



Eliot Spitzer, Governor  
M. Patricia Smith, Commissioner

DIVISION OF LABOR STANDARDS  
247 WEST 54<sup>th</sup> STREET, 6<sup>th</sup> FL.  
NEW YORK, N.Y. 10019

April 16, 2007

**Willie Evans**  
217 West 127<sup>th</sup> Street, Apt #13A  
New York, NY 10027

Re: Case# 03-06-0774 vs. Harry's Nurses Registry

Dear Mr. Evans:

On your original claim form, you stated that you were employed as a Nurse (LPN) for Harry's Nurses Registry. Please answer the following questions regarding your work for Harry's Nurses Registry:

1. Was your work being supervised by anyone? If yes, who supervised you and what type of supervision did you receive?
2. Were you required to work specific hours?
3. Who set the rate of pay for services performed?
4. Did you receive any fringe benefit, such as vacation, holiday pay, sick pay, etc., while employed at Harry's Nurses Registry?
5. Do you have any business cards with your name on them? If so, were they supplied by Harry's Nurses Registry? If this is applicable, please supply me with one of these cards.
6. Were you reimbursed for any of your expenses?
7. Did you have to submit any invoices for the work you completed?
8. Was there a written contract between you and Harry's Nurses Registry for the work to be done?

In addition, on your claim form, you stated that you worked 8am to 8pm 7 days a week during the period of 11/1/06 to 11/30/06. The records your former employer provided to me does not seem to validate this claim. If you have any pay stubs showing your hours worked for the aforementioned period, please send them to me at the address listed above.

*(Continued on Page 2)*



New York State Department of Labor  
Elliot Spitzer, Governor  
M. Patricia Smith, Commissioner

---

Page 2

Finally, on your claim form, you stated that you were paid an hourly wage of \$21/hr. On the records provided to me by your former employer, however, it seems that you were paid \$20/hr on some shifts and \$21/hr on others. Was workers compensation being deducted from your paychecks? Please indicate to me your correct hourly wage.

Your failure to respond to my questions by April 30, 2007 will result in our closing your case due to non-cooperation.

If you have any questions, please feel free to contact me at the phone number listed below.

Very Truly Yours,

Pierre Magloire  
Labor Standards Investigator



New York State Department of Labor  
Eliot Spitzer, Governor  
M. Patricia Smith, Commissioner

DIVISION OF LABOR STANDARDS  
75 VARICK STREET, 7<sup>TH</sup> FLOOR  
NEW YORK, N.Y. 10013

December 4, 2007

**Harry's Nurses Registry**  
**Attn: Harry Dorvilier**  
**88-25 163<sup>rd</sup> Street**  
**Jamaica, NY 11432**

Re: 03-06-0774 vs. Harry's Nurses Registry

Dear Mr. Dorvilier,

On 3/23/07 I visited your premises in order to perform a records inspection. I met with your bookkeeper, Men Chak. Ms. Chak informed me that she was unaware that a records inspection was scheduled for that day, therefore, no records were made available to me.

Section 661 of the NYS Labor Law requires that employers furnish records upon our request. Accordingly, we are requesting that you provide weekly payroll records of all employees who work at the location referenced above. These records must show each employee's daily hour's worked (including time in/out), wage rate, gross wages, deductions, and net wages. These records must cover the period of 3/23/05 to 3/23/07.

Please provide these records to us at our office located at the address listed at the top of this letter. These records must be received no later than December 18, 2007. For your convenience, you may mail these records to us.

If you have any questions, please feel free to contact me at the phone number listed below.

Very Truly Yours,

Pierre Magloire  
Labor Standards Investigator

**DEALY & SILBERSTEIN, LLP**  
ATTORNEYS AT LAW  
225 Broadway, Suite 1405  
New York, New York 10007  
Telephone (212) 385-0066 \* Telefax: (212) 385-2117

December 14, 2007

VIA FACSIMILE (212) 775-3375  
& FIRST CLASS MAIL

Mr. Pierre Magloire  
Labor Standards Investigator  
New York State Department of Labor  
Division of Labor Standards  
75 Varick Street, 7<sup>th</sup> Floor  
New York, New York 10013

**Re: 03-06-0774 v. Harry's Nurses Registry**

Dear Mr. Magloire:

This firm represents Harry's Nurses Registry ("Harry's"). Reference is made to your letter dated December 4, 2007 (copy enclosed). Harry's is seeking guidance as to the specific records sought to be inspected by the Department of Labor. In this regard, please inform the undersigned whether the Department of Labor seeks only those records relating to Harry's full-time employees, or whether it wishes to inspect the records relating to the independent contractors registered with Harry's as well.

Please contact the undersigned upon receipt of this letter to coordinate production of the records required by your office.

Sincerely,



Milo Silberstein

MS/mb

Enclosure

cc: Mr. Harry Dorvilier



New York State Department of Labor  
Eliot Spitzer, Governor  
M. Patricia Smith, Commissioner

DIVISION OF LABOR STANDARDS  
75 VARICK STREET, 7<sup>TH</sup> FLOOR  
NEW YORK, N.Y. 10013

December 18, 2007

**Dealy & Silberstein, LLP**  
**Attn: Milo Silberstein**  
**225 Broadway, Suite 1405**  
**New York, NY 10007**

Re: 03-06-0774 vs. Harry's Nurses Registry

Dear Mr. Silberstein,

In response to your letter dated December 14, 2007, we are no longer requesting that your client, Harry's Nurses Registry, submit payroll records to us.

As a result of Overtime complaints filed by employees Willie Evans and Men Fan Chak, we investigated Harry's Nurses Registry. Upon review of Mr. Evans claims, it was determined that he was not eligible for OT at a wage rate of one and one-half times his regular rate; thus, his case was closed.

However, an underpayment of \$2561 was computed for Ms. Chak. During the period of 1/1/06 to 9/1/06, Ms. Chak was not compensated at the OT rate (as described above) for all OT hrs worked. As proof of her claims, Ms. Chak provided us with photocopies of her pay stubs along with her time cards for the aforementioned period.

Therefore, enclosed is a Recapitulation Sheet in the amount of \$2,561.

*Continued on Page 2*



New York State Department of Labor  
Elliot Spitzer, Governor  
M. Patricia Smith, Commissioner

---

Page 2

Failure to pay wages is a criminal as well as a civil violation of Article 6 of New York State Labor Law. In addition officers of the corporation and representatives who violate the law subject themselves to prosecution in Criminal Court as well as to civil action entailing the assessment of interest at the rate of 16 % commencing on the date of the violation and penalties up to 200% on the unpaid wages.

Please remit your check payable to the Commissioner of Labor in the amount \$2,561 no later than January 16, 2007 in order to avoid further legal action, including the imposition of interest and penalties as described above.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Pierre Magloire".

Pierre Magloire  
Labor Standards Investigator

Enclosure  
CC: Harry's Nurses Registry