



State of Washington
PUBLIC DISCLOSURE COMMISSION
711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

July 24, 2023

Delivered electronically to Joshua Binda at joshuabinda@gmail.com

Subject: PDC Order, Case 136332

Dear Joshua Binda,

Attached is a copy of the Public Disclosure Commission's Order Imposing Fine that was entered in the above-referenced case.

At the July 6, 2023, Brief Enforcement hearing, the Presiding Officer found a second violation of RCW 42.17A.700 and assessed a civil penalty of \$300, of which \$300 is suspended, in accordance with WAC 390-37-143 with the following conditions: (1) the outstanding penalty assessed in PDC case #110503 currently at collections is cured within 30 days of the date of the Order; and (2) the outstanding penalty assessed in PDC cases #100589 and #100348 in the amount of \$1,000 is paid within 30 days of the date of the Order ; and (3) you have no violations of RCW 42.17A or 390 WAC for four years from the date of the Order.

The 30-day due date for the conditions described above, is no later than August 23, 2023.

For the penalty and fees associated with PDC case #110503 you will need to contact PMT Solutions to determine the total amount due and method for payment. PMT Solutions can be reached at (425) 882-4800. For the penalty associated with PDC cases #100589 and #100348, please make the check or money order payable to the WA State Treasurer, and mail the payment to:

Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

Thank you for your prompt attention to this matter. If you have questions, please contact us by email at pdc@pdc.wa.gov.

Sincerely,

/s/ Electronically Signed

Tanya Mercier
Compliance Officer

Attachment: Initial Order



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A

JOSHUA BINDA,

Respondent.

PDC Case 136332

Findings of Fact,
Conclusions of Law, and
Order Imposing Fine

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to Joshua Binda on June 21, 2023, a brief adjudicative proceeding was held on July 6, 2023, remotely from Olympia, WA by live audio and online transmission, to consider whether the Respondent violated RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) for calendar year 2022, which was due to be filed no later than April 17, 2023.

The hearing was held in accordance with Chapters 34.05 RCW, 42.17A RCW and Title 390-37 WAC. Commissioner Nancy Isserlis was the Presiding Officer and Commissioner Allen Hayward attended. The Commission staff was represented by Compliance Coordinator Tabitha Townsend, and Compliance Officer Tanya Mercier. The Respondent took part in the hearing and replied in response to the allegations.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is an elected official for City Council of the City of Lynnwood with a term start date in January 2022. Mr. Binda was elected on November 2, 2021.
2. As an elected official during calendar year 2022 the Respondent was required to file an F-1 report by no later than April 17, 2023.
3. The Respondent filed the F-1 report on May 5, 2023, after two complaints were received by the PDC, but before the hearing notice was issued.
4. The Respondent has one prior related violation of RCW 42.17A.700: (1) PDC Case #110503.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened, and all jurisdictional, substantive, and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.700 by failing to file the F-1 report by April 17, 2023.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

1. **IT IS HEREBY ORDERED that the Respondent is assessed a total civil penalty of \$300, with \$300 of the total amount suspended based on the conditions described below, in accordance with the Annual F-1 penalty schedule set forth in WAC 390-37-143.**
 - a. **It is further ordered that the Respondent pay the outstanding penalty, and fees, assessed in PDC case #110503 within 30 days of this Order date; and**
 - b. **That the Respondent also pay the outstanding penalty assessed in PDC cases #100589 and #100348 for \$1,000 within 30 days of this Order date.**
2. **It is further ordered that the \$300 suspended amount of the \$300 total penalty is suspended on the following conditions:**
 - a. **The Respondent is not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Order. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.**
 - b. **If the Respondent fails to pay the outstanding penalties for cases #110503, #100589 and #100348 within 30 days of this Order date, the suspended portion of the penalty shall immediately become due without further action by the Commission and PDC staff is directed to refer the matter to collections.**

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 24th of July, 2023.

Public Disclosure Commission

/s/ electronically signed

Peter Lavallee

Executive Director

I, Tanya Mercier, certify that I e-mailed a copy of this order to the Respondent at their respective electronic address, on the date stated herein.

Electronically Signed Tanya Mercier

Signed

7/24/2023

Date

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

- Make the request by email, stating the reason for review, and identifying what alleged errors are contained in the initial order. *See* WAC 390-37-144(1).
- All requests for review must be submitted electronically to pdcc@pdcc.wa.gov **REQUESTS FOR REVIEW MUST BE RECEIVED BY THE COMMISSION WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE THIS INITIAL ORDER WAS ELECTRONICALLY DISTRIBUTED TO YOU.**

If review of this initial order is timely requested, the full Commission will hear the matter. If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for review will automatically be considered a request for reconsideration of a final order. *See* WAC 390-37-144(4). The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the FINAL ORDER. *See* WAC 390-37-142(7).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542.