



Terrence L. O'Brien

Judge, Tenth Circuit

August 14, 2006

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FINANCIAL
DISCLOSURE OFFICE

Honorable Ortrie D. Smith
Chair, Committee on Financial Disclosure
Judicial Conference of the United States
One Columbus Circle, N.E.
Washington, D.C. 20544

RE: Financial Disclosure Report, CY 2003

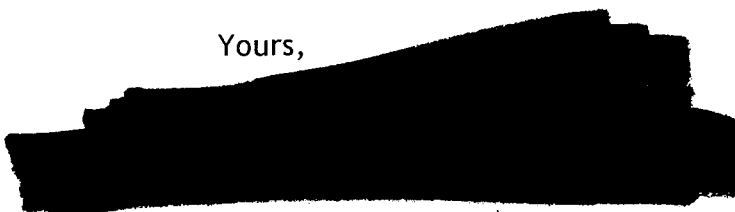
Dear Judge Smith,

I am responding to your letter of August 10, 2006 (received today) regarding an error in my financial disclosure report for calendar year 2006. I thank the committee for its oversight review.

One item in my report was listed as deficient, requiring a response. I failed to identify the financial institution where IRA#2 money market account is held (Section VII, page 4, line 16). The account is held at TD Ameritrade (formerly TD Waterhouse).

I apologize for the error and hope this explanation is sufficient. As instructed I am sending three signed copies of this response.

Yours,

A large, irregular black redaction mark covers the signature and the first line of the letter's body.

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2006

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) O'Brien, Terrence L	2. Court or Organization Tenth Circuit	3. Date of Report 05/14/2007
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. Circuit Judge - Active	5a. Report Type (check appropriate type) ☐ Nomination, Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2006 to 12/31/2006
7. Chambers or Office Address U.S. Court of Appeals 2120 Carey Ave., STE 200 Cheyenne, WY 82001	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 instructions.)

☒ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

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

☒ NONE (No reportable agreements.)

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

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of 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. 2006	State of Wyoming - Judicial Retirement	\$ 25,599.67
2.		
3.		
4.		
5.		

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.	
2.	
3.	
4.	
5.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)*☒ NONE *(No reportable reimbursements.)*

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

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V. GIFTS. *(Includes those to spouse and dependent children. See pp. 28-31 of instructions.)*☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Air fare to Tanzania; lodging & meals in Hawaii	Marian Rochelle	\$ 12,018
2.	Seasonal gifts (Birthday, Christmas, etc)	Marian Rochelle	\$ 600.00
3.	Africa Trip & Air fare to Hawaii	April Brimmer Kunz	\$ 5663.00
4.	Seasonal gifts (Birthday, Christmas, etc.)	April Brimmer Kunz	\$ 900.00
5.	Airfare to Phoenix (3 trips)	April Brimmer Kunz	\$ 786.00

VI. LIABILITIES. *(Includes those of spouse and dependent children. See pp. 32-33 of instructions.)*☒ NONE *(No reportable liabilities.)*

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

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of the 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)		B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure		(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, Park City, UT 1/29/1999 - \$195,000.00	E	Rent		T	Sell	12/27	N	G	
2.	IRA#1 Nationwide Templeton Foreign Fund TFFAX	A	Distribution	K	T					
3.	IRA#1 Artisan Mid Cap ARTMX	A	Dividend	K	T					
4.	IRA#1 Janus Mid Cap Value Fund JMCVX	A	Dividend	K	T					
5.	IRA #1 Nationwide American Century Ultra TWUIX	A	Distribution	K	T					
6.	IRA #1 Dreyfus Money Market Reserves	A	Distribution	J	T					
7.	IRA#2 AMZN	A	Dividend	J	T					
8.	IRA#2 IMN	A	Dividend	J	T					
9.	IRA #2 MCRL	A	Dividend	J	T					
10.	IRA#2 MSFT	A	Dividend	J	T					
11.	IRA #2 MMM	A	Dividend	J	T					
12.	IRA #2 NSM	A	Dividend	J	T					
13.	IRA #2 SLR	A	Dividend	J	T					
14.	IRA #2 CVX	A	Dividend	J	T					
15.	IRA#2 TYC	A	Dividend	J	T					
16.	IRA#2 Money Market Account	A	Interest	J	T					
17.	A (TDW)	A	Dividend	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

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes
(See Column C2)

P3 = \$250,000.001 - \$500,000.000
Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

P4 = More than \$50,000,000
S = Assessment
W = Estimated

T = Cash Market

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Name of Person Reporting

O'Brien, Terrence L

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of the 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)
18. AMX	A	Dividend	J	T					
19. BIIB	A	Dividend	J	T					
20. BMY	A	Dividend	J	T					
21. CSCO	A	Dividend	J	T					
22. CAG	A	Dividend	J	T					
23. DPHIQ	A	Dividend	J	T					
24. FDX	A	Dividend	K	T					
25. GE	A	Dividend	J	T					
26. GLW	A	Dividend	K	T					
27. GM	A	Dividend	J	T					
28. GT	A	Dividend	J	T					
29. HPQ	A	Dividend	J	T					
30. INTC	A	Dividend	K	T					
31. MSFT	A	Dividend	K	T					
32. MIPS	A	Dividend	J	T					
33. PG	A	Dividend	K	T					
34. RTN was RTNA	A	Dividend	J	T	Symbol Chang				See 2005 line 34

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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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(See Columns C1 and D3)

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K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes
(See Column C2)

P3 = \$25,000,001 - \$50,000,000
Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

P4 = More than \$50,000,000
S = Assessment
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35. TMX	A	Dividend	J	T					
36. WMB	A	Dividend	J	T					
37. VRGY	A	Dividend	J	T	Spinoff	11/02	J	A	from Agilent (A)
38. WPJGX	A	Dividend	J	T					
39. CMFUZ Money Mkt Acct	A	Interest	J	T					
40. T Rowe Price Science PRSCX	A	Dividend	J	T					
41. Focus Growth AMOAX was GRTAX	A	Distribution	K	T	Class Exch	10/20	K	A	was GRTAX
42. MS Information Fund IFOAX	A	Dividend	J	T					
43. MS Capital Opportunity Trust A CPOAX	A	Distribution	J	T					
44. MS Capital Opportunity Trust B CPOBX	A	Distribution	J	T					
45. MS Pacific Growth Fund A TGRAX	A	Distribution	K	T					
46. VRGY	A	Dividend	J	T	Spinoff	11/01	J	A	from Agilent (A)
47. A (Fidelity)	A	Dividend	J	T					
48. BRKB	A	Dividend	J	T					
49. BKH	A	Dividend	K	T					
50. FSLB	A	Dividend			Sold	12/04	J	A	
51. HOG was HDI	A	Dividend	K	T	Name Change				

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

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52. JDSU	A	Dividend			Sold	03/20	J	A	
53. MHS	A	Dividend			Sold	3/20	J	A	
54. MRK	A	Dividend	J	T					
55. MSFT (Fidelity)	A	Dividend	J	T					
56. MOT	A	Dividend	J	T					
57. SPI	A	Dividend	K	T					
58. TXN	A	Dividend	J	T					
59. WFC	A	Dividend	K	T					
60. YUM	A	Dividend	J	T					
61. FCNTX	A	Dividend	J	T					
62. FHIGX	A	Dividend	L	T					
63. FMAGX	A	Dividend	M	T					
64. FTEXX Money Mkt Acct	A	Interest	L	T					
65. Indiana State Def Fin auth Wtr Fac Am Water Project Bonds	A	Interest			Redeemed	12/01	J	A	
66. PTHAX	A	Interest	J	T					
67. VKMHX	A	Interest	J	T					
68. EDJ Money Mkt Acct	A	Interest	K	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000 R = Cost (Real Estate Only) V = Other	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000 S = Assessment W = Estimated	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000 T = Cash Market	E = \$15,001 - \$50,000
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69. PFL Annuity #1	A	Interest	K	T					
70. PFL Annuity #2	A	Interest	K	T					
71. PFL Annuity #3	A	Interest	K	T					
72. Checking Gillettete, WY	A	Interest	K	T					
73. Savings Gillette, WY	B	Interest	M	T					
74. Checking - Park City, Utah	A	Interest	J	T					
75. Checking #2	A	Interest	K	T					
76. Savings #2	A	Interest	M	T					
77. U S Coins		None	J	T					
78. U.S. Bonds	A	Interest	J	T					

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A=\$1,000 or less

F=\$50,001 - \$100,000

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N=\$250,001 - \$500,000

P3=\$25,000,001 - \$50,000,000

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E=\$15,001 - \$50,000

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

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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.

Sign

Date

May 14, 2007

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:

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