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**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action Against:

PDC CASE NOS. 47572 and
55351

FACEBOOK, INC. (3) and FACEBOOK, INC.
(5),

ORDER FOR CONTINUANCE
AND REQUEST FOR
SUPPLEMENTAL
INFORMATION

Respondent.

This matter came before the Washington State Public Disclosure Commission on January 23, 2020, at the PDC office, Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington. At the hearing the parties presented an agreed Stipulation and Final Order for the Commission’s review. The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC.

Commissioners present were David Ammons, Commission Chair (presiding); Russell Lehman, Commission Vice-Chair; and Commissioners William Downing, Fred Jarrett, and Nancy Isserlis. Also present were Assistant Attorney General John S. Meader representing the Commission, Assistant Attorney General Chad Standifer representing PDC Staff, and K. Winn Allen representing Facebook, Inc. The proceeding was open to the public and recorded.

After argument from both parties, the hearing was continued at the request of the Commission until the next regular Commission meeting on February 27, 2020, to allow

1 additional time to review the record, consider the proposed stipulation, and to ensure proper
2 notice was provided pursuant to RCW 34.05.434(1); WAC 390-37-060(5).
3

4 **I. REQUEST FOR SUPPLEMENTAL INFORMATION**

5 The Commission has reviewed the entirety of the record and considered the initial
6 arguments of the parties. Pursuant to WAC 390-37-100(3), at the continuation of the hearing on
7 February 27, 2020, the Commission requests both parties provide additional information and
8 argument on the following issues:
9

10 1. Two violations were charged. However, the stipulated facts at paragraphs (6)
11 and (14) list 17 separate advertisements sent to the public in violation of state law.
12 What is the rationale for charging two violations rather a larger number?
13

14 2. Stipulations accepted by the Commission typically contain a statement that the
15 Respondent violated Washington state law. Why should this stipulation not include
16 such a statement?
17

18 3. Stipulations accepted by the Commission typically include provisions to
19 encourage future compliance with Washington state law. Pursuant to RCW
20 42.17A.755(3)(c), this may take the form of a suspended penalty that would come due
21 without further action of the Commission if there were further violations within a
22 specified time period. What is the rationale for omitting a suspended penalty amount in
23 this case? The Commission also encourages the parties to negotiate an agreed
24 suspended penalty amount over and above the proposed \$75,000 penalty that could be
25 considered by the Commission at the February 27, 2020, hearing.
26

1 The parties' arguments may be presented verbally at the hearing or in writing and
2 may include declarations or other exhibits at their discretion.
3

4 **II. ORDER**

5 The hearing on the agreed stipulation in this matter held on January 23, 2020, is
6 CONTINUED to February 27, 2020, at the Public Disclosure Commission's regular meeting.
7 The parties may appear in person or telephonically.
8

9 SO ORDERED this 18th day of February, 2019.

10 WASHINGTON STATE PUBLIC
11 DISCLOSURE COMMISSION

12 
13 DAVID AMMONS, Chair,
14 On behalf of the Public Disclosure Commission
15

16
17 *This order sent by email to:*
18 K. Wynn Allen, Attorney,
19 Counsel for Facebook, Inc.
Winn.allen@kirkland.com

20 Chad Standifer, Assistant Attorney General
ChadS@atg.wa.gov

21 Peter Lavallee, Executive Director,
22 Public Disclosure Commission
Peter.lavallee@pdc.wa.gov
23
24
25
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I, _____, certify that I emailed a
copy of this order to the Respondent at his respective
email address.

Signed _____

Date _____