

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2012

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) Whaley, Robert H.	2. Court or Organization United States District Court	3. Date of Report 07/10/2013
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Senior District Court Judge	5a. Report Type (check appropriate type) ☐ Nomination ☐ Date ☐ Initial ☒ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2012 to 12/31/2012
7. Chambers or Office Address United States District Court P.O. Box 283 Spokane, WA 99210-0283		
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. Insert signature on last page.		

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. University Trustee	Eastern Washington University
2. Member, Council on Public Legal Education	Washington State Bar Association
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.	

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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. 2012	Eastern Washington University, Trustee Salary	\$2,243.00
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.	
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.				
2.				
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.)*

<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. Mass Mutual	Loan	K
2.		
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. FIDELITY INVESTMENTS ULTRA ACCOUNT:									
2. -Core Cash Account	A	Dividend	J	T					
3.									
4. FRANKLIN TEMPLETON:									
5. -Templeton Developing Mkts Trust Mut Fd	A	Dividend	J	T					
6.									
7. BNY MELLON:									
8. -Occidental Petroleum Corp. Common Stock	A	Dividend	J	T					
9.									
10. FIDELITY EDUCATION ACCOUNT:									
11. -NH 100% Equity Contribution		None	J	T	Buy (add'l)	01/31/12	J		
12.					Buy (add'l)	02/29/12	J		
13.					Buy (add'l)	03/30/12	J		
14.					Buy (add'l)	04/30/12	J		
15.					Buy (add'l)	05/31/12	J		
16.					Buy (add'l)	06/29/12	J		
17.					Buy (add'l)	07/31/12	J		

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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☐ 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.					Buy (add'l)	08/30/12	J		
19.					Buy (add'l)	09/28/12	J		
20.					Buy (add'l)	10/31/12	J		
21.					Buy (add'l)	11/29/12	J		
22.					Buy (add'l)	12/31/12	J		
23.									
24. FIDELITY EDUCATION ACCOUNT:									
25. -NH 100% Equity Contribution		None	J	T	Buy (add'l)	01/31/12	J		
26.					Buy (add'l)	02/29/12	J		
27.					Buy (add'l)	03/30/12	J		
28.					Buy (add'l)	04/30/12	J		
29.					Buy (add'l)	05/31/12	J		
30.					Buy (add'l)	06/29/12	J		
31.					Buy (add'l)	07/31/12	J		
32.					Buy (add'l)	08/30/12	J		
33.					Buy (add'l)	09/28/12	J		
34.					Buy (add'l)	10/31/12	J		

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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 \$5,000,000	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)
35.					Buy (add'l)	11/29/12	J		
36.					Buy (add'l)	12/31/12	J		
37.									
38. FIDELITY EDUCATION ACCOUNT:									
39. -NH 100% Equity Contribution		None	J	T	Buy (add'l)	01/31/12	J		
40.					Buy (add'l)	02/29/12	J		
41.					Buy (add'l)	03/30/12	J		
42.					Buy (add'l)	04/30/12	J		
43.					Buy (add'l)	05/31/12	J		
44.					Buy (add'l)	06/29/12	J		
45.					Buy (add'l)	07/31/12	J		
46.					Buy (add'l)	08/30/12	J		
47.					Buy (add'l)	09/28/12	J		
48.					Buy (add'l)	10/31/12	J		
49.					Buy (add'l)	11/29/12	J		
50.					Buy (add'l)	12/31/12	J		
51.									

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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52. FIDELITY EDUCATION ACCOUNT:									
53. -NH 100% Equity Contribution		None	J	T	Buy (add'l)	01/31/12	J		
54.					Buy (add'l)	02/29/12	J		
55.					Buy (add'l)	03/30/12	J		
56.					Buy (add'l)	04/30/12	J		
57.					Buy (add'l)	05/31/12	J		
58.					Buy (add'l)	06/29/12	J		
59.					Buy (add'l)	07/31/12	J		
60.					Buy (add'l)	08/30/12	J		
61.					Buy (add'l)	09/28/12	J		
62.					Buy (add'l)	10/31/12	J		
63.					Buy (add'l)	11/29/12	J		
64.					Buy (add'l)	12/31/12	J		
65.									
66. FIDELITY INVESTMENTS IRA:									
67. -General Electric Common Stock	A	Dividend	K	T					
68. -Fidelity Canada Mutual Fund		None			Sold	11/06/12	K	D	

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
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

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69. -Fidelity New Markets Income Mutual Fund	B	Dividend	K	T					
70. -Fidelity Four in One Index Mutual Fund	D	Dividend	N	T	Buy	11/27/12	N		
71. -Dreyfus Internat'l Bond Fund Cl 1 Mutual Fund	B	Dividend	K	T					
72. -First Eagle Global Class A Mutual Fund	C	Dividend	L	T					
73. -Oakmark Equity & Income Fd 1 Mutual Fund	C	Dividend			Sold	11/06/12	M	E	
74. -Oakmark Global Fund 1 Mutual Fund		None			Sold (part)	10/01/12	K		
75.					Sold	11/06/12	M		
76. -Permanent Portfolio Mutual Fund	B	Dividend			Sold	12/07/12	M	E	
77. -Vanguard Star Investor Class Mutual Fund	B	Dividend	M	T	Buy	12/18/12	L		
78. -Vanguard Wellington Mutual Fund	C	Dividend	L	T					
79. -Fidelity Cash Reserve	A	Dividend	K	T					
80.									
81. FIDELITY INVESTMENTS:									
82. -Amgen Inc. Common Stock	A	Dividend	K	T					
83. -The Ben Franklin Fed S&L Ass'n Common Stock		None	J	T					
84. -Johnson & Johnson Common Stock	A	Dividend	J	T					
85. -Zimmer Holdings Inc. Common Stock	A	Dividend	J	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 P1 -\$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
2. Value Codes (See Columns C1 and D3)	Q -Appraisal U -Book Value	R -Cost (Real Estate Only) V -Other	S -Assessment W -Estimated	T -Cash Market	

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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				
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86. -Fidelity Canada Mutual Fund	A	Dividend	J	T					
87. -Fidelity New Markets Income Mutual Fund	A	Dividend	J	T					
88. -Fidelity Capital & Income Mutual Fund	A	Dividend	K	T					
89. -Fidelity Low-Priced Stock Mutual Fund	D	Dividend	M	T					
90. -Fidelity Strategic Income Mutual Fund	A	Dividend	J	T					
91. -American Balanced Class C Mutual Fund	A	Dividend			Sold	11/08/12	L	D	
92. -Calamos Growth Fund Class C Mutual Fund		None			Sold	11/08/12	L	B	
93. -American Growth Fund of America Class C Mutual Fund		None			Sold	11/08/12	L	D	
94. -Oakmark Equity & Income Fd 1 Mutual Fund		None			Sold	11/06/12	M	E	
95. -Oakmark Global Fund 1 Mutual Fund	A	Dividend	J	T					
96. -Vanguard Balanced Index Investor Class Mutual Fund	B	Dividend	M	T	Buy	11/27/12	M		
97. -Vanguard Wellington Investor Mutual Fund	D	Dividend	N	T	Buy (add'l)	11/27/12	M		
98. -Fidelity Cash Reserves	A	Dividend	J	T					
99.									
100. FIDELITY INVESTMENTS IRA:									
101. -Fidelity Cash Reserves		None	J	T					
102. -Fidelity New Markets Income Mutual Fund	B	Dividend	K	T					

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 = \$250,001 - \$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	
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103. -Fidelity Capital & Income Mutual Fund	A	Dividend	J	T					
104. -Fidelity Strategic Income Mutual Fund	B	Dividend	K	T					
105. -Dreyfus Int'l Bond Fund Mutual Fund	B	Dividend	K	T					
106. -Oakmark Equity & Income Mutual Fund	B	Dividend	K	T					
107.									
108. Bank of America Money Market Fund	A	Interest	M	T					
109.									
110. Ltd. Partner, Deming & Ass., Roswell, NM (HUD Project)		None	J	W					
111. Ltd. Partner, Deming Apartments, LLC		None			Distributed	12/17/12	L		
112.									
113. MassMutual: GP Life at 69	A	Int./Div.	K	T					
114.									
115. MassMutual: Whole Life		None	K	T					
116.									
117. New York Life:		None	J	T					
118.									
119. CBSS, LLC		None	K	U					

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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120. FIDELITY ROTH IRA (see VIII):									
121. -Oakmark Global Fund Mutual Fund	A	Dividend	J	T	Buy	03/23/12	J		
122. -Cash Reserves	A	Int./Div.	J	T					
123.									
124. FIDELITY GENERAL INVESTMENTS (see VIII):									
125. -Fidelity Canada Mutual Fund	A	Dividend	J	T					
126. -Fidelity Total Bond Mutual Fund	A	Dividend	J	T					
127. -Fidelity Strategic Income Mutual Fund	A	Dividend	J	T					
128. -Vanguard Wellington Investor Mutual Fund	B	Dividend	K	T	Buy	12/09/12	K		
129. -Cash	A	Int./Div.	J	T					
130. -Fidelity Balanced Mutual Fund	A	Dividend			Sold	11/06/12	J	A	
131. -Fidelity Small Cap Stock Mutual Fund	A	Dividend			Sold	11/06/12	J	A	
132. -Fidelity Dividend Growth Mutual Fund	A	Dividend			Sold	11/06/12	J		
133. -Fidelity Export & Multint'l Mutual Fund		None			Sold (part)	02/17/12	J		
134.					Sold	11/06/12	J		
135. -Fidelity Int'l Discovery Mutual Fund (see VIII)		None			Sold (part)	02/21/12	J		
136.					Sold	11/06/12	J		

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 = \$250,000,001 - \$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)
137. -Fidelity Contrafund Mutual Fund (see VIII)		None			Sold	11/06/12	J		
138. -Oakmark Select Mutual Fund (see VIII)		None			Sold (part)	05/18/12	J		
139.					Sold	12/09/12	J		
140.									
141. WELLS FARGO:									
142. -American Balanced Fund Mutual Fund	B	Dividend	L	T					
143. -Capital Income Builder Mutual Fund	A	Dividend	K	T					
144. -Income Fund of America Mutual Fund	A	Dividend	K	T					
145. -Investment Company of American Mutual Fund	C	Dividend	K	T					
146. -Cash	A	Int./Div.	K	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 -\$250,000,001 - \$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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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

Page 11, Lines 120 - 122: Account should have been reported previously and was inadvertently omitted.

Page 11, Lines 124 - 133: Account was previously listed as Trust #1. In October 2012, the trustee position was terminated and the assets were transferred to a newly created account, Fidelity General Investments.

Page 11, Lines 135 - 139: The cost basis for each of these three funds, Fidelity Int'l Discovery Mutual Fund, Fidelity Contrafund Mutual Fund, and Oakmark Select Mutual Fund, is unknown. Therefore, Column D(4) cannot be completed. If the sales of these funds resulted in gains, the gains would not have exceeded gain codes of A.

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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/ **Robert H. Whaley**

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
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