

Trump Announces Ferguson to Serve as FTC Chair, Nominates Meador for Open Commissioner Spot

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December 11, 2024

Yesterday, President-elect Trump announced his picks to round out the Federal Trade Commission for his second administration. Trump tapped current Republican Commissioner Andrew Ferguson to be elevated to chair the agency, and nominated Mark R. Meador to fill the commissioner vacancy that will be left behind upon Chair Khan's departure. As we previously discussed in a post [here](#) predicting what to expect pre- and post-inauguration at the FTC, Chair Khan is expected to announce her resignation prior to Trump's inauguration on January 20. Even if she did not and made an unusual attempt to hold over into the Trump administration, the Republican-controlled Senate's anticipated confirmation of Meador would moot the move. Current Democratic Commissioners Slaughter and Bedoya, as well as Republican Commissioner Holyoak, are also expected to remain on the Commission.

Commissioner and soon-to-be Chair Ferguson has been at the FTC since April 2024 and previously served as Solicitor General for Virginia and Chief Counsel for Senate Majority Leader Mitch McConnell. He also served as Chief Counsel to Senator Lindsey Graham (R-SC) and senior special counsel to Sen. Chuck Grassley (R-IA). A vocal critic of regulatory overreach, Commissioner Ferguson has a steady record of objecting to consumer protection cases that advance novel or unorthodox theories of liability. A document believed to have been used by Commissioner Ferguson when lobbying for the chairmanship describes him as the "pro-innovation choice" and touts a track record of loyalty to Trump and of standing up to "Big Tech Censorship, DEI-wokeism, and the anti-business, anti-innovation agenda of the radical left."

During his time at the FTC, he has been a proponent of deregulation and consistently opposed efforts by the Commission to use authority in novel ways, such as broad interpretations of rules and aggressive legal theories. For example, he has criticized the Commission's attempted use of the FTC's penalty offense authority, argued against far-reaching means and instrumentalities liability, and expressed concerns regarding the constitutionality of the FTC's administrative process. On the consumer protection side at least, we would expect Ferguson to shift the focus of enforcement to traditional Section 5 principles and core fraud, while potentially expanding into self-professed areas of interests such as content moderation by social media and other tech platforms. Ferguson has also echoed others in the Trump orbit – as well as, paradoxically, current Chair Khan – about the need to reign in "big tech" from a competition standpoint.

For the fifth Commissioner spot, Trump announced his nomination of Mark Meador, a competition-focused veteran of the FTC and the Justice Department's antitrust division. Meador is currently a

partner at a boutique antitrust law firm, Kressin Meador Powers LLC. At the FTC, he led investigations in the Bureau of Competition's Healthcare Division, where he was involved in the Commission's efforts to combat pay-for-delay agreements and product hopping in the pharmaceutical industry. He is also a former staffer to Senator Mike Lee (R-UT), the ranking Republican on the Senate antitrust subcommittee. Generally seen as pro-competition enforcement but with little consumer protection background, Meador drafted a bill for Senator Lee that would have forced the breakup of Google's ad tech business. Given Meador has limited experience on consumer protection matters directly, he will likely fall in line with the other Republican Commissioners in supporting traditional enforcement against fraud and deception while speaking to the need to reduce burdens on business and declining to advance novel theories of liability.

While Ferguson can assume the chairmanship immediately upon Trump's inauguration, Meador's nomination will require confirmation by the Senate before he can assume the role. We'll continue to post updates to Ad Law Access following these FTC developments and others.