



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

February 17, 2023

Sent electronically to Mario Lotmore at publisher@lynnwoodtimes.com

Subject: Complaint filed against Joshua Binda, PDC Case 100589

Mr. Lotmore,

Public Disclosure Commission (PDC) staff has completed its review, investigation and enforcement hearing of the complaints filed by Thomas Brooks, Glen Morgan, and yourself against Joshua Binda for PDC Cases 100348 & 100589. There was one outstanding allegation that remained to be resolved concerning your October 30, 2021, request made to the Joshua Binda Campaign to conduct a public inspection of the Campaign books of account, during the public inspection period preceding the November 2, 2021, general election.

PDC staff reviewed the allegations listed in your complaint; the applicable statutes, rules, and reporting requirements concerning the public inspection of campaign books of account; and the email responses from Mr. Binda to determine whether the record supports a finding of one or more violations. PDC staff found the following:

- On October 30, 2021, you contacted the Joshua Binda Campaign and requested to conduct a public inspection of the Campaign books of account on November 1, 2021, at 1:00 p.m. You stated that Mr. Binda confirmed the date and time of your request to inspect the books of account in a telephone call that occurred at 2:47 p.m. on October 30, 2021.
- You received an email from Mr. Binda “at 12:40 p.m. on November 1, 2021, requesting to reschedule” the public inspection of the 2021 Joshua Binda Campaign books of account until 4:00 p.m. on November 1, 2021. In your complaint, you also noted that the “rescheduled time was after the original 48-hrs required to view the books,” and you confirmed that you were able to review the campaign books of account at the rescheduled time of 4:00 p.m. on November 1, 2021.
- However, you noted in your complaint that you had arrived at the originally scheduled time of 1:00 p.m. to conduct the inspection of Mr. Binda’s Campaign books of accounts, but that you had received a text message from Mr. Binda after 1:00 p.m. stating that he sent an email to you rescheduling the inspection for 4:00 p.m.
- As part of your complaint, you noted that the Campaign records included a four-page copy of the 2021 Joshua Binda Campaign checking account transaction history. You stated that the information was not in any chronological order, and the records only listed “debit transactions over \$50, without a running cash on-hand or balance for each line item.”

- On May 20, 2022, Mr. Binda emailed PDC staff stating that the public inspection of his Campaign books of account as requested by Mr. Lotmore took place in-person on November 1, 2021. Mr. Binda stated that the information he made available for the public inspection included copies of the Campaign bank statements, and he also provided information from the Online Reporting of Campaign Activity (ORCA), the PDC campaign finance reporting software, that included “C-4 filing data” and expenditure information.

Pursuant to WAC 390-37-060(1)(d), the PDC is issuing a formal written warning to Joshua Binda concerning the open public inspection period of his campaign books of account. The formal written warning includes staff’s expectation that Joshua Binda will adhere to the open public inspection requirements for his Campaign books of account for all future Campaigns in a timely and transparent manner. The Commission will consider this formal written warning, in addition to the violations found at the Adjudicative Proceeding (Enforcement Hearing) held at the January 26, 2023, Commission meeting, when deciding on further Commission action, should there be future violations of PDC laws or rules.

The PDC has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, please contact PDC Compliance Officer Kurt Young by e-mail.

Sincerely,

Endorsed by,

/s _____
Electronically Signed Kurt Young
Compliance Officer

/s _____
Electronically Signed Peter Lavalley
PDC Executive Director



cc: Joshua Binda

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

9 In Re: The Matter of Enforcement Action
10 Against:

11 2021 JOSHUA BINDA CAMPAIGN FOR
12 LYNNWOOD CITY COUNCIL,

13 Respondent.
14

PDC CASE NOS. 100348 &
100589

FINAL ORDER

15 This matter was heard by the Washington State Public Disclosure Commission
16 (Commission) on January 26, 2023, by telephonic, and online streaming access. Respondent
17 Joshua Binda was provided a Notice of Administrative Charges on January 11, 2023. The
18 hearing was held in accordance with Chapters 34.05 and 42.17A RCW, and Chapter 390-37
19 WAC.

20 Commissioners present telephonically or online were Fred Jarrett, Commission Chair
21 (presiding); Nancy Isserlis, Commission Vice-Chair; and Commissioners William Downing and
22 Allen Hayward. Also present telephonically or online were Assistant Attorney General John S.
23 Meader representing the Commission, Assistant Attorney General Susie Giles-Klein
24 representing PDC Staff, and Kurt Young, PDC Compliance Officer. The Respondent appeared
25 on his own behalf. The proceeding was open to the public and recorded.
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2 The Commissioners had before them the following materials:

3 1. Notice of Administrative Charges dated January 11, 2023;

4 2. PDC Staff Witness and Exhibit List dated October 19, 2022, including Exhibits 1-5:

- 5 ○ Complaint filed on November 1, 2021, by Mario Lotmore against the
6 2021 Joshua Binda for Lynnwood City Council Campaign;
7 ○ Two complaints filed against the 2021 Joshua Binda for Lynnwood City
8 Council Campaign, one from T.J. Brooks. filed on October 29, 2021, and
9 one from Glen Morgan, filed on November 1, 2021;
10 ○ May 20, 2022, email from the Respondent to PDC staff with copies of the
11 requested campaign bank statements and responses to staff questions;
12 ○ July 8, 2022, email from the Respondent to AAG Susie Giles-Klein
13 responding to the June 30, 2022, demand letter;
14 ○ September 16, 2022, filing of the 2021 Post-General Election C-4 report
15 by the 2021 Joshua Binda for Lynnwood City Council Campaign.

16 3. Report of Investigation by Kurt Young, dated November 15, 2022.
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18 **I. FINDINGS OF FACT**

19 This matter involves Respondent Joshua Binda and his 2021 Campaign for Lynnwood
20 City Council. On February 27, 2021, the Respondent filed a Candidate Registration declaring
21 his candidacy for Lynnwood City Council, Position 3, and selected the full reporting option
22 listing Kyle Parris as the Campaign Manager and himself as the Treasurer. Respondent is alleged
23 to have violated RCW 42.17A.445 and WAC 390-16-238 for improper personal use of campaign
24 funds; and RCW 42.17A.235 and .240 for failure to timely and accurately file contribution and
25 expenditure activities on Summary Full Campaign Contributions and Expenditure reports (C-4
26

1 Reports), including the 21-day and 7-day Pre-Election and Post-Election C-4 reports.
2 Respondent has no prior violations.
3

4 **A. Background**
5

1.6 1. On November 2, 2021, Mario Lotmore filed a complaint (PDC Case No. 100589) with
7 the Public Disclosure Commission (PDC) against the 2021 Joshua Binda Campaign alleging
8 violations of RCW 42.17A.235(6) for failing to timely make the campaign books of account
9 available for public inspection, and WAC 390-16-043(6) for failing to provide the “underlying
10 source documents such as receipts, invoices, copies of contribution checks, copies of canceled
11 checks for expenditures, notes, or other documentation concerning expenditures, orders placed,
12 and loans.”
13

14 2. On October 29 and November 1, 2021, T.J. Brooks and Glen Morgan filed respective
15 complaints (PDC Case 100348) with the PDC against the Campaign alleging violations of RCW
16 42.17A.235 and 240 by failing to timely and accurately provide the required expenditure details
17 for Campaign related expenditures disclosed on the Campaign’s Summary Full Report of
18 Contributions and Expenditures (C-4 reports). The complainants also alleged a violation of RCW
19 42.17A.445, claiming that Mr. Binda made expenditures using Campaign funds for activities
20 that were not directly related to his candidacy for Lynnwood City Council.
21

22 3. On November 21, 2021, Mr. Binda submitted an initial response to the two complaints
23 Requesting more time to respond and asking for assistance from PDC filer assistance.
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1 4. On December 2, 2021, Mr. Binda submitted an additional response stating: "...Anything
2 that has been deemed as non-campaign related, I have personally reimbursed and if the PDC
3 finds more things deemed not so I will gladly reimburse." Mr. Binda stated he was a first-time
4 candidate and that he ran most of his campaign by himself. He acknowledged "there were some
5 mistakes made with filing some of the C4 reports" and stated that he will continue working with
6 PDC Staff to correct these issues.
7

8 5. On January 20, 2022, the PDC conducted an Initial Hearing (Case Review Status) and
9 opened a formal investigation against the 2021 Joshua Binda Campaign.
10

11 **B. Personal use of campaign funds by making expenditures for activities not directly**
12 **related to his candidacy.**

13 1. On May 20, 2022, Mr. Binda emailed PDC Staff copies of the requested Campaign bank
14 statements and his response to staff's prior questions. Mr. Binda stated that his Campaign filed
15 amendments to the original C-4 reports because those reports had previously been filed by a
16 Campaign volunteer who "had incorrectly entered and filed the report made that we amended. I
17 have never done this before as it was my first campaign, so the errors made were accurately
18 corrected in the new report." Mr. Binda stated that after the amended C-4 reports were filed, the
19 expenditures made and disclosed on the amended filings were all Campaign related, and that he
20 "had reimbursed the ones that were considered not campaign related" using his own personal
21 funds.
22

23 2. The Campaign's expenditure information received from Mr. Binda, its bank statements,
24 and the C-4 reports filed by the Campaign, included expenditures for a laptop computer and
25 software, clothing and apparel, towing expenses, and office furniture.
26

1 3. After reviewing the original and amended C-3 and C-4 reports and bank statements filed
2 by the Campaign, PDC staff sent an email on June 9, 2022, to Mr. Binda informing him of several
3 expenditures they had questions about. The questioned expenses included:

- 4 • A \$1,563.58 “POS Withdrawal” that appears to have been made on April 23, 2021, to
5 “Versace, USA, Inc. in New York.”
- 6 • A \$1,000 “Withdrawal Online Banking Transfer” made on July 14, 2021.
- 7 • Two expenditures made by the Campaign that included (i) a \$968.05 expenditure
8 made by the Campaign on October 8, 2021, described as “Withdrawal Transfer to
9 9613”; and (ii) a \$722.71 expenditure made by the Campaign on August 9, 2021,
described as “Withdrawal Transfer to 9613.”

10 PDC Staff requested that Mr. Binda respond to its inquiry by June 16, 2022. He did not do so.

11
4. 12 On June 30, 2022, PDC’s Staff’s legal counsel mailed a demand letter by certified and
13 First-class mail to Joshua Binda, giving him a final extension until July 8, 2022, to provide
14 the information requested in the June 9, 2022, email from PDC Staff.

15 5. On July 8, 2022, Mr. Binda sent an email to PDC Staff’s counsel responding to the June
16 30, 2022, demand letter. Mr. Binda stated as follows:

- 18 • The \$1,563.58 expenditure made from the Campaign account, “was part of the
19 \$2,943.09 that I calculated I needed to reimburse back to the campaign. It should be
documented in the C-4 reports and if not is an error on my volunteers doing this.”
- 20 • The \$1,000 “Withdrawal Online Banking Transfer” made on July 14, 2021, “was a
21 transfer from the campaign checking account to savings account which is what SAV
22 abbreviates. Because you can only spend a certain amount each donation cycle from a
certain donor, I transferred any other excess donations to the savings account for the
23 general election cycle.”
- 24 • The \$968.05 expenditure made by the Campaign on October 8, 2021, which listed the
25 bank statement description as Withdrawal Transfer to 9613 “...was an invoice pay to
26 my consultant.” The expenditure was “to pay for General Election Retainer and Design
and website fees.”

1 • Mr. Binda further stated: “[t]he laptop is leftover campaign property at this time as I
2 no longer use it. I do still have the laptop currently, but it is stored away. I have my
3 own laptop given to me by the city of Lynnwood to use for Council duties. The status
4 of the clothing purchased is I am not using them and haven’t since the campaign has
5 been over. The office furniture has been put in storage for future campaigns and
6 currently not in use.”

7 • The \$240.00 Campaign expenditure made to JT Sheffey was for “Groceries” to
8 purchase food/beverages “to feed people during a campaign event I hosted and was not
9 personal use.” The \$250.00 Campaign expenditure made to Christy Kioko was for
10 “Groceries” used to purchase food/beverages to “feed volunteers who canvassed with
me during my campaign and was not for personal use.” The Campaign made two
expenditures to Christy Kioko that included a \$500 expenditure for a Campaign desk,
and \$90 for an office chair. Both expenditures were directly campaign related and “not
for personal use.”

6.11 6. Mr. Binda personally contributed \$2,943.09 of his personal funds to reimburse the
12 Campaign for expenditures that were determined to have not been directly related to his
13 candidacy. The personal funds deposited by Mr. Binda into the Campaign account
14 included the following:

- 15 • \$185 in personal funds contributed on September 15, 2021.
- 16 • \$782.59 in personal funds contributed on September 21, 2021.
- 17 • \$1,975.50 in personal funds contributed on October 31, 2021.

18 7. Mr. Binda’s email response of July 8, 2022, admitted there were non-campaign expenses
19 that were initially paid for by campaign funds and later reimbursed from his personal funds.
20 Reimbursement occurred prior to the election. Those non-campaign expenses as listed totaled
21 \$2,742.49 and were for: Versace - \$1,563.58; Dental - \$326.90; Necklace - \$88.00; Haircut -
22 \$163.00; Tickets - \$91.25; Airfare - \$260.60; Haircut - \$65.00; and Vivid seats - \$184.16.

23
24 **C. Failure to Timely File the 2021 Post-General Election C-4 Report.**
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1. Mr. Binda, as a candidate under the Full Reporting option appearing on the 2021 general election ballot, and his Campaign were required to file a Post-General Election C-4 report no later than December 10, 2021, covering the period October 26 through November 30, 2021.

2. On September 16, 2022, the Campaign filed a combined C-4 report that included contribution and expenditure activities from October 26, through December 31, 2021. The Post-General Election C-4 report was filed 280 days late.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A. RCW, the State campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC.

2. RCW 42.17A.445, Personal use of contributions. Contributions received and reported in accordance with RCW 42.17A.220 through 42.17A.240 and 42.17A.425 may only be paid to a candidate, or a treasurer or other individual or expended for such individual's personal use: to cover lost earnings incurred as a result of campaigning; to reimburse direct out-of-pocket election campaign and postelection campaign related expenses; and repayment of loans made by the individual to political committees. The Respondent violated RCW 42.17A.445 by using contributions to his campaign for personal expenses not allowed under the statute.

3. WAC 390-16-238, Personal use of contributions. Except as specifically allowed by Chapter 42.17A RCW, any expenditure of a candidate's campaign funds that

1 is not directly related to the candidate's election campaign is a personal use of
2 campaign funds prohibited under RCW 42.17A.445. The Respondent violated
3 WAC 390-16-238 by using contributions to his campaign for personal expenses
4 not allowed by statute and rule.
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- 6 4. RCW 42.17A.235 and .240 require all 2021 candidate campaigns under the Full
7 Reporting option to timely file and accurately disclose contribution and
8 expenditure activities by filing a Summary Full Campaign Contributions and
9 Expenditure report (C-4 report), including the 21-Day and 7-Day Pre-Election
10 and Post-Election C-4 reports. The Respondent violated the statute by filing his
11 reports 280 days after the December 10, 2021, deadline.
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14 **III. ORDER**

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16 This Order will be the Final Order. After consideration of the mitigating and
17 aggravating factors, the Findings of Fact, and the Conclusions of Law, the Commission
18 assesses a civil penalty of \$1,000 with \$500 suspended on the following conditions:
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- 20 1. a. The non-suspended portion (\$500) of the \$1,000 civil penalty for
21 improper personal use of campaign funds and the failure to timely file
22 the C-4 report for 2021 in violation of RCW 42.17A.445 and RCW
23 42.17A.235 and .240, respectively, is paid by the Respondent within 30
24 days of the date of this Final Order.
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1 b. The Respondent remains in full compliance with all PDC
2 reporting requirements and is not found to have committed any further
3 violations of Chapter 42.17A RCW or Title 390 WAC within four years
4 of the date of this Final Order. The suspended penalty shall not be
5 assessed based solely upon any remediable violation, minor violation, or
6 error classified by the Commission as appropriate to address by a
7 technical correction.
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- 9 2. If the Respondent fails to meet the conditions in Section III(1) of this order within
10 30 days of the date of this order, the suspended portion of the penalty shall
11 immediately become due and the matter may be sent to collection or brought to
12 Superior Court as allowed by law without further action by the Commission.
13

14 SO ORDERED this __17th__ day of February 2023.

15 WASHINGTON STATE PUBLIC
16 DISCLOSURE COMMISSION

17 FOR THE COMMISSION:

18 

19 Fred Jarrett,
20 Chair, Public Disclosure Commission

21 *This order sent by email to:*

22 Joshua Binda, Respondent,
23 joshuabinda@gmail.com
24 jbinda@lynnwoodwa.gov

25 Susie Giles-Klein, Asst. Attorney General,
26 susie.giles-klein@atg.wa.gov

27 Kurt Young, PDC Compliance Officer,
28 kurt.young@pdc.wa.gov

I, Jennifer Hansen, certify that I emailed a copy of this
order to the Respondent at his respective email and
physical address.

Jennifer Hansen	2/17/2023
Signed	Date

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2 **NOTICE: RECONSIDERATION**

3 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
4 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
5 you. Any Request for reconsideration must state the specific grounds for the relief requested.
6 Petitions must be delivered or mailed to the Washington State Public Disclosure Commission,
7 711 Capitol Way, Room 206, Box 40908, Olympia WA 98504-0908.

8 **NOTICE: PETITION FOR JUDICIAL REVIEW**

9 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
10 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
11 Order must be filed with the court and also served upon both the Commission and the Office of
12 the Attorney general within thirty (30) days after the date this Final Order is served upon you.
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