



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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November 7, 2018

MEMORANDUM

TO: The Commission

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

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

SUBJECT: Status of Enforcement — Fiscal Year 2018 (10/01/17 – 09/30/18)

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 Fiscal Year 2018 (10/01/17 – 09/30/18). We have also provided statistics for the 4th quarter of the fiscal year in the attached reports. The tables that follow provide information to assist agency management in its review of the enforcement program.

In summary, at the close of the fiscal year the total caseload was 317 — 204 active and 113 inactive, with 94 matters pending before the Commission. During the fiscal year, Complaints Examination & Legal Administration ("CELA") circulated 50 EPS reports in an average of 36 days. The Enforcement Division circulated 95 First General Counsel's Reports in an average of 142 days, meeting the internal circulation goal 76% of the time. The Commission completed pre-probable cause conciliation with 49 respondents in an average of 163 days. There were 28 matters pending in the investigation stage at the close of the fiscal year. The Commission closed 169 matters in an average of 436 days from the receipt of the complaint or referral, with 104 of those matters (62%) closing within 15 months of receipt. The Commission negotiated a total of \$635,200 in civil penalties for all matters that closed during the fiscal year.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	113	204	317
Number of Reports Pending with Commission	5	89	94
FGCR	N/A	150	150
Investigation	N/A	28	28
Pre-Probable Cause Conciliation	N/A	25	25
Probable Cause / PC Brief	N/A	1	1

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	FY 2018	2017	2016	2015	2014	2013	2012
Number of Cases Received	84	258	148	181	121	140	133	235
Number of Cases Rated	72	172	115	111	92	98	145	133
Average Days from Last Response to Rating (Goal: 30 days)	7	10	30	11	9	16	13	11
Ratings Meeting Goal	86% [62/72]	87% [149/172]	75% [86/115]	86% [95/111]	91% [84/92]	95% [93/98]	95% [138/145]	99% [132/133]
Number of Cases Activated	46	128	131	62	84	63	165	100
Average Days from Last Response to Activation (Goal: 90 Days)	40	44	65	26	52	35	50	30
Activations Meeting Goal	89% [41/46]	90% [115/128]	97% [110/131]	96% [102/106]	86% [72/84]	98% [62/63]	87% [143/165]	99% [99/100]
Number of Cases Dismissed Via EPS	19	76	64	45	28	21	15	26
Number of Cases Circulated Via EPS	14	50	58	47	27	29	24	—
Average Days from Assignment to Circulation of EPS Report	28	36	45	99	93	64	41	—
Number of Cases Transferred to ADRO	5	9	9	6	12	18	13	7
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	26	26	42	40	63	20	66	8
ADRO Transfers Meeting Goal	100% [5/5]	89% [8/9]	75% [6/8]	60% [3/5]	67% [8/12]	100% [18/18]	54% [7/13]	100% [7/7]

Table 3. Enforcement Statistics

<u>ENFORCEMENT PROCESS</u>	Current Quarter	FY 2018	2017	2016	2015	2014	2013	2012
First General Counsel's Reports ("FGCRs")								
Cases with FGCRs Circulated	23	95	140	64	85	74	158	71
Average Days from Activation to Circulation	134	142	103	94	87	236	116	105
FGCRs Meeting Established Time Goal	83% [19/23]	76% [72/95]	86% [120/140]	90% [55/61]	96% [82/85]	46% [34/74]	93% [147/158]	78% [55/71]
Pre-Probable Cause Conciliation ("PPCC")								
Negotiations Commenced	37	80	51	59	20	25	31	31
Negotiations Concluded	15	49	53	64	33	34	74	61
Average Days in PPCC (Goal: 60 Days)	139	163	130	111	136	197	126	88
Number of Negotiations Meeting Goal	33%	31%	34%	41%	30%	32%	26%	39%
Investigations								
Investigations Commenced	2	16	14	9	8	5	4	7
Investigations Closed	4	8	7	3	5	1	12	15
Average Days in Investigation	462	387	400	272	445	743	486	482
Active Investigations at Close of Quarter	28							
Probable Cause								
Hearing Requests/Number Granted	0/0	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
Closed Cases								
Matters Closed	45	169	151	148	88	134	134	77
Matters Closed Within 15 Months	29 (64%)	104 (62%)	100 (66%)	56 (38%)	43 (49%)	37 (28%)	96 (72%)	54 (70%)
Average Days from Receipt to Closing	351	436	472	666	625	521	486	426
Civil Penalties	\$70,000	\$635,200	\$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	05/01/18
				10/28/14	04/20/18
				10/28/14	04/20/18
				09/12/17	03/04/18
				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	07/31/18
				03/06/17	04/24/18
				12/14/17	04/24/18
				02/08/17	07/31/18
				05/12/17	08/07/18
				03/06/17	04/25/18
				05/19/17	10/29/18
				10/17/18	07/30/18
				07/12/18	01/30/18
				01/02/18	05/16/18
				07/12/18	01/31/18
				06/21/18	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

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
				10/17/18	09/28/18
				08/23/18	06/21/18
				N/A	10/19/18
				08/14/17	11/07/18
				N/A	02/02/18
				10/17/18	07/31/18
				N/A	02/01/18
				N/A	11/03/17
				N/A	02/05/18
				N/A	12/22/17
				10/17/18	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
				10/17/18	02/02/18
				05/24/18	01/01/18
				N/A	N/A
				N/A	02/01/18
				01/31/18	04/05/18
				N/A	03/15/18
				08/14/17	04/24/18
				N/A	06/13/18
				N/A	08/06/18
				N/A	N/A
				06/25/18	8/2/2018
				06/22/18	07/31/18
				N/A	N/A

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
				04/04/18	10/19/18
				N/A	N/A
				N/A	N/A
				N/A	N/A
				N/A	10/16/18
				N/A	N/A
				10/01/18	10/24/18
				03/30/18	10/04/18
				04/02/18	N/A

Table 5. Statute of Limitations Sensitive Matters

Matter	Case Name	Receipt	Earliest SOL Date	Latest SOL Date	Tolling	Current Stage
[Redacted Content]						

Matter	Case Name	Receipt	Earliest SOL Date	Latest SOL Date	Tolling	Current Stage
MUR 7466	Democratic Executive Committee of Florida	03/26/18	03/01/19	03/31/20	Yes	PPCC Commenced

Table 6. Matters Beyond the Reason to Believe Stage

Matter #	Name	Current Stage
		PC Brief
		Investigation ongoing.
		Investigation complete; next recommendation in process.
		Recommendations sent to Commission.
		Investigation complete; next recommendation in process.
		Recommendations sent to Commission.
		Investigation complete; next recommendation in process.
		PPCC ongoing.
		One respondent remaining pending criminal appeal.
		Investigation complete; next recommendation in process.
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation complete; next recommendation in process.
		Investigative ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.

Matter #	Name	Current Stage
		Investigation ongoing.
		PPCC ongoing.
		Investigation ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
MUR 7466	Democratic Executive Committee of Florida	PPCC ongoing.
		PPCC ongoing.
		Investigation ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.

Table 7. First General Counsel’s Reports Pending with the Commission

Matter #	Name	Receipt	Assigned	Circ.	# of Days Receipt to Circ.	# Days Assigned to Circ.	# of Days Receipt to Close of Quarter	# of Days Circ. to Close of Quarter	Held Over Dates
			10/09/12	03/10/14		517		1665	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;
			07/02/14	10/28/14		118		1433	04/12/16; 04/26/16; 01/24/17; 01/25/17; 09/06/18
			07/02/14	10/28/14		118		1433	04/12/16; 04/26/16; 01/24/17; 01/25/17; 09/06/18
			07/02/14	10/28/14		118		1433	04/12/16; 04/26/16; 01/24/17; 01/25/17; 09/06/18
			10/07/14	02/04/15		120		1334	06/28/16; 01/24/17
			06/29/15	05/12/17		683		506	11/7/17; 11/8/17; 11/14/17; 11/16/17; 9/25/18; 10/9/18; 10/11/18
			06/04/15	11/13/15		162		1052	11/15/16; 12/06/16; 12/08/16; 01/24/17; 01/25/17; 05/22/18; 07/07/18
			09/01/16	01/09/17		130		629	06/06/17; 12/12/17
			04/01/16	02/08/17		313		599	9/25/17; 10/11/18; 9/25/18; 10/9/18; 10/11/18;
			06/24/15	03/06/17		621		573	10/11/17; 10/12/17; 10/24/17; 10/26/17; 11/7/17; 11/8/17; 11/14/17; 11/16/17; 9/25/18; 10/9/18; 10/11/18

Matter #	Name	Receipt	Assigned	Circ.	# of Days Receipt to Circ.	# Days Assigned to Circ.	# of Days Receipt to Close of Quarter	# of Days Circ. to Close of Quarter	Held Over Dates
			06/24/15	03/06/17		621		573	10/11/17; 10/12/17; 10/24/17; 10/26/17; 11/7/17; 11/8/17, 11/14/17; 11/16/17 9/25/18; 10/9/18; 10/11/18
			02/15/17	05/17/17		91		501	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
			09/21/15	05/19/17		606		499	10/11/17, 10/24/17; 11/07/17; 11/14/17; 11/16/17; 9/25/18; 10/9/18; 10/11/18
			05/16/17	08/14/17		90		412	12/14/17
			05/16/17	08/14/17		90		412	12/14/17
			09/10/14	09/08/17		1094		387	10/11/17; 10/12/17; 10/24/17; 10/26/17; 12/5/17;12/07/17
			09/29/14	09/12/17		1079		383	10/11/17; 10/24/17;11/07/17; 11/14/17;11/16/17; 9/25/18; 10/8/18; 10/11/18
			09/29/14	09/12/17		1079		383	10/11/17; 10/24/17; 11/07/17; 11/14/17; 11/16/17; 9/25/18; 10/8/18; 10/11/18
			04/06/16	09/25/17		537		370	9/25/18; 10/9/18; 10/11/18
			05/05/16	10/23/17		536		342	07/31/18
			06/24/15	12/14/17		904		290	9/25/2018; 10/9/18 ; 10/11/18

Matter #	Name	Receipt	Assigned	Circ.	# of Days Receipt to Circ.	# Days Assigned to Circ.	# of Days Receipt to Close of Quarter	# of Days Circ. to Close of Quarter	Held Over Dates
			05/10/16	01/02/18		602		271	9/25/18; 10/9/18; 10/11/18
			11/02/17	01/31/18		90		242	N/A
			12/22/17	02/14/18		54		228	9/25/18; 10/9/18; 10/11/18
			12/28/17	03/23/18		85		191	N/A
			12/01/17	03/30/18		119		184	N/A
			11/30/17	04/02/18		123		181	N/A
			12/05/17	04/04/18		120		179	9/25/18; 10/9/18; 10/11/18
			12/28/17	04/30/18		123		153	N/A
			02/09/18	05/03/18		83		150	7/7/2018; 9/25/18; 10/9/18;10/23/18
			03/03/17	05/24/18		447		129	N/A
			03/03/17	05/24/18		447		129	N/A
			04/02/18	05/31/18		59		122	N/A
			04/04/18	06/13/18		70		109	N/A
			06/21/17	06/18/18		362		104	9/25/2018; 10/9/18; 10/11/18
			04/26/18	06/18/18		53		104	9/25/18; 10/9/18; 10/11/18
			02/24/16	06/21/18		848		101	9/25/18; 10/9/18; 10/11/18
			11/02/17	06/22/18		232		100	9/25/18; 10/9/18; 10/11/18
			04/11/18	06/28/18		78		94	
			10/17/16	07/11/18		632		81	9/25/2018, 10/9/18; 10/11/18
			06/16/16	07/12/18		756		80	9/25/2018; 10/9/18; 10/11/18
			06/16/16	07/12/18		756		80	9/25/2018; 10/9/18; 10/11/18
			04/18/18	07/18/18		91		74	09/06/18

Matter #	Name	Receipt	Assigned	Circ.	# of Days Receipt to Circ.	# Days Assigned to Circ.	# of Days Receipt to Close of Quarter	# of Days Circ. to Close of Quarter	Held Over Dates
			05/21/18	07/23/18		63		69	09/06/18
			04/04/18	07/26/18		113		66	N/A
			06/11/18	08/10/18		60		51	09/06/18
			06/11/18	08/10/18		60		51	09/06/18
			06/11/18	08/10/18		60		51	09/06/18
			03/13/18	08/13/18		153		48	09/06/18
			10/25/16	08/23/18		667		38	N/A
			06/19/18	08/29/18		71		32	N/A
			05/29/18	09/05/18		99		25	N/A
			05/29/18	09/05/18		99		25	N/A
			05/29/18	09/05/18		99		25	N/A
			08/31/18	09/05/18		5		25	N/A
			07/12/18	09/10/18		60		20	N/A
			09/07/18	09/17/18		10		13	N/A
			05/22/18	09/19/18		120		11	N/A
			05/22/18	09/19/18		120		11	N/A