



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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May 7, 2018

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

Kathleen M. Guith
Associate General Counsel for Enforcement

SUBJECT: Status of Enforcement — Fiscal Year 2018, Second Quarter (1/1/2018 – 3/31/18)

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 2018 (1/1/2018 – 3/31/18). 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 269 — 195 active and 74 inactive. During the quarter, Complaints Examination & Legal Administration ("CELA") circulated 9 EPS reports in an average of 43 days. The Enforcement Division circulated First General Counsel's Reports in 24 matters in an average of 129 days, meeting the internal circulation goal 83% of the time. The Commission completed pre-probable cause conciliation with 12 respondents in an average of 267 days. There were 27 matters pending in the investigation stage at the close of the quarter. The Commission closed 35 matters in an average of 368 days from the receipt of the complaint or referral, with 21 of those matters (60%) closing within 15 months of receipt. The Commission negotiated a total of \$14,500 in civil penalties for all matters that closed during the quarter.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	74	195	269
Number of Reports Pending with Commission	5	68	73
FGCR	N/A	153	153
Investigation	N/A	27	27
Pre-Probable Cause Conciliation	N/A	14	14
Probable Cause / PC Brief	N/A	1	1

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	FY 2018 (To Date)	2017	2016	2015	2014	2013	2012
Number of Cases Received	64	102	148	181	121	140	133	235
Number of Cases Rated	26	43	115	111	92	98	145	133
Average Days from Last Response to Rating (Goal: 30 days)	14	11	30	11	9	16	13	11
Ratings Meeting Goal	89% [23/26]	84% [36/43]	75 [86/115]	86% [95/111]	91% [84/92]	95% [93/98]	95% [138/145]	99% [132/133]
Number of Cases Activated	24	51	131	62	84	63	165	100
Average Days from Last Response to Activation (Goal: 90 Days)	77	58	65	26	52	35	50	30
Activations Meeting Goal	71% [17/24]	84% [43/51]	97% [110/131]	96% [102/106]	86% [72/84]	98% [62/63]	87% [143/165]	99% [99/100]
Number of Cases Dismissed Via EPS	16	22	63	45	28	21	15	26
Number of Cases Circulated Via EPS	9	18	58	47	27	29	24	—
Average Days from Assignment to Circulation of EPS Report	43	65	45	99	93	64	41	—
Number of Cases Transferred to ADRO	1	1	9	6	12	18	13	7
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	126	126	42	40	63	20	66	8
ADRO Transfers Meeting Goal	0% [0/1]	0% [0/1]	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	FY 2018 (To Date)	2017	2016	2015	2014	2013	2012
First General Counsel's Reports ("FGCRs")								
Cases with FGCRs Circulated	24	47	128	64	85	74	158	71
Average Days from Activation to Circulation	129	119	102	94	87	236	116	105
FGCRs Meeting Established Time Goal	83% [20/24]	70% [33/47]	84% [107/127]	90% [55/61]	96% [82/85]	46% [34/74]	93% [147/158]	78% [55/71]
Pre-Probable Cause Conciliation ("PPCC")								
Negotiations Commenced	5	27	44	59	20	25	31	31
Negotiations Concluded	12	18	27	64	33	34	74	61
Average Days in PPCC (Goal: 60 Days)	267	208	138	111	136	197	126	88
Number of Negotiations Meeting Goal	25%	33%	26%	41%	30%	32%	26%	39%
Investigations								
Investigations Commenced	4	7	12	9	8	5	4	7
Investigations Closed	0	2	4	3	5	1	12	15
Average Days in Investigation	N/A	440	241	272	445	743	486	482
Active Investigations at Close of Quarter	27							
Probable Cause								
Hearing Requests/Number Granted	N/A	N/A	0/0	0/0	2/2	0/0	0/0	0/0
Cases with Probable Cause Findings	N/A	N/A	1	2	3	0	0	1
Negotiated PC Settlements Approved	N/A	N/A	1	0	2	0	0	2
Average Days in PC Conciliation	N/A	N/A	1	N/A	59	NA	NA	126
Closed Cases								
Matters Closed	35	73	113	148	88	134	134	77
Matters Closed Within 15 Months	21 (60%)	52 (71%)	75 (66%)	56 (38%)	43 (49%)	37 (28%)	96 (72%)	54 (70%)
Average Days from Receipt to Closing	368	408	480	666	625	521	486	426
Civil Penalties	\$14,500	\$415,200	\$622,100	\$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	04/19/17
				10/28/14	04/20/18
				10/28/14	04/20/18
				09/12/17	03/08/18
				01/24/17	04/17/18
				09/08/17	04/11/18
				10/28/14	04/20/18
				02/04/15	10/26/17
				09/12/17	07/17/17
				11/13/15	02/01/18
				02/08/17	07/24/17
				03/06/17	04/24/18
				12/14/17	04/24/18
				02/08/17	07/24/17
				05/12/17	04/19/17
				03/06/17	04/24/18
				05/19/17	07/28/17
				n/a	06/07/17
				12/07/17	07/11/17
				03/20/17	09/27/17
				03/20/17	09/27/17
				n/a	01/30/18
				04/13/16	11/03/17
				08/05/16	04/05/18
				01/02/18	05/10/17
				n/a	01/31/18
				06/23/16	02/01/18
				10/23/17	04/24/18

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
				08/04/16	n/a
				(05/09/18)	n/a
				(05/09/18)	n/a
				(05/09/18)	n/a
				n/a	03/22/18
				(05/09/18)	n/a
				n/a	04/18/17
				02/08/17	04/05/18
				02/08/17	04/05/18
				n/a	05/03/17
				(05/09/18)	07/07/17
				01/09/17	07/28/17
				11/06/17	06/09/17
				11/06/17	07/17/17
				02/10/17	n/a
				02/03/17	09/26/17
				02/03/17	09/29/17
				n/a	09/29/17
				02/03/17	09/26/17
				05/26/17	09/26/17
				n/a	05/03/17
				04/13/17	11/02/17
				n/a	09/26/17
				04/20/17	09/27/17
				10/24/17	10/04/17
				08/14/17	10/11/17
				n/a	02/02/18
				10/24/17	10/04/17
				n/a	09/29/17
				n/a	02/01/18

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
				n/a	11/03/17
				08/08/17	10/24/17
				n/a	02/05/18
				n/a	12/22/17
				n/a	10/27/17
				n/a	10/27/17
				n/a	01/10/18
				10/19/17	02/01/18
				n/a	01/10/18
				5/15/2017	02/02/18
				n/a	11/08/17
				n/a	11/21/17
				n/a	02/01/18
				n/a	01/16/18
				n/a	02/02/18
				n/a	01/10/18
				03/01/18	02/01/18
				03/01/18	02/01/18
				n/a	n/a
				n/a	02/01/18
				10/13/17	03/01/18
				1/31/18	04/05/18
				n/a	03/15/18
				08/14/17	04/24/18
				03/20/18	n/a
				4/18/2018	04/18/18
				(05/09/18)	n/a

Table 5. Statute of Limitations Sensitive Matters

Matter	Case Name	Receipt	Earliest SOL Date	Latest SOL Date	Tolling	Current Stage
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Matter	Case Name	Receipt	Earliest SOL Date	Latest SOL Date	Tolling	Current Stage
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Table 6. Matters Beyond the Reason to Believe Stage

Matter	Case Name	Current Stage
		GC Brief served.
		Investigation ongoing.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		Investigation complete; recommendation pending with Commission.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		Investigation ongoing.
		PC recommendation pending with Commission.
		Investigation complete; recommendation pending with Commission.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		PPCC ongoing.
		Investigation complete; next recommendation in process.
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.

Matter	Case Name	Current Stage
		Investigation ongoing.
		Investigation complete; next recommendation in process.
		Investigation ongoing.
		Investigation complete; next recommendation in process.
		Investigation ongoing.
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Revised F&LAs and file closure recommendation pending with Commission.
		Revised F&LAs and file closure recommendation pending with Commission.
		Revised F&LAs and file closure recommendation pending with Commission.
		PPCC ongoing.

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

Matter	Name	Receipt	Assigned	Circ.	# Days Receipt to Circ.	# Days Assigned to Circ.	# Days Receipt to Close of Quarter	# Days Assigned to Close of Quarter	# Days Circ. to Close of Quarter	Held Over Dates
			10/09/12	03/10/14		517		1999	1482	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		1368	1250	04/12/16; 06/24/17
			07/02/14	10/28/14		118		1368	1250	04/12/16; 06/24/17
			07/02/14	10/28/14		118		1368	1250	04/12/16; 06/24/17
			10/07/14	02/04/15		120		1271	1151	06/28/16; 01/24/17
			10/07/14	02/04/15		120		1271	1151	10/11/17; 10/24/17; 11/07/17; 11/14/17
			06/04/15	11/13/15		162		1031	869	12/06/16; 11/15/16; 01/24/17
MUR 6968	Tread Standard LLC, <i>et al.</i>	09/21/15	12/08/15	04/13/16	205	127	922	844	717	03/07/17; 08/15/17; 09/12/17; 09/19/17; 10/11/17; 10/24/17; 11/07/17; 11/14/17; 12/12/17
MUR 6995	Right to Rise USA, <i>et al.</i>	12/15/15	04/08/16	08/04/16	233	118	837	722	604	03/07/17; 8/15/17; 09/12/17; 9/19/17; 10/11/17; 10/24/17; 11/07/17; 11/14/17; 12/12/17
			04/22/16	08/05/16		105		708	603	03/07/17; 08/15/17; 09/12/17; 09/19/17; 10/11/17; 10/24/17; 11/07/17; 11/14/17; 12/12/17
			09/01/16	01/09/17		130		576	446	06/06/17; 12/12/17

			09/29/16	02/03/17		127		548	421	07/11/17; 08/15/17; 09/12/17; 09/19/17; 10/11/17; 10/24/17;11/07/17; 11/14/17
			09/29/16	02/03/17		127		548	421	07/11/17; 08/15/17; 09/12/17; 09/19/17; 10/11/17; 10/24/17;11/07/17; 11/14/17
			09/29/16	02/03/17		127		548	421	07/11/17; 08/15/17; 09/12/17; 09/19/17; 10/11/17; 10/24/17;11/07/17; 11/14/17
			04/01/16	02/08/17		313		729	416	
			04/01/16	02/08/17		313		729	416	
			10/11/16	02/08/17		120		536	416	08/15/17; 09/12/17; 09/19/17; 11/11/17; 10/24/17;11/07/17; 11/14/17; 12/12/17
			10/11/16	02/08/17		120		536	416	08/15/17; 09/12/17; 09/19/17; 11/11/17; 10/24/17;11/07/17; 11/14/17; 12/12/17
MUR 7014	DE First Holdings	02/19/16	10/14/16	02/10/17	357	119	771	533	414	08/15/17; 09/12/17; 09/19/17; 10/11/17; 10/24/17; 11/07/17;11/14/17; 12/12/17
MUR 7017	DE First Holdings	02/24/16	10/14/16	02/10/17	352	119	766	533	414	08/15/17; 09/12/17; 09/19/17; 10/11/17; 10/24/17; 11/07/17;11/14/17; 12/12/17
MUR 7019	Decor Services, LLC.	03/02/16	10/10/16	02/10/17	345	123	759	537	414	08/15/17; 09/12/17; 09/19/17; 10/11/17; 10/24/17; 11/07/17;11/14/17; 12/12/17

MUR 7090	Coalition for Progress	6/23/16	10/14/16	02/10/17	232	119	646	533	414	08/15/17; 09/12/17; 09/19/17; 10/11/17; 10/24/17; 11/07/17;11/14/17; 12/12/17
			06/24/15	03/06/17		621		1011	390	10/11/17; 10/24/17; 11/07/17; 11/14/17
			06/24/15	03/06/17		621		1011	390	10/11/17; 10/24/17; 11/07/17; 11/14/17
MUR 6949	Russell Ramsland	07/10/15	04/21/16	03/20/17	619	333	995	709	376	
MUR 6951	Russell Ramsland	07/20/15	04/21/16	03/20/17	609	333	985	709	376	
MUR 7111	Donald J. Trump & Donald J. Trump for President	07/21/16	11/29/16	04/13/17	266	135	618	487	352	06/06/17; 06/21/17; 11/11/17; 08/15/17; 09/12/17; 09/19/17; 11/14/17
			01/19/17	04/20/17		91		436	345	6/6/2017
			06/29/15	05/12/17		683		1006	323	11/07/17; 11/14/17
			02/15/17	05/17/17		91		409	318	07/11/17; 08/15/17; 09/12/17; 09/19/17; 10/11/17; 10/24/17
			09/21/15	05/19/17		606		922	316	10/11/17; 10/24/17; 11/07/17; 11/14/17
MUR 7100	Donald J. Trump for President, Inc.	07/06/16	01/17/17	05/26/17	324	129	633	438	309	
MUR 7150	New Yorkers Together	10/12/16	05/11/17	08/08/17	300	89	535	324	235	
			05/06/17	08/14/17		100		329	229	12/12/2017
			05/16/17	08/14/17		90		319	229	
			08/28/14	09/08/17		1107		1311	204	10/11/17; 10/24/17; 11/07/17;11/14/17; 12/05/17
			09/29/14	09/12/17		1079		1279	200	10/11/17; 10/24/17; 11/07/17; 11/14/17
			06/15/17	10/13/17		120		289	169	
MUR 7136	Strickland for Senate	09/19/16	05/23/17	10/14/17	390	144	558	312	168	12/12/2017
MUR 7163	Citizens for Joe Miller	10/25/16	06/08/17	10/19/17	359	133	522	296	163	

			05/05/16	10/23/17		536		695	159	
MUR 7142	Evan Bayh Committee	09/26/16	05/23/17	10/24/17	393	154	551	312	158	12/12/2017
MUR 7199	Patrick Murphy, <i>et al.</i>	11/14/16	07/19/17	11/02/17	353	106	502	255	149	12/12/2017
MUR 7219	Friends of Patrick Murphy	02/08/17	07/19/17	11/02/17	267	106	416	255	149	
MUR 7242	Friends of Patrick Murphy	04/26/17	07/19/17	11/02/17	190	106	339	255	149	
			09/20/16	11/06/17		412		557	145	12/12/2017
			09/20/16	11/06/17		412		557	145	12/12/2017
			09/22/15	12/07/17		807		921	114	
			08/31/17	12/07/17		98		212	114	
			06/24/15	12/14/17		904		1011	107	
			05/10/16	01/02/18		602		690	88	
			10/04/17	01/02/18		90		178	88	
			11/02/17	01/31/18		90		149	59	
			12/07/17	02/02/18		57		114	57	
			11/29/17	02/06/18		69		122	53	
			12/11/17	02/07/18		55		110	52	
			12/15/17	02/08/18		55		106	51	
			12/22/17	02/14/18		54		99	45	
			12/28/17	02/23/18		76		93	36	
MUR 7252	Fire Macarthur Campaign	05/30/17	12/14/17	02/28/18	274	76	305	107	31	
			11/14/17	02/28/18		106		137	31	
			11/30/17	02/28/18		90		121	31	
			05/03/17	03/01/18		302		332	30	
			05/03/17	03/05/18		306		332	26	
			01/10/18	03/07/18		53		80	24	
MUR 7306	Watson for Senate	12/19/17	01/25/18	03/19/18	90	53	102	65	12	
			12/28/17	03/23/18		85		93	8	
			01/04/18	03/28/18		119		86	3	

			12/01/17	03/30/18		119		120	1	
			11/20/17	03/30/18		130		131	1	
			11/30/17	04/02/18		123		121	n/a	
			02/02/18	04/17/18		n/a		n/a	n/a	
MUR 7315	Allen Weh for Senate	01/25/18	03/26/18	04/27/18	92	32	65	5	n/a	
MUR 7317	Friends of Dusty Johnson	01/29/18	03/23/18	04/27/18	88	35	61	8	n/a	
MUR 7325	Matlock for Congress	02/20/18	04/11/18	04/27/18	66	16	39	n/a	n/a	
			12/28/17	04/30/18		123		93	n/a	
			03/07/18	05/01/18		0		24	n/a	
			03/01/17	05/02/18		427		395	n/a	
			03/01/17	05/02/18		427		395	n/a	
			01/02/18	05/02/18		120		88	n/a	
			02/09/18	05/03/18		89		50	n/a	