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Fragozo sentenced to probation for felony voter fraud

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Former Escondido school trustee Jose Fragozo will be sentenced Wednesday. He resigned from the school board after pleading guilty to a felony count of voting fraud.

BY DEBORAH SULLIVAN BRENNAN



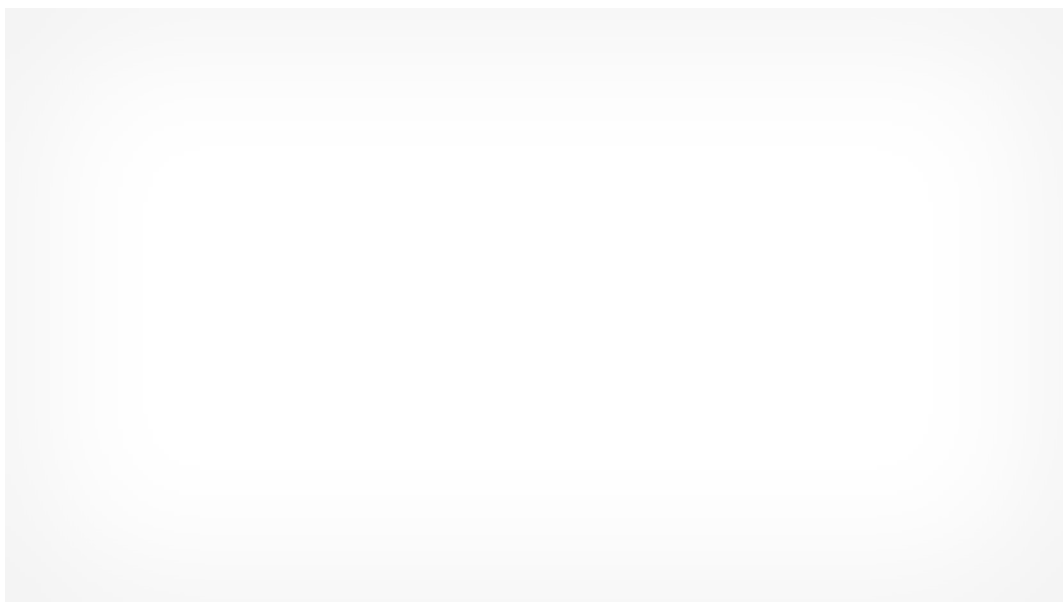
VISTA — Former Escondido elementary school district Trustee Jose Fragozo was sentenced Wednesday to probation, fines and work service after pleading guilty in August to one felony count of voter fraud.

Fragozo had been charged with 13 felony counts including perjury, false voter registration and filing false election documents, stemming from allegations that he lied about where he lived in order to win election to the Escondido Union School District Board in 2012.

On Wednesday, Vista Superior Court Judge Harry Elias ordered Fragozo to serve three years of probation, pay court fines and restitution, and serve 15 days of public work service. Elias also ordered Fragozo to serve a single day in custody, but allowed him to be booked and released the same day.

The judge declined to reduce Fragozo's felony count to a misdemeanor, but left that option for a later time.

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Elias also set a Nov. 14 hearing for restitution in the case. Fragozo could be ordered to pay up to \$26,000 to reimburse the school district for payments and benefits he received as a trustee, including a \$400 monthly stipend and health insurance, his attorney Victor Torres said.

In addition, prosecutor Leon Schorr said Fragozo could be ordered to pay attorney fees for the school district. The former trustee must also pay court fines of \$1,344 and probation costs of \$1,433, Schorr said.

Fragozo did not speak at Wednesday's hearing, and declined to comment afterward. During court proceedings, he remained solemn and showed little reaction to the sentencing.

Torres said he was satisfied with the sentence, but that the case penalized Fragozo for honest errors interpreting complex election laws.

"Mr. Fragozo is not a lawyer," Torres said in court. "He's a very passionate man, he's a well-intentioned man."

Torres told the court that the public humiliation of the trial caused Fragozo and his family "grave concerns," and that further punishment was unnecessary.

Fragozo's critics, however, said the disgraced trustee misled voters to win his seat, and should not be granted leniency.

"He deceived residents of Escondido and his financial supporters," Escondido school employee Theresa Tugwell said in a victim impact letter that she read at the sentencing hearing.

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The judge did offer some room for negotiation in the future. In lieu of public work service — typically manual labor — Fragozo could perform community service upon the recommendation of his probation officer, which would allow him a broader range of tasks and time options.

And Elias held open the possibility of reducing the felony to a misdemeanor at a later time. If he did, Fragozo could run for office again in three years. If the felony conviction remains, Fragozo would be barred from seeking office indefinitely, Schorr said.

Torres said it's unlikely his client would try for elected office again.

The charges against Fragozo revolved around the question of his “domicile,” a legal term for the primary address where a person lives.

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Schorr had argued that Fragozo leased an apartment in central Escondido so he could run for election in the district's predominantly Hispanic election zone, while continuing to live in Hidden Meadows, in a different zone.

Escondido Union School District switched from at-large to district-based elections in 2012 to encourage more diverse school board representation.

Torres countered that Fragozo lived in the downtown apartment during the week, and returned to his house in Hidden Meadows on weekends. He said Fragozo followed candidate instructions provided by the Registrar of Voters, but failed to understand the rules establishing his primary address.

"My take on this case has been that Mr. Fragozo did his best to comply with the law by checking with the Registrar of Voters," Torres said. "I think it's pretty clear that there were legal nuances that go well beyond what he, or frankly most candidates, perceive based on the limited information they get from the Registrar of Voters."

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Schorr said that if Fragozo was unfamiliar with laws governing a candidate's residence, he should have been alerted to problems by subsequent complaints and news coverage about where he lived.

“There were enough people, articles and presentations... of what he needed to do to prove his domicile,” Schorr said. “We believe he didn’t do it.”

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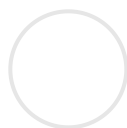
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