

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

	)	
<b>PETER J. VROOM,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 12-143 (RMC)</b>
	)	
<b>FEDERAL ELECTION COMMISSION,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**ORDER**

Peter J. Vroom complains pro se that the Federal Election Commission (“FEC”) improperly dismissed his administrative complaint<sup>1</sup> that sought action against the General Electric Company and Penske Truck Leasing, LP. General Electric and Penske allegedly filed false and misleading information about their corporate relationship with the FEC, which led the FEC to disaffiliate the Penske Political Action Committee (“Penske PAC”) from the General Electric Company Political Action Committee (“GEPAC”). Mr. Vroom claims that Penske is financially dependent on General Electric and therefore the FEC should have denied disaffiliation of their respective PACs . The Commission moves to dismiss, arguing that Mr. Vroom lacks standing to complain.

---

<sup>1</sup> Under the Federal Election Campaign Act (“FECA”), “[a]ny person who believes a violation of [the] Act . . . has occurred, may file a complaint” with the FEC. 2 U.S.C. § 437g(a)(1). After reviewing the complaint and any response, the commissioners vote on whether they have “reason to believe” a violation has occurred. *Id.* § 437g(a)(2). If four of the six commissioners vote affirmatively, the FEC begins an investigation. *Id.* However, if no majority makes such a finding, the FEC dismisses the complaint, and the complainant may seek district court review of whether the dismissal is “contrary to law.” *Id.* § 437g(a)(8)(A).

The doctrine of standing limits a federal court's jurisdiction to cases and controversies. "Standing protects democratic government by requiring citizens to express their generalized dissatisfaction with government policy through the Constitution's representative institutions, not the courts." *Coal. for Mercury-Free Drugs v. Sebelius*, 671 F.3d 1275, 1279-80 (D.C. Cir. 2012). In order to demonstrate standing, a plaintiff must demonstrate that he presents: (1) an injury in fact, (2) a causal connection between the injury and the challenged conduct of the defendant, and (3) a likelihood that the injury will be redressed by a favorable decision of the court. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992). The injury cannot be "conjectural" or "hypothetical" but must be "concrete and particularized." *Lujan*, 504 U.S. at 560. When "a plaintiff's asserted injury arises from the government's allegedly unlawful regulation (or lack of regulation) of someone else," standing is "substantially more difficult" to establish. *Id.* at 562.

The FEC challenges whether Mr. Vroom has constitutional and prudential standing before this Court. Specifically, it claims that Mr. Vroom "has failed to allege a legally cognizable injury-in-fact flowing from the statutory violation he alleged in his administrative complaint to the Commission . . . ." Mot. to Dismiss [Dkt. 7] at 1. Mr. Vroom contends in his opposition briefing that he suffers informational injury from the FEC's failure to act on his administrative complaint. He claims that the disaffiliation of General Electric PAC and Penske PAC "denies [him] the ability to determine the actual extent of the financial support that [General Electric] provides to political candidates." Opp'n [Dkt. 9] at 10. PACs are subject to rigorous reporting requirements, which make such information publicly available. These groups "must register with the FEC, appoint a treasurer, keep names and addresses of contributors, track the amount and purpose of disbursements, and file complex FEC reports that include lists of

donors giving in excess of \$200 per year (often, these donors may be the group's members), contributions, expenditures, and any other disbursements irrespective of their purposes.” *Akins v. Fed. Election Comm'n*, 524 U.S. 11, 14-15 (1998). In *Akins v. Federal Election Commission*, the Supreme Court held that the plaintiffs had alleged a concrete and particularized injury where the FEC had not defined the American Israel Public Affairs Committee (“AIPAC”) as a political committee because this determination deprived the plaintiffs of information regarding contributions to candidates made by AIPAC. The Court found that voters have a cognizable injury when they are unable to obtain information that helps them evaluate candidates for office. *Id.* at 21.

While Mr. Vroom's opposition briefing certainly could make out a claim for an informational injury, his Complaint does not. On the face of Mr. Vroom's Complaint, it is clear that he only seeks a legal determination that General Electric and Penske are in violation of the law, not a remedy to an injury. He states: “The FEC's failure to adequately investigate and pursue Vroom's complaint and to cooperate fully . . . has allowed GE/Penske to continue to operate in violation of the law and denied Mr. Vroom the benefits of the FEC's findings on the merits of his complaint.” Compl. ¶ 16. Mr. Vroom's Complaint is more akin to that of the plaintiffs in *Common Cause v. Federal Election Commission*, 108 F.3d 413 (D.C. Cir. 1997), who complained that the defendants had made campaign contributions in excess of legal limits. The D.C. Circuit found that if the “information withheld [from plaintiffs] is simply the fact that a violation of FECA has occurred” then the Plaintiffs had not suffered a cognizable injury. 108 F.3d at 417. It further stated: “To hold that a plaintiff can establish injury in fact merely by alleging that he has been deprived of the knowledge as to whether a violation of the law has

