



Independent, locally owned and operated!

www.lamorindaweekly.com 925-377-0977

Published October 2nd, 2019

Jeanette Fritzky Foundation under investigation

By Vera Kochan

While researching information pertaining to the alleged embezzlement scheme by Moraga resident Bob Fritzky involving the Moraga Community Foundation, Lamorinda Weekly staff uncovered details regarding the Jeanette Fritzky Foundation.

When asked for confirmation and additional information about the foundation, Moraga Police Department's Lieutenant Brian South responded, "I cannot comment at this time as it's an ongoing investigation."

The JFF website has a donation page instructing anyone wishing "To make a donation by check: Make Payable to: Jeanette Fritzky Foundation c/o HTF. Send to: 1100 Moraga Way; Suite 106; Moraga, California 94556."

Also appearing on the website: "Jeanette Fritzky Foundation HTF is a 501(c)3 non-profit EIN# 45-2994398."

The Lamorinda Weekly team attempted to look up the EIN listed for JFF only to discover that the employer identification number belonged to Healthy Trucking Association of America, located in Alabama. HTAA is a health and wellness organization whose website states: "Helping transportation professionals arrive home safer, healthier and happier."

Further investigation showed that the logo of MedMatRx, Bob Fritzky's pharmaceutical consulting firm, appeared on the HTAA website.

"HTF" listed on the foundation website (jcffoundation.org) after "Jeanette Fritzky Foundation" stands for Healthy Transportation Foundation and is associated with HTAA, sharing virtually the same company logo. No existing EIN for HTF could be found.

HTF's website states it was created in 2011 for the purpose of: "Promoting innovative health and wellness solutions for a mobile workforce."

According to the www.fundera.com website, "A business tax ID number, also called an employer identification number (EIN) or federal tax ID, is a unique nine-digit number that identifies your business with the IRS. Owners of most types of business entities need a business tax ID number to file taxes, open a business bank account, obtain a business license or apply for a business loan."

According to public records, Fritzky did file with the secretary of state for Articles of Incorporation of a Nonprofit Public Benefit Corporation on Nov 13, 2018, at which point he was required to file a Statement of Information form with the secretary of state within 90 days. This form, according to CalNonprofits, identifies the organization's address, principal officers, and agent for service of process, but no record of a Statement of Information form could be found for the Jeanette Fritzky Foundation.

East Bay CPA Eric Grant, who specializes in income tax preparation and small business consulting, was asked if a partner business can share an EIN and if it was advisable. "Generally, not," he said. "Typically a business, whether for profit or nonprofit has its own, discrete EIN. An exception," he added, "might be if the 'partner' business was a subsidiary of a parent company. In such a case, the subsidiary would file tax returns, etc. under its own EIN, however, would be required to refer to the parent's EIN when providing supporting information to the tax authorities. Bottom line, to provide (and improve) visibility and transparency, a nonprofit should use its own EIN."

According to Grant, if two nonprofits sharing the same EIN report their taxes "red flags should go up with the IRS."

"Such duplication should be viewed similar to a pair of individuals using the same social security number when filing a tax return," he said. "There shouldn't be duplicative filings using a single EIN." Based on his experiences with individual tax returns, Grant stated that an initial investigation would be exploratory in nature. He explained, "Upon receiving a duplicate filing, the IRS would contact the second/subsequent filer with notification that a return has been filed using that EIN, and as a result, that particular return would be rejected. The IRS would then request clarification/justification, etc. and either follow up with the initial filer, or investigate further."

Grant disclosed that the penalties for anyone who abuses another's EIN involve civil and potential criminal penalties including the possibility for fines, jail time or both.

While board members are listed on the JFF website, no contact information for the board members is provided. Lamorinda Weekly attempted to reach two of the named board members, but did not receive a response.

Grant's advice to anyone asked to serve on a board of directors is cautionary. "Many people take it as an honor to be asked to join a board (and justifiably, so). Being a board member should be viewed as more than an honor, however. It is a position of responsibility and stewardship that requires understanding one's role and the overall workings of the organization."

Bob Fritzky did not respond to a request for comment.

Reach the reporter at: vera@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA