

2021 CF 5/67 AX
Rough Arrest Only

ADMIN	OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report				1. Arrest 3. Request for Warrant		3		Juvenile		N			
	Agency ORI Number		Agency Name				Agency Report Number									
	FL0500000		PALM BEACH COUNTY SHERIFF'S OFFICE				06-19-106186									
ADMIN	Charge Type:		<input checked="" type="checkbox"/> 1. Felony		<input type="checkbox"/> 3. Misdemeanor		<input type="checkbox"/> 5. Ordinance		Weapon Seized/Type		Multiple Clearance Indicator		01			
	Check as many as apply.		<input type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 6. Other		2 1. Yes 2. No							
	Location of Arrest (Including Name of Business)		Location of Offense (Business Name, Address)													
		12521 83 rd Lane N, West Palm Beach, FL 33412														
Date of Arrest		Time of Arrest		Booking Date		Booking Time		Jail Date		Jail Time		Location of Vehicle				
DEFENDANT	Name (Last, First, Middle) Zayak Jr., James, Martin															
	Alias (Name, DOB, Soc. Sec. #, Etc.)															
	Race		Sex		Date of Birth		Height		Weight		Eye Color		Hair Color			
	W - White B - Black O - Oriental/Asian		M		02/22/1965		6-02		200		Blue		Brown			
	Complexion		Build		Marital Status		Religion		Indication of:		Y N Unk.					
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)						Married		Christian		Alcohol Influence <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		Drug Influence <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
	Local Address (Street, Apt. Number)		(City)		(State)		(Zip)		Phone		Residence Type		1. City 3. Florida 2. County 4. Out of State 2			
	11194 63 rd Lane N		West Palm Beach		FL		33412		(561) 827-8161							
	Permanent Address (Street, Apt. Number)		(City)		(State)		(Zip)		Phone		Address Source					
	Same								()		FL DL					
CO-DEF	Business Address (Street, Apt. Number)		(City)		(State)		(Zip)		Phone		Occupation					
	11194 63 rd Lane N		West Palm Beach		FL		33412		()		Self-Employed					
	D/L Number, State		Soc. Sec. Number		INS Number		Place of Birth		Citizenship							
	Z200-453-65-062-0, FL						Ohio		US							
	Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile							
									<input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor							
	Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile							
									<input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor							
	<input type="checkbox"/> Parent Name (Last) (First) (Middle)										Residence Phone					
	<input type="checkbox"/> Legal Custodian															
VENUE	<input type="checkbox"/> Other															
	Address (Street, Apt. Number)		(City)		(State)		(Zip)				Business Phone					
	Notified by: (Name)		Date		Time		Juvenile Disposition		1. Handled/Processed within Dept. and Released		2. TOT HRS/CYF		3. Incarcerated			
	Released To: (Name)		Relationship		FCIC/NCIC		Date		Time							
	The above address was provided by defendant and/or defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office informed of any change of address:				School Attended		Grade									
	<input type="checkbox"/> Yes, by: (Name)		<input type="checkbox"/> No: (Reason)													
	Recovery Information															
	0. N/A 1. Voluntary 2. Located Not Returned 3. Hospitalized 4. HRS Custody 5. Law Enforcement Custody 6. Returned to Parent 7. Deceased 8. Other															
	Drug Activity		S. Sell		R. Smuggle		K. Dispense/ Distribute		M. Manufacture/ Produce/ Cultivate		Z. Other		Drug Type		B. Barbituate C. Cocaine E. Heroin	
	N. N/A		B. Buy		D. Deliver								H. Hallucinogen M. Marijuana O. Opium/Deriv.		P. Paraphernalia/ Equipment S. Synthetic U. Unknown Z. Other	
P. Possess		T. Traffic		E. Use												
CHARGE	Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #							
	Exploitation of an Elderly Person		01		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		825.103(3a)									
	Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number		Bond					
CHARGE	N		N				19-106186									
	Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #							
	Grand Theft Greater Than \$100,000		01		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		813.014 (2a)									
CHARGE	Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number		Bond					
	N		N				19-106186									
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OBTS Number		PROBABLE CAUSE AFFIDAVIT				1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias		3	Juvenile	N
Agency ORI Number FLO 5 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE				Agency Report Number 06 - 19-106186				
Charge Type: <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance Check as many <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other as apply.						Special Notes:				
Defendant's Name (Last, First, Middle) Zayak Jr., James Martin						Race W	Sex M	Date of Birth 02/22/1965		
Charge Description Exploitation of an Elderly Person			F.S.S. 825.103 (3a)			Charge Description Grand Theft < \$100,000.00			F.S.S 812.014 (2a)	
Charge Description						Charge Description				
Victim's Name (Last, First, Middle) Vogel, Jessie, Amanda						Race W	Sex F	Date of Birth 05/10/1942		
Victim's Local Address (Street, Apt. Number) 2330 Village Blvd,		(City) West Palm Beach	(State) FL	(Zip) 33409	Phone		Address Source Guardian			
Victim's Business Address (Name, Street)		(City)	(State)	(Zip)	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... <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> committed the below acts in my presence. <input type="checkbox"/> confessed to _____ admitting to the below facts. </div> <div> <input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts. <input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation. </div> </div>										
On the 21 day of May, 2021 at 1433 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest).										

NARRATIVE:

On Wednesday, 11/20/2019, I was assigned this case for follow up investigation. The initial complaint stated that Jessie A. Vogel is an alleged incapacitated person. It was reported that a neighbor by the name of James Martin Zayak Jr. has put himself in a position of trust and was appointed Power of Attorney over Jessie Vogel. The report states that Jessie Vogel was currently residing at an assisted living facility named Arden Courts of West Palm Beach, located at 2330 Village Blvd. The complainant advised that James Zayak has moved into Mrs. Vogel's home and has taken over her personal property. The report further stated that a 2017 Toyota Corolla was transferred to Mr. Zayak for the sum of \$100.00 in 2018. There are concerns that Mrs. Vogel may not have had capacity to consent when placing James Zayak as her Power of Attorney. Additionally, there are concerns that Mr. Zayak has not been executing his fiduciary responsibilities in a manner that would benefit Mrs. Vogel.

Investigation revealed that Jesse Vogel had been suffering a cognitive decline beginning sometime between summer of 2017 and the fall of 2017. Eyewitness account from Jessie Vogel's neighbor, Matthew Sprute, certified medical records from JFK North Medical Center, certified records from Dr. Rahul Patel's office and certified documents provided by Manorcare (Arden Courts) further confirm that Jessie Vogel was suffering from Dementia and was on many occasions unable to comprehend what was going on. As of 08/09/2018 Jessie Vogel had a firm diagnosis of Dementia and per medical records lacked the capacity to consent.

Medical records further confirmed that James Martin Zayak Jr. was aware of Jessie Vogel's lack of cognition.

NARRATIVE CONTINUATION

The Power of Attorney allegedly signed by Jessie Vogel granting James Martin Zayak Jr. authority over Jessie Vogel's affairs was executed on 08/28/2018. Interviews with Attorney John Williams who created the Power of Attorney, Trenesia Rozier who notarized and witnessed the execution of the document, and Joyce Sworn who signed as a witness on the Power of attorney revealed that the document was not executed properly.

I received certified documents from SunTrust Bank, SunTrust Brokerage, Chase Bank, Barclay MasterCard, and E*Trade. A thorough review of the bank documents revealed the following:

On 08/31/2018, three days after the above Power of Attorney was executed, James Zayak, conducted a transfer of \$16,000.00 from Jessie Vogel's SunTrust Bank Account ending in [REDACTED] into an E*TRADE account that is solely in James Zayak Jr's name. Jessie Vogel was not listed as beneficiary nor was she to benefit from the creation of this account.

On 09/04/2018, James Zayak transferred \$2,115.68 from Jessie Vogel's Chase Bank Checking account ending in [REDACTED] into James Zayak's Chase Checking account ending in [REDACTED] solely in his name. Jessie Vogel was not listed on this account and based on account activity did not benefit from any of the fund's being deposited.

On the same day James Zayak Jr. transferred \$3,076.68 from Jessie Vogel's Chase Savings Account ending in [REDACTED] into James Zayak's Chase Saving account ending in [REDACTED] solely in his name. Jessie Vogel was not listed on the account and based on account activity did not benefit from any of the fund's being deposited.

James Zayak Jr. also deposited a \$5,000.00 check (Check #6918) drawn from Jessie Vogel's SunTrust Checking account ending in [REDACTED] into his Chase Bank saving's account ending in [REDACTED] on the same day. \$4,000.00 was deposited to fund the account and \$1000.00 cash was withdrawn. It appears that the \$1000.00 cash was used to fund opening the checking account ending in [REDACTED] in James Zayak's name opened on the same day.

On 09/13/2018 James Zayak made a payment to his wife, Michelle Zayak's, Barclay MasterCard account ending in [REDACTED] in the amount of \$2,214.97 from Jessie Vogel's SunTrust checking account ending in [REDACTED]. The account activity preceding payment on the card did not appear to benefit Jessie Vogel as the balance preceding the payment was carried over several months which included expenditures such as cruises, excursions, clothing and food expenditures (Restaurant and Grocery). It should be noted that James Zayak was receiving checks from Jessie Vogel for Grocery shopping

NARRATIVE CONTINUATION

at the time these expenditures were being made further evidencing that the charges on Michelle Zayak's MasterCard were not going to her benefit.

Also on 09/13/2018 James Zayak transferred \$11,154.97 from Jessie Vogel's SunTrust Checking account ending in [REDACTED] to a newly established SunTrust checking account ending in [REDACTED] which was solely in his name.

James Zayak also liquidated Jessie Vogel's SunTrust savings account ending in [REDACTED] and transferred \$584.70 into the newly established SunTrust checking account ending in [REDACTED] on the same day as the above transfer.

On 09/18/2018 James Zayak Jr. closed Jessie Vogel's SunTrust Brokerage account ending in [REDACTED] and transferred \$285,952.97 into a newly established SunTrust Brokerage account ending in [REDACTED] which was solely in his name and listed his wife, Michelle Zayak, as the beneficiary of the funds. Jessie Vogel was not the beneficiary of the funds. It should be noted that James Zayak Jr. transferred funds from the brokerage account 4 times totaling \$130,031.22 and the funds were deposited into James Zayak Jr's SunTrust Checking account ending in [REDACTED]. The transfers are as follows:

10/02/2018 \$15,000.00
12/28/2018 \$44,815.89
07/11/2019 \$50,000.00
01/13/2020 \$25,000.00

Additionally, audio recording provided by SunTrust bank evidenced that James Zayak Jr. had initiated the above mentioned transfers for \$50,000.00 and \$25,000.00.

On 11/29/2018 James Zayak Jr. made another payment to his wife, Michelle Zayak's, Barclay MasterCard account ending in [REDACTED] in the amount of \$2000.00 from Jessie Vogel's SunTrust Checking account ending in [REDACTED]. It should be noted that in the month prior to the card payment another cruise was charged on the card. None of the funds could show a direct benefit to Jessie Vogel as all of her needs at this time were now being met by the Assisted Living Facility.

On 07/01/2019 James Zayak Jr. paid for his daughter, Morgan Zayak's, wedding photography provided by Verola Studios in the amount of \$4,050.00 using Check #6208 drawn from Jessie Vogel's SunTrust checking account ending in [REDACTED].

Additionally, an audio recording provided from 06/28/2019 in which I heard a male who identified himself as Jessie A. Vogel. The male was inquiring to an issue he was having conducting a transfer. The male believed to be James Zayak portraying himself as

NARRATIVE CONTINUATION

Jessie Vogel provided Jessie Vogel's account number ending in [REDACTED] and Jessie Vogel's correct Social Security Number to proceed past the security questions. While speaking with the customer service representative the male inquired into the use of Zelle, asking about the pros and cons of the service. The male advised that he was trying to move over \$4,050.00. The male stated that the money was for a wedding and that they needed it that day. The male was told that he would not be able to conduct a transfer from SunTrust to another banking establishment without going into the bank to conduct a wire transfer.

On 07/18/2019 James Zayak Jr. Zelle transferred \$2,000.00 from Jessie Vogel's SunTrust checking account ending [REDACTED] to his Chase Bank business checking account ending in [REDACTED] in the name of J & J Surface Restoration.

An audio recording from 07/09/2019 in which a male who identified himself as James Zayak and was complaining that he was having trouble accessing his account online. James identified the account # as ending in [REDACTED] and further identified himself by providing the last 4 of his social security number. During the conversation James Zayak reference Jessie Vogel's account ending in [REDACTED] as another of his accounts. James Zayak was referring to a \$2000.00 Zelle Transfer.

On 07/19/2019 James Zayak Jr. Zelle transferred \$2,000.00 from Jessie Vogel's SunTrust checking account ending [REDACTED] to his Chase Bank business checking account ending in [REDACTED] in the name of J & J Surface Restoration.

An audio recording from 07/18/2019 in which a male identified himself as James Zayak and was complaining about an issue with a Zelle transfer. During the transaction James referenced Jessie Vogel's account ending in [REDACTED] and James further identified himself with his correct last four numbers of his social security number. During this transaction the Customer Service Representative explained how much money could be transferred during a Zelle Transfer.

Another recording from 07/30/2019 where I heard a male identify himself as James Zayak and provide the correct last 4 of his social security number. James Zayak Jr. was calling in regards to one of the \$2,000.00 Zelle transfers he made on Jessie Vogel's account to himself. The account was unfrozen at that time.

On 08/13/2019 James Zayak Jr. Zelle transferred \$1,000.00 from Jessie Vogel's SunTrust checking account ending [REDACTED] to his Chase Bank business checking account ending in [REDACTED] in the name of J & J Surface Restoration.

NARRATIVE CONTINUATION

On 09/10/2019 James Zayak Jr. transferred \$2,000.00 from Jessie Vogel's SunTrust checking account ending in [REDACTED] to James Zayak's SunTrust checking account in [REDACTED].

On 09/11/2019 James Zayak Jr. transferred \$2,000.00 from Jessie Vogel's SunTrust checking account ending in [REDACTED] to James Zayak's SunTrust checking account in [REDACTED].

On 11/12/2019 James Zayak Jr. transferred \$10,000.00 from Jessie Vogel's SunTrust checking account ending in [REDACTED] to James Zayak's SunTrust checking account in [REDACTED].

Between 08/31/2018 to 11/12/2019 James Zayak Jr. misappropriated \$351,149.97 from account's in Jessie Vogel's Name. James Zayak did pay \$86,322.01 towards Jessie Vogel's care to the Assisted Living Facility between 10/5/2018 to 01/21/2020. Adjusted for the \$86,322.01 that did benefit Jessie Vogel \$264,827.96 was misappropriated by James Zayak Jr.

Investigation also revealed that James Martin Zayak Jr. and his family took up residence in Jessie Vogel's home and paid no rent. According to Matthew Sprute James Zayak Jr. moved into Jessie Vogel's home in September of 2019 but had been using Jessie Vogel's property to park their vehicles since as early as September of 2018. This was further evidenced by certified records from the Department of Highway Safety and Motor Vehicles which showed that James Zayak Jr. had listed Jessie Vogel's address for a change of address on 11/04/2019.

James Zayak Jr. also took steps to take adverse possession of Jessie Vogel's home. According to the Property Tax Collector Website, James Zayak Jr. on 09/05/2019 paid in the amount of \$5,267.93 for the 2018 taxes and on the same day paid \$5,024.62 for the 2017 taxes. The funds came from a \$10,313.05 withdrawal on 09/04/2019 from the SunTrust account ending in [REDACTED], an account that is funded by Jessie Vogel's money.

Lastly, James Martin Zayak Jr. retitled Jessie Vogel's 2017 Toyota Corolla on 08/10/2018. Documents submitted to the Department of Highway Safety and Motor Vehicles confirmed that James Zayak Jr. retitled the vehicle into his name claiming to have paid Jessie Vogel \$1.00. James Zayak Jr. retitled Jessie Vogel's 2012 Toyota 4 Runner on 09/10/2019. Documents submitted to the Department of Highway Safety and Motor Vehicles confirmed James Zayak Jr. retitled the vehicle into his name claiming to have paid Jessie Vogel \$5,000.00. It should be noted that funds were not placed into Jessie Vogel's for the supposed sale of those vehicles.

NARRATIVE CONTINUATION

Also Matthew Sprute stated in a recorded interview that he had observed Michelle Zayak driving Jesse Vogel's 2012 Toyota 4 Runner and that James Zayak was driving Jessie's 2017 Toyota Corolla.

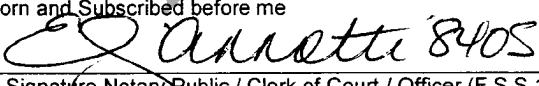
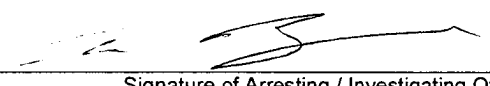
In conclusion, James Martin Zayak Jr. did take steps to take advantage of Jessie Amanda Vogel (78), an incapacitated elderly woman. Jessie Vogel showed a cognitive decline beginning as early as March of 2018 when she was found wandering a local gas station in a confused state. Review of medical records confirmed that there was a decline causing concern that needed to be evaluated by a specialist. Additionally, further medical records confirmed the diagnosis of Dementia further coupled with the fact that less than a month after signing a Power of Attorney Jesse Vogel was placed in a Memory Care Facility requiring 24-hour supervision by Alzheimer's trained staff.

James Martin Zayak did take control of Jessie Vogel's SunTrust account and use the fund in ways that benefitted himself and his family. Additionally, James Martin Zayak Jr. opened a SunTrust account, in his sole name, using funds from Jessie Vogel and used those funds for personal benefit. This SunTrust account was also used to receive funds from the SunTrust Brokerage accounts that James Zayak retitled to his name.

Also James Martin Zayak took up residence in Jessie Vogel's home and took steps to conceal that property taxes were paid by Jessie. Lastly James Zayak Jr. did retitle Jessie Vogel's vehicle into his own name.

James Martin Zayak Jr. did knowingly obtain and use, Jessie Vogel's, an elderly person, funds, assets and property with the intent to temporarily or permanently deprive the elderly person, Jessie Vogel, of the use, benefit, and possession of the funds, assets, property and to benefit himself and his family by a person (Zayak) who should have reasonably known that the elderly person lacked the capacity to consent and such funds, assets, and property being in excess of \$100,000.00.

Based on the above described investigation I find sufficient probable cause to charge James Martin Zayak Jr with Exploitation of an elderly person pursuant to F.S.S. 825.103 (3a) and Grand Theft pursuant to F.S.S. 812.014 (2a).

Sworn and Subscribed before me	
	
Signature Notary Public / Clerk of Court / Officer (F.S.S 117.10)	Signature of Arresting / Investigating Officer
Det. Erin Giannotti	Det. Aaron Burlage ID # 7913
Name of Notary Public / Clerk of Court / Officer (F.S.S 117.10)	Name of Officer (Please Print)
05/26/2021	05/26/2021
Date	Date