

**SUPREME COURT OF THE STATE OF NEW YORK  
CRIMINAL TERM, QUEENS COUNTY, PART K-23**

-----X  
**THE PEOPLE OF THE STATE OF NEW YORK,**

**Plaintiffs,**

**-against-**

**HARRY DORVILIER,  
HARRY'S NURSES REGISTRY, INC.**

**Defendants.**

**Indictment Number:  
1709 / 2010**  
-----

**AFFIDAVIT**

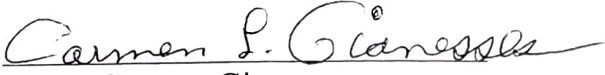
-----X  
Carmen Gianesses, having been duly sworn, deposes and states under oath as follows:

1. I am the Coordinator of Harry's Nurses Registry, Inc., and I have been employed by Harry's Nurses Registry, Inc., since on or about March 11, 2004.
2. Harry's Nurses Registry is owned and operated by Harry Dorvilier.
3. My duties as the Coordinator of Harry's Nurses Registry includes assigning Registered Nurses and Licensed Practical Nurses to patients and maintaining and coordinating contact between the Nurses and Harry's Nurses Registry.
4. I recall that in 2006, Harry Dorvilier was responding to inquiries concerning Workers Compensation Insurance requirements for the independent contractor Registered Nurses and Licensed Practical Nurses that were retained by Harry's Nurses Registry to provide at-home skilled nursing services to patients.
5. I recall that in 2006, Harry's Nurses Registry retained the services of a Certified

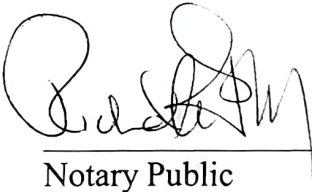
Public Accountant, Eric Rogers, CPA, for professional advice concerning the Workers Compensation Insurance requirement.

6. I recall that CPA Eric Rogers advised Harry's Nurses Registry to deduct \$1 per hour from the payments made to the Nurses to fund the cost of Workers Compensation Insurance.
7. I recall that CPA Rogers advised that a salary deduction was the appropriate and lawful way to fund the premium payment due for Workers Compensation Insurance.
8. Specifically, to implement his professional advice, Eric Rogers personally reprogrammed Harry's Nurses Registry's computer to make the \$1 per hour deduction.
9. I further recall that Eric Rogers advised Harry Dorvilier that the nurses should receive written notice of the Workers Compensation Insurance deduction, and therefore Eric Rogers drafted and prepared a letter for distribution to the nurses.
10. I and other members of the staff of Harry's Nurses Registry distributed to the nurses the letter that Eric Rogers drafted concerning the Workers Compensation deduction.
11. Harry Dorvilier relied upon the advice of Eric Rogers concerning the deduction for Workers Compensation Insurance from the payments made to the nurses, and the deduction was implemented because this was the professional advice provided by CPA Eric Rogers.
12. I was neither interviewed nor questioned by Harry Dorvilier's trial attorney.

13. If asked, I would have testified to the facts set forth in this affidavit at the trial of Harry Dorvilier, and if necessary I am willing to appear in court in the future to testify to the facts set forth in this affidavit.

  
Carmen Gianesses

Sworn to before me this  
22nd day of August, 2012

  
\_\_\_\_\_  
Notary Public

**RICHARD A. FINKEL**  
Notary Public, State of New York  
No. 02FI4645961  
Qualified in Nassau County  
Commission Expires March 30, 2015