



United States District Court

Southern District of Ohio
200 West Second Street
Room 910
Dayton, Ohio 45402

Chambers of
Thomas M. Rose
District Judge

(937) 512-1600
(Fax) (937) 512-1610

July 21, 2005

Judge Mary M. Lisi, Chair
Judicial Committee of the United States
Committee on Financial Disclosure
One Columbus Circle, N.E.
Washington D.C. 20544

Dear Judge Lisi:

Thank you for your letter of June 27, 2005 requesting additional information that is required for my 2004 Annual Financial Disclosure Report by Section 102 of the Ethics in Government Act of 1978. I apologize for the length of time it has taken to reply.

I will attempt to respond first to the issues raised concerning the mutual fund accounts in paragraphs 2 and 4 of your letter and then to the "rental property #1, Xenia, Ohio" issue raised in paragraph 3 of your letter.

As to the references to my mutual funds, "Fidelity Magellan" and "Fidelity Growth" which were not listed in my previous 2003 report but were listed in Part VII, page 2, lines 10 and 11 of my 2004 report, these funds were designated by the Ohio Public Employees Deferred Compensation Program to replace my mutual funds, "Putnam Investor" and "Janus Fund" which were listed in Part VII, page 1, line 18 and page 2, line 19 of my previous 2003 report but were not listed in my most recent 2004 report.

As you can see from the attachments to this letter (Attachments #1 and #2) the Ohio Public Employees Deferred Compensation Program required that my investments in "Putnam Investors" and "Janus Fund" be transferred to other funds "Fidelity Magellan" and "Fidelity Growth Company" for reasons contained in their communication of December 1, 2003 (Attachment #1). Pursuant to that communication requiring this transfer and/or exchange, I exchanged my funds in "Putnam Investors" and "Janus Fund" to "Fidelity Magellan" and "Fidelity Growth Company" as follows:

Janus Fund

██████████ shares @\$24.26 to
= \$25,226.81

Fidelity Growth Company

██████████ @ \$51.87
= \$25,226.81

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Putnam Investors

██████████ @ \$11.40
= \$20,121.19

to

Fidelity Magellan

██████████ @ \$98.99
= \$20,121.19

As confirmed in Attachment #2, this transfer was made on January 12, 2004 and resulted in funds with the exact monetary value as the previously held funds. These funds ("Janus" and "Putnam Investors" as reported in 2003 as well as "Fidelity Growth Company" and "Fidelity Mangellan" as reported in 2004) were within the gross value K code at the end of the respective reporting periods.

Except for the few days prior to the transfer of funds on January 12, 2004, my funds previously held in Janus and Putnam Investors were held throughout 2004 in "Fidelity Growth Company" and "Fidelity Magellan".

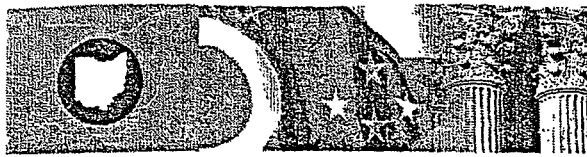
As to the "rental property #1, Xenia, Ohio" that I have listed in Part VII of my 2004 report and all my previous reports since taking the bench in 2002, I have realized to be an error on my part. The rental property is not and never has been in my name. This property is owned by ██████████ ██████████ acquired the property in 1972 (Attachment #3) and ██████████ obtained full interest upon their ██████████ in 1972 (Attachment #4). My name has never appeared on any document of title and I have no interest in this property other than my name appearing on a mortgage ██████████ refinanced the property several years ago.

I have mistakenly included this property on my reports and only realized my error in preparation of this letter. Therefore, in response to your inquiry concerning this property included in Part VII of my report, this property should be deleted.

Hopefully, these responses will allow the closure of my 2004 report. If not, please don't hesitate to contact me and I will make very attempt to assist.

Very truly yours,

THOMAS M. ROSE



OHIO PUBLIC EMPLOYEES DEFERRED COMPENSATION PROGRAM

December 1, 2003

*****AUTO**5-DIGIT 45385 T104 P1
THOMAS M ROSE

[REDACTED]

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Dear Participant:

As we reported in our last newsletter, accusations of market timing and late trading abuses have been made against many mutual fund management firms. To date, several mutual fund management firms used by the Program are being investigated including Banc One, Janus, Putnam and PBHG. However, to the best of our knowledge, only one of the funds offered in the Program portfolio, PBHG Growth, has been named in the ongoing investigations.

The Ohio Public Employees Deferred Compensation Board understands that monitoring and offering sound investment options are important responsibilities. The Board has had written investment policies for years, which require the regular review of all investment options. While the Board seeks the expert advice of outside investment consultants to analyze the performance of mutual funds and to recommend keeping or replacing funds, the Board ultimately has the responsibility for making all decisions in the best interest of our participants.

Rather than take any impulsive actions regarding any mutual fund or the mutual fund management firms based upon accusations alone, our investment consultant, Ennis Knupp, was directed to update their research of each mutual fund management firm currently under investigation. The consultant's recommendations take into consideration short and long-term fund performance, changes in portfolio and organizational management, changes in investment strategy or portfolio characteristics, and an overall management research rating.

Based upon our consultant's analysis and recommendation, Banc One will continue to be one of the Guaranteed Return Option (GRO) managers. However, the Board has voted to change the availability of the following funds offered through the Program: PBHG Growth, Putnam Investors, Janus Twenty, and the Janus Fund. Our records indicate that you have an investment balance or may be deferring into one or more of these funds.

You will have until 4:00 p.m. on February 25, 2004 to move any existing balances out of the PBHG or Putnam Investors funds and to stop deferrals to the Putnam Investors, Janus Fund and Janus Twenty funds. If you do not take any action, your investment balance and/or deferral allocation will be automatically moved according to our consultant's recommendations. Our consultant has identified a replacement fund for each of the affected investments above. Each replacement fund represents a similar investment style and objective of the corresponding closed fund. The identified replacement funds are shown in the chart on the next page.

(continued on back)

Closed Fund	Balance Exchange Required	Deferral Change Required	Replacement Fund
PBHG Growth	Yes	N/A	Vanguard Capital Opportunity
Putnam Investors	Yes	Yes	Fidelity Magellan
Janus Twenty	No	Yes	Fidelity Growth Company
Janus Fund	No	Yes	Fidelity Growth Company

To obtain a current prospectus, contact the Service Center or log-on to the Program web site. The Program still offers an excellent variety of funds. You are encouraged to take this opportunity to re-evaluate your asset allocation and after researching the Program's investment options, create a diverse investment portfolio designed to match your time horizon and risk tolerance.

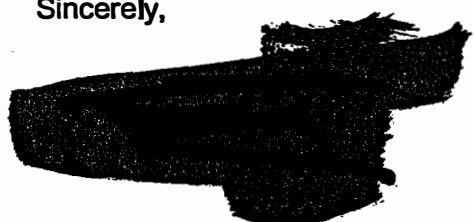
You can be assured that the Board will continue to monitor the status of the investigations, remain diligent in its review of the mutual fund management firms, and will act in the best interest of Program participants. Updates will be posted on the web site and in future newsletters in an effort to keep all participants informed. In addition to checking the Internet for updates, you may want to research this topic in financial newspapers and magazines.

You have several options available for making changes to your account.

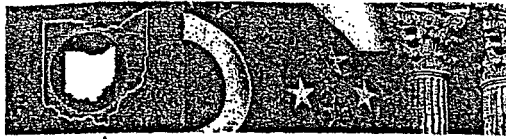
- Log-on to [REDACTED]
- Call our Service Center at [REDACTED]
 - ▶ Use our automated phone system or
 - ▶ Press option 3 to speak with an Account Executive
- Visit our Service Center at [REDACTED]

We look forward to assisting you.

Sincerely,



R. Keith Overly
Executive Director



OHIO PUBLIC EMPLOYEES DEFERRED COMPENSATION PROGRAM

January 12, 2004

[REDACTED]

RE: Investment Exchange

Reference Number: [REDACTED]

Dear Mr. Rose:

In accordance with your recent request, the following investment exchange of Deferred Compensation Plan funds was executed January 12, 2004 on your behalf:

<u>AMOUNT</u>	<u>EXCHANGE FROM</u>	<u>AMOUNT</u>	<u>EXCHANGE TO</u>
\$25,226.81	JANUS FUND	\$25,226.81	FID GROWTH COMPANY
[REDACTED]		[REDACTED] SHARES AT.....	\$51.87000000
\$20,121.19		\$20,121.19	FID MAGELLAN
[REDACTED] SHARES AT...	\$11.40000000	[REDACTED] SHARES AT.....	\$98.99000000

Thank you for your continued participation in the Ohio Deferred Compensation Program. If you have any questions on the above transactions or the plan in general, please call one of our Account Executives toll-free at [REDACTED]

Sincerely,

The Ohio Public Employees Deferred Compensation Program

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393

Know all Men by these Presents

That

[REDACTED] single

in consideration of One Dollar and other good and valuable considerations

to him in hand paid by [REDACTED] single

do^{es} hereby Remise, Release and Forever Quit Claim
to the said [REDACTED]

her

heirs and assigns forever, the following described Real Estate, situate in the City
of Xenia in the County of Greene and State of
Ohio:

Being [REDACTED]

[REDACTED] as shown on the recorded plat thereof, and
subject to all easements and restrictions of record.

Prior Deed Reference: Volume [REDACTED] Page [REDACTED]

TRANSFERRED	
This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.	
JAN 10 1978	
FEE	EXFMT ☒
DOROTHY L. SHAW, Greene County Auditor	

1-39-71

ALBERT L. BAKER
GREENE CO. RECORDER
XENIA, O.

78 JAN 10 P 3:28

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[REDACTED]

County, ss.

acknowledged the signing thereof to be ^{the grantor in th foregoing deed, and} his voluntary act and deed.
 Witness my official signature and seal on the day last above mentioned.

Notary Public

Recorded 1-11-78
 Fee 5.00
 [REDACTED]
 GREENE COUNTY RECORDER

THE

TO

Transferred JAN 11 1978 19

COUNTY OF
S.S.

day of _____ 19____
at _____ o'clock _____ M.
and RECORDED _____ 19____ in
DEED Book _____ PAGE _____

RECORDERS FEE \$\$.

100,

GENERAL WA.

KNOW ALL MEN BY THESE PRESENTS: That Mid-Continent Properties, Inc., an Ohio corporation, of Piqua, Miami County, Ohio, for valuable consideration paid, grant, with general warranty covenants,

to [REDACTED]

whose tax mailing address is [REDACTED]

the following described real property

Situate in the City of Xenia County of Greene and State of Ohio, and bounded and described as follows:

[REDACTED] as shown on the recorded plat thereof, and subject to all easements and restrictions of record.

CR
JUN 27 2 30 PM 1972
REC'D FOR RECORD
REST L. MOORE
REC'D. RECORDER
XENIA, OHIO

A survey of this property was made by

Subject to the installments of taxes and assessments due and payable in December, 1972, and thereafter, which taxes and assessments the grantees herein assume and agree to pay, and subject to all building set back lines, easements and restrictions of record.

Prior instrument reference: Volume [REDACTED], Page [REDACTED]

WITNESS our hands, this 20th day of June 1972.

Signed and acknowledged in the Presence of:

MID-CONTINENT PROPERTIES, INC.

By [REDACTED]
Exec. Vice President

By [REDACTED]
Asst. Secretary

STATE OF OHIO : Before me, a Notary Public, in and for said County, per-
COUNTY OF MIAMI : sonally appeared the above named
MID-CONTINENT PROPERTIES, INC.

By Edwin W. Barnes Executive
and Frederick D. Freed its / Vice President
its Secretary Assistant Secretary

who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation, and the free act and deed of each of them personally and as such officers.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Piqua, Ohio, this 20th day of June 1972.

This instrument was prepared by:
J. RICHARD GAIER
J. R. FUNK, Notary Public
In and for Miami County, Ohio
My Commission Expires Dec. 14, 1973

NOTARY PUBLIC

TRANSFERRED

This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.

This instrument
JUN 27 1972

FEE \$ 20.00

EXEMPT

DOROTHY L. SHAW, Greene County Auditor

Recorded 6-28-72

Fee 2.00

GREENE COUNTY RECORDER

1 VOL [REDACTED] PAGE [REDACTED]

CONFIDENTIAL

MICRO-FILMED

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6-20-72


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... ..

See inside

مجلسه اول

JUN 30 1972

RECORDED - date 6-28-72

DEED BOOK

VOL. 1 PAGE 1

D. Richard Gaier, Esq.

FOR CALENDAR YEAR 2004

(5 U.S.C. app. §§ 101-111)

1. Person Reporting (Last name, First name, Middle initial) Rose, Thomas M	2. Court or Organization U.S. District Ct., S.D. Ohio	3. Date of Report 4/27/2005
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. District Judge (active)	5. Report Type (check appropriate type) ☐ Nomination, ☐ Initial ☒ Annual ☐ Final	6. Reporting Period 1/1/2004 to 12/31/2004
7. Chambers or Office Address 200 West Second Street 9th Floor, Federal Building Dayton, OH 45402	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.)

POSITION	NAME OF ORGANIZATION/ENTITY
Partner	Wiggins & Rose Stables L.L.P.
2. Partner	Rose Stables

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

☐ NONE - (No reportable agreements.)

DATE	PARTIES AND TERMS
1. 1976	Public Employees Retirement System, no control, retirement
2. 1982	Ohio Deferred Compensation Fund, self-directed retirement fund

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FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Rose, Thomas M

Date of Report

4/27/2005

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>GROSS INCOME</u> (yours, not spouse's)
1. 2004	Ohio Public Employee Retirement System	65,307.60
2.		
3.		
4.		

B. Spouse's Non-Investment Income - (If you were married during any portion of the reporting year, please 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.	

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

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

☒ **NONE** - (No such reportable reimbursements.)

<u>SOURCE</u>	<u>DESCRIPTION</u>
1.	

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Rose, Thomas M

Date of Report

4/27/2005

V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of instructions.)

☒ **NONE** - (No such reportable gifts.)

SOURCE

DESCRIPTION

VALUE

1.

VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-34 of instructions.)

☐ **NONE** - (No reportable liabilities.)

CREDITOR

DESCRIPTION

VALUE CODE

1. Sky Bank

Mortgage on rental property #1 - Xenia, Ohio

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FINANCIAL DISCLOSURE REPORT

Page 1 of 1

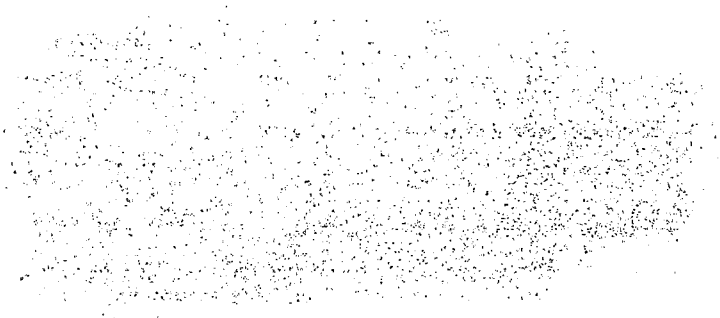
Name of Person Reporting
Rose, Thomas M

Date of Report
4/27/2005

VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

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, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income, assets, or transactions)									
1. Huntington Bankshares Common Stock	A	Dividend	J	T					
2. Saltcreek Valley Bank Common Stock	A	Dividend-int	J	T					
3. Putnam Investments IRA									
4. -Putnam Global Growth Fund	A	Dividend	J	T					
5. -Putnam Health Science Test	A	Dividend	J	T					
6. - Putnam Vista Fund CLA	A	Dividend	J	T					
7. Self-Directed Ohio Public Employees Deferred Comp. Plan									
8. - OPDEC Guarantee Return Option	A	Dividend	K	T					
9. - Fidelity Equity Income	B	Dividend	K	T					
10. - Fidelity Magellan	B	Dividend	K	T					
11. - Fidelity Growth	C	Dividend	K	T					
12. - AIM Constellation	B	Dividend	K	T					
13. - Vanguard International Growth	B	Dividend	K	T					
14. Wiggins & Rose Stables L.L.P.		None	J	W					
15. Rose Stables, Partnership		None	J	W					
16. Rental Property #1, Xenia, OH		None	L	Q					

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



FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Rose, Thomas M

Date of Report

4/27/2005

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. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

Date

4-29-05

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

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

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