



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

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

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Acting Associate General Counsel for Enforcement

SUBJECT: Status of Enforcement – Fiscal Year 2019, Fourth Quarter (7/1/19 – 9/30/19)

To assist the Commission and the Office of General Counsel (“OGC”) in assessing the current productivity of the Commission’s enforcement program, we submit the Status of Enforcement for the Fourth Quarter of Fiscal Year 2019 (7/1/19-9/30/19). The tables that follow provide information to assist agency management in its review of the enforcement program.

The information included reflects a sustained high level of Enforcement activity in FY 2019. In summary, at the close of the fiscal year the total caseload was 260 — 203 active and 57 inactive, with 82 matters pending before the Commission as of November 1, 2019. During the fiscal year, Complaints Examination & Legal Administration (“CELA”) circulated 49 EPS reports in an average of 50 days. The Enforcement Division circulated 143 First General Counsel’s Reports in an average of 177 days, meeting the internal circulation goal 68% of the time. The Commission completed pre-probable cause conciliation with 84 respondents in an average of 127 days. There were 42 matters pending in the investigation stage at the close of the fiscal year. The Commission closed 189 matters in an average of 630 days from the receipt of the complaint or referral, with 106 of those matters (56%) closing within 15 months of receipt. The Commission negotiated a total of \$2,123,436 in civil penalties for all matters that closed during the fiscal year.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	57	203	260
Number of Reports Pending with Commission*	4	61	65
FGCR	N/A	147	147
Investigation	N/A	42	42
Pre-Probable Cause Conciliation	N/A	14	14
Probable Cause / PC Brief	N/A	N/A	N/A

*As of 11/01/19

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	41	149	258	148	181	121	140	133
Number of Cases Rated	23	144	172	115	111	92	98	145
Average Days from Last Response to Rating (Goal: 30 days)	1	11	10	30	11	9	16	13
Ratings Meeting Goal	100% [23/23]	75% [108/144]	87% [149/172]	75% [86/115]	86% [95/111]	91% [84/92]	95% [93/98]	95% [138/145]
Number of Cases Activated	28	112	128	131	62	84	63	165
Average Days from Last Response to Activation (Goal: 90 Days)	73	47	44	65	26	52	35	50
Activations Meeting Goal	68% [19/28]	72% [81/112]	90% [115/128]	97% [110/131]	96% [102/106]	86% [72/84]	98% [62/63]	87% [143/165]
Number of Cases Dismissed Via EPS	13	44	76	64	45	28	21	15
Number of Cases Circulated Via EPS	9	49	50	58	47	27	29	24
Average Days from Assignment to Circulation of EPS Report	41	50	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)	9	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	33	143	95	140	64	85	74	158
Average Days from Activation to Circulation	174	177	142	103	94	87	236	116
FGCRs Meeting Established Time Goal	67% [22/33]	68% [97/143]	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	16	79	80	51	59	20	25	31
Negotiations Concluded	29	84	49	53	64	33	34	74
Average Days in PPCC (Goal: 60 Days)	129	127	163	130	111	136	197	126
Number of Negotiations Meeting Goal	45%	30%	31%	34%	41%	30%	32%	26%
Investigations								
Investigations Commenced	14	31	16	14	9	8	5	4
Investigations Closed	0	10	8	7	3	5	1	12
Average Days in Investigation	0	634	387	400	272	445	743	486
Active Investigations at Close of Quarter	42							
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	47	189	169	151	148	88	134	134
Matters Closed Within 15 Months	25 (53%)	106 (56%)	104 (62%)	100 (66%)	56 (38%)	43 (49%)	37 (28%)	96 (72%)
Average Days from Receipt to Closing	535	630	436	472	666	625	521	486
Civil Penalties	\$478,536	\$2,123,436	\$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
				02/08/17	07/31/18
				02/08/17	07/31/18
				10/23/17	02/26/19
				N/A	04/29/19
				05/07/19	10/16/19
				09/24/19	02/28/19
				06/05/19	10/16/19
				N/A	02/28/19
				05/24/18	03/12/19
				05/15/17	11/29/18
				N/A	10/24/19
				05/24/18	03/12/19
				N/A	N/A
				N/A	05/02/19
				04/03/19	06/14/19
				N/A	08/06/18
				N/A	N/A
				N/A	N/A
				N/A	N/A
				N/A	N/A
				10/31/18	02/28/19
				11/08/18	02/01/19
				N/A	10/24/19
				N/A	10/24/19
				N/A	10/21/19
				10/25/18	02/27/19
				N/A	10/21/19
				03/15/19	03/27/19
				N/A	N/A
				06/26/19	04/09/19

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
				12/14/18	N/A
				N/A	04/25/19
				09/18/19	06/28/19
				N/A	10/21/19
				N/A	10/21/19
				N/A	06/25/19
				N/A	06/19/19
				08/15/19	07/11/19
				N/A	10/24/19
				12/07/18	07/11/19
				11/08/18	06/28/19
				05/14/19	06/27/19
				08/15/19	06/28/19
				08/15/19	06/11/19
				N/A	07/19/19
				10/16/18	07/10/19
				05/30/19	07/08/19
				04/08/19	06/28/19
				N/A	10/22/19
				05/30/19	06/13/19
				02/22/19	06/04/19
				10/30/18	10/21/19
				N/A	N/A
				N/A	N/A
				09/18/19	10/22/19
				05/30/19	06/13/19
				05/10/19	10/22/19
				08/13/19	08/02/19
				N/A	10/17/19
				02/13/19	10/24/19
				07/16/19	N/A

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
				N/A	N/A
				06/07/19	10/16/19
				06/07/19	10/16/19
				06/11/19	10/23/19
				01/31/21	N/A
				08/08/19	10/17/19
				05/06/19	10/17/19
				05/06/19	10/16/19
				04/29/19	10/23/19
				06/18/19	10/17/19
				08/27/19	10/22/19
				08/21/19	10/17/19
				08/21/19	10/23/19
				N/A	10/22/19
				N/A	06/19/19
				05/10/19	10/22/19
				08/29/19	10/23/19
				08/23/19	10/21/19
				N/A	10/17/19

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
1						
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Case #	Case Name	Tolling	Opened	Earliest SOL Date	Latest SOL Date	Current Stage
36						
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Table 6. Matters Beyond the Reason to Believe Stage

Matter #	Name	Current Stage
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Matter #	Name	Current Stage
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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	1277	964	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	1277	964	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	957	868	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	1243	707	07/31/18; 05/21/19; 05/25/19
5			03/03/17	05/24/18		447	941	494	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	941	494	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	410	349	08/20/19; 08/22/19
8			06/27/18	10/25/18		120	460	340	
9			07/03/18	10/31/18		120	454	334	08/20/19; 08/22/19
10			09/14/18	12/07/18		84	381	297	07/09/19; 07/11/19
11			07/05/18	12/14/18		162	452	290	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	319	229	08/20/19; 08/22/19

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
13			11/30/18	02/22/19		84	304	220	
14			09/08/17	04/03/19		572	752	180	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	319	175	06/04/19; 06/06/19; 08/20/19; 08/22/19
16			12/28/18	04/29/19		122	276	154	05/21/19; 05/23/19
17			02/07/19	05/06/19		88	235	147	
18			01/12/17	05/07/19		845	991	146	
19			01/24/19	05/10/19		106	249	143	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	249	143	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	249	143	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	230	143	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	213	140	06/25/19; 07/09/19; 07/11/19
24			03/01/19	05/30/19		90	213	123	
25			12/13/18	05/30/19		168	291	123	07/23/19; 07/25/19 08/20/19; 08/22/19
26			12/13/18	05/30/19		168	291	123	07/23/19; 07/25/19 08/20/19; 08/22/19

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
27			07/19/17	06/05/19		686	803	117	
28			02/07/19	06/07/19		120	235	115	
29			02/07/19	06/07/19		120	235	115	
30			02/07/19	06/07/19		120	235	115	
31			02/05/19	06/11/19		126	237	111	
32			04/01/19	06/18/19		78	182	104	
33			05/31/19	06/18/19		18	122	104	
34			03/21/19	06/19/19		90	193	103	
35			08/17/18	06/26/19		313	409	96	
36			08/17/18	06/26/19		313	409	96	
37			03/27/19	07/16/19		111	187	76	
38			03/28/19	07/22/19		116	186	70	
39			01/09/19	08/05/19		208	264	56	
40			05/08/19	08/06/19		90	145	55	
41			05/31/19	08/07/19		68	122	54	
42			03/12/19	08/08/19		149	202	53	
43			05/15/19	08/12/19		89	138	49	
44			05/15/19	08/13/19		90	138	48	
45			04/16/19	08/14/19		120	167	47	
46			01/09/19	08/15/19		218	264	46	
47			01/09/19	08/15/19		218	264	46	
48			04/23/19	08/21/19		120	160	40	
49			03/19/19	08/23/19		157	195	38	
50			05/29/19	08/27/19		90	124	34	
51			05/29/19	08/27/19		90	124	34	
52			05/01/19	08/29/19		120	152	32	
53			05/03/19	08/30/19		119	150	31	
54			08/06/19	09/06/19		31	55	24	

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			07/11/19	09/11/19		62	81	19	
56			08/28/19	09/11/19		14	33	19	
57			09/10/19	09/17/19		7	20	13	
58			12/16/18	09/18/19		276	288	12	
59			12/16/18	09/18/19		276	288	12	
60			03/19/19	09/18/19		183	195	12	
61			05/21/19	09/18/19		120	132	12	
62			05/21/19	09/18/19		120	132	12	
63			08/29/19	09/18/19		20	32	12	
64			07/23/19	09/19/19		58	69	11	
65			03/09/17	09/24/19		929	935	6	

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				11/21/18					

Matter #	Primary Respondent	Complainant(s)	Receipt	Assigned	Last Response	Status	To DOJ	Country	Earliest SOL
18				02/13/19					
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				10/30/19					
30				01/28/19					
31				N/A					
32				N/A					
33				N/A					
34				N/A					