



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

June 4, 2025

Brenda Zendejas
Brenda Zendejas for Alum Rock School Board 2020
Via email: [REDACTED]

Alison Cingolani
Rise Up Alum Rock!
Via email: [REDACTED]

Warning Letter re: FPPC No. 2020-00862, In the Matter of Brenda Zendejas and Brenda Zendejas for Alum Rock School Board 2020; and Rise Up Alum Rock! and Ellen Tuner, Miriam Hernandez, and Alison Cingolani

Dear all,

The Enforcement Division of the Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act (the "Act").¹ As you are aware, the Enforcement Division received an anonymous complaint against the general purpose committee, Rise Up Alum Rock! ("Rise Up Committee") and the candidate-controlled committee, Brenda Zendejas for Alum Rock School Board 2020 ("Zendejas Committee"). Specifically, it was alleged that there was a presumption of campaign activity coordination because both committees employed a common agent. Subsequently, the Enforcement Division received several referrals from the local filing officer regarding the Zendejas Committee's failure to file required campaign statements or, alternatively, to terminate. The Enforcement Division has completed its investigation and review and will close the matter with this letter.

Brenda Zendejas was a candidate for the Alum Rock Unified School District Board during the November 3, 2020 General Election. The Rise Up Committee was a general purpose committee that supported two candidates for the Alum Rock School Board during this election, including Zendejas. The complainant alleged that, in applications for endorsements, Zendejas had listed Peter Ortiz ("Ortiz") as the campaign manager for Zendejas. The complainant also alleged that Ortiz was involved with the Rise Up Committee as well. The complainant's allegation was ultimately that the two committees, due to this individual in common, were coordinating activity and failing to report coordinated expenditures.

The Act has a comprehensive reporting system, intended to provide transparency and disclosure of political activity of both the persons who make contributions and how committees spend these contributions.² When a committee, such as a general purpose committee, makes coordinated expenditures in support of a candidate on the ballot, the general purpose committee

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84200, *et seq.*

must disclose this activity as a nonmonetary contribution. The receiving candidate must also disclose this activity on campaign statements as a nonmonetary contribution.³ For example, if a general purpose committee paid for and distributed an advertisement, such as a mailing or banner, in coordination or at the behest of a candidate, the advertisement is a contribution. For purposes of determining coordination, “made at the behest” of a candidate or committee is defined to mean made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of the candidate or committee.⁴ Expenditures are presumed to be coordinated or made at the behest under certain circumstances, including, but not limited to, common consultants or common agents.⁵

Committees are required to file campaign statements and reports until the Committee has terminated, even if there is no activity to report.⁶ These reports are due twice a year on July 31 and January 31.⁷

The investigation found insufficient evidence that either committee failed to report expenditures made in coordination. The complaint alleged that an individual, Ortiz, was affiliated with both committees. The investigation confirmed that Ortiz was familiar with and friends with Zendejas. Further, Ortiz was involved with the Rise Up Committee, including serving with the group of members who chose which candidates to endorse. However, there was insufficient evidence to prove that Ortiz acted as an agent or consultant for either committee. Both committees denied coordination and provided records to support their assertions. Therefore, the investigation found insufficient evidence to corroborate the allegation of coordination between the two committees.

The investigation confirmed that Zendejas failed to timely file campaign statements following the election. In total, Zendejas and the Zendejas Committee failed to file reports for the periods ending June 30, 2021; December 31, 2021; June 30, 2022; December 31, 2022; June 30, 2023; December 31, 2023; June 30, 2024; and December 30, 2024. These violations qualify for the streamline settlement program. Under this program, the eight violations of failing to timely file campaign statements qualify for a warning letter. Zendejas has no prior history with the Enforcement Division, was unsuccessful, raised and spent less than \$10,000, and the candidate did not seem to have significant experience with the Act. In addition, Zendejas was otherwise cooperative with the investigation, including being responsive to requests for information.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement

³ See Regulation 18225.7, subdivision (g).

⁴ Regulation 18225.7, subdivision (b).

⁵ Regulation 18225.7, subdivision (d).

⁶ Section 84200. See also, Section 84214.

⁷ Section 84200.

Division to issue warning letters to conclude cases in specified circumstances. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the Commission's website ten (10) days from the date of this letter.

If you have any questions regarding this letter, please contact Theresa Gilbertson at tgilbertson@fppc.ca.gov or by phone at (279) 237-5960.

Sincerely,

Theresa Gilbertson

Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

CC: Filing Officer, Santa Clara County