Rough Arrest Only ☐

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

ADMINISTRATION

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number
	FL0500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 15-157349

Charge Type: Check as many as apply. ☒ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Weapon Seized/Type: 1. Yes 2. No | Multiple Clearance Indicator

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
N/A	1313 D ROAD LOXAHATCHEE, FL 33470

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle

DEFENDANT

Name (Last, First, Middle): VISCONTI, JOSEPH

Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White, B - Black, I - American Indian, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	11/18/1961	5'7	150	BRN	BRN	LIGHT	MED

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description): UNK.

Marital Status: SINGLE | Religion: UNK | Indication of: Alcohol Influence Y ☐ N ☐ Unk. ☒; Drug Influence Y ☐ N ☐ Unk. ☒

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Residence Type (1. City 2. County 3. Florida 4. Out of State)
1313 D ROAD	LOXAHATCHEE	FL	33470	( ) UNK	2
Permanent Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone ( )	Address Source: FLORIDA DL
Business Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone ( )	Occupation: UNEMPLOYED

D/L Number, State	Soc	INS Number	Place of Birth	Citizenship
V253-480-61-418-0	[redacted]		NEW YORK	USA

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

JUVENILE

☐ Parent ☐ Legal Custodian ☐ Othe — Name (Last) (First) (Middle) | Residence Phone

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: ☐ Yes, by: (Name) ☐ No: (Reason)

School Attended | Grade

CODE

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: N. N/A P. Possess S. Sell B. Buy T. Traffic R. Smuggle D. Deliver E. Use K. Dispense/ Distribute M. Manufacture Produce/ Cultivate Z. Other

Drug Type: N. N/A A. Amphetamine B. Barbituate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/ Equipment S. Synthetic U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
EXPLOITATION OF THE ELDERLY	1	☐ Yes ☒ No	825.103(1)(D)	
Drug Activity	**Drug Type**	**Amount/Unit**	**Offense #**	**Warrant/Capias Number** / **Bond**
			15-157349	

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Yes ☐ No		
Drug Activity	**Drug Type**	**Amount/Unit**	**Offense #**	**Warrant/Capias Number** / **Bond**

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Yes ☐ No		
Drug Activity	**Drug Type**	**Amount/Unit**	**Offense #**	**Warrant/Capias Number** / **Bond**

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Yes ☐ No		
Drug Activity	**Drug Type**	**Amount/Unit**	**Offense #**	**Warrant/Capias Number** / **Bond**

NOTICE TO APPEAR

☐ Instruction No. 1 Mandatory Appearance in Court
☐ Instruction No. 2 You need not appear in Court but must Comply with instructions on reverse side.

Location (Court, Room Number, Address)

Court Date and Time — Month Day Year Time A.M. P.M.

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 CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

Signature of Defendant (or Juvenile and Parent/Custodian) Date Signed

ADD

HOLD for other Agency	Signature of Arresting Officer	Name Verification (Printed by Arrestee)
Name:	X	(PRINT)
☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:	Name of Arresting Officer (Print) J. BELYEU	I.D. #
Intake Deputy I.D. # Pouch #	Transporting Officer I.D. # Agency	Witness here is subject signed with an "X".

PAGE 1 OF 1

DISTRIBUTION: 1st WHITE - COURT 2nd WHITE - RECORDS GREEN - STATE ATTY. YELLOW - CID PINK - JAIL (Rough Arrest) GOLD - DEFENDANT (Misd.) or BLOTTER (Felony)

NOT A CERTIFIED COPY

PALM BEACH COUNTY SHERIFF'S OFFICE
PROBABLE CAUSE AFFIDAVIT

NOT A CERTIFIED COPY

OBTS

Charge Type [**3**] 1. Arrest 3. Request for Warrant Juvenile
2. N.T.A. 4. Request for Capias

Agency ORI Number FL0500000 Agency Report
Charge Type: [**X**] Felony [ ] Misdemeanor [ ] Ordinance
[ ] Traffic Felony [ ] Traffic Misdemeanor [ ] Other

Special Notes:

Defendant: **Joseph Visconti**
Alias: Race: W Sex: M DOB: 11/18/1961

Charge(s): Exploitation of the Elderly

Victim: Josephine and Nicholas Visconti
Local Address: 4445 Pine Forest Drive Lake Worth, FL 33463

Local Phone 561-965-5954 Occupation:
Business Address:
Business Phone Address Source:

The undersigned certifies and swears that he 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.
[ ] confessed to _____
admitting to the above facts.
[ ] was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
[x] was found to have committed the below acts, resulting from my (described) investigation.

On 12/17/15 I initiated this case to investigate possible financial exploitation of two incapacitated individuals identified as Josephine and Nicholas Visconti. Josephine and

Nicholas Visconti were recently admitted to Palms West hospital for bed sore wounds as well as malnourishment being investigated under PBSO case # 15-156163. Josephine and Nicholas were living with their son Joseph at the time.

On 12/15/15, Josephine and Nicholas' daughter Antoinette Visconti-Rubin arrived in the lobby at PBSO headquarters stating that in addition to the physical injury suffered by her parents she believes that Joseph gained access to her parents Chase Bank account and transferred funds out of the account. I made contact with Rubin who stated that her brother Joseph has lived with her parents for approx. 20 years and had recently been arrested for narcotics activity. Rubin said that she has been able to obtain copies of her parents Chase savings account (# [redacted]) and it revealed two transactions that she believes are fraudulent. The first transaction was on 12/10/15 for a cashier's check made payable to Meltzer and Bell P.A. in the amount of $5,098.60 with Joseph Visconti listed as the signatory and the second was a cash transfer in the amount of $37,647.19. Rubin believes that the cashier's check was issued to pay for Joseph's legal expenses.

Rubin went on to tell me that she is unaware of any current Power of Attorney document in place for her parents and is not sure how Joseph had access to the account. Rubin also mentioned a separate Chase bank account ([redacted]) as well as a Wells Fargo account ([redacted]) held in her parent's name however is unsure if there are any fraudulent charges on those accounts.

Rubin stated that her parent's primary care physician is Dr. Michael Sinclair, who according to an internet search, is based out of Palms West hospital. Rubin told me that her father suffered a stroke in 2014 and has been non-verbal since that time. Rubin also believes that her mother is suffering from dementia and is incapacitated as a result. In reviewing the certified medical records provided by Dr. Sinclair I observed that Nicholas Visconti had been diagnosed with dementia starting in 2014. The records also indicate that Josephine Visconti had been diagnosed with depression beginning in January 2015 and was prescribed Lexapro. Dr. Sinclair's notes also indicate that he believed that Nicholas Visconti would benefit from some type of home healthcare for assistance with activities of daily living in May of 2015 and the same recommendation was made in August 2015 and were declined by Joseph Visconti. During Josephine's doctor visit in August 2015, Joseph indicated that she was acting more depressed and a stronger dose of depression medication Lexapro was recommended. The notes also indicate that Joseph Visconti assumed control of his mother's anti-depressant medication at that time.

On 5/17/16 I reviewed the previously subpoenaed certified records from Chase Bank for this case. I specifically reviewed the Visconti's Chase savings account ([redacted]) and observed several withdrawal slips made out to Joseph Visconti or J. Visconti out of that account. The withdrawals are listed as follows:

Date	Payee	Amount
7/23/15	Joseph Visconti	$3,114.78
8/28/15	J. Visconti	$4,523.09
12/2/15	Visconti	$1,024.45
12/10/15	Joseph Visconti	$5,098.60

NOT A CERTIFIED COPY

According to the Chase Bank records, Joseph Visconti was added as Power of Attorney to the checking and savings accounts on 7/7/15. It should be noted that the withdrawal on 12/10/15 was made in the form of a cashier's check payable to Meltzer and Bell, P.A. in West Palm Beach in the amount of $5,098.60. I drafted a subpoena request for Meltzer and Bell to provide all copies of invoices, payment summaries, and receipts as well as copies of related payments and corresponding contracts or agreements for the Visconti's and sent it to the State Attorney's Office. I also noted the signatures on all of the withdrawal slips and they bear a close resemblance to Joseph Visconti's Florida DMV signature. I also made note of a large transfer of funds from the Visconti's savings account ([redacted]) of $37,647.19 on 12/11/15 to Joseph Visconti's personal savings account ([redacted]). That account was also opened on 12/11/15. The records further show that two subsequent transfers from that account were made into the Visconti's Chase checking account ([redacted]). These transfers took place on 12/11/15 for $1,500.00 and 12/23/15 for $36,146.00. As of the 12/12/15 statement on the checking account ([redacted]) Joseph Visconti was no longer listed on the account as POA. There is also a transfer of $4,680.40 into that account that appears to be from a Fidelity investment account held in the name of Joseph Visconti on 12/30/15.

On 7/28/16 I received my subpoena for certified records for Joseph Visconti retaining Meltzer and Bell P.A. as counsel. On 8/2/16 I responded to the law offices of Meltzer and Bell located at 601 North Dixie Highway Suite B in West Palm Beach, FL where I personally served the subpoena to Attorney Ari Goldberg who stated that he would put the subpoena to the attention of Attorney Steven Bell. In reviewing the response from Meltzer and Bell I observed that Joseph Visconti retained the law firm of Meltzer and Bell, P.A. to represent him in his case involving the charge of possession of marijuana in excess of 20 grams (Case#: 2015CF012081AXXX). The retainer agreement also states that Visconti agrees to pay Meltzer and Bell $5,000.00 in full as a condition of the agreement. The file also included a copy of a cashier's check issued by Chase Bank (#[redacted]) paid to the order of Meltzer and Bell P.A. with Joseph Visconti as the remitter. Meltzer and Bell also provided the deposit image report verifying that the check was deposited into their Seacoast Bank account on 12/10/15. The date on the cashier's check is 12/10/15 which according to the Visconti's Chase bank records matches the withdrawal slip used by Joseph Visconti to purchase the cashier's check on that same date. According to the Chase Bank records, Joseph Visconti was added as Power of Attorney to the checking and savings accounts on 7/7/15.

On 9/22/16 I responded to the Crossings Skilled Nurses Facility located at 4445 Pine Forest Drive in Lake Worth for the purpose of interviewing Josephine Visconti. I made contact with Geraldine Chechette-Porter, Director of Social Services for the facility, who escorted me to a private room to speak with Josephine.

In speaking with Josephine Visconti, it was immediately clear that she was very confused and could not hear me very well. Visconti could not tell me where she was, what day of the week it was, or who the President of the United States was. She did not know how long she had been at the facility and only showed a very small recollection of living at her home in Loxahatchee with her husband and Joseph Visconti. Visconti was able to name her children but could not provide any further information. She was able to tell me that she was born in New York and went to school in Washington DC however did not know when she moved to

NOT A CERTIFIED COPY

Florida. Visconti could not provide any information about her banking and started to become visibly flustered and upset at which time I terminated the interview.

On 2/2/17 I responded to the Crossings Skilled Nursing Facility in an attempt to ascertain when Joseph Visconti is at the facility to visit with his parents. I made contact with the nursing staff who provided me with a copy of a visitation order set forth through the Palm Beach County Probate Division (502015GA000640XXXXNB) which grants Joseph Visconti visitation rights with his parents at the facility on Wednesdays and Fridays only. The staff did advise that Joseph often is very abrasive and has caused a scene during prior visits. They advised that Joseph usually comes to the facility around lunch time and stays for several hours.

On 2/10/17 I responded back to the Crossings Skilled Nursing Facility in an attempt to interview Joseph Visconti. Det. Banuchi was also present during this time. We arrived at the facility to find that Joseph Visconti was sitting outside at one of the tables having lunch with his mother. I introduced myself to Joseph and asked if he would be willing to speak with me about this case. Joseph said that he did not wish to speak on record and advised that he did not feel comfortable speaking with me without his attorney present. Visconti stated that he is represented by Attorney Anthony Falzon and proceeded to call him while I was there. I spoke with Attorney Falzon and informed him that I was investigating a complaint against his client and asked him to provide a letter of representation which he did a short time later. At this point I stopped my interaction with Joseph Visconti.

After reviewing the allegations made against Joseph Visconti and examining certified records from Chase Bank, Meltzer and Bell, and Dr. Sinclair my investigation reveals probable cause exists to believe that Joseph Visconti unlawfully used funds in the amount of $5,098 from his parent's Chase Bank account to pay for his legal representation stemming from his arrest in December 2015 and made and unauthorized transfer of $37,647.19 to his personal account while his parents were in an incapacitated state due to their hospitalization. As such I am charging Joseph Visconti with the financial exploitation of his parents Nicholas and Josephine Visconti pursuant to F.S.S.

NOT A CERTIFIED COPY

State of Florida
County of Palm Beach
The foregoing instrument was sworn to or affirmed before me this 21st day of March 2017, by Detective Jonathan Belyeu who is personally known to me.

Det. [illegible] 9175
Notary Public/Clerk of Court/Officer (F.S.S. 117.10)

8834
Signature of Arresting/Investigating Officer
Name of Officer: Det. Jonathan Belyeu 8834