

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2011

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) Moreno, Mark A.	2. Court or Organization U.S. District Court, D.S.D.	3. Date of Report 08/02/2012
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Magistrate Judge - Part-Time	5a. Report Type (check appropriate type) ☐ Nomination ☐ Date ☐ Initial ☒ Annual ☐ Final 5b. ☒ Amended Report	6. Reporting Period 01/01/2011 to 12/31/2011
7. Chambers or Office Address 419 Federal Building 225 South Pierre Street Pierre SD 57501		
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.	Shareholder and President	Schmidt, Schroyer, Moreno, Lee & Bachand, P.C.
2.	Director and President	Neltom Addition Civic & Recreational Association
3.	Member at Large	SD State Soccer Referee Committee
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. 2011	Schmidt, Schroyer, Moreno, Lee & Bachand, P.C.	\$28,340.00
2. 2011	Soccer Official	\$1,366.00
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. 2011	St. Mary's Healthcare Center - Nurse
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.)*SOURCEDESCRIPTIONVALUE

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.)*CREDITORDESCRIPTIONVALUE CODE

1.

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. Common Stock - Schmidt, Schroyer, Moreno, Lee & Bachand, P.C.		None	K	U					
2. Prof. Shar. Plan & Trust - Schmidt, Schroyer, Moreno, . . . , P.C.	C	Int./Div.	M	T					
3. SD Retirement System (SDRS) (State of SD)	B	Interest	L	T					
4. Thrift Sav. Acct. (Amer. Funds Investment Co. of Amer.)	A	Dividend	K	T					
5. SD Retirement System (SDRS) (State of SD)	B	Interest	K	T					
6. SD Retirement System Supp. Retirement Plan (State of SD)	A	Interest	J	T					
7. Common Stock (Amern Strategic Inc. Port III)	A	Dividend	J	T					
8. U.S. Savings Bonds		None	J	T					
9. Mutual Fund Stock (Amer. Funds Fundamental Investors)	A	Dividend	J	T					
10. Mutual Fund Stock (Amer. Funds Growth Fund of America)	A	Dividend	J	T					
11. Mutual Fund Stock (Amer. Funds Investment Co. of Amer.)	A	Dividend	J	T	Sold (part)	07/21/11	J	A	
12. Mutual Fund Stock (Amer. Funds Fundamental Investors)	A	Dividend	K	T	Sold (part)	07/21/11	J	A	
13. Mutual Fund Stock (Vanguard 500 Index)	A	Dividend	J	T					
14. Retirement Plan (Catholic Health Initiatives)	B	Interest	K	T					
15. Retirement Savings Plan (Fidelity Investments)	B	Dividend	L	T					
16. IRA (500 Index Fund - Vanguard Group)	A	Dividend	K	T					
17. IRA (500 Index Fund - Vanguard Group)	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 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)
18. Mutual Fund Stock (Vanguard 500 Index)	A	Dividend	J	T					
19. Money Market Accounts (Ameriprise)	A	Dividend	J	T					
20. Money Market Accounts (Ameriprise)	A	Dividend	J	T					
21. IRA (Columbia Seligman Communications Fund - Ameriprise)	A	Dividend	J	T					
22. Roth IRA (Columbia Seligman Communications Fund -Ameriprise)	A	Dividend			Sold	04/01/11	J		
23. Mutual Fund Stock (Amer. Funds Growth Fund of America)	A	Dividend	J	T	Sold (part)	07/21/11	J	A	
24. Roth IRA (Oakmark Equity & Income Fund - Ameriprise)	A	Dividend	J	T	Sold (part)	04/01/11	J		
25. Mutual Fund Stock (Oakmark Equity & Income)	A	Dividend	K	T	Buy (add'l)	01/26/11	J		
26. Roth IRA (Oakmark Equity & Inc. Fund - Ameriprise)	A	Dividend	J	T					
27. Mutual Fund Stock (Managers Pimco Bond)	A	Dividend	J	T					
28. College Access 529 (PIMCO- Real Return Plus-SD Inv. Coun.)	A	Dividend	J	T					
29. Mutual Fund Stock (T. Rowe Mid Cap. Value)	A	Dividend	J	T					
30. Mutual Fund Stock (T. Rowe Mid Cap. Value)	A	Dividend	J	T					
31. Mutual Fund Stock (Dodge & Cox Stock)	A	Dividend	J	T	Buy (add'l)	04/04/11	J		
32. Mutual Fund Stock (Dodge & Cox Balanced)	A	Dividend	J	T	Buy (add'l)	04/04/11	J		
33. Mutual Fund Stock (Dodge & Cox Income)	A	Dividend	J	T					
34. Roth IRA (Stock Fund - Dodge & Cox)	A	Dividend	J	T	Sold (part)	04/04/11	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 \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
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35. Roth IRA (Balanced Fund - Dodge & Cox)	A	Dividend	J	T	Sold (part)	04/04/11	J		
36. Roth IRA (Stock Fund - Dodge & Cox)	A	Dividend	J	T	Sold (part)	04/04/11	J		
37. Roth IRA (Balanced Fund - Dodge & Cox)	A	Dividend	J	T	Sold (part)	04/04/11	J		
38. Roth IRA (Columbia Seligman Communications Fund-Ameriprise)	A	Dividend	J	T	Sold (part)	04/04/11	J		
39. General Electric Stock	A	Dividend	J	T					
40. IBM Stock	A	Dividend	J	T					
41. Mutual Fund Stock (Oakmark Global)	A	Dividend	J	T					
42. Mutual Fund Stock (T Rowe Cap. Apprec.)	A	Dividend	J	T					
43. Mutual Fund Stock (Selected American)	A	Dividend	J	T					
44. Mutual Fund Stock (T Rowe Media & Telecom)	A	Dividend	J	T					
45. Mutual Fund Stock (T Rowe Spectrum Growth)	A	Dividend	J	T					
46. Mutual Fund Stock (Amer. Funds Cap. Wld Gr & Inc.)	A	Dividend	J	T					
47. Mutual Fund Stock (Amer. Funds Cap. Inc. Builder)	A	Dividend			Sold	01/26/11	J	A	
48. Roth IRA (Harbor Bond Fund - Ameriprise)	A	Dividend	J	T					
49. Roth IRA (Oakmark Global Fund - Ameriprise)	A	Dividend	J	T	Sold (part)	03/30/11	J		
50. Roth IRA (T Rowe Cap Apprec Fund - Ameriprise)	A	Dividend	J	T					
51. Roth IRA (Harbor Bond Fund - Ameriprise)	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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52. Roth IRA (Oakmark Global Fund - Ameriprise)	A	Dividend			Sold	04/01/11	J		
53. Roth IRA (T Rowe Cap Apprec Fund - Ameriprise)	A	Dividend	J	T	Sold (part)	04/01/11	J		
54. Roth IRA (Selected American Fund - Ameriprise)	A	Dividend			Sold	03/30/11	J		
55. Mutual Fund Stock (Oakmark Global)	A	Dividend	J	T					
56. Mutual Fund Stock (T Rowe Cap Apprec)	A	Dividend	J	T					
57. Mutual Fund Stock (Selected American)	A	Dividend	J	T					
58. Mutual Fund Stock (T Rowe Spectrum Growth)	A	Dividend	J	T					
59. Pepsico Stock	A	Dividend	J	T					
60. Mutual Fund Stock (Dodge & Cox Intl Stock)	A	Dividend	J	T					
61. Mutual Fund Stock (UMB Scout International)	A	Dividend	J	T					
62. Mutual Fund Stock (Oakmark Equity & Income)	A	Dividend	J	T					
63. Mutual Fund Stock (Permanent Portfolio)	A	Dividend	J	T					
64. IRA (Permanent Portfolio Fund - Ameriprise)	A	Dividend	J	T					
65. IRA (Permanent Portfolio Fund - Ameriprise)	A	Dividend	J	T					
66. Mutual Fund Stock (CGM Focus)		None	J	T					
67. Mutual Fund Stock (Vanguard Wellington)	A	Dividend	J	T					
68. Mutual Fund Stock (TCW)	A	Dividend	J	T	Buy (add'l)	01/14/11	J		

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69. Mutual Fund Stock (Fairholme)	A	Dividend	J	T					
70. Roth IRA (Balanced Fund - Fidelity)	A	Dividend	J	T					
71. Roth IRA (Balanced Fund - Fidelity)	A	Dividend	J	T					
72. Mutual Fund Stock (Fidelity Govt. Inc.)	A	Dividend	J	T					
73. Mutual Fund Stock (Vanguard Intermediate-Term Treas.)	A	Dividend	J	T					
74. Mutual Fund Stock (Harbor Bond)	A	Dividend	J	T					
75. Mutual Fund Stock (Harbor Bond)	A	Dividend	J	T					
76. Mutual Fund Stock (FPA Crescent)	A	Dividend	J	T					
77. Mutual Fund Stock (Columbia Seligman Communications)	A	Dividend	J	T	Buy (add'l)	04/01/11	J		
78. Mutual Fund Stock (Vanguard Wellesley Inc.)	A	Dividend	J	T					
79. Mutual Fund Stock (Vanguard Dividend Growth)	A	Dividend	J	T					
80. Mutual Fund Stock (Vanguard GNMA)	A	Dividend	J	T	Buy (add'l)	04/15/11	J		
81. Mutual Fund Stock (FPA Crescent)	A	Dividend	J	T	Buy (add'l)	01/18/11	J		
82. Roth IRA (Harbor Bond Fund - Ameriprise)	A	Dividend	J	T					
83. Roth IRA (Harbor Bond Fund - Ameriprise)	A	Dividend	J	T					
84. Mutual Fund Stock (FPA Crescent)	A	Dividend	J	T	Buy (add'l)	02/9/11	J		
85. Mutual Fund Stock (FPA Crescent)	A	Dividend	J	T	Buy (add'l)	03/7/11	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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86. Mutual Fund Stock (FPA Crescent)	A	Dividend	J	T	Buy (add'l)	03/17/11	J		
87. Mutual Fund Stock (FPA Crescent)	A	Dividend	J	T	Buy (add'l)	04/11/11	J		
88. Common Stock (ALPS Corp.)		None	K	U					
89. Mutual Fund Stock (Vanguard GNMA)	A	Dividend	J	T					
90. Modern Woodman (Adjustable Life Insurance)	A	Interest	J	T					
91. Mutual Fund Stock (Yacktman)	A	Dividend	J	T	Buy	01/18/11	J		
92. Mutual Fund Stock (Amer. Funds New Perspective)	A	Dividend	J	T	Buy	01/27/11	J		
93. Mutual Fund Stock (Oakmark Equity & Income)	A	Dividend	J	T	Buy (add'l)	04/01/11	J		
94. Mutual Fund Stock (Columbia Seligman Communications)	A	Dividend	J	T	Buy (add'l)	04/04/11	J		
95. Roth IRA (GNMA - Vanguard)	A	Dividend	J	T	Sold (part)	04/15/11	J		
96. Roth IRA (GNMA - Vanguard)	A	Dividend	J	T	Sold (part)	04/15/11	J		
97. Retirement Sav.(403(b)) Plan (Fidelity Contrafund-Fidelity)	A	Dividend			Merged (with line 15)	2/1/11	K		
98. Retirement Sav(403(b))Plan(AmFunds EuroPacific Grth-Fidelity)	A	Dividend			Merged (with line 15)	2/1/11	K		
99. Retirement Sav(403(b))Plan(Vanguard Ext. Mkt. Idx - Fidelity)	A	Dividend			Merged (with line 15)	2/1/11	K		
100. Retirement Sav(403(b))Plan(Pimco Total Return - Fidelity)	A	Dividend			Merged (with line 15)	2/1/11	K		
101.									

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

Part VII, page 1, line 1 - The common stock referred to is stock I own in my law firm. Although I did not receive any income from the stock itself during the applicable reporting period, I did earn income from my law practice with the firm during this period. See Part III-A.

The annuity listed in Part III, page 4, line 9 of last year's report has been deleted from this report because the participant/enrollee under the annuity contract is no longer a dependent.

Part VII, pages 5, 6, 8, 9, lines 22, 24, 34, 35, 36, 37, 38, 49, 52, 53, 54 - These investments were discovered to be excess contributions and transferred to the investments on pages 5, 6, 8, lines 31, 32, 41, 42, 43, 77, 93, 94 during the reporting period.

Part VII, page 7, lines 64, 65 (lines 66, 67 in the 2010 report) - These investments should have been identified in earlier reports as regular IRAs instead of Roth IRAs.

Part VII, page 8, lines 70, 71 - These investments were likewise discovered to be excess contributions during the reporting period, but because of a mixup with Fidelity, were not transferred out of their respective Roth accounts until after the period ended. The transfers will appear in next year's report.

Part VII, page 9, lines 95, 96 - These investments were inadvertently overlooked and not included in previous reports. They were also discovered to be excess contributions and transferred to the investment on page 8, line 80 during the reporting period.

Part VII, pages 4, 9, lines 15, 97, 98, 99, 100 - The savings plan with Catholic Health Initiatives, reported last year and in previous reports, was actually transferred/rolled over to a brokerage account with Fidelity Investments and is made up of the mutual funds disclosed. The amount and value codes reported in line 15B(1) and C(1) are aggregates for the funds referred to in lines 97-100.

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Name of Person Reporting

Moreno, Mark A.

Date of Report

08/02/2012

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/ Mark A. Moreno

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
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