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Former MCF treasurer pleads guilty to criminal charges

By Vera Kochan

In early September 2019, the Moraga Community Foundation revealed that Francis Robert Fritzky allegedly made unauthorized withdrawals as Foundation treasurer between June 23, 2016 and July 24, 2019 of more than \$250,000 from MCF's bank accounts to himself, to his majority owned company MedMatRx, LLC and to the Jeanette Fritzky Foundation, which he founded and controlled. Fritzky also allegedly provided false financial reports to MCF's board of directors.

Fritzky's most recent court appearance was Aug. 21, via Zoom, before United States District Judge Jon S. Tigar out of the U.S. District Court, California Northern District (Oakland).

There were two felony counts filed against Fritzky. Count one: wire fraud and aiding and abetting; Count two: making and subscribing a false tax return. He has pleaded guilty to both counts after initially entering a not guilty plea during a July 14 arraignment.

Court documents state, "The Scheme: Beginning on June 23, 2016 and continuing through July 24, 2019, Fritzky knowingly, and with the intent to defraud, devised, intended to devise, participated in, and carried out a scheme and artifice to defraud as to a material matter, and to obtain money and property by the means of materially false and fraudulent pretenses, representations and promises."

According to MCF President Dave Trotter, who attended the Aug. 21 change of plea hearing, "Judge Tigar asked Fritzky to 'tell me in your own words why you're guilty.' Fritzky initially replied in effect, 'Unfortunately, circumstances led me to do this.' This response was not accepted by the Court. Judge Tigar then took Fritzky step by step through the factual description of his crimes set forth in the Plea Agreement, and required Fritzky to admit that all of those facts were true, which he did."

"Under further questioning by Judge Tigar," added Trotter, "Fritzky admitted that under the terms of the Plea Agreement, the amount of restitution to be ordered will be 'no less than \$204,913.84.' Fritzky also acknowledged, on the record, that the Court can and may order a higher amount of restitution to the victim (MCF) at time of sentencing."

Fritzky is currently not in custody, and as such, there was no need for bail to be set. His sentencing hearing is scheduled for Jan. 12, 2021, at 9:30 a.m. in Oakland's federal courthouse, before Judge Tigar.

Case information is available to the public on the United States District Court (Northern District of California) website. The case title is: USA v. Fritzky and the Case No: 4:20-cr-00233-JST.

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