



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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For meeting of February 6, 2018
SUBMITTED LATE

February 5, 2018

MEMORANDUM

TO: The Commission

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

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

SUBJECT: Status of Enforcement — Fiscal Year 2018, First Quarter (10/1/2017 – 12/31/17)

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 2018 (10/1/2017 – 12/31/17). The tables that follow provide information to assist agency management in its review of the enforcement program. This report includes the new information required by the amendment to Directive 68 that was approved by the Commission on December 14, 2017, with the exception of the information regarding holdover requests (items II.B.2.i and j) which we are still compiling. We will forward the holdover information to the Commission as an addendum to this report as soon as it is complete.

In summary, at the close of the quarter the total caseload was 241 — 192 active and 49 inactive. During the quarter, Complaints Examination & Legal Administration ("CELA") circulated 9 EPS reports in an average of 72 days. The Enforcement Division circulated First General Counsel's Reports in 23 matters in an average of 164 days, meeting the internal circulation goal 65% of the time. The Commission completed pre-probable cause conciliation with 6 respondents in an average of 93 days. There were 21 matters pending in the investigation stage at the close of the quarter. The Commission closed 38 matters in an average of 453 days from the receipt of the complaint or referral, with 31 of those matters (82%) closing within 15 months of receipt. The Commission negotiated a total of \$400,700 in civil penalties for all matters that closed during the quarter.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	49	192	241
Number of Reports Pending with Commission	13	85	98
FGCR	-	154	154
Investigation	-	24	24
Pre-Probable Cause Conciliation	-	13	13
Probable Cause / PC Brief	-	1	1

Table 2. CELA Statistics

CELA INITIAL CASE PROCESSING	Current Quarter	FY 2017*	2016	2015	2014	2013	2012	2011	2010
Number of Cases Received	38	148	181	121	140	133	235	126	179
Number of Cases Rated	17	115	111	92	98	145	133	150	145
Average Days from Last Response to Rating (Goal: 30 days)	7	30	11	9	16	13	11	9	3
Ratings Meeting Goal	76% [13/17]	75% [86/115]	86% [95/111]	91% [84/92]	95% [93/98]	95% [138/145]	99% [132/13]	94% [141/150]	100% [145/145]
Number of Cases Activated	27	131	62	84	63	165	100	92	68
Average Days from Last Response to Activation (Goal: 90 Days)	41	65	26	52	35	50	30	41	15
Activations Meeting Goal	96% [26/27]	97% [110/131]	96% [102/106]	86% [72/84]	98% [62/63]	87% [143/165]	99% [99/100]	87% [80/92]	100% [68/68]
Number of Cases Dismissed Via EPS	6	64*	45	28	21	15	26	59	53
Number of Cases Circulated Via EPS	9	58	47	27	29	24	—	—	—
Average Days from Assignment to Circulation of EPS Report	72	45	99	93	64	41	—	—	—
Number of Cases Transferred to ADRO	0	9	6	12	18	13	7	7	10
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	0	42	40	63	20	66	8	11	5
ADRO Transfers Meeting Goal	N/A [0/0]	75% [6/8]	60% [3/5]	67% [8/12]	100% [18/18]	54% [7/13]	100% [7/7]	100% [7/7]	100% [10/10]

* These fields were updated on 8/1/18 to correct a transcription error.

Table 3. Enforcement Statistics

ENFORCEMENT PROCESS	Current Quarter	FY 2017*	2016	2015	2014	2013	2012	2011	2010
First General Counsel's Reports ("FGCRs")									
Cases with FGCRs Circulated	23	140	64	85	74	158	71	97	71
Average Days from Activation to Circulation	164	103	94	87	236	116	105	106	161
FGCRs Meeting Established Time Goal	65% [15/23]	86% [120/140]	90% [55/61]	96% [82/85]	46% [34/74]	93% [147/158]	78% [55/71]	79% [77/97]	66% [47/71]
Pre-Probable Cause Conciliation ("PPCC")									
Negotiations Commenced	22	51	59	20	25	31	31	13	21
Negotiations Concluded	6	53	64	33	34	74	61	47	29
Average Days in PPCC (Goal: 60 Days)	93	130	111	136	197	126	88	128	96
Number of Negotiations Meeting Goal	50%	34%	41%	30%	32%	26%	39%	23%	52%
Investigations									
Investigations Commenced	3	14	9	8	5	4	7	17	14
Investigations Closed	2	7	3	5	1	12	15	4	14
Average Days in Investigation	440	400	272	445	743	486	482	221	407
Active Investigations at Close of Quarter	21								
Probable Cause									
Hearing Requests/Number Granted	0	0/0	0/0	2/2	0/0	0/0	0/0	2/2	0/0
Cases with Probable Cause Findings	0	2	2	3	0	0	1	2	2
Negotiated PC Settlements Approved	0	0	0	2	0	0	2	1	2
Average Days in PC Conciliation	N/A	40	N/A	59	N/A	N/A	126	83	30
Closed Cases									
Matters Closed	38	151*	148	88	134	134	77	145	135
Matters Closed Within 15 Months	31 (82%)	100 (66%)*	56 (38%)	43 (49%)	37 (28%)	96 (72%)	54 (70%)	129 (89%)	101 (75%)
Average Days from Receipt to Closing	453	472*	666	625	521	486	426	304	340
Civil Penalties	\$400,700	\$1,384,300*	\$595,425	\$346,569	\$206,235	\$730,390	\$603,200	\$527,125	\$672,200

* These fields were updated on 8/1/18 to correct a transcription error.

Table 4. Cases Pending Without a Commission Vote for 12 Months

Matter	Name	Date Received	Date Assigned	Date Circ.	Days Recv'd to Circ.	Days Assign'd to Circ.	Days Recv'd to Close of Qtr.	Days Assign'd to Close of Qtr.	Days Circ. to Close of Qtr.	Date of Status Ltr.
			10/09/12	03/10/14		517		1909	1392	04/19/17
			07/02/14	10/28/14		118		1278	1160	02/02/17
			07/02/14	10/28/14		118		1278	1160	02/02/17
			09/29/14	09/12/17		1079		1189	110	03/08/17
			10/07/14	01/24/17		840		1181	341	04/19/17
			08/28/14	09/08/17		1107		1221	114	04/20/17
			07/02/14	10/28/14		118		1278	1160	02/02/17
			10/07/14	02/04/15		120		1181	1061	10/26/17
			10/07/14	02/04/15		120		1181	1061	07/17/17
			06/04/15	11/13/15		162		941	779	02/01/18
			04/01/16	02/08/17		313		639	326	07/24/17
			06/24/15	03/06/17		621		921	300	04/24/17
			06/24/15	12/14/17		904		921	17	04/18/17
			04/01/16	02/08/17		313		639	326	07/24/17
			06/29/15	05/12/17		683		916	233	04/19/17
			06/24/15	03/06/17		621		921	300	04/24/17
			09/21/15	05/19/17		606		832	226	07/28/17
			04/20/17	n/a		n/a		255	n/a	06/07/17
			09/22/15	12/07/17		807		831	24	07/11/17
			04/21/16	03/20/17		333		619	286	09/27/17
			04/21/16	03/20/17		333		619	286	09/27/17
			06/16/16	n/a		n/a		563	n/a	01/30/18
			04/22/16	08/05/16		105		618	513	03/30/17
			05/10/16	01/02/18		602		n/a	n/a	01/31/17
			06/16/16	n/a		n/a		563	n/a	01/30/18
			02/24/16	06/23/16		120		676	556	01/30/18
			12/23/16	10/23/17		304		373	69	02/02/17
			05/05/16	10/23/17		536		605	69	02/02/17

Matter	Name	Date Received	Date Assigned	Date Circ.	Days Recv'd to Circ.	Days Assign'd to Circ.	Days Recv'd to Close of Qtr.	Days Assign'd to Close of Qtr.	Days Circ. to Close of Qtr.	Date of Status Ltr.
			04/08/16	08/04/16		118		632	514	03/30/17
			11/25/16	01/24/17		60		401	341	05/05/17
			07/20/17	n/a		n/a		164	n/a	n/a
			07/20/17	n/a		n/a		164	n/a	n/a
			07/20/17	n/a		n/a		164	n/a	n/a
			10/17/16	n/a		n/a		440	n/a	04/18/17
			07/20/17	n/a		n/a		164	n/a	n/a
			11/25/16	01/24/17		60		401	341	05/05/17
			07/13/16	10/11/16		90		536	446	03/30/17
			10/14/16	02/10/17		119		443	324	04/20/17
			07/13/16	10/11/16		90		536	446	03/30/17
			10/14/16	02/10/17		119		443	324	04/20/17
			10/14/16	02/10/17		119		443	324	03/30/17
			06/02/16	n/a		n/a		577	n/a	04/18/17
			10/11/16	02/08/17		120		446	326	04/19/17
			10/11/16	02/08/17		120		446	326	04/19/17
			03/15/17	n/a		n/a		291	n/a	05/03/17
			08/04/16	n/a		n/a		514	n/a	07/07/17
			12/20/16	10/06/17		290		376	86	07/28/17
			09/01/16	01/09/17		130		486	356	07/28/17
			09/20/16	11/06/17		412		467	55	06/09/17
			10/14/16	02/10/17		119		443	324	07/11/17
			09/20/16	11/06/17		412		467	55	05/05/17
			11/25/16	01/24/17		60		401	341	09/26/17
			09/29/16	02/03/17		127		458	331	09/26/17
			09/29/16	02/03/17		127		458	331	09/29/17
			08/04/16	n/a		n/a		514	n/a	09/26/17
			09/29/16	02/03/17		127		458	331	09/29/17
			01/17/17	05/26/17		129		348	219	09/26/17
			10/25/16	n/a		n/a		432	n/a	04/11/17

Matter	Name	Date Received	Date Assigned	Date Circ.	Days Recv'd to Circ.	Days Assign'd to Circ.	Days Recv'd to Close of Qtr.	Days Assign'd to Close of Qtr.	Days Circ. to Close of Qtr.	Date of Status Ltr.
			09/29/16	02/01/17		125		458	333	08/24/17
			09/29/16	02/01/17		125		458	333	08/24/17
			11/29/16	04/13/17		135		397	262	11/02/17
			02/15/17	06/15/17		120		319	199	09/27/17
			02/15/17	06/15/17		120		319	199	09/27/17
			11/29/16	02/22/17		85		397	312	09/26/17
			02/27/17	11/06/17		252		307	55	10/06/17
			12/06/16	n/a		n/a		390	n/a	09/26/17
			02/09/17	06/09/17		120		325	205	10/02/17
			01/25/17	05/25/17		120		340	220	10/06/17
			01/19/17	04/20/17		91		346	255	09/27/17
			05/23/17	10/14/17		144		222	78	10/04/17
			05/06/17	08/14/17		100		239	139	10/11/17
			01/31/17	n/a		n/a		334	n/a	02/02/18
			02/09/17	05/10/17		90		325	235	09/26/17
			05/23/17	10/24/17		154		222	68	10/04/17
			04/20/17	n/a		n/a		255	n/a	09/29/17
			06/12/17	n/a		n/a		202	n/a	02/02/18
			03/01/17	n/a		n/a		305	n/a	11/03/17
			05/11/17	08/08/17		89		234	145	10/24/17
			03/03/17	06/01/17		90		303	213	10/25/17
			05/09/17	n/a		n/a		236	n/a	02/05/18
			05/11/17	n/a		n/a		234	n/a	12/22/17
			03/01/17	n/a		n/a		305	n/a	10/27/17
			03/01/17	n/a		n/a		305	n/a	10/27/17
			04/20/17	n/a		n/a		255	n/a	01/10/18
			06/08/17	10/19/17		133		206	73	02/01/18
			03/03/17	n/a		n/a		303	n/a	01/10/18
			03/06/17	06/02/17		88		300	212	11/03/17
			02/27/17	01/11/18		318		n/a	n/a	01/17/18

Matter	Name	Date Received	Date Assigned	Date Circ.	Days Recv'd to Circ.	Days Assign'd to Circ.	Days Recv'd to Close of Qtr.	Days Assign'd to Close of Qtr.	Days Circ. to Close of Qtr.	Date of Status Ltr.
			02/15/17	05/17/17		91		319	228	02/02/18
			04/28/17	n/a		n/a		247	n/a	11/08/07
			06/07/17	n/a		n/a		207	n/a	11/21/17
			05/16/17	n/a		n/a		229	n/a	02/02/18
			06/21/17	n/a		n/a		193	n/a	01/16/18
			06/12/17	n/a		n/a		202	n/a	02/02/18
			05/03/17	08/01/17		90		242	152	n/a
			03/03/17	n/a		n/a		303	n/a	01/10/18
			05/19/17	08/17/17		90		226	136	12/19/17
			06/20/17	11/02/17		135		194	59	02/02/18
			05/03/17	n/a		n/a		242	n/a	02/01/18
			05/03/17	n/a		n/a		242	n/a	02/01/18
			10/02/17	n/a		n/a		90	n/a	n/a
			11/20/17	n/a		n/a		41	n/a	n/a
			06/09/17	n/a		n/a		205	n/a	n/a
			09/29/17	12/21/17		83		93	10	n/a
			07/20/17	n/a		n/a		164	n/a	n/a

Table 5. Statute of Limitations Sensitive Matters

Matter	Name	Receipt	SOL	Tolling	Stage

Table 5. Statute of Limitations Sensitive Matters

Matter	Name	Receipt	SOL	Tolling	Stage

Table 6. Matters Beyond the Reason to Believe Stage

Matter	Name	Status
		PPCC concluded without agreement; GC Brief in process.
		Investigation ongoing.
		Investigation steps complete; next recommendation in process.
		Investigation steps complete; next recommendation in process.
		Investigative steps complete; next recommendation in process.
		Investigative steps complete; next recommendation in process.
		Investigation steps complete; next recommendation in process.
		Investigation steps complete; next recommendation in process.
		Investigation steps complete; next recommendation in process.
		Investigation ongoing.
		PC Brief served; next recommendation in process.
		Recommendation pending with Commission.
		Investigation steps complete; next recommendation in process.
		Investigation steps complete; next recommendation in process.
		Investigation steps complete; next recommendation in process.
		Investigation steps complete; next recommendation in process.
		PPCC ongoing.
		Investigation steps complete; next recommendation in process.
		PPCC ongoing.
		Investigation ongoing.
		PPCC recommendation pending with Commission.
		PPCC ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		Investigation steps complete; next recommendation in process.
		PPCC concluded; next recommendation in process.
		Investigation ongoing.
		Investigation ongoing.
		Investigation ongoing.
		PPCC recommendation pending with Commission.
		Investigation ongoing.
		PPCC ongoing.

Matter	Name	Status
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.
		PPCC ongoing.