

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2019

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 08/11/2020
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	6. Reporting Period 01/01/2019 to 12/31/2019
	5b. ☐ Amended Report	
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. Trustee	Trust # 2
5. Trustee	Trust #3
6. Member	Whitney Properties LLC
7. Member	Whitney Assets LLC
8. Board of Directors	Festival in the Park, Inc. (IRC section 501(c)(3) organization)
9. Advisory Member	North Carolina State Bar LAMP Committee
10. Council Member	North Carolina Bar Association (Government & Public Sector Section)
11. Board of Directors	May 20th Society (IRC section 501(c)(3) organization)
12. Board of Visitors	Charlotte Country Day School (IRC section 501(c)(3) organization)
13. Board of Visitors	Charlotte Bridge Home (IRC section 501(c)(3) organization)
14. 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.)*

<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 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. 2019	UNC School of Law (Chapel Hill, NC)	\$7,999.95
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. 2019	South End Kitchen Design Studio, LLC - salary
2. 2019	Impact Design Resources - commission
3. 2019	Design Gaps, Inc - commission
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	6/19/19 to 6/22/19	Asheville, NC	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.					
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.)

	SOURCE	DESCRIPTION	VALUE
1.		Vacation with friends at Sea Island, GA -- lodging and some food	\$1,200.00
2.		Vacation with friends at Blowing Rock, NC, mountain home -- lodging & some food	\$500.00
3.			
4.			
5.			

VI. LIABILITIES. (Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)

☐ NONE (No reportable liabilities.)

	CREDITOR	DESCRIPTION	VALUE CODE
1.	Caliber Home Loans	Loan on Rental Property #1, Davidson, NC (Part VII, Line 1)	M
2.	US Department of Education - Student Loan Program (adult 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 #1 Holden Beach NC	A	Rent	O	R	Buy	07/31/19	O		
7. Carolina Panthers Permanent Seat License		None	K	W					
8. Co-author book, Lexis Law Publishing (no income since 2002),		None	J	W					
9. Bank of America savings and checking accounts including [REDACTED]	A	Interest	J	T					
10. USAA Bank checking & savings accounts including [REDACTED]	A	Interest	J	T					
11. Bank of America Common	A	Dividend			Sold	06/17/19	K	E	
12. BB&T Federated Prime Fund accounts	A	Interest	J	T					
13. Paragon Bank checking account (now known as Townebank)	A	Interest	J	T					
14. (X) Merrill Lynch CMA account ([REDACTED] inheritance)	A	Interest	L	T					
15. S&P 500 Equal Weighted Index through BB&T	A	Dividend	L	T					
16. Estate #1, Charlotte, NC									
17. (X) Decedent's residence, Estate #1, Charlotte, NC		None	N	W					

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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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)
18. (X) Bank of America Estate #1 Checking Account	A	Interest			Closed	10/28/19	K	A	
19. (X) Decedent's IRA: Merrill Lynch CMA account	D	Interest			Distributed	06/28/19	L	A	
20. (X) Decedent's annuity: Genworth Financial annuity account	D	Interest			Distributed	06/28/19	L	A	
21. (X) Decedent's Annuity: Transamerica Life Ins annuity account	D	Interest			Distributed	06/28/19	L	A	
22. Trust #1, Charlotte, NC									
23. (X) Abbvie Inc Shs	A	Dividend			Sold	04/23/19	K	A	
24. (X) Altria Group Inc	A	Dividend			Sold	04/23/19	J	A	
25. (X) Centurylink Inc Shs	A	Dividend			Sold	04/23/19	J	A	
26. (X) Crown Castle Reit Inc Shs	A	Dividend			Sold	04/23/19	K	A	
27. (X) Cisco Systems Inc Com	A	Dividend			Sold	04/23/19	K	C	
28. (X) Coca Cola Com	A	Dividend			Sold	04/23/19	J	A	
29. (X) Dow Inc Reg Shs	A	Dividend			Sold	04/23/19	J	A	
30. (X) Dowdupont Inc Com	A	Dividend			Sold	04/23/19	K	A	
31. (X) Domtar Corp Shs	A	Dividend			Sold	04/23/19	K	C	
32. (X) Dover Corp	A	Dividend			Sold	04/23/19	J	C	
33. (X) Enbridge Inc Com	B	Dividend			Sold	04/23/19	K	C	
34. (X) Eaton Corp PLC	A	Dividend			Sold	04/23/19	K	B	

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35. (X) Emerson Elec Co	A	Dividend			Sold	04/23/19	J	B	
36. (X) Fortive Corp Shs	A	Dividend			Sold	04/23/19	K	C	
37. (X) Garrett Motion Inc	A	Dividend			Sold	04/23/19	J	A	
38. (X) Honeywell Intl Inc Del	A	Dividend			Sold	04/32/19	J	C	
39. (X) Intel Corp	A	Dividend			Sold	04/23/19	K	D	
40. (X) JP Morgan Chase & Co	A	Dividend			Sold	04/23/19	K	C	
41. (X) Koninkl Phil NV Sh New	A	Dividend			Sold	04/23/19	K	C	
42. (X) Eli Lilly & Co	A	Dividend			Sold	04/23/19	K	A	
43. (X) Merck and Co Inc Shs	A	Dividend			Sold	04/23/19	K	A	
44. (X) McDonalds Corp Com	A	Dividend			Sold	04/23/19	K	A	
45. (X) Nucor Corporation	A	Dividend			Sold	04/23/19	J	A	
46. (X) Procter & Gamble Co	A	Dividend			Sold	04/23/19	K	B	
47. (X) Resideo Technologies Inc Reg Shs	A	Dividend			Sold	04/23/19	J	A	
48. (X) Regions Finl corp	A	Dividend			Sold	04/32/19	J	A	
49. (X) Sealed Air Corp (New)	A	Dividend			Sold	04/23/19	J	B	
50. (X) Seapan Corp	A	Dividend			Sold	04/23/19	J	A	
51. (X) Sonoco Products Co	A	Dividend			Sold	04/23/19	K	B	

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52. (X) Texas Instruments	A	Dividend			Sold	04/23/19	K	C	
53. (X) United Techs Corp Com	A	Dividend			Sold	04/32/19	K	C	
54. (X) Verizon Communications Com	A	Dividend			Sold	04/23/19	K	A	
55. (X) Weyhaeuser Co	A	Dividend			Sold	04/23/19	J	A	
56. (X) Waste Management Inc New	A	Dividend			Sold	04/23/19	K	B	
57. (X) Merrill Lynch CMA Cash Account	A	Interest	L	T					
58. (X) American Beacon	A	Dividend	K	T					
59. (X) Invesco S&P 500 Quality	A	Dividend	K	T					
60. (X) Ishares Select	B	Dividend	K	T					
61. (X) Ishares Russell Top 200	B	Dividend	K	T					
62. (X) SPDR S&P Dividend ETF	A	Dividend	K	T					
63. (X) Vanguard Dividend	A	Dividend	K	T					
64. (X)Vanguard FTSE Developed	A	Dividend	K	T					
65. (X) Wisdomtree US Quality	A	Dividend	K	T					
66. Trust # 2, Charlotte, NC									
67. - (X) Merrill Lynch CMA Cash Account	C	Interest	L	T	Open	06/07/19	L		
68. - CD, Bank of America, NA	B	Interest	L	T	Spinoff (from line 67)	06/10/19	K		

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(See Columns C1 and D3)	N =\$250,001 - \$500,000	O =\$500,001 - \$1,000,000	P1 =\$1,000,001 - \$5,000,000	P2 =\$5,000,001 - \$25,000,000	
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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		

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)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	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)
69. Trust #3, Charlotte, NC									
70. - Merrill Lynch CMA Cash Account	C	Interest	L	T	Open	06/07/19	L		
71. - CD, Bank of America, NA	B	Interest	L	T	Spinoff (from line 70)	06/10/19	K		
72. Merrill Lynch CMA Cash Account jointly with [REDACTED] #1	C	Interest	L	T	Open	06/17/19	L		
73. Merrill Lynch CMA Cash Account jointly with [REDACTED] #2	C	Interest	L	T	Open	05/14/19	L		
74. - CD, First Foundation Bank, Irvine, CA, with [REDACTED] #2	A	Interest	K	T	Spinoff (from line 73)	05/22/19	K		

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

J =\$15,000 or less

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

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

Q =Appraisal

U =Book Value

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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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: 5/3 to 5/4/19; 8/29 to 8/30/19/19/ to 6/22/19; 9/12 to 9/13/19; 9/26/to 9/27/19; 10/3 to 10/4/19; 10/10 to 10/11/19; 10/17 to 10/18/19; 10/24 to 10/25; 10/31 to /11/2/19; 11/7 to 11/8/19; 11/14 to 11/15/19; 11/7 to 11/8/19; 11/21 to 11/22/19.

The assets in Lines 16 to 21 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 22 to 65 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