



**Snohomish County
Prosecuting Attorney
Jason J. Cummings**

Civil Division
Bridget E. Casey, Chief Deputy
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3000 Rockefeller Ave
Everett, WA 98201-4060
(425) 388-6330
Fax (425) 388-6333

June 14, 2023

Diodata "Dio" Boucsiequez
21016 49th Ave W.
Lynnwood, WA 98036

Re: Petition for Recall of Lynnwood City Councilmember Joshua Binda

Dear Mr. Boucsiequez:

Pursuant to RCW 29A.56.130, the undersigned hereby certifies the enclosed ballot synopsis of the recall charges you have filed against Lynnwood City Councilmember Joshua Binda. I have also enclosed a copy of the *Petition for Hearing to Determine Sufficiency of Recall Charge and Adequacy of Ballot Synopsis* filed by the Prosecuting Attorney in Snohomish County Superior Court.

This letter is also to provide you notice that on June 14, 2023, the undersigned certified the ballot synopsis and recall charges to the Snohomish County Superior Court as required by RCW 29A.56.130. A hearing to determine whether the acts stated in the charges filed satisfy the criteria for recall petitions and to determine the adequacy of the ballot synopsis will be held on the Snohomish County Superior Court civil motions calendar on June 27, 2023, at 9:30 a.m.

Very truly yours,

s/ Lyndsey M. Downs
Lyndsey M. Downs
Deputy Prosecuting Attorney

Enclosures

Administration
Michael C. Held, Chief of Staff
Robert J. Drewel Bldg., 7th Floor
(425) 388-7002
Fax (425) 388-6333

Criminal Division
Matthew D. Baldock, Chief Deputy
Mission Building
(425) 388-3333
Fax (425) 388-3572

Family Support Division
Julie Mohr, Chief Deputy
Robert J. Drewel Bldg., 6th Floor
(425) 388-7280
Fax (425) 388-7295

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

In Re:

PETITION FOR RECALL OF JOSHUA
BINDA, LYNNWOOD CITY
COUNCILMEMBER

No.

BALLOT SYNOPSIS

BALLOT SYNOPSIS OF RECALL CHARGE AGAINST
JOSHUA BINDA, LYNNWOOD CITY COUNCILMEMBER

Shall Joshua Binda, Lynnwood City Councilmember, be recalled from public office for misfeasance, malfeasance, or violation of oath of office for the following reasons:

1. From December 2022 to January 2023, Councilmember Binda violated Lynnwood Municipal Code 2.94.030.B by using the City of Lynnwood’s email system to send and receive numerous emails on behalf of his private business arranging speaking engagements with school districts and entering City Council Chambers after hours to film a video promoting a speaking engagement.
2. In 2021 and 2022, Councilmember Binda failed to timely file a required Personal Financial Affairs Statements with the Public Disclosure Commission in violation of RCW 42.17A.700.
3. Councilmember Binda violated RCW 42.17A.235 and RCW 42.17A.240 by failing to timely file a Post-General Election Summary Full Campaign Contribution and Expenditure report disclosing contribution and expenditure activities undertaken

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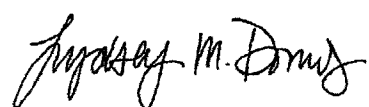
during his 2021 campaign. Between November 2021 and April 2023, Councilmember Binda improperly used \$2,742.49 in campaign funds for non-campaign related expenditures in violation of RCW 42.17A.445.

4. On January 23, 2023, Councilmember Binda knowingly lied to the City of Lynnwood Council and the public by stating his private business contracts for speaking tours and appearances had been signed prior to December 2022. In March 2023, Councilmember Binda attended the National League of Cities Conference in Washington, D.C. without prior notice to the City Council. Councilmember Binda falsely claimed he was representing the City of Lynnwood at the conference. On April 24, 2023, when confronted, Councilmember Binda falsely claimed he was "keynote speaker" at the conference.

5. Multiple times during 2022, Councilmember Binda was observed asleep during in-person city council meetings. Councilmember Binda was also absent from multiple city council meetings because of out of state speaking activities benefiting his private business. These actions interfered with the performance of his official duty.

RESPECTFULLY SUBMITTED this 14th day of June, 2023.

JASON J. CUMMINGS
Snohomish County Prosecuting Attorney

By: 
Lyndsey M. Downs, WSBA #37453
Deputy Prosecuting Attorney
Attorney for Snohomish County

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FILED

JUN 14 2023

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

In Re:

PETITION FOR RECALL OF JOSHUA
BINDA, LYNNWOOD CITY
COUNCILMEMBER

No. 23 2 04368 31

PETITION FOR HEARING TO
DETERMINE SUFFICIENCY OF
RECALL CHARGE AND ADEQUACY
OF BALLOT SYNOPSIS

COMES NOW Jason J. Cummings, Snohomish County Prosecuting Attorney, by and through his deputy, Lyndsey M. Downs, and pursuant to Chapter 29A.56 RCW petitions this Court to determine the sufficiency of the recall charge against Joshua Binda, Lynnwood City Councilmember, and the adequacy of the ballot synopsis formulated from those charges.

I. RECALL CHARGES

On May 31, 2023, Diodata "Dio" Boucsieiguez, on behalf of the Committee to Recall Joshua Binda (hereinafter "Petitioner Boucsieiguez"), filed recall charges against Lynnwood City Councilmember Joshua Binda (hereinafter "Respondent Binda") with the Snohomish County Auditor's Office. *See Declaration of Garth Fell, ¶ 2.* A true and correct copy of the recall charge is attached hereto as Exhibit "A" and is incorporated herein by this reference.

PETITION FOR HEARING TO DETERMINE
SUFFICIENCY OF RECALL CHARGE AND ADEQUACY
OF BALLOT SYNOPSIS - I

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II. LEGAL VOTER

Garth Fell, the Snohomish County Auditor, has determined that Petitioner Boucsiequez is a legal voter in Snohomish County and registered at 21016 49th Ave W., Lynnwood, WA 98036. *See Declaration of Garth Fell, ¶ 4.*

III. FORMULATION OF BALLOT SYNOPSIS

On May 31, 2023, the Snohomish County Prosecuting Attorney’s Office received the recall charges filed with the Auditor’s Office. *See Declaration of Lyndsey M. Downs (Downs Decl.), ¶3.* Pursuant to RCW 29A.56.130(1)(b) and (2), the Prosecuting Attorney, has formulated a ballot synopsis based on the recall charge filed against Respondent Binda. A true and correct copy of the ballot synopsis is attached hereto as Exhibit “B” and is incorporated herein by this reference.

IV. CERTIFICATION AND TRANSMISSION OF THE BALLOT SYNOPSIS TO THE PERSON FILING THE CHARGE AND TO THE OFFICER SUBJECT TO RECALL

Pursuant to RCW 29A.56.130(2), Lyndsey M. Downs, Deputy Prosecuting Attorney, has certified and transmitted the exact language of the ballot synopsis to Petitioner Boucsiequez and to Respondent Binda. *See Downs Decl., ¶4.*

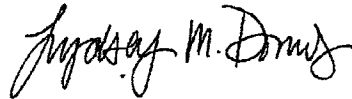
V. CERTIFICATION AND TRANSMISSION TO THE SUPERIOR COURT

Pursuant to RCW 29A.56.130(2), the Snohomish County Prosecuting Attorney, by and through his deputy, hereby certifies and transmits the charge and the ballot synopsis to the Superior Court of Snohomish County.

WHEREFORE, the Snohomish County Prosecuting Attorney, by and through his deputy, petitions this court to conduct, within fifteen (15) days after receiving this Petition, a hearing to determine the sufficiency of the recall charges and the adequacy of the ballot synopsis, without costs to any party pursuant to RCW 29A.56.140. A proposed order is included for the Court’s convenience.

DATED this 14th day of June, 2023.

JASON J. CUMMINGS
Snohomish County Prosecuting Attorney

By: 
Lyndsey M. Downs, WSBA #37453
Deputy Prosecuting Attorney
Attorney for Snohomish County

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