



North American Bikeshare Association  
P.O. Box 5014  
Portland, ME 04101-5014

March 21, 2018

Mr. David London  
Ofo US  
2 Embarcadero Center, 8th Floor  
San Francisco, CA 94111

**Subject: NABSA Code of Conduct Complaint Investigation: Final Board Determination**

Dear Mr. London,

The North American Bike Share Association (NABSA) is a membership-based organization to which membership is voluntary. All organizations who wish to join NABSA do so under written agreement to abide by NABSA's Code of Conduct policy. This policy does not provide an exhaustive list of possible infractions, rather it outlines six principles that underscore the organization's core values and requires that each member operate in a manner that embodies those same values.

The board of directors of NABSA maintains that supporting legislation intended to preempt local authority clearly violates the Community First clause of the Code of Conduct. Further, that action directly negates the following, found in the closing sentence of the Code of Conduct: "We agree to act ethically, responsibly and in good faith with local jurisdictions and industry competitors and live by the values of NABSA identified above..."

The board has reviewed the response letter from ofo US limited, dated March 6, 2018, and has closely followed ofo's lobbying efforts since the date of violation. The motion by Senator Young regarding amendment 384600 of HB 1287, lobbied for by ofo US Limited and entered into record on March 7<sup>th</sup>, 2018, clearly indicates ofo's intent to continue supporting legislation that is not in line with the principles of the NABSA's Code of Conduct.

The actions by ofo contradict any written statement that ofo will act in the best interest of NABSA and its members or to comply with the either of the first two disciplinary action recommendations proposed as a result of the code of conduct investigation and hearing. Therefore, it is the recommendation of the NABSA board of directors that, effective

immediately, option three be enacted as follows:


NABSA will revoke ofo's membership under the following conditions:

- a. by refusing to comply with options 1 or 2 provided herein by the board of directors, ofo makes clear that they have no intent on rectifying or curing violation or changing their behavior in order to comply with the NABSA Code of Conduct.
- b. ofo will only be eligible to reapply for membership to NABSA under the following conditions:
  - i. at least one year has passed since date of expulsion; **and**
  - ii. change in administration of Ofo, Ltd. US; **and/or**
  - iii. change in willingness to comply with NABSA Code of Conduct as evidenced by written statement to that effect.
- c. ofo will not be eligible for the following until successful reapplication and acceptance as a NABSA member:
  - i. sponsorship of any NABSA-hosted event or forum, including but not limited to the annual NABSA conference and all NABSA webinars
  - ii. speaking opportunities at any NABSA-hosted event or forum, including but not limited to the annual NABSA conference and all NABSA webinars

NABSA will make public the terms surrounding ofo's expulsion from NABSA.

NABSA is supportive of new bikeshare technologies that help to propel the bikeshare industry forward and get more people on bikes. The association was excited to welcome dockless organizations as they began operating in North America and will continue to support the efforts of all members who uphold the ideals of the Code of Conduct. However, NABSA will not tolerate any member whose actions have the potential to harm other operators or remove power from the local authorities under which they operate.

Thank You,



Samantha Herr, Executive Director  
North American Bikeshare Association

Signing on behalf of the NABSA Board