

COUNTY COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

- - - - - X

THE PEOPLE OF THE STATE OF NEW YORK

I N D I C T M E N T

- against -

I-769A-K-07

FELIX VINLUAN,  
ELMER JACINTO,  
JULIET ANILAO,  
HARRIET AVILA,  
MARK DELA CRUZ,  
CLAUDINE GAMIAO,  
JENNIFER LAMPA,  
RIZZA MAULION,  
JAMES MILLENA,  
MA THERESA RAMOS and  
RANIER SICHON,

Defendants.

- - - - - X

COUNTS	OFFENSE	DEF.'S
N 1	Conspiracy in the Sixth Degree Penal Law § 105.00	A-K
N 2	Criminal Solicitation in the Fifth Degree Penal Law § 100.00	A
N 3-7	Endangering the Welfare of a Child Penal Law § 260.10(1)	A-K
N 8-13	Endangering the Welfare of a Disabled Person Penal Law § 260.25	A-K

\_\_\_\_\_  
Paul Lecorre  
Foreperson

\_\_\_\_\_  
Thomas J. Spota  
District Attorney  
Suffolk County

Special Grand Jury - 1E  
11/6/2006 through 6/6/2007

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CLAUDINE GAMIAO,  
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RIZZA MAULION,  
JAMES MILLENA,  
MA THERESA RAMOS and  
RANIER SICHON,

(Penal Law §§  
100.00, 105.00,  
105.20, 260.10(1),  
260.25 and 20.00)

Defendants.

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Introduction

1. At all times relevant to this Indictment, Sentosa Recruitment Agency was a direct-hire agency located in the Republic of the Philippines. The agency recruited Filipino nurses for work in the United States at Sentosa Care Group, which operated nursing facilities in New York City and on Long Island.

2. Sentosa Care and a nurse whom Sentosa Recruitment had recruited entered into a contract. Under the contract's terms, Sentosa Care obtained for the nurse an immigrant visa from the United States Embassy in Manila and the United States Department of Homeland Security. Because Sentosa Care incurred expenses in

the nurse-procurement process, a recruited nurse gave Sentosa Care a three-year commitment that, upon the nurse's breach, made the nurse liable to Sentosa Care for money damages of \$25,000.

3. In New York City, Sentosa Care operated, among other facilities, the Brookhaven Rehabilitation & Health Care Center and the Split Rock Rehabilitation & Health Care Center. On Long Island, Sentosa Care operated, among other facilities, the Bayview Rehabilitation & Health Care Center and the Avalon Gardens Rehabilitation & Health Care Center. Avalon Gardens, located on Route 25A in Smithtown, was the only Sentosa Care facility in Suffolk County. Avalon Gardens was also the only nursing facility on Long Island containing a pediatric unit.

4. Avalon Gardens' pediatric unit was equipped to provide care for chronically ill children, including children on ventilators. A ventilator, a mechanical device that delivers air to the lungs of a patient who is unable to breathe sufficiently, provided critical breathing assistance to the Avalon Gardens' children who had chronic conditions that required ventilation up to twenty-four hours a day.

5. The Avalon Gardens' children who received ventilation did so through a tracheostomy, a surgically constructed opening in the trachea. These children also needed periodic suctioning from a sterile catheter to remove bronchial secretions that could obstruct ventilation. Because a ventilator failure could

result in death, each Avalon Gardens' ventilator was equipped with an alarm to alert healthcare professionals to dangers such as air-pressure changes, patient breathing problems, ventilator malfunction and power failure.

#### The Defendant Nurses

6. Sentosa Recruitment recruited the defendants ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON to be nurses for Sentosa Care. Sentosa Care, through its nursing facilities, entered into contracts with the defendant nurses and assigned them to Avalon Gardens.

7. All the defendant nurses were trained to care for children on ventilators. And in early April 2006, the defendant nurses CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, MA THERESA RAMOS and RANIER SICHON were the only Avalon Gardens' nurses, other than a nurse who was on vacation, who worked almost exclusively with children on ventilators.

#### The Defendant Nurses' Duty to Their Patients

8. The New York Education Law and the rules of the New York Board of Regents governed conduct among healthcare professionals, including nurses. Under the Education Law and the rules of the Board of Regents, a nurse committed unprofessional conduct when the nurse abandoned a patient without making reasonable arrangements for the patient's

continued care or when the nurse abandoned employment at a health-care facility without giving reasonable notice to the facility and under circumstances that seriously impaired the delivery of professional care to patients.

The Defendant Nurses' Breach of Their Duty

9. The defendant FELIX VINLUAN was an attorney who had an office in Manhattan and an office in the Philippines. FELIX VINLUAN represented Sentosa Recruitment competitors and, on or about April 5, 2006, advised the defendant nurses to resign from Avalon Gardens and Sentosa Care.

10. On April 6, 2006, ten nurses from Brookhaven Rehabilitation submitted resignation letters. On April 7, 2006, two nurses from Split Rock and two nurses from Bayview Rehabilitation submitted resignation letters. The content of the fourteen aforementioned letters was identical and stated that the resignation was effective immediately.

11. Still later on April 7, 2006, the defendant nurses, knowing that nurses at other Sentosa Care facilities had resigned, also submitted resignation letters. The content of each letter was identical to the content of the letters to the other Sentosa Care facilities and stated that the resignation was effective immediately.

12. With the pool of possible temporary replacement nurses depleted because of the resignations at other Sentosa Care

facilities, the sudden resignations of the defendant nurses at Avalon Gardens endangered the welfare of Avalon Gardens' pediatric patients, particularly the terminally ill JB, the child NL and the ventilated children NC, BC, TM and TT, all of whose identities are known to the grand jury.

COUNT ONE  
(Conspiracy in the Sixth Degree)

13. The grand jury repeats paragraphs 1 through 12 and charges that on or about and between April 5, 2006, and April 7, 2006, in Suffolk County, New York, and elsewhere, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, with intent to perform conduct constituting the crimes of Endangering the Welfare of a Child and Endangering the Welfare of a Physically Disabled Person, agreed to engage in and cause the performance of such conduct.

14. It was the conspiracy's objective to obtain for the Avalon Gardens' nurses alternative employment and a release from their three-year commitment to Sentosa Care without incurring a financial penalty of \$25,000.

15. In pursuit of their objective, the defendant FELIX VINLUAN and the defendant nurses sought to establish that

Sentosa Care had breached the contracts and had discriminated against the nurses.

16. The defendants pursued their objective without regard to the consequences that their pursuit would have on Avalon Gardens' pediatric patients. The defendants agreed that the defendant nurses, including all the available nurses who cared for children on ventilators, would resign without giving Avalon Gardens notice. The defendants did so knowing that their resignations and the prior resignations at other Sentosa Care facilities would render it difficult for Avalon Gardens to find, in a timely manner, skilled replacement nurses for Avalon Gardens' pediatric patients, particularly the terminally ill JB, the child NL and the ventilated children NC, BC, TM and TT.

17. In furtherance of the conspiracy and in pursuit of its objective, the defendants committed the following overt acts:

a. On or about April 5, 2006, in Suffolk County, the defendant FELIX VINLUAN met with the defendant nurses and asked them to bring a discrimination claim against Avalon Gardens and Sentosa Care. The defendants ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON agreed to bring the claim.

b. On April 6, 2006, in Washington, D.C., the defendant FELIX VINLUAN, acting on the defendant nurses' behalf,

filed with the Civil Rights Division of the United States Department of Justice a Federal discrimination claim against Avalon Gardens and Sentosa Care.

c. On April 7, 2006, at Avalon Gardens, the defendants ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON approached Avalon Gardens' director, whose identity is known to the grand jury, and submitted their resignation letters.

(Penal Law §§ 105.00 and 105.20)

COUNT TWO

(Criminal Solicitation in the Fifth Degree)

18. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on or about and between April 5, 2006, and April 7, 2006, in Suffolk County, New York, the defendant FELIX VINLUAN, with intent that the defendant nurses engage in conduct constituting the crimes of Endangering the Welfare of a Child and Endangering the Welfare of a Physically Disabled Person, requested and otherwise attempted to cause the nurses to resign immediately from Avalon Gardens.

(Penal Law § 100.00)

COUNT THREE

(Endangering the Welfare of a Child)

19. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County,

New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to be injurious to the physical welfare of NC, a seven-year-old child.

(Penal Law §§ 260.10(1) and 20.00)

COUNT FOUR  
(Endangering the Welfare of a Child)

20. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County, New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to be injurious to the physical welfare of BC, a two-year-old child.

(Penal Law §§ 260.10(1) and 20.00)

COUNT FIVE  
(Endangering the Welfare of a Child)

21. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County, New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to

be injurious to the physical and mental welfare of TM, a four-year-old child.

(Penal Law §§ 260.10(1) and 20.00)

COUNT SIX

(Endangering the Welfare of a Child)

22. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County, New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to be injurious to the physical and mental welfare of TT, a three-year-old child.

(Penal Law §§ 260.10(1) and 20.00)

COUNT SEVEN

(Endangering the Welfare of a Child)

23. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County, New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to be injurious to the physical welfare of NL, a seven-year-old child.

(Penal Law §§ 260.10(1) and 20.00)

COUNT EIGHT

(Endangering the Welfare of a Physically Disabled Person)

24. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County, New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to be injurious to the physical welfare of NC, a person who was unable to care for herself because of a physical disability.

(Penal Law §§ 260.25 and 20.00)

COUNT NINE

(Endangering the Welfare of a Physically Disabled Person)

25. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County, New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to be injurious to the physical welfare of BC, a person who was unable to care for himself because of a physical disability.

(Penal Law §§ 260.25 and 20.00)

COUNT TEN

(Endangering the Welfare of a Physically Disabled Person)

26. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County, New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to be injurious to the physical welfare of TM, a person who was unable to care for herself because of a physical disability.

(Penal Law §§ 260.25 and 20.00)

COUNT ELEVEN

(Endangering the Welfare of a Physically Disabled Person)

27. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County, New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to be injurious to the physical welfare of TT, a person who was unable to care for herself because of a physical disability.

(Penal Law §§ 260.25 and 20.00)

COUNT TWELVE

(Endangering the Welfare of a Physically Disabled Person)

28. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County, New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to be injurious to the physical welfare of NL, a person who was unable to care for himself because of a physical disability.

(Penal Law §§ 260.25 and 20.00)

COUNT THIRTEEN

(Endangering the Welfare of a Physically Disabled Person)

29. The grand jury repeats paragraphs 1 through 12 and 14 through 16 and charges that on April 7, 2006, in Suffolk County, New York, the defendants FELIX VINLUAN, ELMER JACINTO, JULIET ANILAO, HARRIET AVILA, MARK DELA CRUZ, CLAUDINE GAMIAO, JENNIFER LAMPA, RIZZA MAULION, JAMES MILLENA, MA THERESA RAMOS and RANIER SICHON, acting in concert, knowingly acted in a manner likely to be injurious to the physical welfare of JB, a person who was unable to care for herself because of a physical disability.

(Penal Law §§ 260.25 and 20.00)

A TRUE BILL

**COUNTY COURT  
SUFFOLK COUNTY**

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THE PEOPLE OF THE STATE OF NEW YORK

- against -

FELIX VINLUAN,  
ELMER JACINTO,  
JULIET ANILAO,  
HARRIET AVILA,  
MARK DELA CRUZ,  
CLAUDINE GAMIAO,  
JENNIFER LAMPA,  
RIZZA MAULION,  
JAMES MILLENA,  
MA THERESA RAMOS and  
RANIER SICHON,

Defendants.

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**INDICTMENT**

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