

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

3 3 Juvenile N

OBTS Number

Agency ORI Number
FLO 5 0 0 0 0

Agency Name
PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number
06 16-158412

Type of Offense
1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other

If Weapon Seized
Multiple Clearance Indicator 0 2

Location of Arrest (Including Name of Business)
Location of Offense (Including Name of Business)
2610 Barkley Drive, Apt A Greenacres, FL 33415

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

Name (Last, First, Middle)
Fils-Aime Stephane Ines Alias (Name, DOB, Soc. Sec. #: Etc.)

Race W - White 1 - American Indian B - Black O - Oriental/Asian Sex F Date of Birth 07/09/90 Height 5'2" Weight UK Eye Color BRN Hair Color BLK Complexion Dark Build MED

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) Marital Status Religion Indication of Alcohol Influence Drug Influence Y N Unit

Local Address (Street, Apt. Number) City State Zip Phone Residence Type 1. City 2. County 3. Florida 4. Out of State 1

Permanent Address (Street, Apt. Number) City State Zip Phone Address Source verbal

Business Address (Street, Apt. Number) City State Zip Phone Occupation home health aide

D/L Number, State F425-789-90-749-0, Florida Social Security Number [REDACTED] INS Number A044591287 Place of Birth Haiti Citizenship Haiti

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

Parent Legal Guardian Other Name (Last, First, Middle) Phone

Address (Street, Apt. No.) City State Zip Business Phone

Notified By (Name) Date Time Juvenile Disposition 1. Handled/Processed within Dept. and Released 2. TOT HRS/DYS 3. Incarcerated

Released To (Name) Relationship Date Time

Address was provided by defendant and/or defendant's parents. The child and/or parent was told the Juvenile Court Clerk's Office (Phone 561 355-2526) informed of any address change res. by (Name) No (Reason) School Attended Grade

Property Crime? Yes 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. Dispense/ Distribute M. Manufacture/ Produce/ Cultivate Z. Other Drug Type N. N/A A. Amphetamine B. Barbiturate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana P. Paraphernalia/ Equipment U. Unknown Z. Other

Charge Description Exploitation of Elderly Person or Disabled Adult Counts 02 Domestic Violence Y N Statute Violation Number F.S.S. 825.103(1a1) Violation or ORD. #

Drug Activity N Drug Type N Amount/Unit N/A Offense # 16-158412 Warrant/Capias Number Bond

Charge Description Grand Theft; more than \$300 but less than \$20,000 Counts 02 Domestic Violence Y N Statute Violation Number F.S.S. 814.014(1) Violation or ORD. #

Drug Activity N Drug Type N Amount/Unit N/A Offense # 16-158412 Warrant/Capias Number Bond

Charge Description Counts Domestic Violence Y N Statute Violation Number Violation or ORD. #

Drug Activity Drug Type Amount/Unit Offense # Warrant/Capias Number Bond

Charge Description Counts Domestic Violence Y N Statute Violation Number Violation or ORD. #

Drug Activity Drug Type Amount/Unit Offense # Warrant/Capias Number Bond

Location (Court, Address, Room Number)

Court Date and Time Month Day Year Time AM PM

I AGREE TO APPEAR AT THE ABOVE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT I SHOULD WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

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

HOLD for Other Agency Signature of Arresting Officer Name Verification (Printed by Arrestee)

Intake Deputy ID # Pouch # Transporting Officer ID # Agency Witness here if subject signed with an "X" Page 1 of 1



**PALM BEACH COUNTY SHERIFF'S OFFICE
PROBABLE CAUSE AFFIDAVIT**

Charge Type [3] 1. Arrest 3. Request for Warrant Juvenile: NO
2. N.T.A. 4. Request for Capias

Agency ORI Number: FL0500000 Agency Report: 16-158412
Charge Type: [X] Felony [] Misdemeanor [] Ordinance
[] Traffic Felony [] Traffic Misdemeanor [] Other

Special Notes:

Defendant: Fils-Aime, Stephane Ines
Alias: Race: B Sex: F DOB: 07/09/90

Charge(s):

Exploitation of Elderly Person or Disabled Adult / F.S.S. 825.103(1a1)
Grand Theft, more than \$300 but less than \$20,000 / F.S.S. 814.014(1)

Victim: Zeigler, Virginia

Local Address: 2610 Barkley Drive East West Palm Beach FL 33415
Local Phone: N/A Occupation: Retired / Deceased as of 09/02/18

Business Address: N/A
Business Phone: N/A Address Source: N/A

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 02/21/17, this case was assigned to me for follow up investigation. The victim, Virginia Ziegler, according to DCF Investigator notes, lacks the capacity to consent due to a degenerative cognitive condition. The notes state that she is a vulnerable adult due to organic brain damage from dementia. Virginia Ziegler was living at home alone at the time of the alleged incident, however, is deceased as of 09/02/18. A sworn recorded statement documented later in this probable cause affidavit will show that Virginia's Ziegler's Primary Care Physician believed that she lacked capacity to consent during the time of the alleged incident. Allegations were made that a home health care aide assigned to Virginia Ziegler, Stephane Ines Fils-Aime, took three checks from Virginia Ziegler between 09/27/16 and 11/02/16, without Virginia Ziegler's knowledge or consent, negotiated two of them at local banks and attempted to negotiate a third. To date, the alleged amount of theft totals approximately \$2,400. For the purposes of this probable cause affidavit, Virginia Zeigler will be referred to as Virginia from this point forward.

The initial law enforcement report indicated that the initial complainant to law enforcement is Cynthia Ziegler. She is the daughter of Virginia Ziegler and holds Power of Attorney for her. I made contact with Cynthia Ziegler via phone, as my initial contact in this case. For the purposes of this probable cause affidavit, Cynthia Zeigler will be referred to as Cynthia.

Initial investigation lead to information about the Chase Bank in Delray Beach, referred to in the initial law enforcement report and that it has an address of 4775 Linton Blvd in Delray Beach. On 11/18/16, a check from Virginia's bank account with Alden State Bank located in New York was negotiated at the above referenced Chase Bank in the amount of \$400. On 11/29/16, another check #2472, was attempted to be negotiated in the amount of \$2,000 from the same account and at the same local Chase Bank. This check was denied due to the signatures not matching.

Cynthia informed me that the above referenced check #2472 for \$2,000 was a check that was actually negotiated. She said that check was written out of Virginia's bank account with Alden State Bank. She said that she has reviewed bank statements from Virginia's accounts with Chase Bank and Alden State Bank and has discovered that three checks were stolen. She said that previously referenced check #1053 for \$400 that was cashed is from Virginia's Chase Bank Account. She also said that there is another check #1049 for \$2,000 that was denied by the Bank and that also came from Virginia's Chase Bank Account.

On 02/21/17, Skeene-Douglas emailed me the employee file for Stephane Ines Fils-Aime.

On 03/01/17 I arrived at 2610 Barkley Drive East Apt A West Palm Beach FL 33415 to conduct a taped statement with Virginia Zeigler. Also present was a neighbor and current caretaker, Rafael Lopez.

The following is a summary of that statement:

I asked Virginia to state her name and date of birth, which she did correctly. I asked her if she knew today's date. She replied "I didn't do the calendar or anything that would tell me that today".

I asked Virginia if she knew what city, state, and country that we are in right now. She answered that question correctly.

I asked Virginia if she knows who the President of the United States is right now. She said "no not really".

I asked Virginia if she knew her home address. She replied "2310 Barkley Drive East".

I told Virginia that recently a report was made to law enforcement about someone stealing money from her and I asked her if she was aware of that. She replied "I didn't know about it until now". For clarification, I asked her if she meant today when I just told her. She replied "yeah... it would be like I heard it today but I always kinda thought so but I didn't do anything".

I asked Virginia who she heard about it from today. She replied "just neighbors". I asked her if her neighbors were talking about it. She replied "or... I'm not a big visitor with the neighbors but we're friends but I don't live on their friendship for encouragement or anything I just say hi how are you today or it's going to be cold tonight or things like that... it's very trivial".

I asked Virginia if Rafael is helping her out now. She replied "yes". I asked her if he was familiar with her daughter. She replied, talking to him, "you know about Cynthia, right". I asked her again what her daughter's name is. She replied "Cynthia", referring to Cynthia Zeigler.

I asked Virginia if she remembered if another person was helping her out before Rafael. She replied "well different people have done it... there's an outfit that they supply people and it might be the same person for days but then it might be a different person other days".

I asked Virginia if she set that service up with that company or if Cynthia set that up. She replied "I don't really know... I can't be honest with you and tell that I knew all about that because I didn't".

I asked Virginia if she knew any of the names of the people who would come and take care of her from that company. She replied "hello um yes I know we're supposed to wash your hair today... and they talked like that". Virginia said that they were black women and they were "always very polite and never a cross word".

I asked Virginia if she remembered the person who was last taking care of her, recently. She replied "what's her name". I asked her if she remembered her name. She replied "I almost remember but I'm not sure". I asked her if she remembered a Stephane. She replied "yes I think she was one of the victims I mean she was part of the scheme to get me". I asked her what she meant by that. Virginia replied "she would get pretty friendly and pretty soon I would write her a check for food and send her to the store for things... that kind of thing... she was getting familiar she always wanted to see the check book and things like that". I asked if Virginia if she remembered that it was specifically Stephane that wanted to see her check book. She replied "well I remember her well yeah".

I asked Virginia that when she said that she would give her money, how much money she was talking about. I asked if it was just for her to go to the store to get things for Virginia. She replied "well yeah... I think she got some too".

I showed Virginia a picture of Stephane Fils-Aime on my department issued laptop and asked her if she recognized the photo. She replied "well I've seen hundreds of them and they all look like that... I would say I don't know her".

I asked Virginia if she knew Stephane's last name. She replied "no I never wrote her a check or anything... I don't know... maybe".

I asked Virginia if she knew how long Stephane was working for her. She replied that she was "coming and going from here probably about six months at the most".

I asked Virginia what Stephane did for her at the house. She replied "house work, dusting, running the vacuum, regular upkeep". She continued saying "I would say none of them killed themselves working".

I asked Virginia if she paid Stephane or if her company paid her. Zeigler replied "I paid her". I asked Zeigler how much she paid her. She replied "whatever it wasn't exorbitant or anything... what's the going rate".

I asked Virginia again if she would give her a little bit of money to go to the store to get groceries and things. She replied "I wasn't giving her money to get her started or anything I was giving her money to pay for what she did".

I asked Virginia if she had any money in the bank. She said "yes a little bit". I asked her if she knew which banks she had money in. She replied "Chase". I asked her if she had money in other banks. She replied "I'll say no and then I don't have to keep going through my mind". I asked her if she had money in a bank in New York. She said that she has an account in the Alden State Bank "right outside Buffalo".

I asked Virginia who handles her finances right now. She replied "excuse me". I repeated the question. She replied "who what". I asked her who takes care of her finances right now and explained that I meant who pays her bills, writes checks, etc. She replied "I do". I then asked her, for clarification, if she is the one who does those things. She replied "well sometimes I'll have my daughter sit here and write checks because I get tired of writing".

I asked Virginia where Cynthia lives right now. She replied "everything's still here like the checkbook and stuff you know".

I asked Virginia if she ever gives Cynthia gifts for holidays. She replied "maybe I may or may not". I asked if she ever gives Cynthia money or writes her a check. She replied "no not really". I asked if she would ever give Cynthia money or write her a check. She replied "I don't think so". She continued saying "the children are just like me and they are very bossy and they tell you how they want this done or that or anything so we do it whatever they want to do ok so for Christmas I would give them fifty dollars and they can do it however they want to do it".

I asked Virginia if she would ever give Stephane money as a gift. She replied "I might have but I don't think I did... I'm sorry I'm trying to cooperate". I told her that she is doing fine and she didn't do anything wrong. She replied "I'm not doing anything right".

Virginia said "you probably talk to yourself at night when you see somebody like me who doesn't remember everything". I reminded her again that she is not doing anything wrong.

I asked Virginia if she would ever give somebody a gift of \$400 or \$2,000 from her bank account. She replied "I'm thinking I'm going back". I clarified I was asking if it would be normal for her to do that. She replied "I don't remember ever doing that". I asked her if she gave anybody permission to write checks out of her bank accounts. She replied "Just my daughter". I asked her if she ever gave Stephane permission to write checks from her bank account. Virginia replied "I don't think so... I don't very much". I asked Virginia if Stephane ever asked her to write checks from her bank account. She replied "No, I didn't really like Stephane very well".

I asked Virginia if it would be safe to say that she would probably not give Stephane permission to take money from her. She replied "I just didn't really care for Stephane a whole lot". I asked Virginia if Stephane ever asked her for extra money. Virginia replied "not that I know of... you know you're asking me these questions and I am doing the best I can but you know she could have asked for money... all of these things don't stick number one in my brain about who is this that or the other".

I asked Virginia if Stephane ever told her that she took checks from the checkbook. She replied "I would say no". I asked Virginia if she knew the name of her primary care doctor. She replied "well I have one but I couldn't tell you his name".

I asked Virginia if I find out that there was a crime and that she was a victim of the crime, if she wants to pursue criminal charges. She replied "well I don't think they should get away with it, do you... well you're not on trial I am".

I concluded the statement at this time.

On 03/27/17, I received requested records back from Alden State Bank along with a business records certification reference Virginia Zeigler's bank account and check #2472 for \$2,000 that was written to Stephane Fils-Aime. It should be noted that Cynthia Ziegler is also listed on this bank account and that copies of only two checks were received in the records. One appears to be signed by Cynthia and other has Virginia's name on the signature line.

In reviewing those records, I found that they show check #2472 as a debit on Virginia Zeigler's account ending in 487 on 11/29/16 leaving her with a balance of \$19,375.39.

A copy of that check was also provided in the records and it shows the check made out to Stephane Fils-Aime for \$2,000 with Virginia Zeigler's name on the signature line and the word "gift" written in the memo section. There is a note written on the records that lists the bank of first deposit for this check as TD Bank.

On 04/17/17, I received an email response back from TD Bank in reference to my subpoena. In that email I received some still shot photos of a black female negotiating the check in question at TD Bank. I later confirmed that check number 2472, for \$2,000, written from Virginia Zeigler's bank account at Alden State Bank ending in [REDACTED] is listed in TD Bank records as being deposited via a TD Bank ATM located at 4975 Linton Blvd in Delray Beach FL into Stephane Fils-Aime's bank account ending in [REDACTED] on 11/28/16 at approximately 08:03. This matches the date stamp of 11/28/18 08:02:18 on the still photos that I previously received from TD Bank, reference this transaction that show a black female subject entering that same TD Bank branch and using ATM inside.

On 05/06/17, I received information from Chase Bank reference my photo/video request that video footage was no longer available for the transactions I requested at the Chase Bank Branch at Linton Blvd and Military Trail:

Attempted Transaction:

11-28-16 \$2,000.00 check negotiation

4775 Linton Blvd Delray Beach FL 33445

11-18-16 \$400.00 Withdrawal,

4775 Linton Blvd Delray Beach FL 33445”

On 07/12/17, I received requested subpoenaed records from Chase Bank in reference to this case.

In the records, I observed check #1053 written from account ending in [REDACTED] in the amount of \$400 written to Stephane Fils-Aime. The posting and processing date are both listed as 11/18/16. The bank number is 21. The bank of first deposit number is [REDACTED]. The teller number is listed as 7 and the teller sequence number is listed as 166. It should be noted that Cynthia Ziegler is also listed on this account. In the records, the majority of checks written from this account are signed by Cynthia with only two checks in the records being signed by Virginia. One was check #1053 for \$400 to Fils-Aime and the other was check #1048 written to what appears to be “Carr Lomas”. Writing checks for \$400 to a home health aide does not fit with the spending pattern of the account.

On 08/09/17, I met Physician Assistant Alexandra Lopez-Lewis at the Premier Family Health office 1037 State Road 7 Wellington FL 33414 to obtain her sworn recorded statement. The following is a summary of that statement and not intended to be a verbatim account:

I swore Lewis in and began the statement.

I asked Lewis if she knows Ms. Virginia Ziegler as a patient of this office. She was already provided with Virginia’s date of birth and other identifying information to confirm that it was her. Plus she was familiar with her. Lewis replied “Yes I have seen Ms Zeigler as a patient since I have been employed in this office”.

I asked Lewis what her position is in this office. She replied that she is a mid-level provider and her title is Physician Assistant. She said that she has been a Physician Assistant (PA) for about 18 to 19 years. She continued saying “I see patients in the same setting as a family practice where we diagnose treat and manage chronic diseases and well patients as well”.

I asked Lewis the age range of the patients. She replied that she sees patients anywhere from four years old to her oldest patient who is over one hundred years old.

I asked Lewis if she has a lot of experience dealing with elderly patients. She replied “Yes we do have a quite large senior population in our office over 65 it’s probably the majority”.

I asked Lewis if she worked her entire 18 years as a PA with Premier Family Health. She replied “No have been with this practice for about two and a half years”. I asked Lewis if she has any specialized training dealing with elderly patients. She replied “We train in geriatrics as part of our family practice scope of medicine training in PA school but I have pretty much been in family practice for the entire 18 years that I have been in practice in the state of

Florida, especially South Florida, we have quite a bit of elderly population so it seems to be the experience in general”.

I asked Lewis if she is able to say that she feels comfortable being able to observe signs and symptoms that would be indicative of a degenerative cognitive disorder. She replied “Absolutely we are trained in our field to be able to recognize memory disorders although they are usually first brought up by family members when they are subtle but we spend quite a bit of time with the patient in the room and you can tell when someone has an advanced cognitive dysfunction when you spend time speaking to them and being around their caregivers.”

I asked Lewis if, when she observes a sign or a symptom of this if that is something that she would document in her notes. She replied “We would document in our notes if that patient already had that in their notes and it was being followed up on or if it was a new diagnosis”.

For clarification, I asked Lewis how long she had been seeing Virginia as a patient. She checked her notes on her laptop to find the first date that she saw Virginia as a patient. She replied “The first time that I saw Ms. Ziegler was May 6th 2016 and prior to that she had seen other providers, some that are still in this office and some that are not”.

Lewis said that she has seen Virginia the most out of any provider in the office.

Lewis continued saying that prior to Virginia’s visit with her on 05/06/16, she had not been to the office since 05/01/13. Lewis said that there was a “gap in her care”. Lewis said that the visit on 05/06/16 was a visit to re-establish back in the practice because she hadn’t been there in so long.

I asked Lewis how many times she has seen Ziegler. She replied that she has seen her approximately seven times since the first date of 05/06/16. She said that Ziegler has also been to the office for x-rays, ultrasounds, and to request a referral to a podiatrist.

I asked Lewis if, during the time she was seeing Virginia, if she personally diagnosed her with a degenerative cognitive condition at any time or made any notes to that effect. She replied “I personally did not diagnose her that way; it was part of her medical history prior to me seeing her”. She continued saying that her initial visit to the practice prior to the lapse if visits was 03/03/08.

I asked Lewis to clarify what she meant by saying that “it was part of her medical history. She replied “it looks like she may have been diagnosed during that lapse time of three years”. She continued saying that it looks like it may have been done at another facility. Lewis began to check her computer for any records reference this but said that she would have to come back to that question.

For clarification, I asked if there was a diagnosis anywhere in their records even if it came from another provider and what that diagnosis is. She was still checking her computer at this time.

Lewis said that the only diagnosis related to any kind of cognitive or psychiatric disorder is a mood disorder. She continued saying that those records are usually obtained through hospital records.

Lewis continued saying that she administered a mini-mental exam on Lewis on 08/04/17 and she “failed drastically”. Lewis said that she did not administer a mini-mental on Ziegler in 2016.

I asked Lewis to explain to me the term “mood disorder” would refer to. She replied that a mood disorder is usually a combination of depression and anxiety and not necessarily cognitive impairment but for some elderly patients it could involve some cognitive and behavioral problems.

I asked Lewis if, when Virginia came to see her, she came by herself. Lewis replied that she did not. Lewis said that she came with a caregiver, home health aide, or someone that the family has hired to take care of her. I asked Lewis if she remembered anyone’s name that came with Virginia or if those names were documented. She said that she did not and the names of the aides are not usually documented. She said that it may have been documented somewhere at check-in or check-out but the office usually keeps a picture on file of the main caregiver and they do not have one on file for Virginia. She continued saying that the office usually keeps caregiver’s phone numbers on file but doesn’t always have their personal information or pictures.

I asked Lewis about the caregivers that have been in with Virginia. She replied that lately she has been with one male subject but before that she would be in with at least two different females.

I asked Lewis if she remembers who Ziegler came to the office with in August of 2016 as there is a documented visit at that time.

Lewis replied “I know she was African-American and I want to say she was in scrubs”.

I asked Lewis if, during the visits, Virginia would answer her own questions or if the caregiver would answer for her. Lewis replied that Virginia tries to answer but the caregiver answers for her almost every single time. Lewis said that the second or third time she saw her Virginia seemed more alert than past visits but she still couldn’t answer questions.

Lewis continued that Ziegler would answer questions thinking that she was giving the right answer but was not.

I asked Lewis if she was aware of any medications that Virginia was taking between August and November of 2016 that would hinder her ability to make decisions for herself or to think clearly.

She replied that was a hard question to answer because Virginia's memory was already impaired and "when you have someone of her age who is memory impaired something as simple as an infection could cause her to become delirious and not make sense so any medication could potentially cause her mental stability to be disrupted but if she was on anything that clearly affects her brain it would usually be for mood, like she was on Seroquel at one point which helps sleep and helps to stabilize her mood and it's also an anti-depressant.

She said that she would check her computer for any other medications that would affect her. Lewis only found the Seroquel. She said that Virginia takes that medication twice per day. She said some people just take it at night time but in Virginia's case it's twice per day. She said that it can make the person who's taking it very sleepy".

Lewis said that it was refilled as recent as June 5, 2017 but it has since been noted that she was not longer taking the medication.

I asked Lewis to clarify if the mood disorder that we were discussing has any effect on a person's decision making ability or the ability to think clearly and if it does, what effect would that be. Lewis replied "big effect I mean she was unable to do most of her ADL's". For clarification, I asked Lewis if this would be during the time of August to November of 2016. Lewis replied "since I've known her I have never known her to be able to complete all of her activities of daily living and I would not trust her using a stove or anything that could potentially be hazardous, she is more focused on just chillin', she doesn't like to be here, the minute she is brought into the room she wants to know when are we leaving, so it's hard to get passed her just wanting to leave, you can get moments of clarity with her where she will laugh or joke with you but that's about it".

For clarification, I asked Lewis if since she has known her that Virginia has not been able to take care of herself. Lewis replied "She's always been like that, She cannot live alone or take care of herself by herself I would not allow her to live alone, she may be able to do periods of time where she is left alone for an hour or two were she is stable like in a bed but she is not to be left alone for long periods of time".

To clarify, I asked Lewis if in her professional opinion she felt that between August and November of 2016 that Virginia would have been able to make financial decisions for herself. She replied "no, she might still be able to sign her name she would probably not know what she is signing and if she did know at the moment what she was signing if you asked her a minute later she would not know what she signed".

To clarify, I asked Lewis if she was referring to the time frame of August to September of 2016. Lewis replied "I have never known her to be aware enough to have that kind of decision making".

To clarify I restated that since Virginia returned to the practice in 2016, Lewis has not known her to be aware and handle finances. Lewis said that she couldn't handle finances or handle anything. I asked Lewis if Virginia was able to make co-payments at the front desk or sign paperwork. Lewis replied "not unless someone prompted her or said give me your card we have to pay".

I asked if Virginia would be able to write them a check or if she has ever. Lewis replied "I don't think she's ever written a check for us but at the same time if she were to write check it would have to be with someone there prompting her to write it I honestly don't think that she would be able to complete that task from start to finish without a significant amount of assistance".

To clarify, I asked Lewis to explain why she said that she doesn't think that Lewis would be able to complete the task of paying or writing a check without a significant amount of assistance. She replied "because from the first time that I met her she has always appeared to be not 100% there, she was either very listless or lethargic sitting in a wheel chair or has been very combative wanting to leave; she has a lot of long term memory recall". I asked Lewis what long term memory recall was. She replied "that means that she thinks a lot of what happened a long time ago and keeps bringing it up because she is not in the here and now, she is not forming short term memories so she is not really, you know you can't ask her what she had for breakfast today and have her tell you that she cooked the best eggs herself and she is the best chef and then you would think about it and know that was not this morning". Lewis continued saying "she has an answer for you that in her mind is a truthful answer but that's because she is referring back to her long term memory or some other event, she can hold a conversation but necessarily about today".

To clarify, I asked Lewis if this has been going on since she knew Virginia since 2016 and if she believes this based on her professional medical opinion and again if she has been practicing medicine in this field for 18 years. She replied "as long as I've known her yeah".

To clarify I asked if what Lewis was saying was that in her professional medical opinion that since 2016 since she has known Virginia if Virginia has been unable to make financial decisions based on these underlying issues. I asked if that was correct. Lewis replied "yes absolutely, I was under the impression that she had a power of attorney with one of her family members, I recently asked the male care giver that she brought her in recently if her daughter has power of attorney and if we could get those documents on file".

Lewis spoke of the dynamic of Virginia's family as she understands it. She continued saying that it seemed to her that the only responsibility her caregivers had for her was maybe paying some of the bills.

I asked if Lewis ever referred Virginia out to a psychiatrist or psychologist. Lewis replied "she was referred to some different professionals including home health to send some kind of equipment but she didn't see any psychiatric referrals. Lewis said that in her opinion she had people taking care of her all the time. Lewis said that typically when someone has cognitive impairment they take the family's lead on how they want that problem treated.

She said that in Virginia's case it appears that her family had accepted her mental status and really didn't want her on any other medications. I asked Lewis if she was talking about during 2016. Lewis replied "yeah she came in that way".

Lewis said that Virginia was in rehab in the beginning of 2016 and was in Wellington Regional in March and was transferred to JFK, then that's how she came to this practice for the follow up visit to the hospital visit. Lewis said that Virginia has been in the hospital quite a bit.

I asked Lewis what indicated that Virginia failed the min-mental test from 08/04/17. Lewis said that she could not pass the memory portion of the mini-mental plus she couldn't pass the drawing portion and the way her scores added up she did not pass.

I asked Lewis where she went to medical school and what was her background and training. She replied that she went to PA school at University of Florida and has a master's degree in Physician Assistant Studies and a couple bachelor degrees.

Lewis asked me if I have ever met Virginia. I told her that I did and I met her this year and that I was trying to determine her mental capacity last year. She said that she has not seen a significant change in her since the time that she met her in 2016. She said that the way I saw her this year was probably how she was in 2016 as well.

Lewis continued saying that one of the times that she saw Ziegler she was trying to remove a lesion from her arm that would not stop bleeding and it was difficult and she had to keep reminding her what she was doing.

She said again that the way that I met her this year was probably how she has been since 2016. Lewis said that from what she sees that Ziegler was already taking the Seroquel before she came to this practice.

I concluded the interview at this time. I then remembered that I had a photo of Stephane Fils-Aime in my file and I turned the recorder back on and showed it to Lewis to see if she could identify her. I did not tell her who the photo was of but asked if she has ever seen that person come in with Ziegler. She said that she could not tell me that for sure. I concluded that second supplementary statement at that time.

On 10/02/17, I was reviewing the documents originally received from Whitsyms Nursing Services reference Stephane Fil-Aime. These documents included her credentials and identifying documents such as a copy of her Florida driver's license, copy of her social

security card, copy of a physical examination certificate that states that Fils-Aime completed a physical examination on 06/07/17 and is in “good physical and mental health”, and a copy of her passport along with other travel documents.

Among other documents included was a copy of a Basic Life Support certificate good from 06/02/16 to 06/02/18 stating that Fils-Aime completed the “cognitive and skills evaluations in accordance with the curriculum of the American Heart Association Basic Life Support (CPR and AED) Program”. A copy of her Florida Vehicle registration was also included which indicated that she has a 2006 Ford 4-door vehicle with the Florida tag of 124QFU registered to her. On this registration she uses as address of 31 Norfolk Drive East, Emont, New York 11003.

There is also a certificate of Completion of “Core Training” (83-hours) from Efficient Care Training Center, Inc located at 168 25 Jamaica Ave Suite 202, Jamaica, New York 11432. This certificate is dated 04/26/15 and states that the program is approved by the New York State Department of Education and qualifies Fils-Aime as a “Home Health Aide”.

There are two certificates completed at Healthcare Education Solutions in Lake Worth Florida dated 06/07/17. One it titled “AIDS-HIV-OSHA” and the other is titled “Assistance with Self-Medication”.

Two work verification forms are included. Both are from Whitsyms and state that they are for verification purposes only and that Fils-Aime is an independent contractor. One has the date range from 06/13/16 to 07/06/16 and is for an organization called “Horizon”. The other has the date range from 06/02/16 to 08/12/16 and is for an organization that appears to be “Caring People”.

On 10/05/17, I continued my review of the subpoenaed records received from Whitsyms Nursing Services. Included in these documents was a cover letter from Whitsyms.

Individual Schedules for Fils-Aime were also provided. They detail dates, times, and hours worked for different clients. Six clients are detailed. This included Virginia. These schedules show Fils-Aime’s documented visits to Virginia’s residence and hours worked beginning on 09/27/16 with the last documented visit being on 11/02/16.

Also included in the documentation received from Whitsyms is a Registration for Contract packet that appears to have been filled out and signed by Stephane Fils-Aime. One of the pages in this packet is titled “Referral Preference Matching and Rate Sheet”. On this form the contractor, which would be Stephane Fils-Aime, is asked to check in boxes to rate her experience dealing with certain aspects of being a home health aide as well as list her years of experience in certain areas. In the area titled “Alzheimer/Dementia Years of Experience” she wrote “7”. Beneath that was the area for Parkinson’s Disease Years of Experience”. She wrote “7” there as well.

Also in the records were pay stubs and a W2 showing Fils-Aime's earnings from American In-Home Care LLC (Whysims's parent company). They cover the dates of 09/09/16 through 11/25/16. The following is a list of dates and amounts paid to Fils-Aime related to the above mentioned pay stubs:

- 09/09/16 - \$193.50
- 09/16/16 - \$240.00
- 09/23/16 - \$250.00
- 09/30/16 - \$200.00
- 10/07/16 - \$200.00
- 10/14/16 - \$320.00
- 10/21/16 - \$320.00
- 11/04/16 - \$667.00
- 11/11/16 - \$120.00
- 11/18/16 - \$140.00
- 11/25/16 - \$250.00

The included W2 shows Fils-Aime's earnings in Box 7 (Nonemployee compensation) as \$2901.00 and that is the only income listed on the W2.

One of the checks in question, #1053, written from Virginia's Chase Bank account ending in [REDACTED] in the amount of \$400 with a memo note of "gift", was is dated 10/14/16.

Reviewing the individual schedule for Fils-Aime, I see that she has documented being at Virginia's residence on 10/14/16 from 0900 to 1300 hours and reported four hours that day.

Another one of the checks, #2472, in question written from V. Ziegler's Alden State Bank account ending in [REDACTED] in the amount of \$2,000 with a memo note of "gift", appears to be dated 11/24/16.

Records from TD Bank for Stephane Fils-Aime's Checking Account ending in [REDACTED] show that the above check was deposited into this account on 11/28/18 via an ATM deposit.

The last date that Fils-Aime has any documented contact with Ziegler on her individual schedule is 11/01/16 from 0900 to 1300. The above mentioned check #2472 is dated approximately 23 days after Fils-Aime's last reported interaction with Virginia Zeigler.

Also included in the documentation is an Activity Tracking Log. In this log, it is documented that on 11/01/16, Fils-Aime contacted Whitsyms to request to be removed from Ziegler's schedule due to Fils-Aime moving to Delray Beach and being too far away from Ziegler's residence to keep her as a client.

It is also documented that Whitsyms contacted Fils-Aime on 12/06/16 and spoke to her about allegations that Virginia's daughter, Cynthia, made that Fils-Aime stole checks from Virginia and cashed them. It is documented that Fils-Aime said that she has never taken any checks and that Whitsyms should contact law enforcement to get to the bottom of it and track who actually took the checks.

This is in reference to Cynthia reporting the alleged theft of the checks to Whitsyms on 11/30/16. Cynthia stated that in the memo section of one of the checks, the word "gift" was written. She said that she never approved any gift in that amount and was going to contact the bank and law enforcement.

On 12/11/17, I was able to speak with Cynthia via phone. She lives and works outside of the State of Florida but is actively involved in the care of her mother, Virginia. I asked Cynthia how Whytsims Nursing Services was paid for the aids that worked as Virginia's house. She told me that she wrote checks to the company and the company was responsible for paying the aids.

Cynthia told me that she is the one who wrote the checks to Whytsims and Virginia did not write them. She told me that Virginia has not been able to handle her finances since at least 2015. Cynthia told me that she has been writing all of Virginia's checks for her since that time. Cynthia told me that Virginia did have a check book at her house in Florida during the incident but that since Cynthia came down to Florida after the incident that she took the check books so they wouldn't be in Virginia's home anymore.

I asked Cynthia if Virginia would ever give monetary gifts to the aids. Cynthia told me that she would not do that because she is on a fixed income and does not have that kind of discretionary money to spend.

On 06/18/18, I received subpoenaed documents from Chase Bank reference previously mentioned check #1053 written from Virginia Ziegler's Alden State Bank Account [REDACTED] for \$400.

Chase Bank records also showed the following payments made by check from Virginia's checking account ending in [REDACTED], that is joint with her daughter Cynthia Zeigler, during the time frame that Fils-Aime was Virginia's home health aide:

1. Check #931 dated 09/26/16; pay to the order of Am Home Care/Whitsyms in the amount of \$448.00

2. Check #932 dated 10/02/16; pay to the order of Whitsyms in the amount of \$448.00
3. Check #933 dated 10/4/16; pay to the order of Am Home Care/Whysims in the amount of \$448.00
4. Check #934 dated 10/19/16; pay to the order of Am Home Care/Whitsyms in the amount of \$900.00
5. Check #935 dated 10/27/16; pay to the order of Am Home Care/Whitsyms in the amount of \$448.00
6. Check #1152 dated 11/07/16; pay to the order of Whitsyms in the amount of \$896.00

It should be noted that all of the above checks for payment of services from Whitsyms were signed on the front of the check by the payee, Cynthia Zeigler. I didn't find any checks where Virginia Zeigler made her own payments to Whitsyms.

It should be noted that, for example, on previously referenced Chase Bank check #1053 also written from the above account to Stephane Fils-Aime with Virginia Zeigler's name signed on the signature line it appears that the payee name of Stephane Fils-Aime is written in a very similar style to how it Fils-Aime's name is written on her Client Car Logs in the Whitsyms records. Also, Virginia Zeigler's signature on that check appears similar to how she signed on the same client care logs. This goes along with the statement given by Physician Assistant Alexandra Lopez-Lewis stating that she didn't think that Virginia would be able to write a check unless she had assistance from someone else.

Relevant documentation received was a copy of the front and back of Alden State Bank check #1053 that shows a posting date of 11/18/16 along with what appears to be a print out of a computer screen with "OVERRIDE APPROVALS" titled in the top left corner.

The Override Approvals document shows Check #1053 for \$400 negotiated, an \$8.00 fee collected, and \$392.00 paid to the customer. In the section titled "Primary ID" the type of ID is listed as "Driver's License w/ photo (US)" the driver's license number is recorded as being F425789907490 with an expiration date of 07/23.

I confirmed via DAVID software that the above reference Florida Driver's License is issued to Stephane Ines Fils-Aime who is the suspect in this case.

In summary, Stephane Fils-Aime was contracted as a Home Health Aide via Whitsyms to assist Virginia Zeigler, from approximately 09/27/16 and 11/02/16. During that time Fils-Aime is documented as visiting Ziegler's home to perform services on the following dates on the following different Whysims billing reports:

Billing Report for Week Ending Date: 10/08/16

10/02/16, 10/3/16, 10/04/16, 10/05/16, 10/06/16, 10/07/16, 10/08/16

Time on each of the reported seven days: 0900 – 1300 (4-hours)

Billing Report for Week Ending Date: 10/15/16

10/09/16, 10/10/16, 10/11/16, 10/12/16, 10/13/16, 10/14/16, 10/15/16

Time on each of the reported seven days: 0900 – 1300 (4-hours)

Billing Report for Week Ending Date: 10/22/16

10/16/18, 10/17/18, 10/19/18, 10/20/18, 10/21/18, 10/21/18, 10/22/18

Time on each of the reported seven days: 0900 – 1300 (4-hours)

Billing Report for Week Ending Date: 10/29/16

10/23/18, 10/24/18, 10/25/18, 10/26/18, 10/27/18, 10/28/18, 10/29/18

Time on each of the reported seven days: 0900 – 1300 (4-hours)

Billing Report for Week Ending Date: 10-01-18 (could have meant 11-01-18):

11/01/18

Time on 11/01/18: 0900 – 1300

Check #1053, in question, written from Virginia's Chase Bank account ending in [REDACTED] in the amount of \$400 with a memo note of "gift", is dated 10/14/16.

Fils-Aime is documented being at Virginia's residence on 10/14/16 from 0900 to 1300 hours and reported four hours that day.

Check #2472, in question, written from V. Ziegler's Alden State Bank account ending in [REDACTED] in the amount of \$2,000 with a memo note of "gift", is dated 11/29/16.

The last date that Fils-Aime has any documented contact with Ziegler on her individual schedule is 11/01/16 from 0900 to 1300.

The above mentioned check #2472 is dated approximately 27 days after Fils-Aime's last reported interaction with Virginia Zeigler.

In summary, the above investigation shows that Fils-Aime knew Virginia for approximately one month; with her first documented visit to Virginia's residence on 10/02/18 and her last on 11/01/18. Fils-Aime was a home health aide assigned to Virginia and contracted out through Whytsims Nursing Service. Fils-Aime, herself, noted in her registration for contract packet with Whytsims that she had seven years of Alzheimer/Dementia experience and seven years of Parkinson's experience.

Fils-Aime received documented payment from Whitsyms for her time being contracted with them from 09/09/16 through 11/25/16 in the amount of \$2,901.00. The checks that she cashed/deposited into her bank account from Virginia's bank accounts totaled \$2,400.

Documentation received by Whitsyms included the "Independent Contractor Agreement for Referral and Administrative Services". Section 5 of this document, in part, reads:

"Submitted care logs will also serve as Care Provider's invoice for services provided to the Client and Care Provider understands and agrees that Care Provider will not receive his or her fee for services until and unless satisfactory care logs are submitted and care logs are agreed upon and certified by client signature. Care Provider understands and agrees that AIHC will retain the AIHC Fees from any amounts it collects from a Client or Responsible Party before payment of Care Provider's negotiated rate is made to Care Provider". Fils-Aime is noted in the documentation as the Care Provider. Fils-Aime was being compensated by American In-Home Care LLC (Whysims) for her work as a Home Health Aide and had no reason to take monetary compensation in any form from Virginia. Fils-Aime would have been able to recognize Virginia's cognitive state and would have understood that Virginia did not have the capacity to be aware of any amount of money "gifted" to Fils-Aime from her bank account.

When questioned by Whysims employees about the complaint made by Virginia's daughter, Cynthia, Fils-Aime is documented by Whitsyms as saying that she never took any checks from the Virginia and that since they say a check was stolen if they contact the police they can get to the bottom of it and find out who actually did it. As previously documented in this probable cause affidavit, check #2472 for \$2,000 was deposited into Fils-Aime's bank account and check #1053 for \$400 was negotiated for cash by Fils-Aime. In addition, check #1049 written from Virginia's Chase Bank account to Fils-Aime was declined to be negotiated due to the signature not matching.

Physician Assistant Alexandra Lopez-Lewis at Premier Family Health in Wellington FL was Virginia's primary care provider in during 2016 beginning on 05/06/16. P.A. Lopez-Lewis stated that since that time, she has not known Virginia to be able to manage her finances. P.A. Lopez-Lewis also stated that she didn't feel that Virginia would be able to write a check on her own without someone prompting or assisting her and said that she doesn't think that Virginia would be able to complete the task of writing a check from start to finish without "a significant amount of assistance".

On 12/5/18, I was contacted by a subject via who later identified herself as Stephane Fils-Aime. Fils-Aime verified her identity with her birthdate and the last four digits of her social security number and agreed to give me a sworn recorded statement over the telephone because she stated that she was currently living in Jacksonville, Florida.

During this statement, in summary, not verbatim; Fils-Aime made several contradictory statements regarding her involvement in this case. At first she stated that Virginia wrote her

three checks for \$500 each. She said that she was holding one of the checks in her hand while she was talking to me that she decided not to cash when she found out that Cynthia didn't approve of Virginia writing checks to Fils-Aime. Fils-Aime told me that she was working with Virginia only to cook and clean for her, maintain her scars, and that she was a fall risk patient. When I asked Fils-Aime about where she wrote, in her Whitsyms application, that she had seven years of experience with Alzheimer's/Dementia, she told me that she exaggerated the amount of time in order to get hired. She told me it was about five years at that time, not seven.

She told me that the checks Virginia wrote her were supposed to be loans. She also stated that Virginia writes checks to a lot of people. It should be noted that bank records obtained in this investigation do not show that. As previously documented, Cynthia appears to write most of the checks out of the joint account she has with Virginia and there were only a couple checks written from Virginia's Alden State Bank account, one of them being the \$2,000 to Fils-Aime.

Fils-Aime said that stated that she knew Cynthia's name was on one of the checks with Virginia so she knew that Cynthia was overseeing the account. In one instance, she said that she told Virginia to write "loan" in the memo section of the check so that she wouldn't have any "discrepancies" with Cynthia. In another instance she said that it made her feel comfortable that Cynthia's name was also on the checks because she knew that someone else knew what was going on. Fils-Aime stated that she was having car problems and said Virginia noticed it when she was late to work so Virginia offered to pay to repair her car. She stated that her car repairs came out to \$2,000 and again stated that Virginia wrote her three checks for \$500 each. She began to refer to the check that she told me she was holding in her hand still saying that the checks were for \$500 each. Then she said that check was for \$2,000. She said that she "never got a chance" to cash two of the three checks.

She started to go back and forth about what happened with the check from Virginia's account for \$2,000 that she said she was holding in her hand. Then she said that Cynthia wouldn't let her cash the second of the three checks so Virginia wrote the entire amount of her car repairs, \$2,000, on the third check. She then said the check in her hand must be the third check.

She now said that she believes she cashed the first of the three checks but can't remember how much it's for. At this point, I said ok that we covered two of the three checks, one for \$2,000 and one that she says she probably cashed which she said was for \$500. I asked her about the other check. She called that check the second check. She said it is missing because she went to the bank and they didn't let her cash it. She then referred to having a conversation with Virginia where she told Virginia that Cynthia didn't let her cash the second check and since both her and Cynthia's names are on the check, she needs Cynthia's approval to cash the check. Fils-Aime stated at that point, Virginia wrote her the third check which she never attempted to cash because she didn't want any problems with Cynthia if Cynthia is not okay with Virginia loaning Fils-Aime money. She again said that Virginia

wrote the third check anyway for the “whole amount” and said “I just never cashed it I was like screw this”. I confirmed with her that the check for \$2,000 that she said that she still had in her possession she did not do anything with. She said “yeah”.

I confirmed with her what she said about cashing the first check for \$500 and that she was unable to cash the second check. I asked how much that second check was written for. She said that she didn't remember. I asked her if the only amount of money that she acquired from Virginia was that first check for \$500. She said that it was and began to tell me about Cynthia finding out about that check after it was negotiated and because of that Cynthia didn't let her negotiate a second check and then the third check she didn't even cash.

When I asked Fils-Aime if Virginia had any memory problems, she replied “no oh please that lady was on beat you couldn't fool her nope you couldn't fool her”. I asked Fils-Aime about Whitsyms company policy about receiving monetary gifts from clients. She said, in part, “you're not supposed to steal you're not supposed to touch you're not supposed to ask but there's always you know gifts that's transpired”.

I asked Fils-Aime why she would try to get \$2,500 from Virginia who is on a fixed-income. She replied that she did not know Virginia's financial situation. She said it's not her business to know. She then stated that one of the clients she is working for now bought her one of the cars she is driving now. Fils-Aime went on to say that had the check only been in Virginia's name, or if Virginia had not been writing checks to other people, or if she knew Virginia's financial situation, she would not have taken the money. Fils-Aime said that she isn't allowed to know clients finances. She said she just works for them and sees about their health.

Fils-Aime stated that Virginia would remember if Fils-Aime made her coffee incorrectly the day before and correct her the next day. Fils-Aime stated that she worked for Virginia for no more than six months. As previously documented, records from Whitsyms indicate that Fils-Aime worked for Virginia for just over one month from approximately 09/27/16 and 11/02/16.

Fils-Aime said that she couldn't remember how many times per week she went to Virginia's house but she said that she was there for approximately 4 to 6 hours per day.

When I asked Fils-Aime if she assisted Virginia in filling out the checks she replied “I wrote my name and the date that's all she wrote everything else”. Fils-Aime stated that Virginia saw her having car troubles and told Fils-Aime that she needed her to be reliable and that's when Virginia offered to give Fils-Aime a check. Fils-Aime said that she previously saw Virginia write a check to the “A/C guy” and that is how Fils-Aime knew that Virginia was capable of writing checks and she said that's also when she saw Cynthia's name on the checks and it made her feel better.

I asked Fils-Aime if she ever paid Virginia back. She said that she did not because Cynthia made it seem like that was a one-time thing. Fils-Aime again said that at that point she told

Virginia that because Cynthia didn't want her to, that she could not take any more checks. She continued saying, again, that Virginia said that is her money and wrote another check anyway which Fils-Aime said that she pretended she was going to go cash but never did.

I asked Fils-Aime if she remembers where she cashed the \$500 check. She said that it could have been her account or at Chase Bank. As previously documented, records show Chase Bank check #1053 for \$400, was negotiated for cash at a Chase Bank location by Fils-Aime.

I asked Fils-Aime if she saw anything out of place about Virginia writing her 3 checks; one for \$2,000 one for \$500 (records show \$400) and one for an amount that she claims not to remember (records show \$2,000) while she only worked for her for 6-months (records show approximately one month). She replied that she doesn't know if her clients are on fixed incomes. She said that if she knew that she wouldn't be able to take the money. She again reiterated that she would feel comfortable with it if the client wasn't on the bank account by themselves.

Then she said that when she is dealing with a client with Alzheimer's or Dementia there is always a family member who is "well aware of what's going on" so she feels comfortable in those situations.

I asked Fils-Aime if Virginia was an Alzheimer's/Dementia patient. Fils-Aime replied that she never went to the hospital with her and was only there to cook, clean and change bandages. She said that Virginia is "no fool and didn't forget a damn thing if she did not like you".

At this time, I told Fils-Aime that prior to speaking to her I obtained bank records, employee records, etc reference this case. I told her that the records show that a check for \$2,000 was deposited into her TD Bank account via an ATM on November 28th, 2016.

She told me that couldn't be true because she has it in her hand.

I told Fils-Aime again that a check for \$2,000 from Virginia's bank account was deposited into her bank account at TD Bank by her. She referred again to the Chase Bank check #1049 that she said she had in her hand and told me the date on that check is 11/28/16. I told her that is the check that that she couldn't cash at the bank because the signatures didn't match. Fils-Aime stated that it was not because of the signatures not matching and said "Virginia signed all of them" and she went on to say that it was because Cynthia wouldn't allow it to be cashed and the "banker didn't recognize that a transaction should be done often".

I reminded Fils-Aime that she told me earlier in this statement that she decided on her own not to attempt to negotiate that check because she said that she didn't feel right about it because Cynthia expressed that she didn't want her to take money from Virginia. I told her that actually what happened was that she took that check to the bank to negotiate it and the

bank denied it. I asked her if that was correct. She replied "yeah so this must be the second check so yeah yeah second check".

I told Fils-Aime that check #5472 (referring to the check from Virginia's Alden State Bank account) that she deposited into her TD Bank account only had Virginia's name on it. I reminded her that she told me earlier in this statement that she would not take a check from a client that only had their name on it and said that she would only feel comfortable if another family member's name was on the account and she knew they were overseeing the account.

Fils-Aime replied "no I wouldn't have a problem accepting it but I seen that her daughter was on the check book I can't remember if her daughter wasn't on that one but the one that I'm holding in her hand her daughter was on that one but the second check or the third one I guess it's the third one or the second check whichever her was on both of those I feel like I have to mention I feel like her daughter's name was on all three of the checks and I thought they were all from Chase so".

I told Fils-Aime that she deposited that check into her TD Bank account via ATM. She replied "ok it could have been through an ATM but I'm not sure why that amount was two thousand I can't remember if she that must have meant the car was more but I remember there was three checks that she wrote I was able to get one of them I don't know why I thought that was five hundred that's a damn big number from that two thousand but I think that was why I was like please make sure that you write a loan you know but".

At this point, I told her that records showed that she cashed a check for \$400 from Virginia's Chase Bank account and then told her that is a total of \$2,400 that she actually acquired from Virginia. Earlier in this statement she was adamant that three checks were written from Virginia for \$500 each and she only negotiated one of them.

I told her that those two checks were negotiated by her and I was waiting for her to tell me that but she kept telling me different stories. I reminded her that I was looking at bank records.

Fils-Aime replied "I don't even remember the \$2,000 I'm for sure it's like for sure remember the \$400 because I'm looking at the two thousand so I can't remember that one but I know for sure there were three checks written so it sounds like I did cash two of them but I don't know why I can't remember the two thousand because that would have helped me a lot but I can't remember that I did that but I know for sure a four hundred if I deposited or you know went to the teller but I thought all of her name all of the checks had her name her daughter and her name on them".

I told Fils-Aime that after she deposited that \$2,000 check that records showed that she was making withdrawals from her checking account for hundreds of dollars so it looks like the money did help her.

She replied "right it actually did but that's what I'm saying there's a reason why she wrote the second check there's a reason there's a reason that she wrote the second check I don't know TD didn't let that go all the way I don't know there's a there's a reason and I remember speaking to Cynthia around that time when it happened but there's a reason why it was a reason".

I swore Fils-Aime in at this time and asked her if everything she has told me in this statement is true. She replied "from what I can recall and remember I feel like yeah it is I can't remember everything I'm so sorry but yeah and yeah like I said I didn't write any of these checks I didn't force her mother to write it if it's evidence that I deposited I had the right to but it's reason why I didn't get this one I guess Cynthia was not ok with it but from what I can recall everything I'm saying from what I can remember is the truth".

I told Fils-Aime that I met with Virginia Zeigler too and that I did not get the sense that she could make financial decisions for herself, had a good memory, or understood 100% what was going on.

Fils-Aime said "this is actually I don't know if she declined but this is a whole I'm looking at 11/28/2016 this is a whole while ago so I don't know if you seen her now (inaudible) then she declined but I do recall a visit with her, me, and her daughter and her telling her daughter what she liked and disliked about my work". As previously documented, I obtained the statement from Virginia on 03/01/17.

I told Fils-Aime that Virginia's doctor at the time didn't think that she had the capacity to make financial decisions either and I told Fils-Aime that was back in 2016.

Fils-Aime said "yeah and I never went to any doctor's appointment like I said that's not what I was there for but from what I just from my interactions with her and that one interaction not one interaction her daughter was in town for a couple of days but that one trip that her daughter made during that time you know we talked we from what I can see she can remember she was telling the daughter things she was reminding the daughter things to do and not to do don't forget you know so I could make out from my interactions with her I never went to the doctor's with her I never even know what kind of meds she was taking to know this was the dementia nope it was all about cooking cleaning and changing her scars that was it she wasn't even incontinent she used the restroom on her own she wiped on her own so you know".

I asked Fils Aile if Cynthia would back up what she was saying. She replied "she can back up yeah she was not fond of it at all she was not fond of it at all that I can recall she".

I said to Fils-Aime that she knew the daughter was not fond of it but she went ahead and did it anyway. She replied "I didn't speak to her daughter until that must have been the \$2,000 check I thought it was the \$400 and she (inaudible) from the first check but it must have been from the second check so whatever time when I finally spoke to Cynthia about it she was not

fond of it her mother was just consistent that at the end of the day it was her money and what not but like I said I don't know why she wasn't ok with it when I tried to explain to her that I'm working I'm not running away I don't have a problem paying your mother back but she wasn't fond of it and I must have needed the money really bad after her mother wrote the third check that I even attempted it but I know I kept it because I'm like you know I appreciate I hold on to stupid you know things although I should have threw it away but I just hold on to things like I appreciated this woman writing me this check giving me this money but if it's a loan or if it's a gift or a problem that I even took it I'm not sure what happens from here but I don't have a problem you know I didn't try to rob her so I never have the problem of paying someone back if the problem was them giving me the money that her daughter feels like they want it back from my initial agreement I had I wanted this to be a loan so I can't take it back now that if they want it that I'm not willing to you know pay it back cause I initially wanted it to be a loan".

I asked Fils-Aime how much money she made working with Whitsyms with Virginia. She said that she didn't remember because she was working other cases as well but private duty.

I asked Fils-Aime if she brought it up to Virginia that she needed money and how she came up with the figures. She said that Virginia saw that she was extremely late for a home visit.

I asked her how she came up with \$2,000 and \$400. I asked Fils-Aime if Virginia came up with those nice even round numbers. She replied "I think that she was trying to give more and I was always like this is enough this is enough".

I asked Fils-Aime if she told her \$2,000 then. She replied "I don't know about the two thousand I believe she wrote that the four hundred five hundred one I believe she was trying to give me two thousand from the jump actually and I'm like it's ok this is it's ok the car I'll take care of it and yeah but she you know gave came up with the numbers".

I asked Fils-Aime if she was not disputing that she did receive the checks from her and they she deposited the \$2,000 check in to her TD Bank account and that she cashed the \$400 check. I asked her if that was correct. She replied "No I'm not".

I asked Fils-Aime if she was not disputing the fact that check 1049 that she said she is holding in her hand that she tried to deposit or cash that check and it was declined by the bank. I asked her if that was correct. She replied "It wasn't declined by the bank it was declined by Cynthia". I restated that it got declined at the bank. I asked her if that was correct. She said "yes". I asked her, for clarification, if she did try to negotiate that check. She replied "yes".

For clarification, I said that would have been a total of \$4,400 that Fils-Aime would have received from Virginia. Fils-Aime replied "I believe so and I was paying it back".

I asked Fils-Aime if she had any agreement in writing. She replied "other than the fact that she wrote it was a gift on the memo, no".

Based on the above documented investigation, I find that Stephane Ines Files-Aime did take advantage of her position of trust of being Virginia's home health aide and, working for Virginia for approximately one month, did obtain three checks from Virginia Ziegler for an attempted total of \$4,400 and a realized total of \$2,400 due to Chase Bank declining to negotiate check #1049. Fils-Aime knew or should have known based on her training and self-documented 7 years of Alzheimer/Dementia experience that Virginia did not have the mental capacity to manage her own finances which includes gifting or loaning Fils-Aime money.

Based on similar signatures and handwriting that is readily observable in subpoenaed records, and statements made by Physician Assistant Lopez-Lewis, it is also probable that Fils-Aime provided Virginia with significant guidance and assistance in writing those three checks to Fils-Aime. Furthermore, Fils-Aime deposited Alden State Bank check #5472 for \$2,000 into her personal bank account, negotiated Chase Bank check #1053 for \$400 cash, and attempted to negotiate Chase Bank Check #1049 for \$2,000. I confirmed that Chase Bank reimbursed Virginia \$400 based on an internal bank investigation reference this case. Alden State Bank did not reimburse Virginia the \$2,000.

Stephane Fils-Aime was in a position of trust with Virginia Zeigler and working for her as a Home Health Aide. Fils-Aime knew, or should have known, based on her training and self-documented work experience, that Virginia did not have the mental capacity to make financial decisions on her own. Yet, Fils-Aime still took and negotiated two checks from Virginia totaling \$2,400 and took and attempted to negotiate another check in the amount of \$2,000 for her personal benefit; in violation of F.S.S. 825.103(1a1); Exploitation of elderly person or disabled adult. Furthermore, Fils-Aime knew that she would be depriving Virginia of that money and using it for her personal benefit; in violation of F.S.S. 814.014(1) Grand Theft, more than \$300 but less than \$20,000.

Based on the above, I find probable cause to charge Fils-Aime with violation of the above listed Florida State Statutes.

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State of Florida

County of Palm Beach

The foregoing instrument was sworn to or affirmed before me this 17th Day of December 2018, by Detective Larry Nielsen, ID 8485 who is personally known to me.

Det. Amy Thoe 9175

Notary Public/Clerk of Court/Officer (F.S.S. 117.10)

Det J 8485

Signature of Arresting/Investigating Officer

Name of Officer: Det. Larry Nielsen, ID 8485

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