



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

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Assistant General Counsel for Enforcement

SUBJECT: Status of Enforcement – Fiscal Year 2020, Third Quarter (4/1/20-6/30/20)

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 2020 (4/1/20-6/30/20). 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 366 — 281 active and 85 inactive. During the quarter, Complaints Examination & Legal Administration ("CELA") circulated 6 EPS reports in an average of 69 days. The Enforcement Division circulated First General Counsel's Reports in 24 matters in an average of 165 days, meeting the internal circulation goal 67% of the time. There were 37 matters pending in the investigation stage at the close of the quarter. The Commission closed 7 matters in an average of 854 days, thereby meeting its goal 14% of the time.

Table 1. Caseload

<u>CASELOAD</u>	Inactive	Active	Total
Number of Cases	85	281	366
Number of Reports Pending with Commission*	12	125	137
FGCR	N/A	224	224
Investigation	N/A	41	41
Pre-Probable Cause Conciliation	N/A	13	13
Probable Cause / PC Brief	N/A	3	3

*As of 08/6/2020

Table 2. CELA Statistics

<u>CELA INITIAL CASE PROCESSING</u>	Current Quarter	FY 2020	FY 2019	2018	2017	2016	2015	2014
Number of Cases Received	35	118	149	258	148	181	121	140
Number of Cases Rated	34	91	144	172	115	111	92	98
Average Days from Last Response to Rating (Goal: 30 days)	12	8	11	10	30	11	9	16
Ratings Meeting Goal	85% [29/34]	87% [79/91]	75% [108/144]	87% [149/172]	75% [86/115]	86% [95/111]	91% [84/92]	95% [93/98]
Number of Cases Activated	31	81	112	128	131	62	84	63
Average Days from Last Response to Activation (Goal: 90 Days)	20	37	47	44	65	26	52	35
Activations Meeting Goal	100% [31/31]	93% [75/81]	72% [81/112]	90% [115/128]	97% [110/131]	96% [102/106]	86% [72/84]	98% [62/63]
Number of Cases Dismissed Via EPS	0	0	44	76	64	45	28	21
Number of Cases Circulated Via EPS	6	19	49	50	58	47	27	29
Average Days from Assignment to Circulation of EPS Report	69	54	50	36	45	99	93	64
Number of Cases Transferred to ADRO	2	10	7	9	9	6	12	18
Average Days from Rating to Transfer to ADRO (Goal: 60 Days)	1	35	36	26	42	40	63	20
ADRO Transfers Meeting Goal	100 % [2/2]	80% [8/10]	71% [5/7]	89% [8/9]	75% [6/8]	60% [3/5]	67% [8/12]	100% [18/18]

Table 3. Enforcement Statistics

<u>ENFORCEMENT PROCESS</u>	Current Quarter	FY 2020	2019	2018	2017	2016	2015	2014
First General Counsel’s Reports (“FGCRs”)								
Cases with FGCRs Circulated	24	78	143	95	140	64	85	74
Average Days from Activation to Circulation	165	162	177	142	103	94	87	236
FGCRs Meeting Established Time Goal	67% [16/24]	72% [56/78]	68% [97/143]	76% [72/95]	86% [120/140]	90% [55/61]	96% [82/85]	46% [34/74]
Pre-Probable Cause Conciliation (“PPCC”)								
Negotiations Commenced	2	2	79	80	51	59	20	25
Negotiations Concluded	0	11	84	49	53	64	33	34
Average Days in PPCC (Goal: 60 Days)	0	208	127	163	130	111	136	197
Number of Negotiations Meeting Goal	0%	0%	30%	31%	34%	41%	30%	32%
Investigations Commenced	0	1	31	16	14	9	8	5
Investigations Closed	4	8	10	8	7	3	5	1
Average Days in Investigation	396	549	634	387	400	272	445	743
Active Investigations at Close of Quarter	37							
Probable Cause								
Hearing Requests/Number Granted	0/0	0/0	0/0	1/1	0/0	0/0	2/2	0/0
Cases with Probable Cause Findings	0	0	0	0	2	2	3	0
Negotiated PC Settlements Approved	0	0	0	0	0	0	2	0
Average Days in PC Conciliation	N/A	N/A	N/A	N/A	40	N/A	59	NA
Closed Cases								
Matters Closed	7	9	189	169	151	148	88	134
Matters Closed Within 15 Months	1 (14%)	1 (33%)	106 (56%)	104 (62%)	100 (66%)	56 (38%)	43 (49%)	37 (28%)
Average Days from Receipt to Closing	854	738	630	436	472	666	625	521
Civil Penalties	\$34,000	\$34,000	\$2,123,436	\$635,200	\$1,384,300	\$595,425	\$346,569	\$206,235

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				02/08/17	01/28/20
2				02/08/17	01/28/20
3				10/23/17	03/09/20
4				11/19/19	04/23/20
5				05/07/19	10/16/19
6				09/24/19	03/13/20
7				06/05/19	10/16/19
8				(09/30/20)	04/22/20
9				05/24/18	04/16/20
10				05/15/17	10/22/19
11				01/21/20	10/24/19
12				05/24/18	04/16/20
13				(09/30/20)	N/A
14				(09/30/20)	05/06/20
15				04/03/19	06/30/20
16				04/06/20	01/30/20
17				(09/30/20)	N/A
18				(09/30/20)	N/A
19				(09/30/20)	N/A
20				(09/30/20)	N/A
21				10/31/18	04/13/20
22				11/08/18	02/11/20
23				(09/30/20)	10/24/19
24				(09/30/20)	10/24/19
25				(09/30/20)	10/21/19
26				10/25/18	02/27/20
27				(09/30/20)	10/21/19
28				03/15/19	05/15/20
29				12/20/19	N/A
30				06/26/19	04/14/20

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
31				12/14/18	N/A
32				(09/30/20)	05/06/20
33				09/18/19	04/30/20
34				(09/30/20)	10/21/19
35				(09/30/20)	10/21/19
36				(09/30/20)	08/06/20
37				(09/30/20)	06/29/20
38				08/15/19	04/30/20
39				(09/30/20)	10/24/19
40				12/07/18	08/05/20
41				11/08/18	06/29/20
42				08/14/19	07/09/20
43				08/15/19	05/08/20
44				08/15/19	05/19/20
45				(09/30/20)	07/24/20
46				10/16/18	07/31/20
47				05/30/19	06/09/20
48				04/08/19	06/26/20
49				(09/30/20)	10/22/19
50				05/30/19	06/16/20
51				02/22/19	08/05/20
52				10/30/18	10/21/19
53				11/22/19	01/30/20
54				05/11/20	N/A
55				09/18/19	07/09/20
56				05/30/19	06/16/20
57				05/10/19	10/22/19
58				08/13/19	08/02/19
59				02/13/19	10/24/19
60				05/11/20	10/17/19
61				07/16/19	N/A

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
62				(09/30/20)	N/A
63				06/07/19	10/16/19
64				06/07/19	10/16/19
65				06/11/19	10/23/19
66				01/29/20	N/A
67				08/08/19	10/17/19
68				05/11/20	10/17/19
69				05/06/19	10/16/19
70				04/29/19	10/23/19
71				06/18/19	10/17/19
72				08/21/19	10/17/19
73				08/21/19	10/23/19
74				02/20/20	10/22/19
75				(09/30/20)	06/29/20
76				05/10/19	10/22/19
77				08/29/19	10/23/19
78				08/23/19	10/21/19
79				07/15/20	10/17/19
80				07/22/19	01/30/20
81				11/14/19	01/31/20
82				10/15/19	01/28/20
83				10/03/19	01/30/20
84				(09/30/20)	01/30/20
85				09/18/19	11/08/19
86				(09/30/20)	01/29/20
87				10/09/19	01/30/20
88				10/30/19	01/23/20
89				08/06/19	01/23/20
90				(09/30/20)	01/23/20
91				05/10/19	01/30/20
92				(09/30/20)	01/29/20
93				08/30/19	01/28/20

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
94				06/19/19	10/22/19
95				10/24/19	N/A
96				01/13/20	01/28/20
97				03/09/20	01/30/20
98				10/24/19	N/A
99				09/11/19	01/30/20
100				05/11/20	11/29/19
101				10/31/19	01/30/20
102				06/07/19	10/16/19
103				01/13/20	01/28/20
104				10/28/19	N/A
105				05/10/19	01/30/20
106				01/22/20	01/30/20
107				09/18/19	04/16/20
108				09/18/19	04/17/20
109				(09/30/20)	04/23/20
110				(09/30/20)	04/15/20
111				(09/30/20)	N/A
112				(09/30/20)	04/15/20
113				(09/30/20)	04/23/20
114				01/17/20	03/18/20
115				12/05/19	04/13/20
116				(09/30/20)	N/A
117				11/18/19	03/05/20
118				12/23/19	03/10/20
119				01/16/20	04/16/20
120				03/30/20	03/18/20
121				(09/30/20)	04/16/20
122				(09/30/20)	04/13/20
123				(09/30/20)	04/16/20
124				03/20/20	04/15/20
125				08/07/19	03/18/20
126				(09/30/20)	03/10/20
127				04/02/20	03/20/20

Matter	Case Name	Opened	Days Received to Close of Quarter	Circulation Date	Status Letter Date
128				(09/30/20)	04/16/20
129				Abated	04/10/20
130				03/16/20	03/19/20
131				(09/30/20)	N/A
132				08/06/19	03/09/20
133				(09/30/20)	N/A
134				10/02/19	06/10/20
135				(09/30/20)	N/A
136				04/03/20	08/06/20
137				(09/30/20)	04/16/20
138				02/27/20	06/29/20
139				08/12/19	08/04/20
140				06/18/19	07/09/20
142				01/14/20	06/12/20
143				12/03/19	05/15/20
144				(09/30/20)	05/15/20
145				02/14/20	06/16/20
146				Abated	N/A
147				05/19/20	06/05/20
148				05/19/20	N/A
149				04/23/20	06/30/20

Table 5. Statute of Limitations Sensitive Matters (18 Months from End of the Quarter)

Matter	Case Name	Tolling	Opened	Earliest SOL Date	Latest SOL Date	Current Stage
1						
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Matter	Case Name	Tolling	Opened	Earliest SOL Date	Latest SOL Date	Current Stage
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Matter	Case Name	Tolling	Opened	Earliest SOL Date	Latest SOL Date	Current Stage
73						
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105						
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Matter	Case Name	Tolling	Opened	Earliest SOL Date	Latest SOL Date	Current Stage
109						
110						
111						
112						

Table 6. Matters Beyond the Reason to Believe Stage

Matter	Case Name	Current Stage
1		
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Matter	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			04/01/16	02/08/17		313	1551	1238	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; 6/23/20
2			04/01/16	02/08/17		313	1551	1238	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; 6/23/20
3			02/15/17	05/15/17		89	1231	1142	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; 08/07/18

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
4			05/05/16	10/23/17		536	1517	981	07/31/18; 05/21/19; 05/25/19
5			03/03/17	05/24/18		447	1215	768	04/09/19; 04/11/19; 04/23/19; 04/25/19; 05/07/19; 05/09/19; 08/20/19; 08/22/19
6			03/03/17	05/24/18		447	1215	768	04/09/19; 04/11/19; 04/23/19; 04/25/19; 05/07/19; 05/09/19; 08/20/19; 08/22/19
7			08/16/18	10/16/18		61	684	623	08/20/19; 08/22/19
8			06/27/18	10/25/18		120	734	614	
9			07/03/18	10/31/18		120	728	608	08/20/19; 08/22/19
10			07/11/18	11/08/18		130	720	590	
11			07/11/18	11/08/18		130	720	590	
12			09/14/18	12/07/18		84	655	571	07/09/19; 07/11/19
13			07/05/18	12/14/18		162	726	564	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; 07/23/19; 07/25/19; 08/20/19; 08/22/19
14			11/15/18	02/13/19		90	593	503	08/20/19; 08/22/19
15			11/30/18	02/22/19		84	578	494	
16			09/08/17	04/03/19		572	1026	454	04/23/19; 04/25/19; 05/07/19; 05/09/19; 05/21/19; 05/23/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
17			11/15/18	04/08/19		144	593	449	06/04/19; 06/06/19; 08/20/19; 08/22/19
18			12/28/18	04/29/19		122	550	428	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
19			02/07/19	05/06/19		88	509	421	
20			01/12/17	05/07/19		845	1265	420	
21			01/24/19	05/10/19		106	523	417	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
22			01/24/19	05/10/19		106	523	417	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
23			01/24/19	05/10/19		106	523	417	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
24			02/12/19	05/10/19		87	504	417	05/21/19; 05/23/19; 06/04/19; 06/20/19; 06/25/19; 07/09/19; 07/11/19
25			03/01/19	05/30/19		90	487	397	
26			12/13/18	05/30/19		168	565	397	07/23/19; 07/25/19 08/20/19; 08/22/19
27			12/13/18	05/30/19		168	565	397	07/23/19; 07/25/19 08/20/19; 08/22/19
28			07/19/17	06/05/19		686	1077	391	
29			02/07/19	06/07/19		120	509	389	
30			02/07/19	06/07/19		120	509	389	
31			02/07/19	06/07/19		120	509	389	
32			02/05/19	06/11/19		126	511	385	
33			04/01/19	06/18/19		78	456	378	
34			03/21/19	06/19/19		90	467	377	
35			08/17/18	06/26/19		313	683	370	
36			03/27/19	07/16/19		111	461	350	
37			03/28/19	07/22/19		116	460	344	
38			05/08/19	08/06/19		90	419	329	
39			05/31/19	08/07/19		68	396	328	

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
40			03/12/19	08/08/19		149	476	327	
41			05/15/19	08/12/19		89	412	323	
42			12/15/18	08/13/19		241	563	322	
43			04/16/19	08/14/19		120	441	321	
44			01/09/19	08/15/19		218	538	320	
45			01/09/19	08/15/19		218	538	320	
46			01/09/19	08/15/19		218	538	320	
47			04/23/19	08/21/19		120	434	314	06/23/20
48			04/23/19	08/21/19		120	434	314	
49			03/19/19	08/23/19		157	469	312	
50			05/01/19	08/29/19		120	426	306	
51			05/03/19	08/30/19		119	424	305	
52			07/11/19	09/11/19		62	355	293	
53			08/28/19	09/11/19		14	307	293	
54			09/10/19	09/17/19		7	294	287	
55			12/16/18	09/18/19		276	562	286	
56			12/16/18	09/18/19		276	562	286	
57			03/19/19	09/18/19		183	469	286	
58			05/21/19	09/18/19		120	406	286	
59			05/21/19	09/18/19		120	406	286	
60			08/29/19	09/18/19		20	306	286	
61			03/09/17	09/24/19		929	1209	280	
62			07/30/19	10/02/19		64	336	272	
63			06/07/19	10/03/19		118	389	271	
64			06/11/19	10/09/19		120	385	265	
65			06/07/19	10/15/19		130	389	259	
66			06/26/19	10/24/19		120	370	250	
67			06/26/19	10/24/19		120	370	250	
68			08/22/19	10/28/19		67	313	246	
69			08/22/19	10/28/19		67	313	246	
70			07/02/19	10/30/19		120	364	244	

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
71			08/14/19	10/31/19		78	321	243	
72			08/06/19	11/01/19		87	329	242	07/02/20
73			07/17/19	11/14/19		120	349	229	
74			08/20/19	11/18/19		90	315	225	
75			03/15/17	11/19/19		979	1203	224	
76			03/22/19	11/22/19		245	466	221	06/25/20
77			09/04/19	12/03/19		90	300	210	
78			09/04/19	12/05/19		92	300	208	
79			11/12/19	12/11/19		29	231	202	
80			11/19/19	12/16/19		27	224	197	
81			08/15/19	12/20/19		127	320	193	
82			08/27/19	12/23/19		118	308	190	
83			11/04/19	01/02/20		59	239	180	
84			07/24/19	01/13/20		173	342	169	
85			07/24/19	01/13/20		173	342	169	
86			09/04/19	01/15/20		133	300	167	
87			10/18/19	01/16/20		90	256	166	
88			09/19/19	01/07/20		120	285	165	
89			09/19/19	01/17/20		120	285	165	
90			06/04/17	01/21/20		961	1122	161	
91			09/24/19	01/22/20		120	280	160	
92			09/27/19	01/24/20		119	277	158	
93			11/08/19	01/27/20		80	235	155	
94			10/31/19	01/29/20		90	243	153	
95			10/08/19	01/30/20		114	266	152	
96			11/07/19	02/05/20		90	236	146	
97			10/12/17	02/06/20		847	992	145	
98			08/28/19	02/14/20		170	307	137	
99			11/22/19	02/14/20		84	221	137	
100			07/01/19	02/20/20		234	365	131	
101			11/22/19	02/20/20		90	221	131	
102			12/03/19	02/27/20		86	210	124	

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
103			02/21/20	02/27/20		6	130	124	
104			01/06/20	03/03/20		57	176	119	
105			11/07/19	03/06/20		120	236	116	
106			06/20/19	03/09/20		263	376	113	
107			12/02/19	03/16/20		105	211	106	
108			12/20/19	03/18/20		89	193	104	
109			12/26/19	03/18/20		83	187	104	
110			11/20/19	03/19/20		120	223	103	
111			11/21/19	03/20/20		120	222	102	
112			02/03/20	03/25/20		51	148	97	
113			11/29/19	03/27/20		119	214	95	
114			02/11/20	03/27/20		45	140	95	
115			12/05/19	03/30/20		116	208	92	
116			12/03/19	04/02/20		121	210	89	
117			11/29/19	04/03/20		126	214	88	
118			12/06/19	04/03/20		119	207	88	
119			12/06/19	04/03/20		119	207	88	
120			02/06/20	04/06/20		60	145	85	
121			12/12/19	04/17/20		127	201	74	
122			03/23/20	04/17/20		25	99	74	
123			01/15/20	04/23/20		99	167	68	
124			02/03/20	05/01/20		88	148	60	
125			01/09/20	05/08/20		120	173	53	
126			03/01/19	05/11/20		437	487	50	
127			03/01/19	05/11/20		437	487	50	
128			03/01/19	05/11/20		437	487	50	
129			03/01/19	05/11/20		437	487	50	
130			02/04/20	05/15/20		101	147	46	
131			01/21/20	05/19/20		119	161	42	
132			01/27/20	05/19/20		113	155	42	
133			01/21/20	05/19/20		119	161	42	
134			02/26/20	05/22/20		86	125	39	
135			12/03/19	05/22/20		171	210	39	
136			01/28/20	05/27/20		120	154	34	
137			03/03/20	05/27/20		85	119	34	

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
138			03/03/20	05/27/20		85	119	34	
139			12/03/19	06/04/20		184	210	26	
140			03/31/20	06/17/20		78	91	13	
141			04/07/20	06/17/20		71	84	13	

Table 8. Foreign National Matters

Matter #	Primary Respondent	Complainant(s)	Receipt	Assigned	Last Response	Status	To DOJ	Country	Earliest SOL
1				03/03/17					
2				03/03/17					
3				10/02/17					
4				09/08/17					
5				10/02/17					
6				10/02/17					
7				10/02/17					
8				01/04/18					
9				10/02/17					
10				05/22/18					
11				07/05/18					
12				07/05/18					
13				07/05/18					
14				07/05/18					
15				10/12/18					
16				12/06/18					
17				12/28/18					

Matter #	Primary Respondent	Complainant(s)	Receipt	Assigned	Last Response	Status	To DOJ	Country	Earliest SOL
18				02/13/19					
19				02/12/19					
20				03/05/19					
21				05/15/19					
22				05/15/19					
23				07/02/19					
24				08/06/19					
25				05/15/19					
26				08/28/19					
27				07/25/19					
28				11/18/19					
29				01/28/19					
30				11/12/19					
31				11/08/19					
32				01/31/20					
33				01/10/20					
34				01/31/20					
35				06/10/20					
36				07/08/20					
37				07/31/20					

Matter #	Primary Respondent	Complainant(s)	Receipt	Assigned	Last Response	Status	To DOJ	Country	Earliest SOL
38				06/03/20					
39				N/A					
40				N/A					
41				N/A					
42				N/A					