

FEDERAL ELECTION COMMISSION

Washington, DC 20463



May 6, 2022

MEMORANDUM

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

Charles Kitcher *CK*
Associate General Counsel for Enforcement

FROM: Roy Q. Lockett *RQL*
Acting Assistant General Counsel

SUBJECT: Status of Enforcement – Fiscal Year 2022, Second Quarter (01/01/22-03/31/22)

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 Second Quarter of Fiscal Year 2022 (01/01/22-03/31/22). 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 250 matters — 184 active and 66 inactive. During the quarter, the Enforcement Division’s Office of Complaints Examination & Legal Administration (“CELA”) circulated 14 EPS reports in an average of 119 days. The Enforcement Division also circulated First General Counsel’s Reports (“FGCRs”) in 18 matters in an average of 163 days, meeting the internal circulation goal 72% of the time. There were 17 matters pending in the investigation stage at the close of the quarter. There were also 66 case closings and the Commission assessed \$307,200 in civil penalties.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	66	184	250
Number of Reports Pending w/Commission*	2	72	74
FGCR	N/A	141	141
Investigation	N/A	21	21
Pre-Probable Cause Conciliation	N/A	22	22
Probable Cause / PC Brief	N/A	2	2

*As of May 5, 2022

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	FY 2022	2021	2020	2019	2018	2017	2016
Number of Cases Received	25	51	128	176	149	258	148	181
Number of Cases Rated	11	33	152	135	144	172	115	111
Average Days from Last Response to Rating (Goal: 30 days)	22	18	15	11	11	10	30	11
Ratings Meeting Goal	64% [7/11]	76% [25/33]	77% [117/152]	84% [114/135]	75% [108/144]	87% [149/172]	75% [86/115]	86% [95/111]
Number of Cases Activated	22	36	101	109	112	128	131	106
Average Days from Last Response to Activation (Goal: 90 Days)	111	107	77	39	47	44	65	26
Activations Meeting Goal	68% [15/22]	64% [23/36]	65% [66/101]	92% [100/109]	72% [81/112]	90% [115/128]	84% [110/131]	96% [102/106]
Number of Cases Dismissed Via EPS	1	3	42	18	44	76	64	45
Number of Cases Circulated Via EPS	14	14	34	24	49	50	58	47
Average Days from Assignment to Circulation of EPS Report	119	119	116	58	50	36	45	99
Number of Cases Transferred to ADRO	0	0	6	11	7	9	9	6
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	0	0	60	32	36	26	42	40
ADRO Transfers Meeting Goal	0% [0/0]	0% [0/0]	67% [4/6]	82% [9/11]	71% [5/7]	89% [8/9]	75% [6/8]	60% [3/5]

Table 3. Enforcement Statistics

<u>ENFORCEMENT PROCESS</u>	Current Quarter	FY 2022	2021	2020	2019	2018	2017	2016
First General Counsel's Reports ("FGCRs")								
Cases with FGCRs Circulated	18	45	128	103	143	95	140	61
Average Days from Activation to Circulation	163	233	165	153	177	142	103	94
FGCRs Meeting Established Time Goal	72% [13/18]	69% [31/45]	73% [93/128]	68% [70/103]	68% [97/143]	76% [72/95]	86% [120/140]	90% [55/61]
Pre-Probable Cause Conciliation ("PPCC")								
Negotiations Commenced	14	40	103	2	79	80	51	59
Negotiations Concluded	31	56	49	12	84	49	53	64
Average Days in PPCC (Goal: 60 Days)	146	124	122	221	127	163	130	111
Number of Negotiations Meeting Goal	16%	13%	65%	0%	30%	31%	34%	41%
Investigations								
Investigations Commenced	1	3	12	1	31	16	14	9
Investigations Closed	5	7	22	8	10	8	7	3
Average Days in Investigation	999	864	660	549	634	387	400	272
Active Investigations at Close of Quarter	11							
Probable Cause								
Hearing Requests/Number Granted	0/0	2/2	1/1	0/0	1/1	1/1	0/0	0/0
Cases with Probable Cause Findings	0	2	2	0	0	0	2	2
Negotiated PC Settlements Approved	3	3	1	0	0	0	0	0
Average Days in PC Conciliation	841	841	29	N/A	N/A	N/A	40	N/A
Closed Cases								
Matters Closed	66	108	194	37	189	169	151	148
Matters Closed Within 15 Months	7 (11%)	15 (14%)	66 (34%)	23 (62%)	106 (56%)	104 (62%)	100 (66%)	56 (38%)
Average Days from Receipt to Closing	958	872	852	530	630	436	472	666
Civil Penalties	\$307,200	\$448,728	\$803,878	\$702,000	\$2,123,436	\$635,200	\$1,384,300	\$595,425

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

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
29				01/11/21	04/30/21
30				07/12/21	07/14/21
31				06/10/21	07/08/21
32				11/17/20	06/21/21
33				01/11/21	07/12/21
34				06/17/21	10/18/21
35				(06/30/22)	10/19/21
36				02/02/22	11/02/21
37				01/26/22	02/04/22
38				04/27/22	10/29/21
39				04/02/21	10/18/21
40				<i>Abeyance</i>	08/12/21
41				<i>Abeyance</i>	10/04/21
42				07/30/21	10/19/21
43				04/06/22	10/18/21
44				04/07/21	09/01/21
45				03/11/21	10/05/21
46				(06/30/22)	N/A
47				07/21/21	11/02/21
48				<i>Withdrawn</i>	09/21/21
49				03/31/21	04/22/22
50				08/11/21	02/04/22
51				04/22/21	02/03/22
52				04/27/22	02/03/22
53				(06/30/22)	02/03/22
54				04/22/21	02/03/22
55				06/16/21	11/02/21
56				06/16/21	10/29/21
57				<i>Withdrawn</i>	02/04/22
58				08/11/21	02/01/22
59				03/24/21	01/31/22

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
60				08/05/21	10/28/21
61				03/24/21	01/31/22
62				08/05/21	02/01/22
63				03/24/21	01/31/22
64				08/30/21	10/29/21
65				<i>Withdrawn</i>	11/02/21
66				03/24/21	01/31/22
67				08/24/21	11/30/21
68				07/21/21	12/08/21
69				06/16/21	10/29/21
70				07/21/21	02/07/22
71				08/09/21	01/31/22
72				11/12/21	01/31/22
73				11/12/21	01/31/22
74				12/01/21	04/22/22
75				<i>Pre-Tagged</i>	02/04/22
76				(06/30/22)	05/02/22
77				02/01/22	02/24/22
78				(06/30/22)	02/09/22
79				09/20/21	04/27/22
80				08/26/21	03/01/22
81				08/26/21	03/01/22
82				(06/30/22)	04/22/22
83				12/09/21	04/22/22

A date in parenthesis is the date FGCR is scheduled 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							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							

	Matter	Case Name	Tolling	Opened	Earliest SOL	Latest SOL	Current Stage
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							
56							
57							
58							
59							
60							

	Matter	Case Name	Tolling	Opened	Earliest SOL	Latest SOL	Current Stage
61							
62							
63							
64							
65							
66							
67							
68							
69							

Table 6. Matters Beyond the Reason to Believe Stage

Matter	Case Name	Current Stage
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		

Matter	Case Name	Current Stage
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		

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			04/01/16	02/08/17		313	2190	1877	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; 03/19/19; 03/26/19; 03/28/19; 04/09/19; 04/11/19; 04/23/19; 04/25/19; 05/07/19; 05/09/19; 05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19; 06/23/20; 06/25/20; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
2			04/01/16	02/08/17		313	2190	1877	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; 03/19/19; 03/26/19; 03/28/19; 04/09/19; 04/11/19; 04/23/19; 04/25/19; 05/07/19; 05/09/19; 05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19;

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
									07/11/19; 06/23/20; 06/25/20; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
3			01/24/19	05/10/19		106	1162	1056	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19; 01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
4			01/24/19	05/10/19		106	1162	1056	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19; 01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
5			01/24/19	05/10/19		106	1162	1056	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19; 01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21;

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
									01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
6			02/12/19	05/10/19		87	1143	1056	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19; 01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
7			12/15/18	08/13/19		241	1202	961	06/08/21; 06/10/21; 06/22/21; 06/24/21; 07/13/21; 07/15/21; 09/14/21
8			04/23/19	08/21/19		120	1073	953	06/23/20; 06/25/20; 12/02/21; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
9			05/21/19	09/18/19		120	1045	925	01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 10/26/21; 10/28/21
10			05/21/19	09/18/19		120	1045	925	01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 10/26/21; 10/28/21
11			08/29/19	09/18/19		20	945	925	01/26/21; 01/28/21;

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
									02/09/21; 02/23/21; 02/25/21; 10/26/21; 10/28/21
12			08/22/19	10/28/19		67	952	885	
13			08/22/19	10/28/19		67	952	885	
14			03/22/19	11/22/19		245	1105	860	06/23/20; 06/25/20; 01/12/21; 01/14/21; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
15			07/01/19	02/20/20		234	1004	770	05/04/21; 05/06/21
16			02/20/20	08/07/20		169	770	601	
17			02/20/20	08/07/20		169	770	601	01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21
18			05/29/20	09/25/20		119	671	552	01/12/21; 01/14/21; 01/26/21; 01/28/21; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
19			05/29/20	09/25/20		119	671	552	01/12/21; 01/14/21; 01/26/21; 01/28/21; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
20			05/29/20	09/25/20		119	671	552	01/12/21; 01/14/21; 01/26/21; 01/28/21; 01/25/22; 01/27/22;

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
									02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
21			07/17/20	11/17/20		123	622	499	01/12/21; 01/14/21; 01/26/21; 01/28/21; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
22			08/20/20	11/17/20		89	588	499	
23			09/11/20	01/11/21		122	566	444	
24			09/11/20	01/11/21		122	566	444	
25			10/29/20	01/27/21		90	518	428	10/13/21; 10/14/21; 10/26/21; 10/28/21
26			05/14/19	02/19/21		647	1052	405	03/23/21; 03/25/21; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/17; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22
27			11/12/20	03/12/21		120	504	384	
28			01/31/20	03/23/21		417	790	373	04/06/21; 04/08/21; 04/20/21; 04/22/21; 05/04/21; 05/06/21; 04/26/22; 04/28/22
29			01/31/20	03/23/21		417	790	373	04/06/21; 04/08/21; 04/20/21; 04/22/21; 05/04/21; 05/06/21; 04/26/22; 04/28/22
30			06/10/20	03/23/21		286	659	373	04/06/21; 04/08/21; 04/20/21; 04/22/21; 05/04/21; 05/06/21;

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
									04/26/22; 04/28/22
31			12/03/20	03/24/21		111	483	372	
32			12/03/20	03/24/21		111	483	372	
33			12/03/20	03/24/21		111	483	372	
34			12/03/20	03/24/21		111	483	372	
35			12/01/20	03/31/21		120	485	365	
36			12/04/20	04/02/21		119	482	363	
37			12/08/20	04/07/21		122	478	358	
38			12/22/20	04/22/21		121	464	343	
39			12/22/20	04/22/21		121	464	343	
40			03/12/21	06/10/21		81	384	294	
41			03/23/21	06/16/21		90	373	288	
42			03/18/21	06/16/21		90	378	288	
43			03/18/21	06/16/21		90	378	288	
44			03/19/20	06/17/21		90	742	287	
45			04/13/21	07/12/21		90	352	262	10/26/21; 10/28/21
46			03/23/21	07/21/21		108	373	253	
47			04/22/21	07/21/21		90	343	253	
48			04/22/21	07/21/21		90	343	253	
49			04/22/21	07/21/21		90	343	253	
50			03/03/21	07/30/21		149	393	244	
51			05/11/21	08/05/21		86	324	238	
52			05/25/21	08/05/21		72	310	238	
53			05/18/21	08/09/21		83	317	234	
54			05/14/21	08/11/21		89	321	232	
55			04/13/21	08/11/21		120	352	232	
56			04/27/21	08/24/21		119	338	219	
57			06/23/21	08/26/21		64	281	217	
58			06/23/21	08/26/21		64	281	217	
59			05/04/21	08/30/21		118	331	213	04/26/22; 04/28/22
60			05/25/21	09/20/21		118	310	192	
61			03/15/19	11/03/21		964	1112	148	12/14/21; 12/16/21; 01/11/22; 01/13/22
62			07/16/21	11/12/21		119	258	139	04/26/22; 04/28/22

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
63			07/16/21	11/12/21		119	258	139	04/26/22; 04/28/22
64			07/16/21	12/01/21		138	258	120	
65			09/03/21	12/09/21		97	209	112	
66			08/26/21	12/14/21		110	217	107	
67			08/25/21	12/22/21		119	218	99	
68			11/30/21	01/13/22		44	121	77	
69			01/26/22	01/26/22		0	64	64	
70			10/04/21	02/01/22		120	178	58	
71			11/19/21	02/01/22		74	132	58	
72			10/05/21	02/02/22		120	177	57	
73			11/05/21	02/03/22		90	146	56	
74			11/30/21	02/25/22		87	121	34	
75			10/26/21	03/15/22		140	156	16	04/26/22; 04/28/22

Table 8. Foreign National Matters

Matter #	Primary Respondent	Complainant	Receipt	Assigned	Last Response	Status	To DOJ	Country	Earliest SOL
1				05/22/18					
2				02/13/19					
3				08/06/19					
4				07/25/19					
5				01/28/19					
6				06/17/20					
7				01/31/20					
8				06/10/20					
9				09/09/21					
10				01/25/22					
11				N/A					