



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

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

Charles Kitcher *CK*
Acting Associate General Counsel for Enforcement

SUBJECT: Status of Enforcement – Fiscal Year 2019, Third Quarter (4/1/2019-6/30/19)

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 2019 (4/1/19 – 6/30/2019). 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 266 — 193 active and 73 inactive. During the quarter, Complaints Examination & Legal Administration ("CELA") circulated 21 EPS reports in an average of 64 days. The Enforcement Division circulated First General Counsel's Reports in 47 matters in an average of 190 days, meeting the internal circulation goal 66% of the time. The Commission completed pre-probable cause conciliation with 11 respondents in an average of 64 days. There were 28 matters pending in the investigation stage at the close of the quarter. The Commission closed 61 matters in an average of 603 days from the receipt of the complaint or referral, with 35 of those matters (57%) closing within 15 months of receipt. The Commission negotiated a total of \$151,500 in civil penalties for all matters that closed during the quarter.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	73	193	266
Number of Reports Pending with Commission*	8	50	58
FGCR	N/A	138	138
Investigation	N/A	28	28
Pre-Probable Cause Conciliation	N/A	27	27
Probable Cause / PC Brief	N/A	N/A	N/A

*As of 07/16/19

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	2019 (To Date)	2018	2017	2016	2015	2014	2013
Number of Cases Received	25	108	258	148	181	121	140	133
Number of Cases Rated	49	121	172	115	111	92	98	145
Average Days from Last Response to Rating (Goal: 30 days)	5	14	10	30	11	9	16	13
Ratings Meeting Goal	92% [45/49]	69% [83/121]	87% [149/172]	75% [86/115]	86% [95/111]	91% [84/92]	95% [93/98]	95% [138/145]
Number of Cases Activated	24	84	128	131	62	84	63	165
Average Days from Last Response to Activation (Goal: 90 Days)	36	50	44	65	26	52	35	50
Activations Meeting Goal	67% [16/24]	77% [65/84]	90% [115/128]	97% [110/131]	96% [102/106]	86% [72/84]	98% [62/63]	87% [143/165]
Number of Cases Dismissed Via EPS	7	31	76	64	45	28	21	15
Number of Cases Circulated Via EPS	21	40	50	58	47	27	29	24
Average Days from Assignment to Circulation of EPS Report	64	52	36	45	99	93	64	41
Number of Cases Transferred to ADRO	0	7	9	9	6	12	18	13
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	N/A	36	26	42	40	63	20	66
ADRO Transfers Meeting Goal	N/A	71% [5/7]	89% [8/9]	75% [6/8]	60% [3/5]	67% [8/12]	100% [18/18]	54% [7/13]

Table 3. Enforcement Statistics

<u>ENFORCEMENT PROCESS</u>	Current Quarter	2019 (To Date)	2018	2017	2016	2015	2014	2013
First General Counsel's Reports ("FGCR")								
Cases with FGCRs Circulated	47	110	95	140	64	85	74	158
Average Days from Activation to Circulation	190	177	142	103	94	87	236	116
FGCRs Meeting Established Time Goal	66% [31/47]	64% [70/110]	76% [72/95]	86% [120/140]	90% [55/61]	96% [82/85]	46% [34/74]	93% [147/158]
Pre-Probable Cause Conciliation ("PPCC")								
Negotiations Commenced	34	63	80	51	59	20	25	31
Negotiations Concluded	11	55	49	53	64	33	34	74
Average Days in PPCC (Goal: 60 Days)	64	113	163	130	111	136	197	126
Number of Negotiations Meeting Goal	91%	12%	31%	34%	41%	30%	32%	26%
Investigations								
Investigations Commenced	14	17	16	14	9	8	5	4
Investigations Closed	4	10	8	7	3	5	1	12
Average Days in Investigation	701	634	387	400	272	445	743	486
Active Investigations at Close of Quarter	28							
Probable Cause								
Hearing Requests/Number Granted	0/0	0/0	1/1	0/0	0/0	2/2	0/0	0/0
Cases with Probable Cause Findings	0	0	0	2	2	3	0	0
Negotiated PC Settlements Approved	0	0	0	0	0	2	0	0
Average Days in PC Conciliation	N/A	N/A	N/A	40	N/A	59	NA	N/A
Closed Cases								
Matters Closed	61	142	169	151	148	88	134	134
Matters Closed Within 15 Months	35 (57%)	81 (57%)	104 (62%)	100 (66%)	56 (38%)	43 (49%)	37 (28%)	96 (72%)
Average Days from Receipt to Closing	603	661	436	472	666	625	521	486
Civil Penalties	\$151,500	\$1,644,900	\$635,200	\$1,384,300	\$595,425	\$346,569	\$206,235	\$730,390

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

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
30					
31					
32					
33				06/11/19	02/27/19
34				10/25/18	02/27/19
35					
36				06/11/19	03/06/19
37				N/A	03/27/19
38				03/08/19	03/05/19
39				06/11/19	03/14/19
40				02/19/19	03/22/19
41				N/A	N/A
42				12/14/18	N/A
43				12/14/18	N/A
44				06/26/19	04/09/19
45				03/01/19	04/04/19
46				12/20/18	04/09/19
47				12/14/18	N/A
48				N/A	04/25/19
49				N/A	06/28/19
50				N/A	N/A
51					
52				N/A	06/25/19
53				N/A	06/19/19
54				05/24/19	N/A
55				N/A	07/11/19
56					
57				12/07/18	07/11/19
58				11/08/19	06/28/19
59				12/14/18	N/A
60				N/A	06/27/19

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
61				02/27/19	06/25/19
62				N/A	06/28/19
63				N/A	06/11/19
64				N/A	7/17/29
65				10/16/18	07/10/19
66				05/30/19	07/08/19
67				04/08/19	06/28/19
68				N/A	N/A
69				05/30/19	06/13/19
70				02/22/19	06/04/19
71				N/A	N/A

Table 5. Statute of Limitations Sensitive Matters (18 Months from End of the Quarter)

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

Matter #	Name	Current Stage
1		PPCC ongoing.
2		PPCC ongoing.
3		PPCC ongoing.
4		Investigation ongoing.
5		Investigation ongoing.
6		Investigation ongoing.
7		Investigation ongoing.
8		PPCC ongoing.
9		Investigation ongoing.
10		PPCC ongoing.
11		Investigation ongoing.
12		Investigation ongoing.
13		PPCC ongoing.
14		Investigation;
15		Investigation ongoing.
16		Investigation ongoing.
17		Investigation ongoing.
18		PPCC ongoing.
19		Investigation ongoing.
20		Investigation ongoing.
21		Investigation ongoing.
22		Investigation ongoing.
23		Investigation ongoing.
24		PPCC ongoing.
25		Investigation ongoing.
26		Investigation;
27		Investigation;
28		Investigation ongoing.
29		Investigation ongoing.
30		Investigation ongoing.
31		Investigation ongoing.
32		Investigation ongoing.
33		Investigation ongoing.
34		Investigation ongoing.
35		Investigation ongoing.

Matter #	Name	Current Stage
36		Investigation ongoing.
37		PPCC ongoing.
38		PPCC ongoing.
39		PPCC ongoing.
40		Investigation ongoing.
41		Investigation ongoing.
42		PPCC ongoing.
43		PPCC ongoing.
44		PPCC ongoing.
45		PPCC ongoing.
46		PPCC ongoing.
47		PPCC ongoing.
48		PPCC ongoing.
49		PPCC ongoing.
50		PPCC ongoing.
51		PPCC ongoing.
52		PPCC ongoing.
53		PPCC ongoing.
54		PPCC ongoing.
55		PPCC ongoing.
56		PPCC ongoing.

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

Matter	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	1185	872	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	1185	872	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

Matter	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
3			02/15/17	05/15/17		89	865	776	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
4			05/05/16	10/23/17		536	1151	615	07/31/18; 05/21/19; 05/25/19
5			12/01/17	03/30/18		119	576	457	
6			03/03/17	05/24/18		447	849	402	04/09/19; 04/11/19; 04/23/19; 04/25/19; 05/07/19; 05/09/19
7			03/03/17	05/24/18		447	849	402	04/09/19; 04/11/19; 04/23/19; 04/25/19; 05/07/19; 05/09/19
8			08/16/18	10/16/18		61	318	257	
9			06/27/18	10/25/18		120	368	248	
10			07/03/18	10/31/18		120	362	242	
12			07/11/18	11/08/18		120	354	234	
13			07/11/18	11/08/18		120	354	234	
14			09/14/18	12/07/18		84	289	205	07/09/19; 07/11/19
15			07/05/18	12/14/18		162	360	198	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

Matter	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
16			07/05/18	12/14/18		162	360	198	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
17			07/05/18	12/14/18		162	360	198	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
18			07/05/18	12/14/18		162	360	198	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
19			09/28/18	12/20/18		83	275	192	
20			11/15/18	02/13/19		90	227	137	
21			06/22/17	02/19/19		607	738	131	
22			06/22/17	02/19/19		607	738	131	

Matter	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
23			10/22/18	02/19/19		120	251	131	
24			11/30/18	02/22/19		84	212	128	
25			11/24/18	02/27/19		95	218	123	
26			11/01/18	03/01/19		120	241	121	
27			08/16/18	03/08/19		204	318	114	
28			01/04/18	03/18/19		438	542	104	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
29			09/08/17	04/03/19		572	660	88	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
30			11/15/18	04/08/19		144	227	83	06/04/19; 06/06/19
31			12/06/18	04/10/19		125	206	81	04/09/19; 04/11/19; 04/23/19; 04/25/19; 05/07/19; 05/09/19; 05/21/19; 05/23/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
32			12/06/18	04/10/19		125	206	81	04/09/19; 04/11/19; 04/23/19; 04/25/19; 05/07/19; 05/09/19; 05/21/19; 05/23/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
33			12/28/18	04/29/19		113	238	125	05/21/19; 05/23/19
34			02/05/19	05/06/19		90	145	55	
35			01/12/17	05/07/19		845	899	54	

Matter	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
36			01/24/19	05/10/19		106	157	51	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
37			01/24/19	05/10/19		106	157	51	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
38			01/24/19	05/10/19		106	157	51	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
39			02/12/19	05/10/19		87	138	51	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
40			03/01/19	05/13/19		73	121	48	06/25/19; 07/09/19; 07/11/19
41			01/28/19	05/24/19		116	153	37	06/20/19; 06/25/19; 07/09/19; 07/11/19
42			12/13/18	05/30/19		168	199	31	
43			03/01/19	05/30/19		686	711	25	
44			12/13/18	05/30/19		790	814	24	
45			07/19/17	06/05/19		120	143	23	
46			04/07/17	06/06/19		120	143	23	07/09/19; 07/11/19
47			02/07/19	06/07/19		120	143	23	
48			02/07/19	06/07/19		346	365	19	
49			02/07/19	06/07/19		297	316	19	
50			03/15/19	06/10/19		87	107	20	
51			02/05/19	06/11/19		126	145	19	
52			06/30/18	06/11/19		49	66	17	
53			06/30/18	06/11/19		346	365	19	
54			08/18/18	06/11/19		18	30	12	

Matter	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
55			02/13/19	06/12/19		119	137	18	07/09/19; 07/11/19
56			04/25/19	06/13/19		18	30	12	
57			03/19/19	06/17/19		90	103	13	
58			04/01/19	06/18/19		78	90	12	
59			05/31/19	06/18/19		18	30	12	
60			03/21/19	06/19/19		90	101	11	
61			08/17/18	06/26/19		313	317	4	
62			06/06/19	06/26/19		20	24	4	
63			05/30/19	06/26/19		27	31	4	
64			04/26/19	06/27/19		62	65	3	
65			06/10/19	06/27/19		17	20	3	
66			06/05/19	06/27/19		22	25	3	
67			04/12/19	06/28/19		77	79	2	
68			05/16/19	06/28/19		43	45	2	

Table 8. Foreign National Matters

Matter #	Primary Respondent	Complainant(s)	Receipt	Assigned	Last Response	Status	Dates 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					

Matter #	Primary Respondent	Complainant(s)	Receipt	Assigned	Last Response	Status	Dates to DOJ	Country	Earliest SOL
15				10/12/18					
16				12/06/18					
17				11/21/18					
18				02/13/19					
19				02/12/19					
20				03/05/19					
21				05/15/19					
22				05/15/19					
23				05/15/19					
24				07/02/19					
25				N/A					
26				N/A					
27				05/15/19					
28				N/A					
29				N/A					
30				01/19/19					