



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**Privileged and Confidential  
Attorney Work Product  
Deliberative Process Privilege**

AGENDA DOCUMENT NO. **X18-41**  
AGENDA ITEM  
For meeting of August 7, 2018  
**SUBMITTED LATE**

August 6, 2018

**MEMORANDUM**

TO: The Commission

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

Kathleen M. Guith *KMG*  
Associate General Counsel for Enforcement

SUBJECT: Status of Enforcement Fiscal Year 2018, Third Quarter (4/1/2018 6/30/18)

---

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 Third Quarter of Fiscal Year 2018 (4/1/2018 – 6/30/18). 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 284 matters 180 active and 104 inactive. During the quarter, Complaints Examination & Legal Administration ("CELA") circulated 18 EPS reports in an average of 22 days. The Enforcement Division circulated First General Counsel's Reports in 25 matters in an average of 143 days, meeting the internal circulation goal 76% of the time. The Commission completed pre-probable cause conciliation with 16 respondents in an average of 128 days. There were 30 matters pending in the investigation stage at the close of the quarter. The Commission closed 51 matters in an average of 555 days from the receipt of the complaint or referral, with 23 of those matters (45%) closing within 15 months of receipt. The Commission negotiated a total of \$150,000 in civil penalties for all matters that closed during the quarter.

**Table 1. Caseload**

<b><u>CASELOAD</u></b>	<b>Inactive</b>	<b>Active</b>	<b>Total</b>
Number of Cases	104	180	284
Number of Reports Pending with Commission	2	51	53
FGCR	N/A	133	133
Investigation	N/A	30	30
Pre-Probable Cause Conciliation	N/A	16	16
Probable Cause / PC Brief	N/A	1	1

**Table 2. CELA Statistics**

<b><u>CELA INITIAL CASE PROCESSING</u></b>	<b>Current Quarter</b>	<b>FY 2018 (To Date)</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>
Number of Cases Received	69	174	148	181	121	140	133	235
Number of Cases Rated	57	100	115	111	92	98	145	133
Average Days from Last Response to Rating (Goal: 30 days)	7	12	30	11	9	16	13	11
Ratings Meeting Goal	89% [51/57]	87% [87/100]	75% [86/115]	86% [95/111]	91% [84/92]	95% [93/98]	95% [138/145]	99% [132/133]
Number of Cases Activated	31	82	131	62	84	63	165	100
Average Days from Last Response to Activation (Goal: 90 Days)	20	46	65	26	52	35	50	30
Activations Meeting Goal	100% [31/31]	90% [74/82]	97% [110/131]	96% [102/106]	86% [72/84]	98% [62/63]	87% [143/165]	99% [99/100]
Number of Cases Dismissed Via EPS	11	33	64	45	28	21	15	26
Number of Cases Circulated Via EPS	18	36	58	47	27	29	24	—
Average Days from Assignment to Circulation of EPS Report	22	40	45	99	93	64	41	—
Number of Cases Transferred to ADRO	3	4	9	6	12	18	13	7
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	1	26	42	40	63	20	66	8
ADRO Transfers Meeting Goal	100% [3/3]	75% [3/4]	75% [6/8]	60% [3/5]	67% [8/12]	100% [18/18]	54% [7/13]	100% [7/7]

**Table 3. Enforcement Statistics**

<b><u>ENFORCEMENT PROCESS</u></b>	<b>Current Quarter</b>	<b>FY 2018 (To Date)</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>
<b>First General Counsel's Reports ("FGCRs")</b>								
Cases with FGCRs Circulated	25	72	140	64	85	74	158	71
Average Days from Activation to Circulation	143	145	103	94	87	236	116	105
FGCRs Meeting Established Time Goal	76% [19/25]	73% [53/72]	86% [120/140]	90% [55/61]	96% [82/85]	46% [34/74]	93% [147/158]	78% [55/71]
<b>Pre-Probable Cause Conciliation ("PPCC")</b>								
Negotiations Commenced	16	43	51	59	20	25	31	31
Negotiations Concluded	16	34	53	64	33	34	74	61
Average Days in PPCC (Goal: 60 Days)	128	174	130	111	136	197	126	88
Number of Negotiations Meeting Goal	25%	29%	34%	41%	30%	32%	26%	39%
<b>Investigations</b>								
Investigations Commenced	7	14	14	9	8	5	4	7
Investigations Closed	2	4	7	3	5	1	12	15
Average Days in Investigation	213	326	400	272	445	743	486	482
Active Investigations at Close of Quarter	30							
<b>Probable Cause</b>								
Hearing Requests/Number Granted	1/1	1/1	0/0	0/0	2/2	0/0	0/0	0/0
Cases with Probable Cause Findings	0	0	2	2	3	0	0	1
Negotiated PC Settlements Approved	0	0	0	0	2	0	0	2
Average Days in PC Conciliation	N/A	N/A	40	N/A	59	NA	NA	126
<b>Closed Cases</b>								
Matters Closed	51	124	151	148	88	134	134	77
Matters Closed Within 15 Months	23 (45%)	75 (60%)	100 (66%)	56 (38%)	43 (49%)	37 (28%)	96 (72%)	54 (70%)
Average Days from Receipt to Closing	555	468	472	666	625	521	486	426
Civil Penalties	\$150,000	\$565,200	\$1,384,300	\$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	
				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	07/23/18
				11/13/15	02/01/18
				02/08/17	07/31/17
				03/06/17	04/24/18
				12/14/17	04/24/18
				02/08/17	07/31/18
				05/12/17	08/06/18
				03/06/17	04/24/18
				05/19/17	07/28/17
				n/a	07/30/18
				07/12/18	01/30/18
				01/02/18	05/16/18
				07/12/18	01/31/18
				06/23/16	02/01/18
				10/23/17	04/24/18
				07/11/18	03/22/18
				n/a	07/26/18
				n/a	04/11/18
				n/a	07/26/18
				01/09/17	07/31/18
				n/a	09/29/17

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
				n/a	06/21/18
				n/a	09/26/17
				08/14/17	10/11/17
				n/a	02/02/18
				06/29/18	n/a
				n/a	09/29/17
				n/a	02/01/18
				n/a	11/03/17
				n/a	02/05/18
				n/a	12/22/17
				n/a	01/10/18
				05/24/18	01/10/18
				05/15/17	02/02/18
				n/a	11/08/17
				n/a	11/21/17
				n/a	02/01/18
				06/18/18	01/16/18
				n/a	02/02/18
				05/24/18	01/10/18
				n/a	n/a
				n/a	02/01/18
				07/05/18	03/01/18
				01/31/18	04/05/18
				n/a	03/15/18
				08/14/17	04/24/18
				n/a	06/13/18
				n/a	08/04/18

**Table 5. Statute of Limitations Sensitive Matters**

<b>Matter</b>	<b>Case Name</b>	<b>Receipt</b>	<b>Earliest SOL Date</b>	<b>Latest SOL Date</b>	<b>Tolling</b>	<b>Current Stage</b>

<b>Matter</b>	<b>Case Name</b>	<b>Receipt</b>	<b>Earliest SOL Date</b>	<b>Latest SOL Date</b>	<b>Tolling</b>	<b>Current Stage</b>



**Table 6. Matters Beyond the Reason to Believe Stage**

Matter	Case Name	Current Stage
		PC Brief
		Investigation ongoing.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		PPCC ongoing.
		Investigation complete; one Resp. remaining pending criminal appeal.
		Investigation complete; next recommendation in process.
		Investigation complete; next recommendation in process.
		PPCC ongoing.
		Investigation complete; next recommendation in process.
		Investigation ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.

Matter	Case Name	Current Stage
		Investigation ongoing.
		Investigation ongoing.
		Investigation complete; next recommendation in process.
		Investigation ongoing.
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		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
			10/09/2012	03/10/2014		517		2090	1573	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; 09/14/17
			07/02/2014	10/28/2014		118		1459	1341	04/12/16; 04/26/16; 01/24/17; 01/25/17
			07/02/2014	10/28/2014		118		1459	1341	04/12/16; 04/26/16; 01/24/17; 01/25/17
			07/02/2014	10/28/2014		118		1459	1341	04/12/16; 04/26/16; 01/24/17; 01/25/17
			10/07/2014	02/04/2015		120		1362	1242	06/28/16; 01/24/17;
			06/04/2015	11/13/2015		162		1122	960	11/15/16; 12/06/16; 12/08/16; 01/24/17; 01/25/17; 05/22/18; 07/07/18
			09/01/2016	01/09/2017		130		667	960	06/06/17; 12/12/17
			04/01/2016	02/08/2017		313		820	507	
			06/24/2015	03/06/2017		621		1102	481	10/11/17; 10/12/17; 10/24/17; 10/26/17; 11/7/17; 11/8/17, 11/14/17; 11/16/17
			06/24/2015	03/06/2017		621		1102	481	10/11/17; 10/12/17; 10/24/17; 10/26/17; 11/7/17; 11/8/17, 11/14/17; 11/16/17
			06/29/2015	05/12/2017		683		1097	414	11/7/17; 11/8/17; 11/14/17; 11/16/17
			02/15/2017	05/17/2017		91		510	409	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

\*Updated on 8/13/18

	09/21/2015	05/19/2017	606	1013	407	10/11/17, 10/24/17; 11/07/17; 11/14/17; 11/16/17
	05/16/2017	08/14/2017	90	410	320	12/12/17; 12/14/17
	05/16/2017	08/14/2017	90	410	320	
	09/10/2014	09/08/2017	1094	1389	295	10/11/17; 10/12/17; 10/24/17; 10/26/17; 12/5/17;12/07/17
	09/29/2014	09/12/2017	1079	1370	291	10/11/17; 10/24/17; 11/07/17; 11/14/17; 11/16/17
	09/29/2014	09/12/2017	1079	1370	291	10/11/17; 10/24/17; 11/07/17; 11/14/17; 11/16/17
	04/06/2016	09/25/2017	537	815	278	
	05/05/2016	10/23/2017	536	786	250	7/31/2018
	06/24/2015	12/14/2017	904	1102	198	
	05/10/2016	01/02/2018	602	781	179	
	11/02/2017	01/31/2018	90	240	150	
	12/22/2017	02/14/2018	54	190	136	
	12/28/2017	03/23/2018	85	184	99	
	12/01/2017	03/30/2018	119	211	92	
	11/30/2017	04/02/2018	123	212	89	
	12/05/2017	04/04/2018	120	207	87	
	02/02/2018	04/17/2018	74	148	74	
	12/28/2017	04/30/2018	123	184	61	
	02/09/2018	05/03/2018	83	141	58	07/07/18
	03/03/2017	05/24/2018	447	484	37	
	03/03/2017	05/24/2018	447	484	37	
	04/02/2018	05/31/2018	59	89	30	
	04/04/2018	06/13/2018	70	87	17	
	06/21/2017	06/18/2018	362	374	12	
	04/26/2018	06/18/2018	53	65	12	
	04/26/2018	06/18/2018	84	86	12	
	03/22/2018	06/20/2018	90	100	10	
	02/24/2016	06/21/2018	848	857	9	
	11/02/2017	06/22/2018	232	240	8	
	04/05/2018	06/28/2018	84	86	2	

			04/11/2018	06/28/2018		78		80	2	
			03/30/2018	06/29/2018		91		92	1	
			11/20/2017	07/02/2018		224		222	n/a	
			04/06/2018	07/02/2018		87		85	n/a	
			05/04/2018	07/03/2018		194		57	n/a	
			05/04/2008	07/03/2018		60		57	n/a	
			06/15/2017	07/05/2018		385		380	n/a	07/31/18
			04/05/2018	07/05/2018		91		86	n/a	07/31/18
			10/17/2016	07/11/2018		632		621	n/a	
MUR 7394	O'Donnell for Congress	05/23/2018	06/27/2018	07/11/2018	49	14	38	3	n/a	
			06/16/2016	07/12/2018		756		744	n/a	
			06/16/2016	07/12/2018		756		744	n/a	
			03/26/2018	07/18/2018		114		96	n/a	
MUR 7375	Barrera for Congress	04/30/2018	06/04/2018	07/18/2018	79	44	61	26	n/a	
MUR 7400	Jim Francis for Congress	05/30/2018	07/05/2018	07/18/2018	49	13	31	n/a	n/a	
			05/21/2018	07/20/2018		63		40	n/a	
			04/04/2018	07/26/2018		113		87	n/a	