

Steve Krantz/NYEC  
06/27/2007 06:41 PM

To Darren Dopp/NYEC@NYEC  
cc Robin Forshaw/NYEC@NYEC, David  
Nocenti/NYEC@NYEC  
bcc steve.krantz@chamber.state.ny.us  
Subject Re: FAVOR

§ 195.20. Defrauding the government

A person is guilty of defrauding the government when, being a public servant or party officer, he:

(a) engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud the state or a political subdivision of the state or a governmental instrumentality within the state or to obtain property from the state or a political subdivision of the state or a governmental instrumentality within the state by false or fraudulent pretenses, representations or promises and

(b) so obtains property with a value in excess of one thousand dollars from such state, political subdivision or governmental instrumentality.

Defrauding the government is a class E felony.

David Nocenti/NYEC

David Nocenti/NYEC  
06/27/2007 06:20 PM

To Darren Dopp/NYEC@NYEC  
cc Robin Forshaw/NYEC@NYEC, Steve Krantz/NYEC@NYEC  
Subject Re: FAVOR

I know there are scheme to defraud crimes, which are set forth below. I'm not sure if there is a separate "scheme to defraud the government" crime, but I'm cc'ing Robin and Steve, who will know for sure.

§ 190.60 Scheme to defraud in the second degree.

1. A person is guilty of a scheme to defraud in the second degree when he engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person or to obtain property from more than one person by false or fraudulent pretenses, representations or promises, and so obtains property from one or more of



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such persons.

2. In any prosecution under this section, it shall be necessary to prove the identity of at least one person from whom the defendant so obtained property, but it shall not be necessary to prove the identity of any other intended victim.

Scheme to defraud in the second degree is a class A misdemeanor.

§ 190.65 Scheme to defraud in the first degree.

1. A person is guilty of a scheme to defraud in the first degree when

he: (a) engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud ten or more persons or to obtain property from ten or more persons by false or fraudulent pretenses, representations or promises, and so obtains property from one or more of such persons; or (b) engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one

person or to obtain property from more than one person by false or fraudulent pretenses, representations or promises, and so obtains property with a value in excess of one thousand dollars from one or more such persons.

2. In any prosecution under this section, it shall be necessary to prove the identity of at least one person from whom the defendant so obtained property, but it shall not be necessary to prove the identity of any other intended victim.

Scheme to defraud in the first degree is a class E felony.

Darren Dopp/NYEC

Darren Dopp/NYEC  
06/27/2007 06:06 PM

To David Nocenti/NYEC@NYEC

cc

Subject FAVOR

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Can one of your folks get me a citation/description of "Scheme to Defraud the Government" in Penal Law?  
What constitutes a crime in this regard?