



Orange County News

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District Attorney Hoovler Announces Sentencing in Three Cases Against Building Contractor

Febus Sentenced to State Prison for Defrauding Customers of His Contracting Business

Goshen, NY – Orange County District Attorney David M. Hoovler announced that on Tuesday, April 25, 2017, building contractor Fortunato “Ken” Febus, 51, of Wappingers Falls, was sentenced by Orange County Court Judge Craig Stephen Brown, on his convictions entered on his guilty pleas on three separate indictments. Febus had pled 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. Febus received a combined sentence of two and two-thirds to seven years in prison. He was also ordered to pay restitution in an amount exceeding \$195,000, more than \$35,000 of which was to cover unpaid taxes due to the New York State Department of Taxation and Finance.

At the time of his guilty pleas, Febus admitted that between May 8, 2012, and August 26, 2015, he engaged in an ongoing scheme to defraud a number of victims who had hired him as a building contractor. Victims included a church in the Town of Wawayanda, homeowners in the Cities of Newburgh and Middletown, 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 that money by spending it on himself or by repaying debts not connected with those jobs.

Febus also admitted his failure to file 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 Kerry Kolek.

"Shady contractors give every legitimate contractor a bad name," said District Attorney Hoovler, "aside from the financial damage that they do to the customers that they defraud, and to all of us when they don't pay their taxes. I have made it a priority of my Office to prosecute unscrupulous contractors, so that we can, hopefully, deter those contractors from ripping off unsuspecting customers, can enhance the reputations of those contractors that should be trusted, and can recover for the State some of the tax revenue that benefits us all."

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.

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