



State of Washington

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH
RCW 42.17A

2021 Joshua Binda Campaign for
Lynnwood City Council

Respondent

PDC Cases 100348 & 100589

Notice of Administrative Charges

Jurisdiction

The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17A RCW, the state's campaign disclosure and contribution law; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all related exhibits by reference.

Allegations

PDC Staff allege that Joshua Binda, a first-time candidate seeking the office of Lynnwood City Councilperson in 2021, violated: (a) RCW 42.17A.445 and WAC 390-16-238 by making multiple expenditures using 2021 Joshua Binda for Lynnwood City Council Campaign funds for goods or services that were not directly related to the Campaign, and so were personal in nature; and (b) RCW 42.17.235 and .240 by failing to timely file the 2021 Post-General Election Summary Full Campaign Contribution and Expenditure report (C-4 report) disclosing contribution and expenditure activities undertaken by the Campaign.

Facts

1. On February 27, 2021, Joshua Binda, a first-time candidate for public office, filed a Candidate Registration declaring his candidacy for Lynnwood City Council, Position 3. Mr. Binda selected the Full Reporting Option, and listed Kyler Parris as the Campaign Manager and himself as the Treasurer.

2. Mr. Binda improperly used \$2,742.49 in Campaign funds for the following non-Campaign related expenditures: (1) Versace - \$1,563.58; (2) Dental - \$326.90; (3) Necklace - \$88.00; (4) Haircut - \$163.00; (5) Tickets - \$91.25; (6) Airfare - \$260.60; (7) Haircut - \$65.00; and (8) Vivid seats - \$184.16.
3. Mr. Binda used his personal funds to reimburse his Campaign for the non-campaign related expenditures listed above. Mr. Binda's personal contributions included two candidate reimbursements totaling \$967.59 that were made more than seven weeks prior to the time several PDC complaints were filed against him, as well as prior to the November 2, 2021, general election date. The contributions included: (1) \$185 contributed on September 15, 2021; and (2) \$782.59 contributed on September 21, 2021. Mr. Binda made another \$1,975.50 contribution to his Campaign on October 31, 2021, three days prior to the November 2, 2021, general election date. In total, Mr. Binda used personal funds to reimburse his Campaign a total of \$2,913.09.
4. Separately, as a candidate under the Full Reporting option appearing on the 2021 general election ballot, Mr. Binda was required to file a Post-General Election C-4 report no later than December 10, 2021, covering the period from October 26 through November 30, 2021.
5. On September 16, 2022, the Campaign filed a combined C-4 report that included contribution and expenditure activities covering the period of October 26 through November 30, 2021, and December 1 through 31, 2021.
6. The C-4 report disclosed \$2,390.50 in monetary contributions received; two in-kind contributions received totaling \$453.49; and no expenditures made or orders-placed. The Post-General Election C-4 report was filed 280 days late in violation of RCW 42.17A.235 and .240.

Legal Authority

RCW 42.17A.445 Personal use of contributions—When permitted. 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 under the following circumstances:

- (1) Reimbursement for or payments to cover lost earnings incurred as a result of campaigning or services performed for the political committee.

- (2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense.
- (3) Repayment of loans made by the individual to political committees shall be reported pursuant to RCW 42.17A.240.

WAC 390-16-238 Personal use of contributions—Standard. (1) Except as specifically allowed by chapter 42.17A RCW, any expenditure of a candidate's campaign funds that is not directly related to the candidate's election campaign is a personal use of campaign funds prohibited under RCW 42.17A.445.

RCW 42.17A.235 and .240 require all 2021 candidate campaigns under the Full Reporting option to timely and accurately file disclose contribution and expenditure activities on Summary Full Campaign Contributions and Expenditure reports (C-4 reports), including the 21-Day and 7-Day Pre-Election and Post-Election C-4 reports.

RESPECTFULLY SUBMITTED this 11th day of January, 2023.

Electronically Signed Peter Lavalley, Executive Director
Public Disclosure Commission

