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NURSING REGISTRY OWNER CHARGED WITH \$300,000 THEFT FROM EMPLOYEES

*Allegedly Fraudulently Deducted Money From Employee Paychecks
And Claimed It Was For Workers' Compensation Insurance*

_____ Queens District Attorney Richard A. Brown, along with Workers' Compensation Board Chair Robert E. Beloten and Insurance Superintendent James Wrynn, today announced that the owner of a nursing agency in Jamaica, Queens, has been charged with third-degree grand larceny, among other charges, for illegally deducting \$1 per hour from the payroll checks of more than 200 employees and fraudulently telling them that the Workers' Compensation Board authorized the deductions for their workers' compensation insurance.

In fact, however, according to a criminal complaint, the defendant, Harry Dorvilier, owner of Harry Nurses Registry, Inc., did not purchase workers' compensation insurance for the employees – as is required by law – and instead pocketed the money. Furthermore, it is alleged, employers are required to pay for the insurance themselves and are prohibited from charging employees for it.

District Attorney Brown said, “The defendant is accused of stealing from hundreds of his own employees while at the same time putting them at risk by forcing them to work – unbeknownst to them – without workers' compensation insurance. This type of brazen theft will not be tolerated.”

Chair Beloten said, “The law is clear here: Workers shall not be charged at all for the mandatory protection of workers' compensation insurance. Every legitimate business owner understands this. Anyone who is seeing wages deducted for workers' compensation insurance should contact the Board immediately.”

Superintendent Wrynn said, “This case demonstrates that close collaboration among government and law enforcement agencies can yield positive results by helping to restore the rights of honest citizens and by bringing criminals to justice. I commend the Workers' Compensation Board Office of the Inspector General and the office of Queens District Attorney Brown, as well as the investigators from the Insurance Department's Frauds Bureau, who worked so diligently on this case.”

The District Attorney identified the defendant as Harry Dorvilier, 50, of 88-25 163rd Street in Jamaica, Queens, owner of Harry Nurses Registry, Inc., located at the same address. Dorvilier and his company were arraigned last night in Queens Criminal Court in Kew Gardens on charges of third-degree grand larceny, fourth-degree grand larceny and violating workers' compensation law section 31. Dorvilier was released without bail and ordered to return to court on March 16, 2010. He faces up to seven years in prison if convicted. In the case of a corporation a felony is punishable by a fine of up to \$10,000 or double the amount of the illegal gain.

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District Attorney Brown said that, according to the charges, between September 2006 and December 2007, the defendant, through his corporation, allegedly deducted \$1 an hour from the payroll checks of approximately 221 employees, indicating on the checks and telling the employees that the money was being withheld to pay for the cost of workers' compensation insurance. Employers are required by law to pay for the workers' compensation insurance of their employees and are not allowed to charge those employees for that insurance.

It is further alleged that the defendant purchased workers' compensation insurance for his office workers and failed to purchase workers' compensation insurance for the more than 200 home health care workers that he employed.

The defendant allegedly began charging his employees after being audited by his insurance carrier and advised that he was misclassifying his nurses and home health aides. The auditor allegedly told the defendant that his staff should be considered employees – not independent contractors – and covered under a workers' compensation policy. The workers' paychecks carried a line reading *W/C at 1.0 per hour*, along with the total amount deducted from each check.

The investigation was conducted by the Workers' Compensation Board, Office of the Fraud Inspector General, the New York City Police Department's Queens District Attorney's Squad and the Insurance Frauds Bureau of the New York State Insurance Department.

The case is being prosecuted by Assistant District Attorney Rosemary Buccheri, of the District Attorney's Economic Crimes Bureau, under the supervision of Gregory C. Pavlides, Bureau Chief, and Christina Hanophy, Deputy Bureau Chief, and under the overall supervision of Executive Assistant District Attorney for Investigations Peter A. Crusco and Deputy Executive Assistant District Attorney Linda M. Cantoni.

It should be noted that a criminal complaint is merely an accusation and that a defendant is presumed innocent until proven guilty.

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Note to Editors: E-version of press release posted at www.queensda.org.