

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2014

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) Capel, Wallace	2. Court or Organization United States District Court	3. Date of Report 10/13/2015
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) United States Magistrate Judge (full time)	5a. Report Type (check appropriate type) ☐ Nomination ☐ Date ☐ Initial ☒ Annual ☐ Final 5b. ☒ Amended Report	6. Reporting Period 01/01/2014 to 12/31/2014
7. Chambers or Office Address One Church Street Montgomery, Alabama 36104		
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. Adjunct Instructor	Thomas Goode Jones School of Law, Faulkner University
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 6

Name of Person Reporting

Capel, Wallace

Date of Report

10/13/2015

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.)*DATESOURCE AND TYPEINCOME
(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.)*DATESOURCE AND TYPE

1. _____

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.)*SOURCEDATESLOCATIONPURPOSEITEMS PAID OR PROVIDED

1. _____

2. _____

3. _____

4. _____

5. _____

FINANCIAL DISCLOSURE REPORT

Page 3 of 6

Name of Person Reporting

Capel, Wallace

Date of Report

10/13/2015

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.	Discover	Credit Card	J
2.	Chase	Line of Credit	J
3.	Synchrony Bank	Credit Card	J
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 6

Name of Person Reporting

Capel, Wallace

Date of Report

10/13/2015

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. Met Life Common Stock	A	Dividend	J	T					
2. EquiVest Variable Annuity - AXA Equitable Life Insurance Company	A	Interest	K	T					
3. ---Composed of: Guaranteed Fixed Interest Account									
4. EquiVest Variable Annuity - AXA Equitable Life Insurance Company	B	Int./Div.	K	T					
5. -----Composed of:									
6. Guaranteed Fixed Interest Account (21%)	A	Interest	J	T					
7. EQ/Com Stock Index (47.37%)	A	Dividend	J	T					
8. Multimanager Aggressive Equity (31.63%)	A	Dividend	J	T					
9. Morgan Stanley Rollover IRA	D	Int./Div.	L	T					
10. ---Composed of:									
11. American Growth and Income A	C	Int./Div.	L	T					
12. Clearbridge Aggressive Growth C	A	Int./Div.	J	T					
13.									
14.									
15.									
16.									
17.									

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 6

Name of Person Reporting

Capel, Wallace

Date of Report

10/13/2015

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

Judge Capel's non-investment income from his position as Adjunct Instructor is not reported in Section III because no corresponding income was received during the reporting period of calendar year 2014. Section 102(a)(1)(A). Income will be received upon conclusion of the Spring Semester in May, 2015, in the amount of \$10,000.

Upon review of records obtained in response to the Committee's August 11, 2015, Letter of Inquiry, it appears that, due to inadvertence, previous Financial Disclosure Reports inaccurately reported the various mutual funds and holdings comprising the Individual Retirement Account belonging to Judge Capel's [REDACTED], as well as the value of that account. Previous Financial Disclosure Reports (2013 and all years prior) listed "Salomon-Smith-Barney-IRA 5" and indicated that the account was "Composed of" several different mutual funds and holdings, including the following: "AJM Equity FDS, Inc., Weingarten FD;" "SB Money Funds Gov't Portal CLA;" "Hancock John SPL Equities FD SBI CL B;" "Investment CO of America;" "MFS Emerging Growth Fund CL B;" "Smallcap World Fund, Inc.;" and "Templeton Funds Foreign Fun." Previous Reports further assigned value code "J" to the account, indicating that the account was valued at \$15,000 or less.

As reflected on Judge Capel's 2014 Financial Disclosures Report, and on this Amended Report, Judge Capel's [REDACTED] IRA is now managed by Morgan Stanley. The mutual funds comprising Judge Capel's [REDACTED] IRA, which are reflected on the 2014 Report and in this Amendment, were acquired by Judge Capel's [REDACTED] in 2001 and 2013, respectively. This statement will provide pertinent information about previous transactions involving the composite funds and holdings which were inadvertently omitted from prior Financial Disclosure Reports, and will allow the reader to trace the lineage of Judge Capel's [REDACTED] IRA from prior years through the 2014 reporting period.

Judge Capel's [REDACTED] IRA was composed of the various funds and interests reported on prior Reports, and described above, until early June of 2001. At that time, Judge Capel's [REDACTED] sold [REDACTED] interests in the various funds and holdings described above as follows: shares of "AIM Weingarten Fund Class A" (value code J) were sold on June 8, 2001 (gain code B); shares of "John Hancock Small Cap Growth FD B" (value code J) were sold on June 8, 2001 (gain code A); shares of "MFS Emerging Growth Fund Class B" (value code J) were sold on June 8, 2001 (gain code A); shares of "Templeton Foreign Fund Class A" (value code J) were sold on June 8, 2001 (gain code A); and redemption of the entirety of "SB Money Funds Gov't Port CL A" (value code J) occurred on June 11, 2001. Judge Capel's [REDACTED] retained [REDACTED] interests in the "Investment Company of America" and "Smallcap World Fund, Inc." funds described on previous reports and, as will be seen herein, invested more monies in those funds along with [REDACTED] purchase of interests in other funds. The proceeds from the various June, 2001, sales described above were invested in shares of other mutual fund products as follows: "EuroPacific Growth Fund Class A" (value code J) purchased on June 8, 2001; "Growth Fund of America Class A" (value code J) purchased on June 8, 2001; "Smallcap World Fund Class A" (value code J) purchased on June 8, 2001; "Smith Barney Aggressive Growth Fund CL L" (value code J) purchased on June 8, 2001; additional shares of "EuroPacific Growth Fund Class A" (value code J) purchased on June 19, 2001; additional shares of "Growth Fund of America Class A" (value code J) purchased on June 11, 2001; additional shares of "Smallcap World Fund Class A" (value code J) purchased on June 11, 2001; and additional shares of "Smith Barney Aggressive Growth Fund CL L" (value code J) purchased on June 11, 2001. As such, beginning in 2001, Judge Capel's [REDACTED] IRA was, and should have been reported as, composed of the following funds: "EuroPacific Growth Fund Class A"; "Growth Fund of America Class A"; "Investment Company of America FD Class A"; "Smith Barney Aggressive Growth Fund CL L"; and "Smallcap World Fund, Inc." In April of 2006, "Smith Barney Aggressive Growth Fund CL L" became "Legg Mason Partners Aggressive Growth FD CL C." Then, prior to 2013, the fund became "Clearbridge Aggressive Growth C," as is reported on Judge Capel's 2014 Report and this Amended Report.

Judge Capel's [REDACTED] IRA continued with this composition of mutual funds until May of 2013. From time to time additional shares of these composite funds were purchased through dividend reinvestments. On May 7, 2013, Judge Capel's [REDACTED] sold [REDACTED] shares of "Smallcap World Fund Class A" (value code K, gain code D), "Investment Co. of Amer FD Class A" (value code J, gain code C), "Growth Fund of America Class A" (value code J, gain code C), and "EuroPacific Growth Fund Class A" (value code J, gain code B). The proceeds from these sales were used to purchase, also on May 7, 2013, shares in "American Growth and Income A" (value code L). As such, from May 7, 2013, to the end of the 2014 reporting period, Judge Capel's [REDACTED] IRA has been composed of "American Growth and Income A" (value code L) and [REDACTED] remaining shares in "Clearbridge Aggressive Growth C" (value code J) as reflected on Judge Capel's 2014 Report and this Amended Report.

The value codes which should have been reported for the account in prior years are as follows: 1999-2005 - K; 2006-2007 - L; 2008-2009 - K; and 2010-2013 - L.

FINANCIAL DISCLOSURE REPORT

Page 6 of 6

Name of Person Reporting	Date of Report
Capel, Wallace	10/13/2015

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/ Wallace Capel

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