



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: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

Memorandum

To: Public Disclosure Commission

From: Tanya Mercier, Compliance Officer

Date: June 28, 2023

Subject: Joshua Binda, Brief Enforcement Hearing Memorandum: PDC Case 136332

Allegations

PDC staff alleges that Joshua Binda (The Respondent), an incumbent City Council Member for City of Lynnwood, violated RCW 42.17A.700 by failing to timely file a Personal Financial Affairs Statement (F-1 report) for calendar year 2022, due not later than April 17, 2023.

Background

- Joshua Binda is an elected city council member for City of Lynnwood with a term start date in January 2022. Mr. Binda was elected on November 2, 2021.
- Between March 9th and April 28th, 2023, PDC staff emailed nine reminder notices to annual F-1 filers with missing reports. Mr. Binda was among those who received the emailed reminders.
- On May 3, 2023, a complaint was filed by Diodato Bousciguez and on May 4, 2023, Glen Morgan filed a complaint. Both alleged a violation of RCW 42.17A.700 for failing to timely file the calendar year 2022 Personal Financial Affairs Statement (F-1 report).
- On May 5, 2023, PDC staff began a review of the allegations made against Mr. Binda. Mr. Binda has, to date, not provided a written response to the complaints. However, Mr. Binda filed the missing F-1 report for calendar year 2022, on May 5, 2023, 19 days after the April 17, 2023 due date. An initial hearing (case status review) was held on June 8, 2023, converting staff's initial review into a formal investigation. Mr. Binda did not participate in the initial hearing.
- On June 21, 2023, PDC staff mailed and emailed the respondent a Hearing Notice about the late-filed F-1 report for calendar year 2022. The Hearing Notice was sent to the Respondent's email and address of record. **(Exhibit 1)**

Prior Violation

First Violation (PDC Case 110503):

- The Respondent, who was an elected City Council Member for City of Lynnwood, failed to file an F-1 report for calendar year 2021, which was due no later than April 15, 2022.
- At a Brief Adjudicative Proceeding (BAP or Brief Enforcement Hearing), the Commission found that the Respondent violated RCW 42.17A.700 and assessed a \$250 penalty. In accordance with WAC 390-37-143, \$125 was suspended if the non-suspended penalty was paid within 30 days of September 29, 2022, and there are no violations for four years.
- To date, the Respondent has not paid the outstanding \$250 civil penalty for case 110503. However, on May 6, 2023, the Respondent filed the missing F-1 report for calendar year 2021.

Staff Recommendation

Staff recommends the Presiding Officer find that Joshua Binda violated RCW 42.17A.700 by failing to timely file an F-1 report for calendar year 2022, and assess a \$300 penalty in accordance with RCW 42.17A.755(3)(c) which requires that a second violation of the same requirement by the same person shall result in a penalty and that successive violations of the same requirement shall result in successively increased penalties. Because Mr. Binda was penalized \$250 for failing to file an F-1 for 2021, staff is recommending a penalty of \$300 for failing to timely file an F-1 for 2022.

RCW 42.17A.755(3)(c) also states the Commission may suspend any portion of an assessed penalty contingent on future compliance with this chapter. Mr. Binda filed the 2022 F-1 report 19 days late on May 5, 2023. However, other annual F-1 filers with missing reports were sent a Warning letter on May 5, 2023, stating they needed to file the missing F-1 no later than June 1, 2023 to avoid possible enforcement action and a possible civil penalty. Therefore, staff is recommending that the assessed penalty be suspended, provided Mr. Binda timely files his 2023 F-1 report in 2024 and pays the unpaid \$250 penalty assessed in Case 110503 within 30 days of the Commission's Order.

Exhibit List

Exhibit 1: Hearing Notice for a July 6, 2023 BAP



STATE OF WASHINGTON

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June 21, 2023

Joshua Binda
P.O. Box 2533
Lynnwood, WA 98036

Delivered electronically to Joshua Binda at joshuabinda@gmail.com and by USPS

Subject: Joshua Binda; PDC Case Number 136332

The Public Disclosure Commission (PDC) is investigating a complaint filed on May 3, 2023, by Diodato Boucsiequez and a complaint filed on May 4, 2023, by Glen Morgan. The complaints allege that you, may have violated: (1) RCW 42.17A.700 by failing to timely file the CY 2022 Personal Financial Affairs Statement (F-1 Report) due no later than April 17, 2023.

In accordance with RCW 42.17A.110 and RCW 42.17A.755, a Brief Adjudicative Proceeding (Brief Enforcement Hearing) has been scheduled to determine if Joshua Binda violated RCW 42.17A.700 by failing to file an F-1 report timely. Under the Brief Enforcement Hearing rules, the Presiding Officer has the authority to assess a civil penalty in accordance with [WAC 390-37-143](#), a penalty schedule adopted by the Commission (see enclosed copy).

BRIEF ENFORCEMENT HEARING NOTICE

Date and time: Thursday, July 6, 2023 at 2:00 p.m.
Place: Remotely from Olympia
Live Audio and Online Transmission
Presiding Officer: Public Disclosure Commission
Authority: RCW 42.17A and WAC 390



You are not required by law to attend the hearing. However, the Public Disclosure Commission recommends that respondents appear whenever possible.

PARTICIPATING VIA MICROSOFT TEAMS

The Enforcement Hearing will be audio and video recorded. Some Commission members and staff will be in-person at the PDC office in Olympian and some will join the meeting remotely.

PLEASE READ THE ENTIRE INSTRUCTION Prior to joining the meeting

How to participate remotely in the Washington State Public Disclosure Commission Meeting on July 6, 2023:

Please note you may be prompted to download MS TEAMS App or use a supported browser: Microsoft Edge  or Chrome  for best performance.

Participation Remote via MS Teams

On the date of the meeting and at the designated agenda time you will Join:

Microsoft Teams meeting info for July 6, 2023

Join on your computer or mobile app [Click here to join the meeting](#)

Or call in (audio only)

1-564-999-2000

Phone Conference ID: 629 116 421#

Please remember to **Mute** yourself and turn your **camera off** when you are not talking.

If you experience technical difficulties with the MS Teams participation after the meeting has started at 2:00 p.m., call the PDC's main number 1-360-753-1111 and staff will try to assist you.

If you have any questions about the hearing process prior to the hearing date, please contact Tanya Mercier by email at pdcc@pdcc.wa.gov.

Sincerely,

Tanya Mercier
PDC Compliance Officer

Enclosure