

FEDERAL ELECTION COMMISSION

Washington, DC 20463



August 4, 2022

MEMORANDUM

TO: Lisa J. Stevenson *LJS*
Acting General Counsel
Charles Kitcher *CK*
Associate General Counsel for Enforcement

FROM: Roy Q. Luckett *RQL*
Acting Assistant General Counsel

SUBJECT: Status of Enforcement – Fiscal Year 2022, Third Quarter (04/01/22-06/30/22)

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 2022 (04/01/22-06/30/22). 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 234 matters — 154 active and 80 inactive. During the quarter, the Enforcement Division's Office of Complaints Examination & Legal Administration ("CELA") circulated 7 EPS reports in an average of 149 days. The Enforcement Division also circulated First General Counsel's Reports ("FGCRs") in 22 matters in an average of 212 days, meeting the internal circulation goal 73% of the time. There were 11 matters pending in the investigation stage at the close of the quarter. There were also 64 case closings and the Commission negotiated \$1,101,900 in civil penalties.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	80	154	234
Number of Reports Pending w/Commission*	2	36	38
FGCR	N/A	106	106
Investigation	N/A	19	19
Pre-Probable Cause Conciliation	N/A	28	28
Probable Cause / PC Brief	N/A	1	1

*As of August 4, 2022

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	FY 2022	2021	2020	2019	2018	2017	2016
Number of Cases Received	50	101	128	176	149	258	148	181
Number of Cases Rated	50	83	152	135	144	172	115	111
Average Days from Last Response to Rating (Goal: 30 days)	15	16	15	11	11	10	30	11
Ratings Meeting Goal	78% [39/50]	77% [64/83]	77% [117/152]	84% [114/135]	75% [108/144]	87% [149/172]	75% [86/115]	86% [95/111]
Number of Cases Activated	17	91	101	109	112	128	131	106
Average Days from Last Response to Activation (Goal: 90 Days)	57	91	77	39	47	44	65	26
Activations Meeting Goal	88% [15/17]	72% [38/53]	65% [66/101]	92% [100/109]	72% [81/112]	90% [115/128]	84% [110/131]	96% [102/106]
Number of Cases Dismissed Via EPS	12	15	42	18	44	76	64	45
Number of Cases Circulated Via EPS	7	21	34	24	49	50	58	47
Average Days from Assignment to Circulation of EPS Report	149	129	116	58	50	36	45	99
Number of Cases Transferred to ADRO	0	0	6	11	7	9	9	6
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	0	0	60	32	36	26	42	40
ADRO Transfers Meeting Goal	N/A [0/0]	N/A [0/0]	67% [4/6]	82% [9/11]	71% [5/7]	89% [8/9]	75% [6/8]	60% [3/5]

Table 3. Enforcement Statistics

<u>ENFORCEMENT PROCESS</u>	Current Quarter	FY 2022	2021	2020	2019	2018	2017	2016
First General Counsel's Reports ("FGCRs")								
Cases with FGCRs Circulated	22	67	128	103	143	95	140	61
Average Days from Activation to Circulation	212	226	165	153	177	142	103	94
FGCRs Meeting Established Time Goal	73% [16/22]	70% [47/67]	73% [93/128]	68% [70/103]	68% [97/143]	76% [72/95]	86% [120/140]	90% [55/61]
Pre-Probable Cause Conciliation ("PPCC")								
Negotiations Commenced	37	77	103	2	79	80	51	59
Negotiations Concluded	13	69	49	12	84	49	53	64
Average Days in PPCC (Goal: 60 Days)	63	112	122	221	127	163	130	111
Number of Negotiations Meeting Goal	62%	22%	65%	0%	30%	31%	34%	41%
Investigations								
Investigations Commenced	2	5	12	1	31	16	14	9
Investigations Closed	2	9	22	8	10	8	7	3
Average Days in Investigation	859	862	660	549	634	387	400	272
Active Investigations at Close of Quarter	11							
Probable Cause								
Hearing Requests/Number Granted	1/1	2/2	1/1	0/0	1/1	1/1	0/0	0/0
Cases with Probable Cause Findings	0	2	2	0	0	0	2	2
Negotiated PC Settlements Approved	0	3	1	0	0	0	0	0
Average Days in PC Conciliation	841	841	29	N/A	N/A	N/A	40	N/A
Closed Cases								
Matters Closed	64	172	194	37	189	169	151	148
Matters Closed Within 15 Months	15 (23%)	30 (17%)	66 (34%)	23 (62%)	106 (56%)	104 (62%)	100 (66%)	56 (38%)
Average Days from Receipt to Closing	646	788	852	530	630	436	472	666
Civil Penalties	\$1,101,900	\$1,683,128	\$803,878	\$702,000	\$2,123,436	\$635,200	\$1,384,300	\$595,425

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

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
29				(09/30/22)	02/03/22
30					
31					
32					
33				12/01/21	04/22/22
34					
35				(09/27/22)	05/03/22
36				01/13/22	02/09/22
37				(09/30/22)	04/22/22
38				12/09/21	04/22/22
39					
40				N/A	N/A
41				(09/30/22)	06/17/22
42					

A date in parenthesis is the date FGCR is scheduled to circulate

Table 5. Statute of Limitations Sensitive Matters (18 Months)

	Matter	Case Name	Tolling	Opened	Earliest SOL	Latest SOL	Current Stage
1							
2							
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7							
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9							
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22							
23							
24							
25							
26							
27							
28							
29							

	Matter	Case Name	Tolling	Opened	Earliest SOL	Latest SOL	Current Stage
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
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53							
54							
55							
56							
57							
58							
59							
60							

	Matter	Case Name	Tolling	Opened	Earliest SOL	Latest SOL	Current Stage
61							
62							
63							
64							
65							

Table 6. Matters Beyond the Reason to Believe Stage

Matter	Case Name	Current Stage
1		
2		
3		
4		
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Matter	Case Name	Current Stage
31		
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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	2281	1968	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; 06/23/20; 06/25/20; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22; 07/12/22; 07/14/22; 07/26/22; 07/28/22
2			04/01/16	02/08/17		313	2281	1968	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;

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
									06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19; 06/23/20; 06/25/20; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22, 03/24/22; 04/26/22; 04/28/22; 07/12/22; 07/14/22; 07/26/22; 07/28/22
3			01/24/19	05/10/19		106	1253	1147	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19; 01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22, 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22; 07/12/22; 07/14/22; 07/26/22; 07/28/22
4			01/24/19	05/10/19		106	1253	1147	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19; 01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22, 03/10/22; 03/22/22; 03/24/22;

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
									04/26/22; 04/28/22; 07/12/22; 07/14/22; 07/26/22; 07/28/22
5			01/24/19	05/10/19		106	1253	1147	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19; 01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22; 07/12/22; 07/14/22; 07/26/22; 07/28/22
6			02/12/19	05/10/19		87	1234	1147	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19; 01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22; 07/12/22; 07/14/22; 07/26/22; 07/28/22
7			04/23/19	08/21/19		120	1164	1044	06/23/20; 06/25/20; 12/02/21; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22;

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
									04/28/22; 07/12/22; 07/14/22; 07/26/22; 07/28/22
8			05/21/19	09/18/19		120	1136	1016	01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 10/26/21; 10/28/21
9			05/21/19	09/18/19		120	1136	1016	01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 10/26/21; 10/28/21
10			08/29/19	09/18/19		20	1036	1016	01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21; 10/26/21; 10/28/21
11			08/22/19	10/28/19		67	1043	976	
12			08/22/19	10/28/19		67	1043	976	
13			07/01/19	02/20/20		234	1095	861	05/04/21; 05/06/21
14			02/20/20	08/07/20		169	861	692	01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21
15			02/20/20	08/07/20		169	861	692	01/26/21; 01/28/21; 02/09/21; 02/23/21; 02/25/21
16			05/29/20	09/25/20		119	762	643	01/12/21; 01/14/21; 01/26/21; 01/28/21; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22; 07/12/22; 07/14/22
17			05/29/20	09/25/20		119	762	643	01/12/21; 01/14/21; 01/26/21; 01/28/21; 01/25/22; 01/27/22;

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
									02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22; 07/12/22; 07/14/22
18			05/29/20	09/25/20		119	762	643	01/12/21; 01/14/21; 01/26/21; 01/28/21; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22; 07/12/22; 07/14/22
19			07/17/20	11/17/20		123	713	590	01/12/21; 01/14/21; 01/26/21; 01/28/21; 01/11/22; 01/13/22; 01/25/22; 01/27/22; 02/15/22; 02/17/22; 03/08/22; 03/10/22; 03/22/22; 03/24/22; 04/26/22; 04/28/22; 07/12/22; 07/14/22; 07/26/22; 07/28/22
20			08/20/20	11/17/20		89	679	590	
21			09/11/20	01/11/21		122	657	535	
22			09/11/20	01/11/21		122	657	535	
23			10/29/20	01/27/21		90	609	519	10/13/21; 10/14/21; 10/26/21; 10/28/21
24			03/15/19	11/03/21		964	1203	239	12/14/21; 12/16/21; 01/11/22; 01/13/22
25			09/03/21	12/09/21		97	300	203	
26			11/30/21	01/13/22		44	212	168	
27			03/04/20	04/20/22		777	848	71	07/12/22; 07/14/22; 07/26/22; 07/28/22
28			03/04/20	04/20/22		777	848	71	07/12/22; 07/14/22; 07/26/22; 07/28/22

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
29			02/10/22	05/31/22		110	140	30	
30			02/16/22	06/14/22		118	134	16	
31			02/28/22	06/22/22		114	122	8	
32			04/07/22	06/24/22		78	84	6	
33			04/01/22	06/29/22		89	90	1	
34			05/02/22	06/30/22		59	59	0	
35			06/08/22	06/30/22		22	22	0	

Table 8. Foreign National Matters

Matter #	Primary Respondent	Complainant	Receipt	Assigned	Last Response	Status	To DOJ	Country	Earliest SOL
1				02/13/19					
2				08/06/19					
3				01/28/19					
4				01/25/22					
5				N/A					