



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 28, 2023

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson *LJS* by WDB
Acting General Counsel

Charles Kitcher *CK*
Associate General Counsel for Enforcement

Wanda Brown *wdb*
Acting Assistant General Counsel

SUBJECT: Status of Enforcement – Fiscal Year 2023, Second Quarter (01/01/23-03/31/23)

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 Second Quarter of Fiscal Year 2023 (01/01/23-03/31/23). 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 184 matters — 96 active and 88 inactive. During the quarter, the Enforcement Division circulated First General Counsel's Reports ("FGCRs") in 19 matters in an average of 142 days, meeting the internal circulation goal 74% of the time. The Enforcement Division's Office of Complaints Examination & Legal Administration ("CELA") circulated 2 EPS reports this quarter. There were 13 matters pending in the investigation stage at the close of the quarter. There were also 46 case closings and the Commission assessed \$323,500 in civil penalties.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	88	96	184
Number of Reports Pending w/Commission*	3	16	19
FGCR	N/A	67	67
Investigation	N/A	15	15
Pre-Probable Cause Conciliation	N/A	13	13
Probable Cause / PC Brief	N/A	1	1

*As of April 28, 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	37	60	154	128	176	149	258	148
Number of Cases Rated	34	66	83	152	135	144	172	115
Average Days from Last Response to Rating (Goal: 30 days)	20	19	14	15	11	11	10	30
Ratings Meeting Goal	68% [23/34]	73% [48/66]	79% [85/108]	77% [117/152]	84% [114/135]	75% [108/144]	87% [149/172]	75% [86/115]
Number of Cases Activated	18	38	74	101	109	112	128	131
Average Days from Last Response to Activation (Goal: 90 Days)	92	76	99	77	39	47	44	65
Activations Meeting Goal	56% [10/18]	68% [26/38]	70% [52/74]	65% [66/101]	92% [100/109]	72% [81/112]	90% [115/128]	84% [110/131]
Number of Cases Dismissed Via EPS	12	23	20	42	18	44	76	64
Number of Cases Circulated Via EPS	2	13	27	34	24	49	50	58
Average Days from Assignment to Circulation of EPS Report	59	25	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	19	40	88	128	103	143	95	140
Average Days from Activation to Circulation	142	154	231	165	153	177	142	103
FGCRs Meeting Established Time Goal	74% [14/19]	78% [31/40]	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	10	16	114	103	2	79	80	51
Negotiations Concluded	25	66	92	49	12	84	49	53
Average Days in PPCC (Goal: 60 Days)	107	152	119	122	221	127	163	130
Number of Negotiations Meeting Goal	16%	15%	22%	65%	0%	30%	31%	34%
Investigations								
Investigations Commenced	1	1	7	12	1	31	16	14
Investigations Closed	2	2	9	22	8	10	8	7
Average Days in Investigation	549	549	862	660	549	634	387	400
Active Investigations at Close of Quarter	13							
Probable Cause								
Hearing Requests/Number Granted	1/1	1/1	2/2	1/1	0/0	1/1	1/1	0/0
Cases with Probable Cause Findings	0	0	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	46	77	245	194	37	189	169	151
Matters Closed Within 15 Months	29 (63%)	45 (58%)	55 (34%)	66 (34%)	23 (62%)	106 (56%)	104 (62%)	100 (66%)
Average Days from Receipt to Closing	581	594	811	852	530	630	436	472
Civil Penalties	\$323,500	\$797,900	\$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					07/18/22
2					02/22/22
3				(05/05/23)	03/21/22
4				(05/05/23)	03/21/22
5				02/09/23	04/26/22
6				02/09/23	04/26/22
7				(07/17/23)	08/18/22
8					10/19/22
9					09/21/21
10				04/03/23	02/03/22
11					02/04/22
12					01/31/22
13					01/31/22
14					02/04/22
15				(05/25/23)	04/22/22
16				02/13/23	06/17/22
17					N/A
18					N/A
19					N/A
20				(05/05/23)	11/03/22
21				(06/26/23)	11/03/22
22				03/08/23	02/03/23
23					N/A
24				03/24/23	04/24/23
25				(06/30/23)	04/20/23
26				10/13/22	03/16/23
27				10/13/22	03/16/23

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							
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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		
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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			06/28/22	09/26/22		90	276	186	04/18/23; 04/19/23
2			06/15/22	10/13/22		120	289	169	12/13/22; 12/15/22; 01/10/23; 01/12/23
3			06/15/22	10/13/22		120	289	169	12/13/22; 12/15/22; 01/10/23; 01/12/23
4			10/03/22	11/30/22		58	179	121	01/24/23; 01/26/23
5			08/16/22	12/13/22		119	227	108	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
6			11/10/22	02/08/23		90	141	51	02/28/23; 03/28/23; 03/30/23; 03/31/23; 04/18/23; 04/19/23
7			09/11/20	02/09/23		881	931	50	03/28/23; 03/30/23; 03/31/23; 04/18/23; 04/19/23
8			06/22/20	02/09/23		881	931	50	03/28/23; 03/30/23; 03/31/23 04/18/23; 04/19/23
9			11/30/21	02/13/23		440	486	46	03/28/23; 03/30/23; 03/31/23; 04/18/23; 04/19/23
10			05/05/22	03/08/23		307	330	23	
11			11/11/22	03/13/23		122	140	18	
12			03/14/23	03/14/23		0	17	17	04/18/23; 04/19/23
13			10/11/22	03/21/23		161	171	10	
15			06/14/22	03/24/23		283	290	7	

Table 8. Foreign National Matters

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