Government & Public Sector Section)
9. Board of Directors	May 20th Society (IRC section 501(c)(3) organization)
10. Board of Visitors	Charlotte Country Day School (IRC section 501(c)(3) organization)
11. Board of Visitors	Charlotte Bridge Home (IRC section 501(c)(3) organization)
12. Board of Directors	University of North Carolina School of Law - Law Alumni Association

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

☒ NONE *(No reportable agreements.)*

DATE

PARTIES AND TERMS

1. _____
2. _____
3. _____

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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> (yours, not spouse's)
1. 2018	UNC School of Law (Chapel Hill, NC)	\$15,999.84
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. 2018	South End Kitchen Design Studio, LLC - salary
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. North Carolina Bar Association	4/12/2018 to 4/13/2018; 6/21/2018 to 6/24/2018	Cary, NC; Wilmington, NC	Council Meeting and NCBA Annual Meeting	Travel, Lodging and Meals
2. University of North Carolina School of Law	See Part VIII for dates	Chapel Hill, NC	Attend meetings of UNC Law Alumni Association and as adjunct professor	Lodging
3. National Center for State Courts	7/21/2018 to 7/26/2018	Port of Spain, Trinidad and Tobago	As lecturer on anti-money laundering procedures	Travel, Lodging and Meals
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.	Caliber Home Loans	Loan on Rental Property #1, Davidson, NC (Part VII, Line 1)	M
2.	US Department of Education - Student Loan Program (daughters' student loans)	Student loans	K
3.			
4.			
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 mm/dd/yy	(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. Whitney Properties, LLC:									
3. - Rental Property #1, Sunset Beach, NC	E	Rent	O	W					
4. - Bank of America business accounts (Whitney Properties LLC)	A	Interest	J	T					
5. Whitney Assets LLC		None	J	W					
6. - Rental Property #2, Sunset Beach, NC	D	Rent	N	T	Sold	01/29/18	N	G	
7. Carolina Panthers Permanent Seat License		None	J	W					
8. Co-author book, Lexis Law Publishing (no income since 2002),		None	J	W					
9. Bank of America savings and checking accounts including spouse	A	Interest	J	T					
10. USAA Bank checking & savings accounts including spouse & daughters	A	Interest	J	T					
11. Bank of America Common	A	Dividend	K	T					
12. BB&T Federated Prime Fund accounts	A	Interest	J	T					
13. Paragon Bank checking account	A	Interest	J	T					
14. Rydex Guggenheim S&P 500 Equal Weighted Index	A	Dividend	K	T	Redeemed (part)	03/01/18	K	E	
15. Estate #1, Charlotte, NC									
16. (X) Decedent's residence, Estate #1, Charlotte, NC			N	W			N		
17. (X) Bank of America Estate #1 Checking Account	A	Interest	K	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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18. (X) Decedent's IRA: Merrill Lynch CMA account	C	Interest	K	U					
19. (X) Decedent's annuity: Genworth Financial annuity account	D	Interest	L	T			L		
20. (X) Decedent's Annuity: Transamerica Life Ins annuity account	D	Interest	M	T			M		
21. Trust #1, Charlotte, NC									
22. (X) Abbvie Inc Shs	A	Dividend	K	T			K		
23. (X) Altria Group Inc	A	Dividend	J	T			J		
24. (X) Centurylink Inc Shs	A	Dividend	J	T			J		
25. (X) Crown Castle Reit Inc Shs	A	Dividend	K	T			N		
26. (X) Cisco Systems Inc Com	A	Dividend	K	T			K		
27. (X) Coca Cola Com	A	Dividend	J	T			J		
28. (X) Dow Inc Reg Shs	A	Dividend	J	T			J		
29. (X) Dowdupont Inc Com	A	Dividend	J	T			J		
30. (X) Domtar Corp Shs	A	Dividend	J	T			J		
31. (X) Dover Corp	A	Dividend	J	T			J		
32. (X) Enbridge Inc Com	B	Dividend	K	T			K		
33. (X) Eaton Corp PLC	A	Dividend	K	T			K		
34. (X) Emerson Elec Co	A	Dividend	J	T			J		

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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 \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
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35. (X) Fortive Corp Shs	A	Dividend	K	T			K		
36. (X) Garrett Motion Inc	A	Dividend	J	T			J		
37. (X) Honeywell Intl Inc Del	A	Dividend	K	T			K		
38. (X) Intel Corp	A	Dividend	K	T			K		
39. (X) JP Morgan Chase & Co	A	Dividend	K	T			K		
40. (X) Koninkl Phil NV Sh New	A	Dividend	K	T			K		
41. (X) Eli Lilly & Co	A	Dividend	K	T			K		
42. (X) Merck and Co Inc Shs	A	Dividend	K	T			K		
43. (X) McDonalds Corp Com	A	Dividend	K	T			K		
44. (X) Nucor Corporation	A	Dividend	J	T			J		
45. (X) Procter & Gamble Co	A	Dividend	K	T			K		
46. (X) Resideo Technologies Inc Reg Shs	A	Dividend	J	T			J		
47. (X) Regions Finl corp	A	Dividend	J	T			J		
48. (X) Sealed Air Corp (New)	A	Dividend	J	T			J		
49. (X) Seapan Corp	A	Dividend	J	T			J		
50. (X) Sonoco Products Co	A	Dividend	K	T			K		
51. (X) Texas Instruments	A	Dividend	K	T			K		

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52. (X) United Techs Corp Com	A	Dividend	K	T			K		
53. (X) Verizon Communications Com	A	Dividend	K	T			K		
54. (X) Weyhaeuser Co	A	Dividend	J	T			J		
55. (X) Waste Management Inc New	A	Dividend	K	T			K		
56. (X) Merrill Lynch CMA Cash Account	A	Interest	J	T			J		
57. (X) American Beacon	B	Dividend	K	T			K		
58. (X) Invesco S&P 500 Quality	A	Dividend	K	T			K		
59. (X) Ishares Select	B	Dividend	K	T			K		
60. (X) Ishares Russell Top 200	A	Dividend	K	T			J		
61. (X) SPDR S&P Dividend ETF	A	Dividend	K	T			K		
62. (X) Vanguard Dividend	B	Dividend	K	T			K		
63. (X)Vanguard FTSE Developed	A	Dividend	K	T			J		
64. (X) Wisdomtree US Quality	A	Dividend	K	T			K		
65.									

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

Reimbursements for lodging from UNC School of Law for Law Alumni Association board and as adjunct professor of law: 1/11 to 2/12/2018; 1/18 to 1/19/2018; 1/25 to 1/26/2018; 2/1 to 2/2/2018; 2/8 to 2/9/2018; 2/15 to 2/16/2018; 2/22 to 2/23/2018; 3/1 to 3/2/2018; 3/8 to 3/9/2018; 3/8 to 3/9/2018; 3/15 to 3/16/2018; 3/22 to 3/23/2018; 3/29 to 3/30/2018; 4/5 to 4/6/2018; 4/12 to 4/13/2018; 8/30 to 8/31/2018; 9/6 to 9/10/2018; 9/13 to 9/14/2018; 9/27 to 9/28/2018; 10/11 to 10/12/2018; 10/25 to 10/26/2018; 10/25 to 10/26/2018; 11/2 to 11/4/2018; 11/15 to 11/16/2018; 11/29 to 11/30.

Whitney Propertiess LLC (Line 2 of Part VII) is a small holding company for vacation beach real estate, jointly owned by me and my two [REDACTED]. In 2017, in anticipation of selling Rental Property #2, Sunset Beach, NC (Line 6 of Part VII), my [REDACTED] and I transferred without any consideration or bargained for exchange our ownership of Rental Property #2 out of Whitney Properties LLC into three separate LLCs, one LLC for each of the three [REDACTED]. My LLC is Whitney Assets LLC (Line 5 of Part VII). Because this transfer was for tax planning purposes only and did not affect the real beneficial ownership of the Rental Property #2, I mistakenly forgot to list that transfer in my Financial Disclosure Report for 2017. As anticipated, my [REDACTED] and I did sell Rental Property #2 in 2018. I have reported that sale in Line 6 Part VII, with the seller of the property being Whitney Assets LLC, although I mistakenly failed to list the earlier transfer of my interest in Rental Property #2 from Whitney Properties LLC to Whitney Assets LLC in 2017. I note that Rental Property #1 remains under the ownership of Whitney Properties LLC.

The assets in Lines 15 to 20 of Part VII are held by Estate #1. The Decedent from Estate #1 passed away on 12/12/18. I am the Executor of Estate #1. Because these assets are in Estate #1, there is no description of the type of transfer in Column D1 for these assets.

The assets in Lines 21 to 64 of Part VII are held by Trust #1. The Decedent from Estate #1 was the Trustee of Trust #1 until the Decedent's death on 12/12/18. All the assets in Trust #1 were acquired over many years by the Decedent from Estate #1 before the Decedent's death on 12/12/2018. Upon Decedent's death, the undersigned became both the new Trustee for Trust #1 and the Executor for Estate #1. Because these assets are in Trust #1, there is no description of the type of transfer in Column D1 for these assets.

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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: s/ **Frank D. Whitney**

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

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