

12-5-07 - Judge sentences former Darien pastor to 3 years in prison for embezzlement

By Donna Porstner, The Advocate, Stamford, CT
Staff Writer

NEW HAVEN - A federal judge yesterday sentenced the former pastor of St. John Roman Catholic Church in Darien to three years in prison for embezzling from his parish.

The Rev. Michael Jude Fay, 56, admitted stealing hundreds of thousands of dollars from the collection plate over seven years and using the money to pay for designer clothing, a down payment on a condominium, trips around the world and other personal expenses.

During his sentencing in U.S. District Court yesterday afternoon, Judge Janet Bond Arterton said Fay broke the law and betrayed the trust of his parishioners.

"It was an enormous crime because there were so many whose faith and dedication to the church were preyed upon," Arterton said.

She sentenced him to 37 months in jail followed by three years of supervised release.

She ordered him to repay St. John parish \$1 million, though Fay has said he does not have the assets to comply. She banned him from charging items that cost more than \$200 on his credit cards and ruled he cannot open new credit cards or lines of credit without approval from the probation office.

She said she hoped his sentence sends the message that "not even a collar can protect you from prison."

Fay, along with a half-dozen friends and relatives, asked the judge to spare him prison time, saying he has terminal prostate cancer.

"I beg for your mercy not to send me to prison," said Fay, who was wearing his left arm in a sling. "I am already in prison, and I beg you to let me die with the medical dignity my doctors and nurses provide."

Supporters, including his brother, sister and former parishioners, said Fay could be of better use to society by providing counseling, since he has a history of ministering to the sick and dying.

Fay said he is "deeply sorry for this whole situation" and that the year and a half since he resigned in disgrace has been "suffering and hell."

He said he is sorry for his actions, his ignorance and "for not realizing the effects of my medical drugs."

Prosecutor Richard Schechter reminded the judge that Fay began stealing from the parish in 1999, two years before he was diagnosed with cancer.

Arterton said she considered Fay's medical condition in determining his sentence, but Fay failed to prove that the Bureau of Prisons could not provide adequate medical care.

Arterton said she had "no record he is seriously infirm."

She scheduled him to report to jail April 2, though he may ask for a postponement if he qualifies for a clinical trial for a new cancer medication at Memorial Sloan-Kettering Cancer Center in New York, where he is being treated.

Arterton suggested Fay continue his ministry in prison, counseling other inmates.

Fay, who resigned as pastor in May 2006, pleaded guilty in September to one count of interstate transportation of money obtained by fraud.

Prosecutors say Fay stole \$1.3 million from the parish from 1999 to 2006, funneling much of the money into two secret bank accounts. They say he used the money to travel around the world and put a down payment on a Philadelphia condominium.

Fay agreed he stole parish money but disagreed with the amount prosecutors claimed. Fay said it was \$400,000 to \$1 million because some of the money was used to buy gifts for church employees and volunteers and to entertain parishioners.

"A religious leader who secretly uses contributions made to a church for his own personal benefit destroys the confidence and trust of everyone who donates money to a religious institution or charity," U.S. Attorney Kevin O'Connor said in a statement. "Prosecutions of this kind of serious criminal conduct should serve as a message that no one is above the law."

An audit commissioned by the Diocese of Bridgeport found Fay spent \$1.4 million over six years to buy designer clothing, limousine rides, Cartier jewelry and other personal items.

Fay tried to delay the sentencing until April, when he is scheduled to finish treatment for prostate cancer. In court papers filed last week, his attorney, Lawrence Hopkins, said a "significant sentence" would result in Fay dying alone in prison. Hopkins said the court should consider Fay's good works during his 28 years as a priest and the theatrical productions he put on to entertain parishioners.

The prosecution said performing good works was part of Fay's job as a priest.

Schechter said there is no evidence Fay did any good deeds since he stepped down as pastor.

"For the last year and a half, he hasn't been incarcerated, and there's no record of any community service whatsoever," Schechter said.

While his sentencing yesterday brings the criminal case to an end, the Darien church is trying to recoup its financial losses.

To date, Schechter said, Fay has turned over about \$279,000 in assets to the parish, including his interest in a Florida condominium he bought in 2005 with a partner, Clifford Fantini.

St. John's officials have said they want to sell their half of the condo but so far have been blocked by Fantini.

In the meantime, the parish has been paying half the property taxes and common charges on the Fort Lauderdale property, which parish officials say adds to the losses.