

TEXAS ETHICS COMMISSION

IN THE MATTER OF
ADRIANA BILANO,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31204106

FINAL ORDER

The Texas Ethics Commission, having heard this case and voting to find violations of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is Adriana Bilano, whose last known mailing address is P.O. Box 447, Agua Dulce, Texas 78330-0447. A sworn complaint was filed with the Texas Ethics Commission against the respondent on April 23, 2012. The Notice of Hearing was mailed to the respondent on November 8, 2013, by certified mail, return receipt requested, restricted delivery and delivery confirmation.
2. The preliminary review hearing was held on December 2, 2013, by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. The respondent was a candidate for Mayor of Agua Dulce, Texas, in a May 12, 2012, city election.
5. The complaint alleged that the respondent filed an application for a place on the ballot on March 2, 2012, for the election and began displaying campaign signs without having a campaign treasurer appointment in effect.
6. On May 4, 2012, the respondent filed an appointment of campaign treasurer and an 8-day pre-election report with the city secretary of Agua Dulce, Texas. The report disclosed no political contributions and a \$624.84 political expenditure made on April 2, 2012, from personal funds for political advertising signs.
7. The complaint alleged that the respondent did not file the 30-day pre-election report for the May 12, 2012, Agua Dulce, Texas, city election. The respondent filed her first report on May 4, 2012. The cover page of the report indicated that it covered the period from

April 30, 2012, through May 4, 2012, but Schedules F and G disclosed political expenditures that were made on April 2, 2012. Each schedule disclosed a political expenditure to a sign company and a political expenditure in the same amount (\$624.84) to the respondent. It appears the respondent double reported the expenditure. The report disclosed no political contributions.

8. The complaint alleged that the respondent did not include a disclosure statement on her political advertising signs.
9. The complaint included a photograph of a sign, which stated "Prosperity * Growth, Adriana Bilano For Mayor." The sign did not include a political advertising disclosure statement.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. GOV'T CODE § 571.032 and 1 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.
3. Each candidate shall appoint a campaign treasurer as provided by chapter 252 of the Election Code. ELEC. CODE § 252.001.
4. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment is not in effect. ELEC. CODE § 253.031(a).
5. "Candidate" means in pertinent part, a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office. Examples of affirmative action include the filing of an application for a place on the ballot. ELEC. CODE § 251.001(1).
6. The respondent knowingly and willingly took affirmative action for the purpose of gaining election to public office and thus became a candidate on March 2, 2012, when she filed an application for a place on the ballot. She was required to have a campaign treasurer appointment in effect at that time and did not. The respondent also made a campaign expenditure of approximately \$620 when a campaign treasurer appointment was not in effect. Therefore, there is credible evidence of violations of sections 252.001 and 253.031(a) of the Election Code.
7. For each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. The first report must be received

- by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning the day the candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through the 40th day before election day. The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. ELEC. CODE § 254.064.
8. A 30-day pre-election report for the May 12, 2012, city election was due on April 12, 2012, covering the period from March 2, 2012, the day the respondent filed an application for a place on the ballot, through April 2, 2012. The respondent did not file a report until May 4, 2012. The report stated that it covered the period from April 30, 2012, through May 4, 2012, although it disclosed activity as early as April 2, 2012. There is credible evidence of a violation of section 254.064 of the Election Code.
 9. A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate in the advertising that it is political advertising, and the full name of the person who paid for the political advertising, the political committee authorizing the political advertising, or the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. ELEC. CODE § 255.001(a). Political advertising that is authorized by a candidate, an agent of a candidate, or a political committee filing reports under this title shall be deemed to contain express advocacy. *Id.* § 255.001(b).
 10. Political advertising means, in pertinent part, a communication supporting or opposing a candidate for election to a public office that appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication, or on an Internet website. ELEC. CODE § 251.001(16).
 11. The sign at issue was authorized by the respondent and supported the respondent as a candidate for public office. Therefore, the sign was political advertising and was required to include a disclosure statement. The sign did not contain a disclosure statement. There is credible evidence of a violation of section 255.001 of the Election Code.
 12. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater. GOV'T CODE § 571.173.

Therefore, the Texas Ethics Commission orders that:

1. The respondent pay to the Texas Ethics Commission, within 6 months of December 2, 2013, a civil penalty in the amount of \$100. If the \$100 civil penalty is not paid by the due date, the commission imposes a \$1,500 civil penalty.

Order Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission