

J 05179

200F 6714 MB

P1014

ARREST / NOTICE TO APPEAR

- 1. Arrest (No Warrant)
- 2. Arrest (Warrant)
- 3. Request for Warrant
- 4. Request for Capias
- 5. Juvenile Referral
- 6. N.T.A.

1 JUVENILE

OBTS Number	Agency ORI Number 0500200		Agency Name Boca Raton Police Department		Agency Report Number (N.T.A.'s only) 3, 2 2020-008477
Charge Type: Check as many as apply	<input checked="" type="checkbox"/> 1. Felony	<input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor	<input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other
Location of Arrest (Including Name of Business) 346 PLAZA REAL (LOCH BAR)			Location of Offense (Business Name, Address) 346 PLAZA REAL, BOCA RATON, FL 33432		
Date of Arrest 08/13/2020	Time of Arrest 17:02	Booking Date	Booking Time	Jail Date	Jail Time
Name (Last, First, Middle) LEOS, DIANA C			Alias (Name, DOB, Soc. Sec. #, Etc.)		
Race W - White B - Black	Sex F	Date of Birth 05/26/1982	Height 5'04	Weight 154	Eye Color BROWN
Scars, Marks, Tattoos, (Unique Physical Features (Location, Type, Description))		Marital Status S	Religion UNKNOWN	Complexion LIGHT	Build Small
Local Address (Street, Apt. Number) 3101 PORT ROYAL BLVD 1036, FORT LAUDERDALE, FL 33308			Phone (954) 593-8073		
Permanent Address (Street, Apt. Number) 3101 PORT ROYAL BLVD 1036, FORT LAUDERDALE, FL 33308			Phone (954) 593-8073		
Business Address (Name, Street) LOCH BAR,			Occupation Bartender		
D/L Number, State L200163826860 / FL	Soc. Sec. Number	INS Number	Place of Birth (City, State) COLUMBIA, Columbia		Citizenship
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile	
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile	
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian	Name (Last, First, Middle)			Residence Phone	
Address (Street, Apt. Number)			Business Phone		
Notified by: (Name)	Date	Time	JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 3. Incarcerated		
Released To: (Name)	Relationship	Date	Time		
The above address was provided by <input type="checkbox"/> defendant and/or <input type="checkbox"/> defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.			School Attended	Grade	
<input type="checkbox"/> Yes, by <input type="checkbox"/> No.			Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Description of Property	Value of Property
Drug Activity N: N/A P: Possess	S: Sell B: Buy T: Traffic	R: Smuggle D: Deliver E: Use	K: Disperse/ Distribute	M: Manufacture/ Produce/ Cultivate	Z: Other
Drug Type N: N/A A: Amphetamine	B: Barbiturate C: Cocaine E: Heroin	F: Hallucinogen M: Marijuana O: Opium/Deriv.	P: Paraphernalia/ Equipment S: Synthetic	U: Unknown Z: Other	
Charge Description GRAND THEFT 5000 OR MORE LESS THAN 10K DOLS			Statute Violation Number 812.014(2C2)	Violation of ORD # 100 per AD	
Drug Activity	Drug Type N	Amount / Unit	Offense #	Counts 1	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Charge Description ORGANIZED FRAUD - UNDER 20K			Statute Violation Number 817.034(4A3)	Violation of ORD # 100 per AD	
Drug Activity	Drug Type N	Amount / Unit	Offense #	Counts 1	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Charge Description			Statute Violation Number	Violation of ORD #	
Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N
Health / Apparent Physical Condition of Defendant			Any knowledge of the following: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries		
Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Posted Bond			PROPERTY - Received By		
<input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> South County Mental Health			Released By		
Transported By			Date Transported	Time Transported	Other
<input type="checkbox"/> INSTRUCTION NO. 1 - Mandatory appearance in court <input checked="" type="checkbox"/> INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.			Location (Court, Room) South County 200 W Atlantic Ave Delray Beach, FL 33444		
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN COMTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.			No Photo Available		
Signature of Defendant (or Juvenile and Parent/Custodian)			Date Signed		
HOLD for Other Agency			Name Verification (Printed by Arrestee)		
Signature of Arresting Officer 769			Name of Arresting Officer (Print) ALVAREZ, A.		
<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest			ID # 769		
<input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony			Agency DRP		
Intake Deputy T. Collins			ID # 760		
Pouch #			Agency DRP		
Witness here if subject signed with an "X"			PAGE 1 OF 1		

SCANNED
AUG 14 2020 AB

PROBABLE CAUSE AFFIDAVIT

1. Arrest
2. N.T.A.
3. Request for Warrant
4. Request for Capias

1 JUVENILE

OBTS Number		
Agency ORI Number FL 0500200	Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2020-008477
Charge Type: Check as many as apply <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other

Name (Last, First, Middle) LEOS, DIANA C	Alias	Race W	Sex F	Date of Birth 05/26/1982
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Charge Description 817.034(4A3) ORGANIZED SCHEME TO DEFRAUD	Charge Description 812.014(2C2) GRAND THEFT OVER \$5,000
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Victim's Name (Last, First, Middle) LOCH BAR,	Race	Sex	Date of Birth
Local Address (Street, Apt. Number) 346 PLAZA REAL, BOCA RATON, FL 33432	Phone (561) 939-6600	Address Source	
Business Address (Name, Street)	Phone	Occupation	

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.
The Person taken into custody ...
 committed the below acts in my presence. was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
 confessed to _____ admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.
On the **13** day of **August**, **2020** at **17:56** (Specifically include facts constituting cause for arrest.)

On 07/27/20, I was assigned to a fraud case as a follow up investigation that occurred at 346 Plaza Real (Loch Bar) in the City of Boca Raton. I reviewed the initial report completed by Boca Raton Police Department Officer Super. The following is a synopsis of the initial report:

On 07/26/20 at 1120 hours, Officer Super arrived at 346 Plaza Real (Loch Bar) and made contact with Manager Brian Bagley in reference to a fraud. Bagley advised that when he was completing an audit on their rewards program transactions, he became aware of an employee possibly committing fraud. Bagley noticed that on one employee meal a rewards card was used (the rewards cards are for customers only and are not to be used by employees on duty). Bagley explained that for every \$1.00 spent equals 1 point in rewards; after 300 points are accumulated, \$30.00 is added to the rewards account to be used during the customer's next visit. Bagley became suspicious of their bartender, W/F Diana Leos (D.O.B. 05/26/82), of using rewards card number # [REDACTED] which has acquired 50,000 points since it was opened in January of 2020. The next highest rewards account balance only has 6,000 points. Bagley stated that over 100 checks had the same rewards card used before closing out.

Bagley advised that he tracked all the transactions on the suspected rewards card account from 01/04/20 to present day. It should be noted that the suspected rewards card was used 14 times on 07/24/20, which is consistently used many times during every shift Leos works. The suspected rewards card is only used Wednesday through Saturday starting after 1600 hours, which is consistent with Leos shift of working Wednesday through Saturday starting at 1600 hours. It should be noted that the suspected rewards card was not used on the days that Leos was not working. Bagley also began to monitor the cameras, which he believes Leos takes cash transactions and places the cash under a check tray in the middle of the back bar until close. Bagley advised the camera is not completely clear, but he believes the employee is holding onto the card in the chest

SWORN AND SUBSCRIBED BEFORE ME	
BROWN, KEISHA L NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 1111.01)	 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
08/13/2020 DATE	ALVAREZ, AMANDA (769) NAME OF OFFICER (PLEASE PRINT)
	08/13/2020 DATE

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

1. Arrest
2. N.T.A
3. Request for Warrant
4. Request for Capias

1 JUVENILE

OBTS Number	Agency ORI Number FL 0500200		Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2020-008477
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Charge Type Check as many as apply	<input checked="" type="checkbox"/> 1. Felony	<input type="checkbox"/> 3. Misdemeanor	<input type="checkbox"/> 5. Ordinance	Special Notes
	<input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 6. Other	


Name (Last, First, Middle) LEOS, DIANA C	Alias	Race W	Sex F	Date of Birth 05/26/1982
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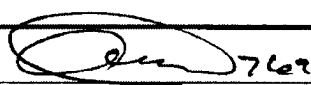
area.

Bagley explained the process with the following example, a bar tab was \$52.00, and a customer leaves the \$52.00 plus \$8.00 in a tip totaling \$60.00 cash. Then the reward card is swiped and \$30.00 is applied using points. Then the employee places \$30.00 in the drawer and the remaining \$30.00 is brought (hidden) in the back of the bar. Since the points were used there is no shortage in the drawer, which makes it appear to be no loss in revenue. Bagley advised that Leos has kept the balance on the card at zero, so calculated total theft is \$5,000.00 since January 2020 using the rewards program at the time of reporting.

On 07/28/20, I made contact with Bagley over the phone in order to review the facts of the case with him. Bagley advised that Leos has been employed by Loch Bar for the past three years and has been working at this location in the City of Boca Raton since October of 2018. Bagley stated that the rewards program is currently only available at the Boca Raton Loch Bar location and cannot be used at any other locations. Bagley explained that the suspected rewards card was activated on 01/04/20, but it was not registered to a person's name or information like it should be. Bagley stated that the only way for the rewards card to be used is to physically swipe it or input the rewards card number (inputting the number takes too much time and isn't usually done). Bagley also noted that the two computers point of sale (POS) systems are left unlocked and used by multiple bartenders a night. Therefore, the receipts do not show which employee closed out the tab. The rewards card had been consistently showing to be used Wednesday through Saturday after 1600 hours, so the suspects were narrowed to be employees that were scheduled to work during that timeframe. Bagley was able to verify that Leos was the one committing the fraudulent use of the rewards card because she was asked to work on one Sunday (06/28/20 clocked in at 2:09 pm, clocked out at 11:28pm which is abnormal) and that same Sunday that she worked was the only time the suspected rewards card was swiped multiple times throughout Leos' shift (rewards card was used on 06/28/20 beginning twice at 5:29pm and then repeatedly at 7:28pm, 7:29pm, 8:24pm, 8:25pm, 9:07pm, and 9:27pm). This is the only deviation from the usual Wednesday through Saturday that the rewards card has shown to be used. There were no other employees working on that Sunday that also work every Wednesday through Saturday in which the suspected rewards card is used. Bagley provided Leos timecard activity for January through August that matched with the times that the rewards card has been used.

On 07/30/20, I made contact with Bagley at Loch Bar and retrieved copies of the timecards for all of June and July that corresponded with the dates the suspected rewards card was used. On 07/2/20 at 9:35pm and on 07/23/20 at 10:10pm, rewards card is shown to be used on an employee meal transaction. A copy of the receipts of the employee meals were collected and placed into the Boca Raton Evidence Department as well. Bagley later provided Leos' timecards from January to May that also correlated with all the suspected rewards card transactions.

SWORN AND SUBSCRIBED BEFORE ME	
BROWN, KEISHA L NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 117.11)	SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
08/13/2020 DATE	ALVAREZ, AMANDA (769) NAME OF OFFICER (PLEASE PRINT)
	08/13/2020 DATE

OBTS Number _____	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT		1. Arrest 2. N.T.A.	3. Request for Warrant 4. Request for Capias	1	JUVENILE
Agency ORI Number FL 0500200	Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2020-008477				
Charge Type: Check as many as apply <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other						Special Notes: _____
Name (Last, First, Middle) LEOS, DIANA C				Race W	Sex F	Date of Birth 05/26/1982
<p>Bagley advised that he was readjusting the camera angles behind the bar so that he could better capture the transactions being done that corresponded with the suspected rewards card transactions. The following are some of the more recent incidents in which Leos is observed on video surveillance mishandling money transactions and swiping the rewards card several times on different customer transactions: (It should be noted that the time stamp on the camera is one hour and one minute behind present time.)</p> <p>Bagley advised that he observed Leos mishandling money transactions on camera several times. Bagley identified Leos on the camera as the white female with dark hair wearing a white shirt and dark colored pants. On 07/30/20 at 18:48:23 on the camera labelled "main bar 1", Leos is observed on video behind the bar taking the bill presenter plate with money on it that was used to pay a tab and placed it by the left corner of the bar (clearly setting the bill aside). At 18:55:21, Leos removes another cashed out bill from the bar and places it on the cash presenter already set aside. It should be noted that she acknowledges the money is there but does not complete the process of checking out the bill. At 19:10:30, Leos is observed counting the cash set aside and appears to hide some of the cash under the bill presenter plate before taking the top bill presenter plate towards the cash drawer. At 19:30:45, Leos is observed taking cash to place into the tip bucket but is also observed placing something in her breast pocket. It should be noted that these checks do not get cashed out until 21:26 hours (almost two hours after the check was paid by the customer). At 20:02:00, Leos is again observed taking money from a paid check presented and is observed hiding the money in a cooler in the center of the bar.</p> <p>On 08/08/20, Leos began her shift around 1700 hours. On camera labelled "main din 1" at 17:05:40, Leos is observed on camera taking a card out of her small brown handbag that is kept on the counter next to the glass chiller machine (behind the bar). Leos is then observed placing that card into the rocks glass that is known to hold other customer rewards cards that have tabs open. It should be noted that the other rewards cards in the rocks glass are typically labelled with a sticky note stating the rewards member's name, but the card she placed into the rocks glass and later takes out clearly did not have a sticky label to it.</p> <p>At 17:06:08, Leos is observed on video at the register at the left end of the bar. Leos is observed pulling out a card from the rocks glass holding all of the rewards cards and placing it by the register, underneath the monitor. At 17:06:12, Leos can be observed accessing the "gift & loyalty" screen on the register (can be distinguished due to the coloring and layout of the screen) and pressing the "issue points" tab on the right side of the screen before swiping the card she had placed under the monitor at the register. This transaction observed on video matches to the program activity detail showing the suspected rewards card being used at 18:07 hours on check # 9367.</p>						
SWORN AND SUBSCRIBED BEFORE ME						
_____ BROWN, KEISHA L NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. § 117.10)			 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER			
08/13/2020 DATE			ALVAREZ, AMANDA (769) NAME OF OFFICER (PLEASE PRINT)			
08/13/2020 DATE			08/13/2020 DATE			
						PAGE 3 OF 4

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

1. Arrest
2. N.T.A.
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1 JUVENILE

OBTS Number	Agency ORI Number FL 0500200		Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2020-008477
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Charge Type: Check as many as apply	<input checked="" type="checkbox"/> 1. Felony	<input type="checkbox"/> 3. Misdemeanor	<input type="checkbox"/> 5. Ordinance	Special Notes:
	<input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 6. Other	

Name (Last, First, Middle) LEOS, DIANA C	Alias	Race W	Sex F	Date of Birth 05/26/1982
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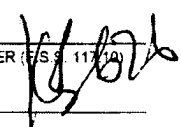

At 18:00:48, Leos is observed on video at the register at the left end of the bar again. Leos is observed pulling out a card from the rocks glass holding all of the rewards cards and placing it by the register, underneath the monitor. At 18:00:50, Leos can be observed accessing the "gift & loyalty" screen on the register, pressing the "issue points" tab on the right side of the screen before swiping the card she had placed under the monitor at the register. This transaction observed on video matches to the program activity detail showing the suspected rewards card being used at 19:02 hours on check # 9375.

It should be noted that on 08/08/20, the rewards card was used several more times at 20:48, 20:49, 21:29, 21:57, and 21:58 hours. Video surveillance shows Leos conducting those transactions each time. The recent program activity detail for the suspected rewards card reported the card had 50,775 points accumulated. The cash balance on the account is currently \$0.78, which totals to approximately \$5,077.50 in cash withdraws Leos has made from the rewards account.

The Loch Bar video surveillance system holds video since 02/18/20. I viewed video from 02/19/20 at 1931 hours that showed Leos conducting a transaction at the far west register behind the bar that correlated with the suspected rewards card being used on 02/19/20 at 2032 hours. It should be noted that this is consistent to the recent video surveillance I reviewed occurring as recent as 08/08/20. All video surveillance available of every suspected rewards card transaction will be collected since 02/19/20 to present.

On 08/13/20 at 1630 hours, I made contact with Leos at the Loch Bar (346 Plaza Real) in the City of Boca Raton. I read Leos her constitutional rights from a pre-printed department issued Miranda Warnings card. Leos stated she understood and agreed to speak with me and signed the Miranda card. I asked Leos if I could search her brown handbag that she had on her person. She allowed me to search through her bag while in her presence. Inside the handbag, I found the suspected rewards card # [REDACTED] inside the middle pocket among miscellaneous papers. Upon further questioning, Leos admitted to using the rewards card, I pulled from her purse, to gain points by swiping it on transactions of other customers. Leos admitted that what she had been doing was wrong and she should not have done it. Leos explained that the money that she would redeem from the rewards card she would put towards paying tabs for people that decided to leave without paying or meals to be eaten at work. Leos stated that she knew of other employees that would use the rewards card on their own meals, but she admitted that she would gain points based on other people's tabs and not just on the meals she would pay for. Leos denied taking any of the money home with her.

Based on my investigation, I have probable cause for the arrest of W/F Diana Leos for organized scheme to defraud per F.S.S. 817.034(4A3) and grand theft over \$5,000.00 per F.S.S. 812.014(2C2). Leos was transported to BRPD and later PBCJ.

SWORN AND SUBSCRIBED BEFORE ME		
BROWN, KEISHA L NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 1117.02)		SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
08/13/2020 DATE		ALVAREZ, AMANDA (769) NAME OF OFFICER (PLEASE PRINT)
		08/13/2020 DATE



PALM BEACH COUNTY SHERIFF'S OFFICE

Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2020019282	Date: 08/13/20
	Specialist Name/ID: J. Beck/9007