



Orange County News

For Immediate Release
January 24, 2017

Contact: Christopher Borek
845.291.3276, 845.238.4245c

DA Hoovler Announces Guilty Pleas in Three cases against Building Contractor

*Fortunato Febus pleads guilty to four felonies and a misdemeanor contained in
three indictments.*

District Attorney to Recommend State Prison Sentences

Goshen, NY – Orange County District Attorney David M. Hoovler announced that on Friday, January 20, 2017, building contractor Fortunato “Ken” Febus, 51, of Wappingers Falls, pleaded guilty to Scheme to Defraud In The First Degree, Repeated Failure To File Personal Income Tax Returns, Failure To Obey A Tax Department Subpoena, Criminal Possession of a Forged Instrument in the Second Degree, and Bail Jumping in the Second Degree. The charges were contained in three separate indictments.

Febus admitted that between May 8, 2012, and August 26, 2015, he engaged in an ongoing scheme to defraud a number of victims who hired him as a building contractor. Victims include a church in the Town of Wawayanda, homeowners in the City of Middletown, two different homeowners in the City of Newburgh, and homeowners and business owners in Sullivan and Dutchess counties. Febus admitted that he accepted payment in connection with each of the jobs he was hired to perform, and then misappropriated this money by spending it on himself or repaying debts not connected with those jobs.

Febus also admitted not having filed New York State Personal Income Tax returns for 2012, 2013 and 2014, when he had a tax liability in each of those years, and not having complied with a Tax Department Subpoena. Febus admitted possessing a forged check from a purported building supplier to defraud one of his victims. Finally, Febus admitted that he had failed to return to

court as directed to answer the charges contained in the first indictment and thereby committed the crime of Bail Jumping in the Second Degree.

Febus' arrest and prosecution was the result of the combined efforts of the New York State Police, the Orange County Sheriff's Office, the New York State Department of Taxation and Finance and the Orange County District Attorney's Office.

The cases were prosecuted by Assistant District Attorney David Curtin.

The People will be recommending state prison sentences on all but the misdemeanor charge of Failure to Obey a Tax Department Subpoena, when Febus is sentenced before Judge Craig Stephen Brown on March 13, 2017.

"This defendant has repeatedly defrauded home owners, and even a church," said District Attorney Hoovler. "Unscrupulous contractors give legitimate contractors an undeserved bad name. Hopefully, this case will deter other home improvement contractors who are tempted to defraud their customers. Those who pay others to make improvements on their most valuable asset deserve to be treated fairly. I look forward to continuing to work with our law enforcement partners in reducing contractor fraud."

A criminal charge is merely an allegation that a defendant has committed a violation of the criminal law, and it is not evidence of guilt. All defendants are presumed innocent and entitled to a fair trial, during which it will be the State of New York's burden to prove guilt beyond a reasonable doubt.

