



FEDERAL ELECTION COMMISSION

Washington, DC 20463

August 4, 2023

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
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SUBJECT: Status of Enforcement – Fiscal Year 2023, Third Quarter (04/01/23-06/30/23)

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 Third Quarter of Fiscal Year 2023 (04/01/23-06/30/23). 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 193 matters — 96 active and 97 inactive. During the quarter, the Enforcement Division circulated First General Counsel's Reports ("FGCRs") in 15 matters in an average of 266 days, meeting the internal circulation goal 40% of the time. The Enforcement Division's Office of Complaints Examination & Legal Administration ("CELA") circulated 2 EPS reports this quarter. There were 9 matters pending in the investigation stage at the close of the quarter. There were also 22 case closings and the Commission assessed \$248,400 in civil penalties.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	97	96	193
Number of Reports Pending w/Commission*	0	18	18
FGCR	N/A	70	70
Investigation	N/A	12	12
Pre-Probable Cause Conciliation	N/A	13	13
Probable Cause / PC Brief	N/A	1	1

*As of August 3, 2023

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	FY 2023	2022	2021	2020	2019	2018	2017
Number of Cases Received	33	93	154	128	176	149	258	148
Number of Cases Rated	42	109	83	152	135	144	172	115
Average Days from Last Response to Rating (Goal: 30 days)	9	15	14	15	11	11	10	30
Ratings Meeting Goal	80% [34/42]	76% [83/109]	79% [85/108]	77% [117/152]	84% [114/135]	75% [108/144]	87% [149/172]	75% [86/115]
Number of Cases Activated	19	57	74	101	109	112	128	131
Average Days from Last Response to Activation (Goal: 90 Days)	99	84	99	77	39	47	44	65
Activations Meeting Goal	74% [14/19]	70% [40/57]	70% [52/74]	65% [66/101]	92% [100/109]	72% [81/112]	90% [115/128]	84% [110/131]
Number of Cases Dismissed Via EPS	1	24	20	42	18	44	76	64
Number of Cases Circulated Via EPS	2	15	27	34	24	49	50	58
Average Days from Assignment to Circulation of EPS Report	43	27	118	116	58	50	36	45
Number of Cases Transferred to ADRO	0	0	0	6	11	7	9	9
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	0	0	0	60	32	36	26	42
ADRO Transfers Meeting Goal	N/A [0/0]	N/A [0/0]	N/A [0/0]	67% [4/6]	82% [9/11]	71% [5/7]	89% [8/9]	75% [6/8]

Table 3. Enforcement Statistics

<u>ENFORCEMENT PROCESS</u>	Current Quarter	FY 2023	2022	2021	2020	2019	2018	2017
First General Counsel’s Reports (“FGCRs”)								
Cases with FGCRs Circulated	15	55	88	128	103	143	95	140
Average Days from Activation to Circulation	266	184	231	165	153	177	142	103
FGCRs Meeting Established Time Goal	40% [6/15]	67% [37/55]	68% [60/88]	73% [93/128]	68% [70/103]	68% [97/143]	76% [72/95]	86% [120/140]
Pre-Probable Cause Conciliation (“PPCC”)								
Negotiations Commenced	13	29	114	103	2	79	80	51
Negotiations Concluded	11	79	92	49	12	84	49	53
Average Days in PPCC (Goal: 60 Days)	126	156	119	122	221	127	163	130
Number of Negotiations Meeting Goal	45%	19%	22%	65%	0%	30%	31%	34%
Investigations								
Investigations Commenced	0	1	7	12	1	31	16	14
Investigations Closed	2	4	9	22	8	10	8	7
Average Days in Investigation	245	397	862	660	549	634	387	400
Active Investigations at Close of Quarter	9							
Probable Cause								
Hearing Requests/Number Granted	0/0	1/1	2/2	1/1	0/0	1/1	1/1	0/0
Cases with Probable Cause Findings	1	1	2	2	0	0	0	2
Negotiated PC Settlements Approved	0	0	3	1	0	0	0	0
Average Days in PC Conciliation	N/A	N/A	841	29	N/A	N/A	N/A	40
Closed Cases								
Matters Closed	22	99	245	194	37	189	169	151
Matters Closed Within 15 Months	7 (32%)	52 (53%)	55 (34%)	66 (34%)	23 (62%)	106 (56%)	104 (62%)	100 (66%)
Average Days from Receipt to Closing	802	640	811	852	530	630	436	472
Civil Penalties	\$248,400	\$1,046,300	\$2,062,128	\$803,878	\$702,000	\$2,123,436	\$635,200	\$1,384,300

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
1					07/16/23
2					02/22/22
3				(11/17/23)	08/18/22
4					10/19/22
5					09/21/21
6					02/07/23
7					04/19/23
8					04/19/23
9					07/25/23
10				(09/08/23)	07/17/23
11					N/A
12				05/17/23	N/A
13				07/25/23	N/A
14				05/03/23	11/03/22
15				10/13/22	03/16/23
16				10/13/22	03/16/23
17				(10/19/23)	07/27/23
18				(11/01/23)	06/02/23
19				(09/05/23)	N/A
20				(11/01/23)	07/28/23
21				03/21/23	07/26/23
22				05/17/23	07/27/23
23				(09/30/23)	07/31/23
24				06/23/23	N/A
25				(11/01/23)	08/01/23
26				12/13/22	N/A
27				(09/30/23)	07/27/23
28				N/A	N/A
29				(11/01/23)	07/27/23
30				(10/05/23)	08/01/23

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
31					08/01/23
32					N/A
33				(11/17/23)	10/27/23
34				(11/17/23)	08/01/23
35				(10/31/23)	08/01/23
36					07/27/23
37				(11/22/23)	N/A
38				06/16/23	N/A
39				(11/22/23)	N/A
40				(11/17/23)	07/27/23

A date in parenthesis is the date FGCR is expected to circulate

Table 5. Statute of Limitations Sensitive Matters (18 Months)

	Matter	Case Name	Tolling	Opened	Earliest SOL	Latest SOL	Current Stage
1							
2							
3							
4							
5							
6							
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29							
30							

	Matter	Case Name	Tolling	Opened	Earliest SOL	Latest SOL	Current Stage
31							
32							

Table 6. Matters Beyond the Reason to Believe Stage

Matters	Case Name	Current Stage
1		
2		
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24		

Table 7. First General Counsel's Reports Pending with the Commission at the End of the Quarter

Matter	Case Name	Receipt	Assigned	Circ.	# of Days Receipt to Circ.	# of Days Assigned to Circ.	# of Days Assigned to Close of Quarter	# of Days Circ. to Close of Quarter	Held Over
1			06/15/22	10/13/22		120	380	260	11/29/22; 12/01/22; 12/13/22; 12/15/22; 01/10/23; 01/12/23; 05/31/23; 06/01/23; 06/21/23; 06/22/23; 07/11/23; 07/13/23
2			06/15/22	10/13/22		120	380	260	12/13/22; 12/15/22; 01/10/23; 01/12/23; 05/31/23; 06/01/23; 06/21/23; 06/22/23; 07/11/23; 07/13/23
3			08/16/22	12/13/22		119	318	199	01/24/23; 01/26/23; 02/07/23; 02/09/23; 03/28/23; 03/30/23; 03/31/23; 04/18/23; 04/19/23; 05/02/23; 06/21/23; 06/22/23; 07/11/23; 07/13/23
4			11/11/22	03/09/23		122	231	113	
5			10/11/22	03/21/23		161	262	101	
6			02/02/23	05/02/23		89	148	59	05/31/23; 06/01/23; 06/21/23; 06/22/23; 07/11/23; 07/13/23
7			12/19/22	05/03/23		135	193	58	05/31/23; 06/01/23; 06/21/23; 06/22/23; 07/11/23; 07/13/23
8			12/19/22	05/03/23		135	193	58	05/31/23; 06/01/23; 06/21/23; 06/22/23; 07/11/23; 07/13/23
9			09/21/22	05/17/23		238	282	44	07/11/23; 07/13/23
10			08/16/22	05/17/23		274	318	44	
11			05/03/23	06/16/23		44	58	14	
12			05/03/23	06/16/23		44	58	14	
13			02/23/23	06/23/23		120	127	7	
14			03/29/23	06/28/23		91	93	2	

Table 8. Foreign National Matters

Matter #	Primary Respondent	Complainant	Receipt	Assigned	Last Response	Status	To DOJ	Country	Earliest SOL
1				01/28/19					
2				N/A					
3				N/A					