

16CF/2691

ARREST / NOTICE TO APPEAR

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

1

JUVENILE

AD M I N I S T R A T I O N	OBT Number		Agency ORI Number 0500800		Agency Name West Palm Beach Police Department		Agency Report Number (N.T.A.'s only) 9, 4 2016-0010425			
D E F E N D A N T	Charge Type: Check as many as apply: <input 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		If Weapon Seized		Enter Type		Multiple Clearance Indicator			
	Location of Arrest (Including Name of Business)						Location of Offense (Business Name, Address) 6411 PARKER AVE, WEST PALM BEACH, FL 33405			
	Date of Arrest 10/11/2016		Time of Arrest 15:19		Booking Date		Booking Time			
	Jail Date		Jail Time		Location of Vehicle					
J U V E N I L E	Name (Last, First, Middle) PENA, ROBERT									
	Alias: _____									
	Race W - White B - Black O - Oriental/Asian		Sex W		Date of Birth 01/14/1967		Height 6'00			
	Weight		Eye Color		Hair Color		Complexion			
	Build		Marital Status		Religion		Indication of: Alcohol Influence Yes <input type="checkbox"/> No <input type="checkbox"/> Unk. <input type="checkbox"/>			
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		Phone (561) 563-9553		Residence Type: 1. City 2. County 3. Florida 4. Out of State		Address Source			
	Local Address (Street, Apt. Number) 745 FLAMINGO DR, WEST PALM BEACH, FL 33401		(City) WEST PALM BEACH		(State) FL		(Zip) 33401			
	Permanent Address (Street, Apt. Number) 745 FLAMINGO DR, WEST PALM BEACH, FL 33401		(City) WEST PALM BEACH		(State) FL		(Zip) 33401			
	Business Address (Name, Street) 745 FLAMINGO DR, WEST PALM BEACH, FL 33401		(City) WEST PALM BEACH		(State) FL		(Zip) 33401			
	Phone (561) 563-9553		Occupation							
C O D E F E N D	D/L Number, State P500760670140 / FL		Sec. Sec. Number		INS Number		Place of Birth (City, State)			
	Citizenship		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							
	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 Department and Released 2. TOT JAC 3. Incorporated			
	Released To: (Name)		Relationship		Date		Time			
C H A R G E	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 S. Sell N. N/A P. Possess		S. Sell B. Buy T. Traffic		R. Seaggle 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		H. Hallucinogen M. Marijuana O. Opium/Deriv.		P. Paraphernalia/ Equipment S. Synthetic	
	U. Unknown Z. Other		Charge Description PASS/UTTER FORGED/COUNTERFEIT INSTRUMENT		Statute Violation Number 831.02		Violation of ORD #			
	Drug Activity N		Drug Type N		Amount / Unit /		Offense # 2016-0010425		Counts 3	
	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Warrant / Capias Number		Bond					
	Charge Description USE/POSS/ATT TO USE ID OF A PERSON W/O CONSENT \$5K OR MORE		Statute Violation Number 817.568(2)(B)		Violation of ORD #					
	Drug Activity N		Drug Type N		Amount / Unit /		Offense # 2016-0010425		Counts 1	
	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Warrant / Capias Number		Bond					
I N T A K E	Charge Description THEFT - GRAND THEFT (FRAUD)		Statute Violation Number 812.014(2C)		Violation of ORD #					
	Drug Activity N		Drug Type N		Amount / Unit /		Offense # 2016-0010425		Counts 1	
	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Warrant / Capias Number		Bond					
	Health / Apparent Physical Condition of Defendant		Any knowledge of the following: <input type="checkbox"/> Mental <input type="checkbox"/> Emotional <input type="checkbox"/> Medical <input type="checkbox"/> Substance Abuse <input type="checkbox"/> Injuries		Explain:					
	Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> T.O.T. County Jail		PROPERTY - Received By		Released By		Released To			
	<input type="checkbox"/> Posted Bond <input type="checkbox"/> South County Mental Health		Date Transported		Time Transported		Other			
	Transported By		Date Transported		Time Transported		Other			
	INSTRUCTION NO. 1 - Mandatory appearance in court		Location (Court, Room)		Court Date and Time		No Photo Available			
	INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.									
	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.									
A D M I N I S T R A T I O N	Signature of Defendant (or Juvenile and Parent/Custodian)		Date Signed		Name Verification (Printed by Arrestee)					
	HOLD for Other Agency		Signature of Arresting Officer BARNES, COURTNEY		I.D. # 01669		(PRINT)			
	<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other		Transporting Officer		I.D. #		Agency			
	Witness here if subject signed with an "X".		Pouch #		I.D. #		PAGE 1 OF			



City of West Palm Beach
Police Department
PROBABLE CAUSE AFFIDAVIT



OBTS #

CASE # 2016-10425

FL0500800

DEFENDANT: Robert Pena w/m 1-14-67

VICTIMS:(1)Service Corporation International/Hillcrest Memorial Park Phone: (713)525-7731

1929 Allen Parkway, Houston, TX 77019 & 6411 Parker Ave, WPB, FL 33405

(2)Thorwald Bodensiek w/m 5-5-47

Phone: (561)584-4933

1904 SW 17th Ave, Boynton Beach, FL 33426

On 06/8/2016, the crime of fraud and forgery was reported to this agency by an investigator, Jason Hodges. The following information was learned:

Hodges is a security investigator with SCI Management (Service Corporation International) out of Houston, Texas. This is also the corporate office for Hillcrest Memorial Park. Hillcrest Memorial Park is located at 6411 Parker Ave, West Palm Beach, FL and is a funeral home/cemetery owned and operated by SCI. On 04/12/16, Hodges received an allegation of forged contracts after an in house audit was conducted by their "Fraud & Emerging Risk" Department. Flags from the audit were sent to Hodges to investigate which involved a Family Service Counselor employee by the name of Robert Pena 1-14-67. Pena works at the Hillcrest Memorial Park location. Several of Pena's contracts appeared suspicious. Three of them appeared to have been written for a fictitious person by the name of Therwald Baldensick. All three contracts in question list this subject's name. One of Pena's job duties is to sell prepaid funeral contracts.

On 04/28/16, Hodges traveled to West Palm Beach, FL to continue his investigation. Hodges met with Hillcrest Memorial Parks' General Sales Manager, Seth Baer, and their Marketing Director, Bill Quinn. A sworn statement was obtained from Baer who stated that he was present for the writing for the majority

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1832 S. DION

OFFICER (F.S.S. 117.10)

#1669

SIGNATURE OF ARRESTING OFC

Detective C. Barnes #1669

October 11, 2016

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of Pena's contracts; or would just happened to know the person/family on the contracts. Baer was unsure about the Baldensick contract as he does not know the family. Hodges then interviewed Pena. A written synopsis of the interview was provided by Hodges where the following was learned:

Hodges asked Pena, who sends the paperwork to Forethought. At first, Pena stated that he does, and then stated that he does not. (Forethought is their life insurance company who ensures the contracts.)Hodges then asked Pena about the Baldensick contracts. Pena stated that he spoke to Mr. Baldensick's wife "Teresa" by telephone who provided Pena with her husband's information. He then texted Teresa with the contract, and later received the signed contract back from her via fax. Pena stated that he sent out the other two contracts via mail. Pena later admitted to Hodges that he had forged the signature for contract number 229040000497, and created contract number 229040000535 as a "float". The third contract created for Baldensick by Pena was 229040000451.

On 05/24/16, Hodges received information from their Sales Administration Manager, Chris Broussard, that the illicit commissions paid to Pena for the three contracts mentioned above totaled \$1,575.53. Hodges was notified by their Systems Administration Manager, Bill Chen, that Pena also received an

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illicit "Apex" bonus pay for these three contracts totaling \$365.75. Below breaks down the contract dates and commissions paid to Pena. They do not include the Apex bonuses. Total paid to Pena between the commissions and the Apex bonus was \$1,941.28.

Contract # 229040000451, Submitted on 12/23/15, \$671.55


Contract # 229040000497, Submitted on 2/14/16, \$638.02

Contract # 229040000535, Submitted on 4/25/16, \$265.96

Hodges informed this writer that the address shown for Baldensick on the second contract ending in 497, lists 1325 Pinetta Cir, Wellington, FL. Hodges discovered that this address was a prior residential address for Pena. The other two contracts ending in 451 and 535, list a residential address for Baldensick as 1904 SW 17th Ave, Boynton Beach, FL. This writer then accessed an online nationwide law enforcement database tool called "Lexis Nexis" where the name Therwald Baldensick was run. This was the spelling Pena used on all three contracts. This name resulted in zero results but came back to a similar spelling name match for a Thorwald Bodensiek with a current address of 1904 SW 17th Ave, Boynton Beach, FL. This address was present on contract numbers 451 and 535.

On 09/1/16, Pena responded to HQ/CID where he was placed in an audio and video recorded interview room. Pena was read his Miranda Rights from a WPBPD right card in which he stated that he

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understood. Pena also signed his rights card.

Pena stated that he was fired from Hillcrest Memorial in 04/2016 for his contracts. He was a cemetarian and also sold "pre-needs" arranged memorial plans. I asked Pena if he remembers being interviewed by Hodges and he stated yes. I asked Pena if he remembered the name on the contracts that he was fired for. Pena stated it was a weird name and pronounced something similar to Bodensiek. Pena was asked if he has ever resided on Pinetta Cir. He stated yes, 1325 Pinetta Cir in Wellington. I asked Pena if the contracts he created were for a Thorwald Bodensiek. Pena stated yes.

I began to explain to Pena that one of the contracts (#497), lists his prior address on Pinetta Cir. Pena stated that "it was probably one of the most stupidest think I have ever done." His supervisor, Seth Baer, told him to submit the contract to see if it goes through and was aware that the contract(s) were not a real deal. Baer receives bonuses and stats as well. Pena stated that Bodensiek is a real person. He is an old lead that he had on file from his previous employer at another funeral home in 2012. Pena stated that he never made contact with Bodensiek to discuss these contracts for Hillcrest Memorial. All three contracts were submitted as a fully executed contract. I asked Pena why he used one of his old personal addresses for one of the

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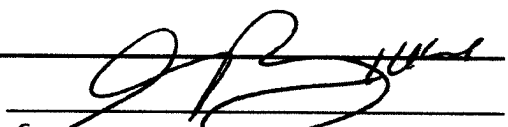
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contracts. Pena stated that he could not remember Bodensiek's address. It should be noted that Pena used Bodensiek's real address in the first and third contract. Pena advised that it is against his companies policies to submit contracts that are not legit. He admitted to submitting all three contracts for Bodensiek. I asked Pena if he benefited from any of these contracts. Pena stated he only gets a bonus when he meets his goal and that he did not meet his goal those months. Pena later stated that he submitted the first two contracts so that he could hit his bonus. I explained to Pena that according to the companies finance department, he did receive commissions and bonuses from all three contracts. Pena stated that the money he earned from the contracts was probably taken back out of his check.

I asked Pena about his statement to Hodges. Pena stated that he does submit the contracts to Forethought as finalization. When I asked Pena about him speaking with Bodensiek's wife, Pena stated that was a lie, and that he lied to Hodges because he was worried about keeping his job. He made up the wife's name. He stated that he forges the customer's names to buy him time. Pena stated that it benefits him by raising his overall sales or statistics.

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Pena was shown a copy of all three contracts, 451, 497 & 535, which was provided by Hodges. Pena confessed that the signatures shown for Bodensiek on 451 and 497 were signed by Pena. He also admitted to placing Bodensiek's initials on the additional pages for 451 and 497. Pena created contract number 535 but it was never signed; only submitted into the system. Pena stated that he knew it was wrong to sign someone's name. He was confusing and contradicting in regards to his reasoning's for creating and forging these contracts.

Contact was made with Thorwald Bodensiek w/m 5-5-47, after locating him through "Lexis Nexis." On 9/9/16, Bodensiek responded to the West Palm Beach Police Department where a statement was obtained. Bodensiek stated that he did look into funeral packages a few years ago at Palm Beach Memorial in Lake Worth, FL. No contracts were ever made and he does not recall Pena as being a sales person. Bodensiek stated that he has never been to Hillcrest Memorial. I showed Bodensiek the contracts which contained his signatures. He stated that he does reside at 1904 SW 17th Ave in Boynton Beach, and has since 2006. He has never resided on Pinetta Cir. Bodensiek stated that the signatures and initials listed for his name on these contracts were absolutely not his and wishes to press charges.

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On 9/9/16, a telephone conference call statement was obtained from Hodges, Dwayne Goll (SCI Corporate Investigator Manager) and Chris Broussard (SCI Commission Services). Broussard explained how the commissions and the Apex bonuses work. The commissions from the contracts have a reserve component. 90% of the sale goes to the counselor/salesman (Pena) and the other 10% goes into a reserve balance in case there is a contract cancellation. In all three of the Pena's contracts, they canceled which hit the reserve balance which then does not in any way impact his paycheck. Broussard stated that the full amount that the company paid Pena for the three contracts, Pena left with it. No funds were deducted from Pena's pay check according to Broussard because when the contracts cancel, the funds are taken out of the reserve balance. I asked Broussard if Pena was incorrect then; Broussard stated "very much so." Broussard confirmed that the total loss to their company paid to Pena was \$1,941.28 The company does wish to press charges. Spreadsheets containing the payments to Pena were provided by SCI.

Based on the above facts and investigation, I believe there is enough probable cause to charge w/m Robert Pena 1-14-67, with one count of Grand Theft per F.S.S. 812.014(2C1), one count of Fraudulent Use of Personal Identification per F.S.S. 817.568(2b), and three counts of Uttering a Forged Instrument per F.S.S. 831.02.

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