



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 2020, First Quarter (10/1/19-12/31/19)

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 First Quarter of Fiscal Year 2020 (10/1/19-12/31/19). 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 288 — 233 active and 55 inactive. During the quarter, Complaints Examination & Legal Administration ("CELA") circulated 8 EPS reports in an average of 41 days. The Enforcement Division circulated First General Counsel's Reports in 21 matters in an average of 103 days, meeting the internal circulation goal 86% of the time. The Commission completed pre-probable cause conciliation with 4 respondents in an average of 241 days. There were 43 matters pending in the investigation stage at the close of the quarter. The Commission closed 2 matters in an average of 334 days from the receipt of the complaint or referral and, therefore, met the goal of 15 months for both matters.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	55	233	288
Number of Reports Pending with Commission*	14	84	98
FGCR	N/A	176	176
Investigation	N/A	43	43
Pre-Probable Cause Conciliation	N/A	13	13
Probable Cause / PC Brief	N/A	1	1

*As of 1/31/2020

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	FY 2019	2018	2017	2016	2015	2014	2013
Number of Cases Received	35	149	258	148	181	121	140	133
Number of Cases Rated	24	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	96% [23/24]	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	31	112	128	131	62	84	63	165
Average Days from Last Response to Activation (Goal: 90 Days)	51	47	44	65	26	52	35	50
Activations Meeting Goal	84% [26/31]	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	0	44	76	64	45	28	21	15
Number of Cases Circulated Via EPS	8	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	5	7	9	9	6	12	18	13
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	14	36	26	42	40	63	20	66
ADRO Transfers Meeting Goal	100% [5/5]	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	2018	2017	2016	2015	2014	2013
First General Counsel's Reports ("FGCR")								
Cases with FGCRs Circulated	21	143	95	140	64	85	74	158
Average Days from Activation to Circulation	103	177	142	103	94	87	236	116
FGCRs Meeting Established Time Goal	86% [18/21]	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	0	79	80	51	59	20	25	31
Negotiations Concluded	4	84	49	53	64	33	34	74
Average Days in PPCC (Goal: 60 Days)	241	127	163	130	111	136	197	126
Number of Negotiations Meeting Goal	0%	30%	31%	34%	41%	30%	32%	26%
Investigations								
Investigations Commenced	1	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	43							
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	2	189	169	151	148	88	134	134
Matters Closed Within 15 Months	2 (100%)	106 (56%)	104 (62%)	100 (66%)	56 (38%)	43 (49%)	37 (28%)	96 (72%)
Average Days from Receipt to Closing	334	630	436	472	666	625	521	486
Civil Penalties	\$0	\$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
1				02/08/17	01/28/20
2				02/08/17	01/28/20
3				10/23/17	02/26/19
4				11/19/19	04/29/19
5				05/07/19	10/16/19
6				09/24/19	02/28/19
7				06/05/19	10/16/19
8				(06/30/20)	02/28/19
9				05/24/18	03/12/19
10				05/15/17	10/22/19
11				01/21/20	10/25/19
12				05/24/18	03/12/19
13				(06/30/20)	N/A
14				(06/30/20)	05/02/19
15				04/03/19	06/14/19
16				04/06/20	01/30/20
17				(06/30/20)	N/A
18				(06/30/20)	N/A
19				(06/30/20)	N/A
20				(06/30/20)	N/A
21				10/31/18	02/28/19
22				01/17/20	02/01/19
23				(06/30/20)	10/24/19
24				(06/30/20)	10/24/19
25				(06/30/20)	10/21/19
26				10/25/18	02/27/19
27				(06/30/20)	10/21/19
28				03/15/19	03/27/19
29				12/20/19	N/A
30				06/26/19	04/09/19

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
31				12/14/18	N/A
32				(06/30/20)	04/25/19
33				09/18/19	06/28/19
34				(06/30/20)	10/21/19
35				(06/30/20)	10/21/19
36				(06/30/20)	06/25/19
37				(06/30/20)	06/19/19
38				08/15/19	07/11/19
39				(06/30/20)	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				(06/30/20)	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				(06/30/20)	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				(03/31/20)	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				(03/31/20)	10/17/19
60				02/13/19	10/24/19
61				07/16/19	N/A

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Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
62				(06/30/20)	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				(03/31/20)	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				(03/31/20)	10/22/19
76				(06/30/20)	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				(06/3/20)	10/17/19
81				07/22/19	01/28/19
82				11/14/19	01/31/20
83				10/15/19	01/28/20
84				10/03/19	01/30/20
85				(06/30/20)	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				(06/30/20)	01/29/20
90				10/09/19	01/30/20
91				10/30/19	01/23/20
92				08/06/19	01/23/20
93				(06/30/20)	01/23/20

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Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
94				05/10/19	01/30/20
95				(06/30/20)	01/29/20
96				08/30/19	01/28/20
97				06/19/19	10/22/19
98				10/24/19	N/A
99				(06/30/20)	01/30/20
100				01/13/20	01/28/20
101				10/24/19	N/A
102				09/11/19	01/30/20
103				(03/31/20)	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

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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Case #	Case Name	Tolling	Opened	Earliest SOL Date	Latest SOL Date	Current Stage
73						
74						

Table 6. Matters Beyond the Reason to Believe Stage

Matter #	Name	Current Stage
1		
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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	1369	1056	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	1369	1056	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	1049	960	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	1335	799	07/31/18; 05/21/19; 05/25/19
5			03/03/17	05/24/18		447	1033	586	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	1033	586	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	502	441	08/20/19; 08/22/19
8			06/27/18	10/25/18		120	552	432	
9			07/03/18	10/31/18		120	546	426	08/20/19; 08/22/19
10			09/14/18	12/07/18		84	473	389	07/09/19; 07/11/19
11			07/05/18	12/14/18		162	544	382	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	411	321	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	396	312	
14			09/08/17	04/03/19		572	844	272	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	411	267	06/04/19; 06/06/19; 08/20/19; 08/22/19
16			12/28/18	04/29/19		122	368	246	05/21/19; 05/23/19
17			02/07/19	05/06/19		88	327	239	
18			01/12/17	05/07/19		845	1083	238	
19			01/24/19	05/10/19		106	341	235	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	341	235	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	341	235	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	322	235	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	305	232	06/25/19; 07/09/19; 07/11/19
24			03/01/19	05/30/19		90	305	215	
25			12/13/18	05/30/19		168	383	215	07/23/19; 07/25/19 08/20/19; 08/22/19
26			12/13/18	05/30/19		168	383	215	07/23/19; 07/25/19 08/20/19; 08/22/19

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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	895	209	
28			02/07/19	06/07/19		120	327	207	
29			02/07/19	06/07/19		120	327	207	
30			02/07/19	06/07/19		120	327	207	
31			02/05/19	06/11/19		126	329	203	
32			04/01/19	06/18/19		78	274	196	
33			05/31/19	06/18/19		18	214	196	
34			03/21/19	06/19/19		90	285	195	
35			08/17/18	06/26/19		313	501	188	
36			03/27/19	07/16/19		111	279	168	
37			03/28/19	07/22/19		116	278	162	
38			01/09/19	08/05/19		208	356	148	
39			05/08/19	08/06/19		90	237	147	
40			05/31/19	08/07/19		68	214	146	
41			03/12/19	08/08/19		149	294	145	
42			05/15/19	08/12/19		89	230	141	
43			12/15/18	08/13/19		241	381	140	
44			04/16/19	08/14/19		120	259	139	
45			01/09/19	08/15/19		218	356	138	
46			01/09/19	08/15/19		218	356	138	
47			04/23/19	08/21/19		120	252	132	
48			04/23/19	08/21/19		120	252	132	
49			03/19/19	08/23/19		157	287	130	
50			05/29/19	08/27/19		90	216	126	
51			05/29/19	08/27/19		90	216	126	
52			05/01/19	08/29/19		120	244	124	
53			05/03/19	08/30/19		119	242	123	
54			08/06/19	09/06/19		31	147	116	

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	173	111	
56			08/28/19	09/11/19		14	125	111	
57			09/10/19	09/17/19		7	112	105	
58			12/16/18	09/18/19		276	380	104	
59			12/16/18	09/18/19		276	380	104	
60			03/19/19	09/18/19		183	287	104	
61			05/21/19	09/18/19		120	224	104	
62			05/21/19	09/18/19		120	224	104	
63			08/29/19	09/18/19		20	124	104	
64			07/23/19	09/19/19		58	161	103	
65			03/09/17	09/24/19		929	1027	98	
66			07/30/19	10/02/19		64	154	90	
67			09/05/19	10/02/19		27	117	90	
68			06/07/19	10/03/19		118	207	89	
69			06/11/19	10/09/19		120	203	83	
70			06/07/19	10/15/19		130	207	77	
71			06/26/19	10/24/19		120	188	68	
72			06/26/19	10/24/19		120	188	68	
73			08/22/19	10/28/19		67	131	64	
74			08/22/19	10/28/19		67	131	64	
75			07/02/19	10/30/19		120	182	62	
76			08/14/19	10/31/19		78	139	61	
77			08/06/19	11/01/19		87	147	60	
78			07/17/19	11/14/19		120	167	47	
79			08/20/19	11/18/19		90	133	43	
80			03/15/17	11/19/19		979	1021	42	
81			10/08/19	11/20/19		43	84	41	
82			11/06/19	11/21/19		15	55	40	
83			03/22/19	11/22/19		245	284	39	
84			09/04/19	12/03/19		90	118	28	
85			09/11/19	12/04/19		84	111	27	

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
86			09/04/19	12/05/19		92	118	26	
87			11/12/19	12/11/19		29	49	20	
88			10/30/19	12/11/19		42	62	20	
89			11/15/19	12/11/19		26	46	20	
90			11/19/19	12/16/19		27	42	15	
91			10/08/19	12/20/19		73	84	11	
92			10/11/19	12/20/19		70	81	11	
93			08/15/19	12/20/19		127	138	11	
94			08/27/19	12/23/19		118	126	8	

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				11/12/19					
32				11/08/19					
33				01/31/20					
34				01/10/20					
35				01/31/20					
36				N/A					