

FEDERAL ELECTION COMMISSION

Washington, DC 20463



February 3, 2023

MEMORANDUM

TO: The Commission

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

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Associate General Counsel for Enforcement

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SUBJECT: Status of Enforcement – Fiscal Year 2023, First Quarter (10/01/22-12/31/22)

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 First Quarter of Fiscal Year 2023 (10/01/22-12/31/22). 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 198 matters — 115 active and 83 inactive. During the quarter, the Enforcement Division circulated First General Counsel's Reports ("FGCRs") in 21 matters in an average of 164 days, meeting the internal circulation goal 81% of the time. The Enforcement Division's Office of Complaints Examination & Legal Administration ("CELA") circulated 11 EPS reports this quarter. There were 11 matters pending in the investigation stage at the close of the quarter. There were also 31 case closings and the Commission assessed \$474,400 in civil penalties.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	83	115	198
Number of Reports Pending w/Commission*	3	15	18
FGCR	N/A	80	80
Investigation	N/A	14	14
Pre-Probable Cause Conciliation	N/A	21	21
Probable Cause / PC Brief	N/A	N/A	N/A

*As of February 3, 2023

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	FY 2022	2021	2020	2019	2018	2017	2016
Number of Cases Received	23	154	128	176	149	258	148	181
Number of Cases Rated	32	83	152	135	144	172	115	111
Average Days from Last Response to Rating (Goal: 30 days)	17	14	15	11	11	10	30	11
Ratings Meeting Goal	78% [25/32]	79% [85/108]	77% [117/152]	84% [114/135]	75% [108/144]	87% [149/172]	75% [86/115]	86% [95/111]
Number of Cases Activated	20	74	101	109	112	128	131	106
Average Days from Last Response to Activation (Goal: 90 Days)	63	99	77	39	47	44	65	26
Activations Meeting Goal	80% [16/20]	70% [52/74]	65% [66/101]	92% [100/109]	72% [81/112]	90% [115/128]	84% [110/131]	96% [102/106]
Number of Cases Dismissed Via EPS	6	20	42	18	44	76	64	45
Number of Cases Circulated Via EPS	11	27	34	24	49	50	58	47
Average Days from Assignment to Circulation of EPS Report	19	118	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	21	88	128	103	143	95	140	61
Average Days from Activation to Circulation	164	231	165	153	177	142	103	94
FGCRs Meeting Established Time Goal	81% [17/21]	68% [60/88]	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	6	114	103	2	79	80	51	59
Negotiations Concluded	41	92	49	12	84	49	53	64
Average Days in PPCC (Goal: 60 Days)	179	119	122	221	127	163	130	111
Number of Negotiations Meeting Goal	15%	22%	65%	0%	30%	31%	34%	41%
Investigations								
Investigations Commenced	0	7	12	1	31	16	14	9
Investigations Closed	0	9	22	8	10	8	7	3
Average Days in Investigation	N/A	862	660	549	634	387	400	272
Active Investigations at Close of Quarter	11							
Probable Cause								
Hearing Requests/Number Granted	0/0	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	N/A	841	29	N/A	N/A	N/A	40	N/A
Closed Cases								
Matters Closed	31	245	194	37	189	169	151	148
Matters Closed Within 15 Months	17 (55%)	55 (22%)	66 (34%)	23 (62%)	106 (56%)	104 (62%)	100 (66%)	56 (38%)
Average Days from Receipt to Closing	614	811	852	530	630	436	472	666
Civil Penalties	\$474,400	\$2,062,128	\$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					10/19/21
2					10/19/21
3					07/18/22
4				12/03/21	N/A
5				04/11/23	02/22/22
6				(03/24/23)	03/21/22
7				(03/24/23)	03/21/22
8					04/22/22
9					07/12/21
10					08/18/22
11					10/19/22
12					09/21/21
13				(03/08/23)	02/03/22
14					02/04/22
15					01/31/22
16					01/31/22
17					02/04/22
18				11/08/22	05/03/22
19				(03/16/23)	04/22/22
20				01/24/23	04/25/22
21				(02/24/23)	06/17/22
22					N/A
23				12/14/22	N/A
24					N/A
25					N/A
26				(04/18/23)	11/03/22
27				(04/30/23)	11/03/22
28				01/24/23	2/03/2023
29				(03/16/23)	2/03/2023
30				02/02/23	N/A

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
31	[REDACTED]	[REDACTED]	[REDACTED]	02/02/23	N/A
32				[REDACTED]	N/A

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							
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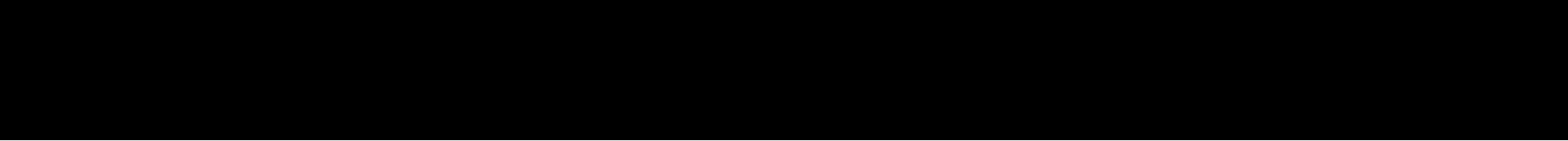
	Matter	Case Name	Tolling	Opened	Earliest SOL	Latest SOL	Current Stage
31							
32							
33							
34							

Table 6. Matters Beyond the Reason to Believe Stage

Matters	Case 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	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	[REDACTED]		08/22/19	10/28/19	[REDACTED]	67	1227	1160	
2		08/22/19	10/28/19	67		1227	1160		
3		08/05/21	12/03/21	120		513	393		
4		06/28/22	09/26/22	90		186	96		
5		06/15/22	10/13/22	120		199	79	12/13/22; 12/15/22; 01/10/23; 01/12/23	
6		06/15/22	10/13/22	120		199	79	12/13/22; 12/15/22; 01/10/23; 01/12/23	
7		07/08/21	11/08/22	488		541	53	01/24/23; 01/26/23	
8		10/03/22	11/30/22	58		89	31	01/24/23; 01/26/23	
9		08/10/22	12/07/22	119		143	24	01/24/23; 01/26/23	
10		09/08/22	12/07/22	90		114	24		
11		08/16/22	12/13/22	119		137	18	01/24/23; 01/26/23	
12		12/01/22	12/14/22	13		30	17		
13		12/01/22	12/14/22	13		30	17		
14		12/14/22	12/29/22	15		17	2		

Table 8. Foreign National Matters

Matter #	Primary Respondent	Complainant	Receipt	Assigned	Last Response	Status	To DOJ	Country	Earliest SOL
1				01/28/19					
2				10/21/22					