



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

AGENDA DOCUMENT NO. X19-10
AGENDA ITEM
For the meeting of March 19, 2019

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson LJS /by CK
Acting General Counsel

Charles Kitcher CK
Acting Associate General Counsel for Enforcement

SUBJECT: Status of Enforcement – Fiscal Year 2019, First Quarter (10/1/2018-12/31/2018)

To assist the Commission and the Office of General Counsel in assessing the current productivity of the Commission's enforcement program, we submit the Status of Enforcement for the First Quarter of Fiscal Year 2019 (10/1/2018 – 12/31/2018). The tables that follow provide information to assist agency management in its review of the enforcement program.

In summary, at the close of the quarter the total caseload was 320 — 213 active and 107 inactive. The number of active matters and the total caseload constitute the largest volume of cases in process in recent years. For context, in fiscal years 2015-2018, respectively, the active and overall caseload stood at 192/241 (FY '18); 148/275 (FY '17); 119/209 (FY '16); and 115/227 (FY '15).

During the quarter, Complaints Examination & Legal Administration ("CELA") circulated 13 EPS reports in an average of 43 days. The Enforcement Division circulated First General Counsel's Reports in 36 matters in an average of 106 days, meeting the internal circulation goal 75% of the time. The Commission completed pre-probable cause conciliation with 25 respondents in an average of 138 days. There were 26 matters pending in the investigation stage at the close of the quarter. The Commission closed 37 matters in an average of 474 days from the receipt of the complaint or referral, with 25 of those matters (68%) closing within 15 months of receipt. The Commission negotiated a total of \$419,400 in civil penalties for all matters that closed during the quarter.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	107	213	320
Number of Reports Pending with Commission	4	71	75*
FGCR	N/A	168	168
Investigation	N/A	27	27
Pre-Probable Cause Conciliation	N/A	17	17
Probable Cause / PC Brief	N/A	1	1

*as of 3/12/19

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	2018	2017	2016	2015	2014	2013	2012
Number of Cases Received	48	258	148	181	121	140	133	235
Number of Cases Rated	30	172	115	111	92	98	145	133
Average Days from Last Response to Rating (Goal: 30 days)	5	10	30	11	9	16	13	11
Ratings Meeting Goal	60% [18/30]	87% [149/172]	75% [86/115]	86% [95/111]	91% [84/92]	95% [93/98]	95% [138/145]	99% [132/133]
Number of Cases Activated	23	128	131	62	84	63	165	100
Average Days from Last Response to Activation (Goal: 90 Days)	43	44	65	26	52	35	50	30
Activations Meeting Goal	87% [20/23]	90% [115/128]	97% [110/131]	96% [102/106]	86% [72/84]	98% [62/63]	87% [143/165]	99% [99/100]
Number of Cases Dismissed Via EPS	13	76	64	45	28	21	15	26
Number of Cases Circulated Via EPS	13	50	58	47	27	29	24	—
Average Days from Assignment to Circulation of EPS Report	43	36	45	99	93	64	41	—
Number of Cases Transferred to ADRO	3	9	9	6	12	18	13	7
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	72	26	42	40	63	20	66	8
ADRO Transfers Meeting Goal	33% [1/3]	89% [8/9]	75% [6/8]	60% [3/5]	67% [8/12]	100% [18/18]	54% [7/13]	100% [7/7]

Table 3. Enforcement Statistics

<u>ENFORCEMENT PROCESS</u>	Current Quarter	2018	2017	2016	2015	2014	2013	2012
First General Counsel's Reports ("FGCRs")								
Cases with FGCRs Circulated	36	95	140	64	85	74	158	71
Average Days from Activation to Circulation	106	142	103	94	87	236	116	105
FGCRs Meeting Established Time Goal	75% [27/36]	76% [72/95]	86% [120/140]	90% [55/61]	96% [82/85]	46% [34/74]	93% [147/158]	78% [55/71]
Pre-Probable Cause Conciliation ("PPCC")								
Negotiations Commenced	12	80	51	59	20	25	31	31
Negotiations Concluded	25	49	53	64	33	34	74	61
Average Days in PPCC (Goal: 60 Days)	138	163	130	111	136	197	126	88
Number of Negotiations Meeting Goal	8%	31%	34%	41%	30%	32%	26%	39%
Investigations								
Investigations Commenced	1	16	14	9	8	5	4	7
Investigations Closed	1	8	7	3	5	1	12	15
Average Days in Investigation	108	387	400	272	445	743	486	482
Active Investigations at Close of Quarter	26							
Probable Cause								
Hearing Requests/Number Granted	0/0	1/1	0/0	0/0	2/2	0/0	0/0	0/0
Cases with Probable Cause Findings	0	0	2	2	3	0	0	1
Negotiated PC Settlements Approved	0	0	0	0	2	0	0	2
Average Days in PC Conciliation	N/A	N/A	40	N/A	59	NA	NA	126
Closed Cases								
Matters Closed	37	169	151	148	88	134	134	77
Matters Closed Within 15 Months	25 (68%)	104 (62%)	100 (66%)	56 (38%)	43 (49%)	37 (28%)	96 (72%)	54 (70%)
Average Days from Receipt to Closing	474	436	472	666	625	521	486	426
Civil Penalties	\$419,400	\$635,200	\$1,384,300	\$595,425	\$346,569	\$206,235	\$730,390	\$603,200

Table 4. Cases Pending Without a Commission Vote for 12 Months

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
				03/10/14	05/01/18
				10/28/14	04/20/18
				10/28/14	04/20/18
				09/12/17	03/04/18
				09/08/17	04/11/18
				10/28/14	04/20/18
				02/04/15	02/08/19
				09/12/17	07/23/18
				11/13/15	02/01/18
				02/08/17	07/31/18
				03/06/17	04/24/18
				02/08/17	07/31/18
				03/06/17	04/25/18
				10/17/18	07/30/18
				07/12/18	01/30/18
				01/02/18	05/16/18
				07/12/18	01/31/18
				06/21/18	02/01/18
				10/23/17	02/26/19
				07/11/18	03/22/18
				02/21/19	07/26/18
				N/A	04/11/18
				03/05/19	07/26/18
				01/09/17	07/31/18
				10/17/18	09/28/18
				08/23/18	06/21/18
				N/A	10/19/18
				N/A	02/28/19
				10/17/18	07/31/18

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
				N/A	02/01/18
				N/A	02/08/19
				N/A	02/28/19
				N/A	02/01/19
				10/17/18	02/07/19
				05/24/18	01/10/18
				05/15/17	11/29/18
				N/A	10/18/18
				02/01/19	02/26/19
				02/19/19	02/01/18
				06/18/18	01/16/18
				10/17/18	02/07/19
				05/24/18	01/01/18
				N/A	N/A
				02/19/19	02/01/18
				01/31/18	04/05/18
				N/A	03/15/18
				N/A	06/13/18
				N/A	08/06/18
				N/A	N/A
				06/25/18	08/02/18
				06/22/18	07/31/18
				N/A	N/A
				04/04/18	10/19/18
				N/A	N/A
				N/A	N/A
				N/A	N/A
				02/13/19	10/16/18
				N/A	N/A
				10/01/18	10/24/18
				03/30/18	10/04/18

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
				04/02/18	N/A
				02/28/19	N/A
				05/03/18	02/26/19
				N/A	10/18/18
				04/30/18	02/28/19
				03/23/18	02/08/19
				10/01/18	N/A
				N/A	02/28/19
				10/01/18	12/06/18
				10/31/18	02/28/19
				11/01/18	02/01/19
				10/01/18	02/26/19
				06/08/18	N/A
				06/28/18	02/26/19
				N/A	N/A
				06/28/18	02/26/19
				N/A	N/A
				10/01/18	02/28/19
				09/05/18	03/01/19
				N/A	N/A
				09/19/18	02/28/19
				N/A	N/A
				N/A	02/27/18
				10/25/18	02/27/18
				10/01/18	02/28/19
				N/A	N/A

Table 5. Statute of Limitations Sensitive Matters

Matter	Case Name	Receipt	Earliest SOL Date	Latest SOL Date	Tolling	Current Stage

Privileged and Confidential Information has been Redacted from this Page



Privileged and Confidential Information has been Redacted from this Page

Privileged and Confidential
Deliberative Process Privilege



Table 6. Matters Beyond the Reason to Believe Stage

Matter #	Name	Current Stage
		PCTB recommendation pending with Commission.
		Investigation complete; recommendation pending with Commission
		Investigation complete; recommendation pending with Commission.
		Investigation complete; next recommendation in process.
		One respondent remaining pending criminal appeal.
		Investigation complete; recommendation pending with Commission
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing; partial abatement per DOJ.
		Investigation ongoing; abatement at respondents' request pending tolling.
		Investigation complete; recommendation pending with Commission.
		Investigation ongoing; partial abatement per DOJ.
		Investigation complete; recommendation pending with Commission.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation complete; recommendation pending with Commission.
		Investigation complete; recommendation pending with Commission
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing; abatement at respondents' request pending tolling.
		Investigation ongoing; abatement at respondents' request pending tolling.
		Investigation ongoing.
		Investigation ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		Investigation ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.

Table 7. First General Counsel’s Reports Pending with the Commission

Matter #	Name	Receipt	Assigned	Circ.	# of Days Receipt to Circ.	# Days Assigned to Circ.	# of Days Receipt to Close of Quarter	# of Days Assigned to Close of Quarter	# of Days Circ. to Close of Quarter	Held Over Dates
			10/09/12	03/10/14		517		2274	1757	02/10/15; 03/09/15; 03/17/15; 04/21/15; 08/11/15; 09/15/15; 11/17/15; 12/10/15; 08/15/17; 09/12/17;
			07/02/14	10/28/14		118		1643	1525	04/12/16; 04/26/16; 01/24/17; 01/25/17; 08/07/18; 09/06/18;
			07/02/14	10/28/14		118		1643	1525	04/12/16; 04/26/16; 01/24/17; 01/25/17; 08/07/18; 09/06/18;
			07/02/14	10/28/14		118		1643	1525	04/12/16; 04/26/16; 01/24/17; 01/25/17; 08/07/18; 09/06/18;
			10/07/14	02/04/15		120		1546	1426	06/28/16; 01/24/17; 08/07/18; 09/06/18
			06/04/15	11/13/15		162		1306	1144	11/15/16; 12/06/16; 12/08/16; 01/24/17; 01/25/17; 05/22/18; 07/07/18; 08/07/18
			09/01/16	01/09/17		130		851	721	06/21/17; 06/22/17; 07/11/17
			04/01/16	02/08/17		313		1004	691	09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18; 11/14/18; 11/15/18; 12/06/18; 12/13/18; 02/05/19; 02/07/19
			04/01/16	02/08/17		313		1004	691	09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18; 11/14/18; 11/15/18; 12/06/18; 12/13/18; 02/05/19; 02/07/19

Matter #	Name	Receipt	Assigned	Circ.	# of Days Receipt to Circ.	# Days Assigned to Circ.	# of Days Receipt to Close of Quarter	# of Days Assigned to Close of Quarter	# of Days Circ. to Close of Quarter	Held Over Dates
				03/06/17		621		1286	665	10/11/17; 10/ 12/17; 10/24/17; 10/26/17; 11/07/17; 11/08/17; 11/14/17; 11/16/17; 09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18; 02/05/19; 02/07/19
				03/06/17		621		1286	665	10/11/17; 10/12/17; 10/24/17; 10/26/17; 11/07/17; 11/08/17; 11/14/17; 11/16/17; 09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18; 02/05/19; 02/07/19
				05/15/17		89		684	595	07/11/17; 07/13/17 08/15/17; 08/17/17; 09/12/17; 09/14/17; 09/19/17; 09/20/17; 10/11/17; 10/12/17; 10/24/17; 10/26/17; 08/07/18
				05/19/17		606		1197	591	10/11/17; 11/12/17; 10/24/17; 10/26/17; 11/07/18; 11/08/17; 11/14/18; 11/16/18 09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18
				09/08/17		1107		1586	479	10/11/17; 10/12/17; 10/24/17; 10/26/17; 11/07/07; 11/08/17; 11/14/17; 11/16/17; 12/05/17; 12/07/17

Matter #	Name	Receipt	Assigned	Circ.	# of Days Receipt to Circ.	# Days Assigned to Circ.	# of Days Receipt to Close of Quarter	# of Days Assigned to Close of Quarter	# of Days Circ. to Close of Quarter	Held Over Dates
			09/29/14	09/12/17		1079		1554	475	10/11/17; 10/12/17; 10/24/17; 10/26/17; 11/07/17; 11/08/07; 11/14/17; 11/16/17; 09/25/18; 10/09/18; 10/11/18; 10/23/18
			09/29/14	09/12/17		1079		1554	475	10/11/17; 10/12/17; 10/24/17; 10/26/17; 11/07/17; 11/08/07; 11/14/17; 11/16/17; 09/25/18; 10/09/18; 10/11/18; 10/23/18
			05/05/16	10/23/17		536		970	434	07/31/18
			05/10/16	01/02/18		602		965	363	09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18
			11/02/17	01/31/18		90		424	334	
			12/28/17	03/23/18		85		368	283	
			12/01/17	03/30/18		119		395	276	
			11/30/17	04/02/18		123		396	273	
			12/05/17	04/04/18		120		391	271	09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18
			12/28/17	04/30/18		123		368	245	08/07/18
			02/09/18	05/03/18		83		325	242	07/07/18; 09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18
			03/03/17	05/24/18		447		668	221	
			03/03/17	05/24/18		447		668	221	
			06/21/17	06/18/18		362		558	196	09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18; 02/05/19; 02/07/19
			04/26/18	06/18/18		53		249	196	09/25/18; 10/09/18; 10/11/18; 10/23/18;

Matter #	Name	Receipt	Assigned	Circ.	# of Days Receipt to Circ.	# Days Assigned to Circ.	# of Days Receipt to Close of Quarter	# of Days Assigned to Close of Quarter	# of Days Circ. to Close of Quarter	Held Over Dates
										10/25/18; 02/05/19; 02/07/19
			11/02/17	06/22/18		232		424	192	09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18
			02/24/16	06/23/18		850		1041	191	09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18; 11/14/18
			12/22/17	06/25/18		185		374	189	09/25/18; 10/09/18; 10/11/18; 10/23/18; 10/25/18
			04/11/18	06/28/18		78		264	186	
			10/17/16	07/11/18		632		805	173	09/25/18, 10/09/18; 10/11/18; 10/23/18; 10/25/18
			06/16/16	07/12/18		756		928	172	09/25/18, 10/09/18; 10/11/18; 10/23/18; 10/25/18; 02/05/19; 02/07/19
			06/16/16	07/12/18		756		928	172	09/25/18, 10/09/18; 10/11/18; 10/23/18; 10/25/18; 02/05/19; 02/07/19
			10/25/16	08/23/18		667		797	130	
			05/29/18	09/05/18		99		216	117	
			05/29/18	09/05/18		99		216	117	
			05/29/18	09/05/18		99		216	117	
			08/31/18	09/05/18		5		122	117	
			05/22/18	09/19/18		120		223	103	
			07/12/18	10/01/18		81		172	91	
			05/24/18	10/01/18		130		221	91	
			05/03/18	10/01/18		151		242	91	
			06/01/18	10/01/18		122		213	91	
			07/12/18	10/01/18		81		172	91	
			07/12/18	10/01/18		81		172	91	

Matter #	Name	Receipt	Assigned	Circ.	# of Days Receipt to Circ.	# Days Assigned to Circ.	# of Days Receipt to Close of Quarter	# of Days Assigned to Close of Quarter	# of Days Circ. to Close of Quarter	Held Over Dates
			07/12/18	10/01/18		81		172	91	
			07/12/18	10/01/18		81		172	91	
			07/12/18	10/01/18		81		172	91	
			07/12/18	10/01/18		81		172	91	
			07/06/18	10/05/18		91		178	87	
			07/19/18	10/15/18		88		165	77	12/06/18
			07/19/18	10/15/18		88		165	77	12/06/18
			08/16/18	10/16/18		61		137	76	
			04/20/17	10/17/18		545		620	75	
			04/20/17	10/17/18		545		620	75	
			04/20/17	10/17/18		545		620	75	
			06/12/17	10/17/18		492		567	75	
			06/27/18	10/25/18		120		187	67	
			07/10/18	10/26/18		108		174	66	
			07/03/18	10/31/18		120		181	61	
			07/01/18	11/08/18		130		183	53	
			07/11/18	11/08/18		120		173	53	
			11/15/18	11/20/18		5		46	41	12/06/18
			09/14/18	12/07/18		84		108	24	
			09/18/18	12/11/18		84		104	20	
			07/05/18	12/14/18		162		179	17	02/05/19; 02/07/19
			07/05/18	12/14/18		162		179	17	02/05/19; 02/07/19
			07/05/18	12/14/18		162		179	17	02/05/19; 02/07/19
			07/05/18	12/14/18		162		179	17	02/05/19; 02/07/19
			08/23/18	12/20/18		119		130	11	
			09/28/18	12/20/18		83		94	11	

Table 8. Foreign National Matters Pending with the Commission

Matter #	Primary Respondent	Complainant(s)	Receipt	Assigned	Last Response	Status	Abatement Dates	Special Counsel Overlap	Dates to DOJ	Country
				01/27/15						
				04/20/17						
				01/24/17						
				10/02/17						
				08/02/17						
				10/02/17						
				10/02/17						
				10/02/17						
				11/28/17						
				12/29/17						
				10/02/17						
				03/26/18						
				05/17/18						
				07/05/18						

Matter #	Primary Respondent	Complainant(s)	Receipt	Assigned	Last Response	Status	Abatement Dates	Special Counsel Overlap	Dates to DOJ	Country
				07/05/18						
				07/05/18						
				07/05/18						
				09/05/18						
				08/08/18						
				10/30/18						
				11/21/18						
				02/13/18						
				02/12/19						
				03/05/19						
				03/15/19						
				N/A						
				N/A						
				01/19/19						