

**FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2012**

*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) Benitez, Roger T.	2. Court or Organization U. S. District Court, Southern District of California	3. Date of Report 03/20/2013
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 01/01/2012 to 12/31/2012
7. Chambers or Office Address 940 Front Street San Diego, California 92101		
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.	Executor of Estate	
2.		
3.		
4.		
5.		

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.		

FINANCIAL DISCLOSURE REPORT

Page 2 of 10

Name of Person Reporting

Benitez, Roger T.

Date of Report

03/20/2013

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. 2012	Executor fees	\$15,000.00
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. 2012	California State Teachers Retirement
2. 2012	self employed-- tutoring
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.				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 10

Name of Person Reporting

Benitez, Roger T.

Date of Report

03/20/2013

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.	JP Chase Morgan Mortgage	Mortgage	N
2.			
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 10

Name of Person Reporting

Benítez, Roger T.

Date of Report

03/20/2013

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. Parcel 2 El Centro, Ca (98,026)	D	Rent	L	S					
2. Parcel 3 El Centro, Ca (106,694)		None	M	S					
3. Parcel 4 Salton City, Ca (2,508)		None	J	S					
4. Parcel 5 San Diego, CA (310,000) (X)	E	Rent	N	S					
5. Northern Life Annuity/ING	B	Interest	K	T					
6. Brokerage account-- MSSB---									
7. Citibank- Bank Deposit Program	B	Interest	K	T					
8. Automatic Data Processing ADP-common stock	A	Dividend	K	T	Buy (add'l)	06/04/12	J		
9. BP PLC Sponsor BP- common stock	A	Dividend			Sold	05/04/12	J	A	
10. Berkshire Hathaway B-BRKB-common stock		None	K	T					
11. Bristol Myers BMY sommon stock	A	Dividend	J	T					
12. Caterpillar (CAT)	A	Dividend			Sold	04/12/12	J	A	
13. Centurylink CTL common stock	A	Dividend	J	T	Buy (add'l)	06/4/12	J		
14. Chevron Corp.-CVX-common stock	A	Dividend	J	T					
15. Ei Dupont-DD-common stock	A	Dividend			Buy (add'l)	06/20/12	J		
16.					Sold	11/20/12	J	A	
17. General Electric- GE-common stock	A	Dividend	K	T	Buy (add'l)	06/20/12	J		

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	

FINANCIAL DISCLOSURE REPORT

Page 5 of 10

Name of Person Reporting

Benitez, Roger T.

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☐ 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 I (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)

18. Pitney Bowes, Inc.-PBI-common stock	A	Dividend			Sold	02/25/12	J	A	
19. Duke Energy DUK-FKA Progress Energy-common stock	B	Dividend	K	T	Buy (add'l)	06/04/12	J		
20. Proctor & Gamble-PG-common stock	A	Dividend	J	T					
21. At&T (T)	A	Dividend	J	T					
22. Freeport McMoran (FCX)	A	Dividend			Sold	03/05/12	J	A	
23.			J	T	Buy	09/14/12	J		
24. Teva Pharm (TEVA)	A	Dividend			Sold	05/17/12	J	A	
25. Chicago Board of Trades (CBOE)	A	Dividend			Sold	05/08/12	J	A	
26. Annaly Capital --NLY	A	Dividend			Buy	02/17/12	J		
27.					Sold	10/15/12	J	A	
28. National Fuel Gas Co. (NFG)		None	J	T	Buy	02/15/12	J		
29. Ares Capital- (ARCC)	A	Interest	J	T	Buy	02/17/12	J		
30. Vale S.A - (VALE)		None			Buy	03/02/12	J		
31.			J	T	Buy (add'l)	06/20/12	J		
32. Royal Dutch Shell- (RDS'B)	A	Dividend	J	T	Buy	02/09/12	J		
33. Wells Fargo Bank-(WFC)		None			Buy	02/15/12	J		
34.					Sold	02/23/12	J		

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
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FINANCIAL DISCLOSURE REPORT

Page 6 of 10

Name of Person Reporting

Benitez, Roger T.

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03/20/2013

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35. Ameren Corp- AEE common stock	A	Dividend			Sold	11/14/12	J	A	
36. Brokerage account-- LPL									
37. Crosstex Energy LP- limited partnership interest--XTEX	A	Dividend	J	T					
38. Natural Resource Partners (NRP)	A	Dividend			Buy (add'l)	02/12/12	J		
39.					Buy (add'l)	11/07/12	J		
40.					Sold	11/12/12	K	B	
41. Mueller Water Products--MWA	A	Dividend			Sold	11/14/12	J	A	
42. Tortoise MLP Fund--NTG	A	Dividend			Sold	11/15/12	J	A	
43. Dinuba CA Fing Wastewtr Reclamation Reclamation----- Bond	A	Interest			Sold	07/20/12	J	B	
44. Travelzoo, Inc (TZOO)		None			Sold	10/12/12	J	A	
45. Gulf IS Fabrication (GIFI)	A	Dividend			Sold	10/26/12	J	A	
46. Health Care Reit, Inc. (HCN)	A	Dividend	J	T					
47. First Trust Energy Infra Fund (FIF)	A	Dividend	J	T					
48. Teekay LNG Partners- Limited Partnership (TGP)		None	J	T	Buy	12/04/12	J		
49. First Trust MLP & Energy Income Fund-- (FEI)	A	Dividend	J	T	Buy	11/27/12	J		
50. Capstead Mortgage REIT-(CMO)	A	Dividend			Buy	07/27/12	J		
51.					Sold	10/02/12	J	A	

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FINANCIAL DISCLOSURE REPORT

Page 7 of 10

Name of Person Reporting

Benitez, Roger T.

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52. Stag Industrial --(STAG)	A	Dividend	J	T	Buy	09/07/12	J		
53. Columbia Strategic Fund Income Class A-- (COSIX) (X)	A	Dividend	J	T					
54. Franklin Fund-small cap growth fund I- FRSGX class	A	Interest	J	T					
55. Valic---									
56. Valic Fixed Account Plus	A	Dividend	J	T					
57. Valic Midcap Strat. GR./Morgan Stanley	A	Interest	J	T					
58. AIG Valic Mid Cap Fund (Wellington)	A	Interest	K	T					
59. Valic Small Cap Special Value-Evergreen/ Putnam	A	Interest	J	T					
60. Valic International Small Cap Equity/ AIG	A	Interest	J	T					
61. Washington Mutual-(now Chase Bank-) aggregate	A	Interest	N	T					
62. San Diego County Credit Union aggregate	A	Interest	M	T					
63. Bank of America aggregate	A	Interest	K	T					
64. Scottrade - moneymarket (Y)									
65. Baidu, Inc. (BIDU)		None			Sold	12/21/12	J	A	
66. American Airlines- AAMRQ common stock		None	J	T	Buy	02/09/12	J		
67. Executor of Estate---									
68. Chase Mnahattan (aggregate)	A	Interest			Closed	10/16/12	M		

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FINANCIAL DISCLOSURE REPORT

Page 8 of 10

Name of Person Reporting

Benitez, Roger T.

Date of Report

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69. Citibank (aggregate)	A	Interest			Closed	10/16/12	M		
70. California Bank and Trust	A	Interest	K	T					
71. ---Property 1,Tampa Florida, \$52,871	A	Rent			Sold	03/09/12	K	A	
72. ---Property 2, Tampa Florida, \$60,801		None			Sold	02/10/12	L	A	
73. ---Property 3, St. Cloud, Florida, \$72,000		None			Sold	08/24/12	K	A	
74.									
75.									
76.									

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FINANCIAL DISCLOSURE REPORT

Page 9 of 10

Name of Person Reporting

Benitez, Roger T.

Date of Report

03/20/2013

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

1. Part VII, lines 23 and 24 and 38 of prior years report were deleted as value was either zero (0) or below reporting limit.

FINANCIAL DISCLOSURE REPORT

Page 10 of 10

Name of Person Reporting

Benitez, Roger T.

Date of Report

03/20/2013

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/ **Roger T. Benitez**

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