



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson *LJS*
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SUBJECT: Status of Enforcement – Fiscal Year 2020, Second Quarter (1/1/20-3/31/20)

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 2020 (1/1/20-3/31/20). 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 333 — 254 active and 79 inactive. During the quarter, Complaints Examination & Legal Administration ("CELA") circulated 7 EPS reports in an average of 49 days. The Enforcement Division circulated First General Counsel's Reports in 34 matters in an average of 194 days, meeting the internal circulation goal 68% of the time. The Commission completed pre-probable cause conciliation with 7 respondents in an average of 189 days. There were 40 matters pending in the investigation stage at the close of the quarter. The Commission did not close any matters during the quarter.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	79	254	333
Number of Reports Pending with Commission*	17	149	166
FGCR	N/A	197	197
Investigation	N/A	41	41
Pre-Probable Cause Conciliation	N/A	14	14
Probable Cause / PC Brief	N/A	2	2

*As of 5/5/2020

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	FY 2020	FY 2019	2018	2017	2016	2015	2014
Number of Cases Received	48	83	149	258	148	181	121	140
Number of Cases Rated	33	57	144	172	115	111	92	98
Average Days from Last Response to Rating (Goal: 30 days)	6	11	11	10	30	11	9	16
Ratings Meeting Goal	82% [27/33]	88% [50/57]	75% [108/144]	87% [149/172]	75% [86/115]	86% [95/111]	91% [84/92]	95% [93/98]
Number of Cases Activated	19	51	112	128	131	62	84	63
Average Days from Last Response to Activation (Goal: 90 Days)	39	46	47	44	65	26	52	35
Activations Meeting Goal	95% [19/20]	88% [45/51]	72% [81/112]	90% [115/128]	97% [110/131]	96% [102/106]	86% [72/84]	98% [62/63]
Number of Cases Dismissed Via EPS	0	0	44	76	64	45	28	21
Number of Cases Circulated Via EPS	7	13	49	50	58	47	27	29
Average Days from Assignment to Circulation of EPS Report	49	47	50	36	45	99	93	64
Number of Cases Transferred to ADRO	3	8	7	9	9	6	12	18
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	94	44	36	26	42	40	63	20
ADRO Transfers Meeting Goal	33% [1/3]	86% [6/7]	71% [5/7]	89% [8/9]	75% [6/8]	60% [3/5]	67% [8/12]	100% [18/18]

Table 3. Enforcement Statistics

<u>ENFORCEMENT PROCESS</u>	Current Quarter	FY 2020	2019	2018	2017	2016	2015	2014
First General Counsel’s Reports (“FGCRs”)								
Cases with FGCRs Circulated	34	54	143	95	140	64	85	74
Average Days from Activation to Circulation	194	161	177	142	103	94	87	236
FGCRs Meeting Established Time Goal	68% [23/34]	74% [40/54]	68% [97/143]	76% [72/95]	86% [120/140]	90% [55/61]	96% [82/85]	46% [34/74]
Pre-Probable Cause Conciliation (“PPCC”)								
Negotiations Commenced	0	0	79	80	51	59	20	25
Negotiations Concluded	7	11	84	49	53	64	33	34
Average Days in PPCC (Goal: 60 Days)	189	208	127	163	130	111	136	197
Number of Negotiations Meeting Goal	0%	0%	30%	31%	34%	41%	30%	32%
Investigations Commenced	0	1	31	16	14	9	8	5
Investigations Closed	3	3	10	8	7	3	5	1
Average Days in Investigation	631	631	634	387	400	272	445	743
Active Investigations at Close of Quarter	40							
Probable Cause								
Hearing Requests/Number Granted	0/0	0/0	0/0	1/1	0/0	0/0	2/2	0/0
Cases with Probable Cause Findings	0	0	0	0	2	2	3	0
Negotiated PC Settlements Approved	0	0	0	0	0	0	2	0
Average Days in PC Conciliation	N/A	N/A	N/A	N/A	40	N/A	59	NA
Closed Cases								
Matters Closed	0	2	189	169	151	148	88	134
Matters Closed Within 15 Months	0	2 (100%)	106 (56%)	104 (62%)	100 (66%)	56 (38%)	43 (49%)	37 (28%)
Average Days from Receipt to Closing	0	334	630	436	472	666	625	521
Civil Penalties	\$0	\$0	\$2,123,436	\$635,200	\$1,384,300	\$595,425	\$346,569	\$206,235

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

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
30				06/26/19	04/14/19
31				12/14/18	N/A
32				(09/30/20)	04/25/19
33				09/18/19	06/28/19
34				(09/30/20)	10/21/19
35				(09/30/20)	10/21/19
36				(09/30/20)	06/25/19
37				(09/30/20)	06/19/19
38				08/15/19	04/30/20
39				(09/30/20)	10/24/19
40				12/07/18	07/11/19
41				01/17/20	06/28/19
42				05/14/19	06/27/19
43				08/15/19	06/28/19
44				08/15/19	06/11/19
45				(09/30/20)	07/19/19
46				10/16/18	07/10/19
47				05/30/19	07/08/19
48				04/08/19	06/28/19
49				(09/30/20)	10/22/19
50				05/30/19	06/13/19
51				02/22/19	06/04/19
52				10/30/18	10/21/19
53				11/22/19	01/30/20
54				(05/30/20)	N/A
55				09/18/19	10/22/19
56				05/30/19	06/13/19
57				05/10/19	10/22/19
58				08/13/19	08/02/19
59				02/13/19	10/24/19

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
60				(05/31/20)	10/17/19
61				07/16/19	N/A
62				(09/30/20)	N/A
63				06/07/19	10/16/19
64				06/07/19	10/16/19
65				06/11/19	10/23/19
66				01/29/20	N/A
67				08/08/19	10/17/19
68				(09/30/20)	10/17/19
69				05/06/19	10/16/19
70				04/29/19	10/23/19
71				06/18/19	10/17/19
72				08/27/19	10/22/19
73				08/21/19	10/17/19
74				08/21/19	10/23/19
75				02/20/20	10/22/19
76				(09/30/20)	06/19/19
77				05/10/19	10/22/19
78				08/29/19	10/23/19
79				08/23/19	10/21/19
80				(09/30/20)	10/17/19
81				07/22/19	01/30/20
82				11/14/19	01/31/20
83				10/15/19	01/28/20
84				10/03/19	01/30/20
85				(09/30/20)	01/30/20
86				09/18/19	11/08/19
87				08/27/19	10/22/19
88				05/13/19	12/17/19
89				(09/30/20)	01/29/20

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
90				10/09/19	01/30/20
91				10/30/19	01/23/20
92				08/06/19	01/23/20
93				(09/30/20)	01/23/20
94				05/10/19	01/30/20
95				(09/30/20)	01/29/20
96				08/30/19	01/28/20
97				06/19/19	10/22/19
98				10/24/19	N/A
99				03/09/20	01/30/20
100				01/13/20	01/28/20
101				10/24/19	N/A
102				09/11/19	01/30/20
103				(09/30/20)	11/29/19
104				10/31/19	01/30/20
105				06/07/19	10/16/19
106				01/13/20	01/28/20
107				10/28/19	N/A
108				05/10/19	01/30/20
109				01/22/20	01/30/20
110				09/18/19	04/16/20
111				09/18/19	04/17/20
112				(09/30/20)	04/23/20
113				(09/30/20)	04/15/20
114				(09/30/20)	N/A
115				(09/30/20)	04/15/20
116				(09/30/20)	04/23/20
117				01/21/20	04/13/20
118				01/17/20	03/18/20
119				12/05/19	04/13/20
120				(09/30/20)	N/A
121				12/23/19	03/10/20

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
122				11/18/19	03/05/20
123				01/16/20	04/16/20
124				03/30/20	03/18/20
125				(09/30/20)	04/16/20
126				(09/30/20)	04/13/20
127				(09/30/20)	04/16/20
128				03/20/20	04/15/20
129				08/07/19	03/18/20
130				(09/30/20)	03/10/20
131				04/02/20	03/20/20
132				(09/30/20)	04/16/20
133				(09/30/20)	04/10/20
134				03/16/20	03/19/20
135				(07/01/20)	N/A
136				08/06/19	03/09/20
137					
138				12/11/19	03/28/24

Table 5. Statute of Limitations Sensitive Matters (18 Months from End of the Quarter- 9/30/21)

Matter	Case Name	Tolling	Opened	Earliest SOL Date	Latest SOL Date	Current Stage
1						
2						
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Matter	Case Name	Tolling	Opened	Earliest SOL Date	Latest SOL Date	Current Stage
34						
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43						
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Matter	Case Name	Tolling	Opened	Earliest SOL Date	Latest SOL Date	Current Stage
69						
70						
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Table 6. Matters Beyond the Reason to Believe Stage

Matter	Case Name	Current Stage
1		
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Matter	Case Name	Current Stage
34		
35		
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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			04/01/16	02/08/17		313	1460	1147	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
2			04/01/16	02/08/17		313	1460	1147	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
3			02/15/17	05/15/17		89	1140	1051	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

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
4			05/05/16	10/23/17		536	1426	890	07/31/18; 05/21/19; 05/25/19
5			03/03/17	05/24/18		447	1124	677	04/09/19; 04/11/19; 04/23/19; 04/25/19; 05/07/19; 05/09/19; 08/20/19; 08/22/19
6			03/03/17	05/24/18		447	1124	677	04/09/19; 04/11/19; 04/23/19; 04/25/19; 05/07/19; 05/09/19; 08/20/19; 08/22/19
7			08/16/18	10/16/18		61	593	532	08/20/19; 08/22/19
8			06/27/18	10/25/18		120	643	523	
9			07/03/18	10/31/18		120	637	517	08/20/19; 08/22/19
10			09/14/18	12/07/18		84	564	480	07/09/19; 07/11/19
11			07/05/18	12/14/18		162	635	473	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; 07/23/19; 07/25/19; 08/20/19; 08/22/19
12			11/15/18	02/13/19		90	502	412	08/20/19; 08/22/19
13			11/30/18	02/22/19		84	487	403	
14			09/08/17	04/03/19		572	935	363	04/23/19; 04/25/19; 05/07/19; 05/09/19; 05/21/19; 05/23/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
15			11/15/18	04/08/19		144	502	358	06/04/19; 06/06/19; 08/20/19; 08/22/19
16			12/28/18	04/29/19		122	459	337	05/21/19; 05/23/19
17			02/07/19	05/06/19		88	418	330	
18			01/12/17	05/07/19		845	1174	329	

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
19			01/24/19	05/10/19		106	432	326	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
20			01/24/19	05/10/19		106	432	326	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
21			01/24/19	05/10/19		106	432	326	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
22			02/12/19	05/10/19		87	413	326	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
23			03/01/19	05/13/19		73	396	323	06/25/19; 07/09/19; 07/11/19
24			03/01/19	05/30/19		90	396	306	
25			12/13/18	05/30/19		168	474	306	07/23/19; 07/25/19; 08/20/19; 08/22/19
26			12/13/18	05/30/19		168	474	306	07/23/19; 07/25/19; 08/20/19; 08/22/19
27			07/19/17	06/05/19		686	986	300	
28			02/07/19	06/07/19		120	418	298	
29			02/07/19	06/07/19		120	418	298	
30			02/07/19	06/07/19		120	418	298	
31			02/05/19	06/11/19		126	420	294	
32			04/01/19	06/18/19		78	365	287	
33			05/31/19	06/18/19		18	305	287	
34			03/21/19	06/19/19		90	376	286	
35			08/17/18	06/26/19		313	592	279	
36			03/27/19	07/16/19		111	370	259	
37			03/28/19	07/22/19		116	369	253	
38			01/09/19	08/05/19		208	447	239	

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
39			05/08/19	08/06/19		90	328	238	
40			05/31/19	08/07/19		68	305	237	
41			03/12/19	08/08/19		149	385	236	
42			05/15/19	08/12/19		89	321	232	
43			12/15/18	08/13/19		241	472	231	
44			04/16/19	08/14/19		120	350	230	
45			01/09/19	08/15/19		218	447	229	
46			01/09/19	08/15/19		218	447	229	
47			04/23/19	08/21/19		120	343	223	
48			04/23/19	08/21/19		120	343	223	
49			03/19/19	08/23/19		157	378	221	
50			05/29/19	08/27/19		90	307	217	
51			05/29/19	08/27/19		90	307	217	
52			05/01/19	08/29/19		120	335	215	
53			05/03/19	08/30/19		119	333	214	
54			08/06/19	09/06/19		31	238	207	
55			07/11/19	09/11/19		62	264	202	
56			08/28/19	09/11/19		14	216	202	
57			09/10/19	09/17/19		7	203	196	
58			12/16/18	09/18/19		276	471	195	
59			12/16/18	09/18/19		276	471	195	
60			03/19/19	09/18/19		183	378	195	
61			05/21/19	09/18/19		120	315	195	
62			05/21/19	09/18/19		120	315	195	
63			08/29/19	09/18/19		20	215	195	
64			07/23/19	09/19/19		58	252	194	
65			03/09/17	09/24/19		929	1118	189	
66			07/30/19	10/02/19		64	245	181	
67			09/05/19	10/02/19		27	208	181	
68			06/07/19	10/03/19		118	298	180	
69			06/11/19	10/09/19		120	294	174	

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
70			06/07/19	10/15/19		130	298	168	
71			06/26/19	10/24/19		120	279	159	
72			06/26/19	10/24/19		120	279	159	
73			08/22/19	10/28/19		67	222	155	
74			08/22/19	10/28/19		67	222	155	
75			07/02/19	10/30/19		120	273	153	
76			08/14/19	10/31/19		78	230	152	
77			08/06/19	11/01/19		87	238	151	
78			07/17/19	11/14/19		120	258	138	
79			08/20/19	11/18/19		90	224	134	
80			03/15/17	11/19/19		979	1112	133	
81			10/08/19	11/20/19		43	175	132	
82			11/06/19	11/21/19		15	146	131	
83			03/22/19	11/22/19		245	375	130	
84			09/04/19	12/03/19		90	209	119	
85			09/11/19	12/04/19		84	202	118	
86			09/04/19	12/05/19		92	209	117	
87			11/12/19	12/11/19		29	140	111	
88			10/30/19	12/11/19		42	153	111	
89			11/15/19	12/11/19		26	137	111	
90			11/19/19	12/16/19		27	133	106	
91			10/08/19	12/20/19		73	175	102	
92			10/11/19	12/20/19		70	172	102	
93			08/15/19	12/20/19		127	229	102	
94			08/27/19	12/23/19		118	217	99	
95			11/04/19	01/02/20		59	148	89	
96			07/24/19	01/13/20		173	251	78	
97			07/24/19	01/13/20		173	251	78	
98			09/04/19	01/15/20		133	209	76	
99			10/18/19	01/16/20		90	165	75	
100			07/11/18	01/17/20		555	629	74	
101			07/11/18	01/17/20		555	629	74	
102			09/19/19	01/17/20		120	194	74	
103			09/19/19	01/17/20		120	194	74	
104			06/04/17	01/21/20		961	1031	70	

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
105			09/24/19	01/22/20		120	189	69	
106			09/27/19	01/24/20		119	186	67	
107			11/08/19	01/27/20		80	144	64	
108			10/31/19	01/29/20		90	152	62	
109			10/08/19	01/30/20		114	175	61	
110			11/20/20	01/30/20		71	132	61	
111			12/17/19	01/31/20		45	105	60	
112			11/07/19	02/05/20		90	145	55	
113			10/12/17	02/06/20		847	901	54	
114			08/28/19	02/14/20		170	216	46	
115			11/22/19	02/14/20		84	130	46	
116			07/01/19	02/20/20		234	274	40	
117			11/22/19	02/20/20		90	130	40	
118			11/07/19	02/21/20		106	145	39	
119			12/03/19	02/27/20		86	119	33	
120			02/21/20	02/27/20		6	39	33	
121			11/01/19	02/28/20		119	151	32	
122			02/25/20	03/06/20		10	35	25	
123			11/07/19	03/06/20		120	145	25	
124			06/20/19	03/09/20		263	285	22	
125			12/02/19	03/16/20		105	120	15	
126			12/20/19	03/18/20		89	102	13	
127			12/26/19	03/18/20		83	96	13	
128			11/20/19	03/19/20		120	132	12	
129			11/21/19	03/20/20		120	131	11	
130			02/03/20	03/25/20		51	57	6	
131			01/31/20	03/25/20		54	60	6	
132			11/29/19	03/27/20		119	123	4	
133			02/11/20	03/27/20		45	49	4	
134			12/05/19	03/30/20		116	117	1	

Table 8. Foreign National Matters

Matter #	Primary Respondent	Complainant(s)	Receipt	Assigned	Last Response	Status	To DOJ	Country	Earliest SOL
1					03/03/17				
2					03/03/17				
3					10/02/17				
4					09/08/17				
5					10/02/17				
6					10/02/17				
7					10/02/17				
8					01/04/18				
9					10/02/17				
10					05/22/18				
11					07/05/18				
12					07/05/18				
13					07/05/18				
14					07/05/18				
15					10/12/18				
16					12/06/18				
17					12/28/18				
18					02/13/19				

Matter #	Primary Respondent	Complainant(s)	Receipt	Assigned	Last Response	Status	To DOJ	Country	Earliest SOL
19				02/12/19					
20				03/05/19					
21				05/15/19					
22				05/15/19					
23				07/02/19					
24				08/06/19					
25				09/11/19					
26				05/15/19					
27				08/28/19					
28				07/25/19					
29				11/18/19					
30				01/28/19					
31				11/12/19					
32				11/08/19					
33				01/31/20					
34				01/10/20					
35				01/31/20					
36				03/06/20					
37				N/A					
38				N/A					
39				N/A					
40				N/A					