

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2009

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) Ebel, David M.	2. Court or Organization Tenth Circuit Court of Appeals	3. Date of Report 5/24/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. Circuit Judge (senior)	5a. Report Type (check appropriate type) ☐ Nomination, ☐ Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2009 to 12/31/2009
7. Chambers or Office Address Byron White U.S. Courthouse 1823 Stout Street, Room 109L Denver, CO 80257	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

1. Director	Historical Society for the Tenth Circuit Court of Appeals
2.	
3.	
4.	
5.	

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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Ebel, David M.

FINANCIAL DISCLOSURE REPORT
Page 2 of 9

Name of Person Reporting

Ebel, David M.

Date of Report

5/24/2010

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.		
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. 2009	Public Employees Retirement Association (PERA) – retirement
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. Duke Law School	4/5/09 - 4/7/09	Durham, NC	Moot Court	travel, lodging, meals
2. U.S. Dept. of State	7/9/09 - 7/17/09	Kuala Lumpur, Malaysia	Judicial Exchange of Information	travel, lodging, meals
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 9

Name of Person Reporting

Ebel, David M.

Date of Report

5/24/2010

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.		
2.		
3.		
4.		
5.		

FINANCIAL DISCLOSURE REPORT

Page 4 of 9

Name of Person Reporting

Ebel, David M.

Date of Report

5/24/2010

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. Fidelity Magellan Fd.	A	Dividend	K	T					
2. Janus Contrarian Fund	A	Dividend	K	T					
3. Janus Global Life Science Fd.	A	Dividend	J	T					
4. Janus Money Market Fd.	A	Interest	J	T	Sold (part)	1/14/09	J	A	
5. " " "					Buy	2/18/09	J		
6. " " "					Sold (part)	3/18/09	K	A	
7. " " "					Sold (part)	4/30/09	K	A	
8. US Bank, Denver, Colo.	A	Interest	J	T					
9. Janus Orion Fund	A	Dividend	K	T	Buy	4/30/09	J		
10. Fidelity Cash Reserves	A	Interest	J	T	Sold (part)	01/21/09	J	A	
11. " " "					Buy	02/20/09	J		
12. " " "					Sold (part)	03/18/09	K	A	
13. " " "					Sold (part)	06/01/09	J	A	
14. Fidelity Select Energy Service Fd.	B	Dividend	K	T	Sold (part)	02/20/09	J	A	
15. " " "					Buy	03/18/09	J		
16. " " "					Buy	06/01/09	J		
17. EYERis Class A Common Stock		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	

FINANCIAL DISCLOSURE REPORT

Page 5 of 9

Name of Person Reporting

Ebel, David M.

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5/24/2010

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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)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code I (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code I (A-H)	Identity of buyer/seller (if private transaction)
18. EYERis Class B Common Stock		None	J	T					
19. Janus Growth & Income Fd.	A	Dividend	K	T	Buy	03/18/09	J		
20. " " "					Buy	04/30/09	J		
21. Fidelity U.S. Gov't Res.	A	Interest	J	T					
22. Fidelity Energy Market Fd.	A	Dividend	K	T	Buy	03/18/09	J		
23. Fidelity Value Fund	A	Dividend	K	T	Buy	01/21/09	J		
24. Fidelity Diversified Int'l Fund	A	Dividend	J	T					
25. Dodge & Cox Stock Fund	A	Dividend	J	T					
26. Dodge & Cox Balanced Fund	A	Dividend	J	T					
27. Dodge & Cox Income Fund	A	Dividend	J	T	Buy	02/18/09	K		
28. " " "					Sold (part)	03/19/09	K	A	
29. " " "					Sold (part)	04/13/09	J	A	
30. " " "					Sold (part)	06/01/09	J	A	
31. " " "					Buy	09/01/09	K		
32. " " "					Sold (part)	09/22/09	K	A	
33. Royce Technology Value Fund		None			Sold	04/09/09	J	A	
34. Royce Opportunity Fd.	A	Dividend	J	T					

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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 \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
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FINANCIAL DISCLOSURE REPORT

Page 6 of 9

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Ebel, David M.

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	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
35. Royce Total Return Fd.	A	Dividend	J	T					
36. Janus Overseas Fund	A	Dividend	L	T	Sold (part)	02/18/09	J	A	
37. " " "					Buy	03/18/09	J		
38. " " "					Buy	04/30/09	J		
39. Janus Short-Term Bond Fd.	A	Interest	J	T					
40. Janus Risk Management Stock Fd.	A	Dividend	J	T					
41. Perkins Mid-Cap Value Fd.			K	T	Buy	01/14/09			
42. " " "					Sold (part)	04/30/09	J	A	
43. Fidelity Int'l Small Cap Fd.	A	Dividend	J	T					
44. Fidelity Contra Fd.	A	Dividend	J	T	Sold (part)	06/1/09	J	A	
45. Fidelity Select Wireless Fd.			J	T	Buy	03/18/09	J		
46. Fidelity Select Natural Gas Fd.	A	Dividend	J	T	Sold (part)	02/20/09	J	A	
47. Dodge & Cox International Fd.	B	Dividend	L	T	Sold (part)	03/18/09	K	A	
48. " " "					Buy	03/19/09	K		
49. " " "					Buy	04/13/09	J		
50. " " "					Buy	06/01/09	J		
51. " " "					Sold (part)	09/01/09	K	B	

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FINANCIAL DISCLOSURE REPORT

Page 7 of 9

Name of Person Reporting
Ebel, David M.

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52. " " "					Buy	09/22/09	K		
53. Pennsylvania Mutual Fd.	A	Dividend	J	T					
54. Royce Premier Fund		None	K	T					
55. Royce 100 Fund		None	K	T					
56. Royce Value Plus Fd.			K	T	Buy	04/09/09	J		
57. Northwestern Mutual Modified Whole Life Policies	D	Interest	M	T					
58. Mass. Mutual Whole Life Policy	C	Interest	K	T					
59. Thrivent Lutheran Brotherhood Whole Life Policy	A	Interest	K	T					
60. Janus Enterprise Fund		None	K	T	Buy	04/30/09	J		
61. Janus Global Research Fund	A	Dividend	K	T	Buy	04/30/09	J		
62. Fidelity Canada Fd.	A	Dividend	K	T	Buy	06/01/09	J		
63. PERA Growth & Income Fund	A	Dividend	J	T					
64. Fidelity Real Estate Investments	A	Dividend	J	T					
65. Fidelity Select Environmental Services	A	Dividend	J	T					
66. Janus Fund	A	Dividend	K	T	Buy	03/18/09	J		
67. Fidelity Select Natural Resources	A	Dividend	J	T	Buy	09/19/09	J		

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	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	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
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3. Value Method Codes (See Column C2)					

FINANCIAL DISCLOSURE REPORT

Page 8 of 9

Name of Person Reporting

Ebel, David M.

Date of Report

5/24/2010

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

1. I. Positions: I neglected to report my position as a Director for the Historical Society for the Tenth Circuit in my 2008 Disclosure Report, although that position was reported in earlier years. It is a non-paid position for a non-profit that works to preserve historical information in the Tenth Circuit. There have been no conflicts, and my time spent is de minimis.

2. III. B. [redacted] Non-Investment Income: My [redacted] has been receiving PERA defined benefit retirement income since [redacted] retired as a public school teacher in 2005. Although I reported this income for 2005 and 2006, I neglected to report [redacted] pension income in 2007 and 2008. I have had no cases involving [redacted] school district, and [redacted] pension has not brought any conflicts for me during the time of the omitted reporting.

3. VII. Investments and Trusts: Line 41, Perkins Mid-Cap Value Fd. is just a name change from Janus Mid-Cap Value Fd.

FINANCIAL DISCLOSURE REPORT

Page 9 of 9

Name of Person Reporting

Ebel, David M.

Date of Report

5/24/2010

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:

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