

## ARREST / NOTICE TO APPEAR

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

3

JUVENILE

OBTS Number <b>0500200</b>			Agency Name <b>Boca Raton Police Department</b>						Agency Report Number (N.T.A.'s only) <b>3 1 2 2015-016349</b>										
Agency ORI Number <b>0500200</b>			If Weapon Seized Enter Type <b>None/not Applicable</b>						Multiple Clearance Indicator										
Charge Type: Check as many as apply. 1. Felony <input checked="" type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other <input type="checkbox"/>			Location of Offense (Business Name, Address) <b>2046 NW 29TH RD, BOCA RATON, FL 33431</b>																
Location of Arrest (Including Name of Business) <b>DIAMOND, TIMOTHY ANDREW</b>		Date of Arrest		Time of Arrest		Booking Date		Booking Time		Jail Date		Jail Time		Location of Vehicle					
Name (Last, First, Middle) <b>DIAMOND, TIMOTHY ANDREW</b>																			
Alias: <b>Alias:</b>																			
Race W - White    I - American Indian B - Black    O - Oriental/Asian		Sex <b>W M</b>		Date of Birth <b>03/31/1964</b>		Height <b>5'10</b>		Weight <b>250</b>		Eye Color <b>BROWN</b>		Hair Color <b>BROWN</b>		Complexion <b>LIGHT</b>		Build <b>Large</b>			
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)																			
Marital Status		Religion		Indication of: Alcohol Influence Yes <input type="checkbox"/> No <input type="checkbox"/> Unk <input checked="" type="checkbox"/> Drug Influence Yes <input type="checkbox"/> No <input type="checkbox"/>															
Local Address (Street, Apt. Number) <b>7701 E COUNTRY CLUB BLVD, BOCA RATON, FL 33487</b>		(City) <b>BOCA RATON</b>		(State) <b>FL</b>		(Zip)		Phone		Residence Type: 1. City    3. Florida 2. County    4. Out of State									
Permanent Address (Street, Apt. Number) <b>7701 E COUNTRY CLUB BLVD, BOCA RATON, FL 33487</b>		(City) <b>BOCA RATON</b>		(State) <b>FL</b>		(Zip)		Phone		Address Source									
Business Address (Name, Street) <b>DERAY OCEAN ESTATES NORTH,</b>		(City)		(State)		(Zip)		Phone		Occupation <b>Contractor</b>									
D/L Number, State <b>D553801641110 / FL</b>		INS Number				Place of Birth (City, State) <b>CT, United States Of</b>		Citizenship <b>US</b>											
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor											
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor											
<input type="checkbox"/> Parent <input type="checkbox"/> Other: _____		Name (Last, First, Middle)														Residence Phone			
<input type="checkbox"/> Legal Custodian																			
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									
Released To: (Name)		Relationship		Date		Time		3. Incarcerated											
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.																			
<input type="checkbox"/> Yes, by: <input type="checkbox"/> No:				Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Description of Property		Value of Property											
Drug Activity N N/A B Buy P Possess		S Sell D Deliver T Traffic		R Smuggle E Use		K Disperses/ Distribute		M Manufacture/ Produce/ Cultivate		Z. Other		Drug Type N. N/A C. Cocaine A. Amphetamine		B. Barbiturate M. Marijuana E. Heroin		H. Hallucinogen P. Paraphernalia/ Equipment S. Synthetic		U. Unknown Z. Other	
Charge Description <b>GRAND THEFT \$300-\$20,000</b>																			
Drug Activity <b>N</b>		Drug Type <b>N</b>		Amount / Unit <b>/</b>		Offense # <b>2015-016349</b>		Counts <b>1</b>		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Warrant / Capias Number		Statute Violation Number <b>812.014(2C1)</b>		Violation of ORD #			
Charge Description <b>ORGANIZED FRAUD - OVER 20K UNDER 50K</b>																			
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Health / Apparent Physical Condition of Defendant																			
Any knowledge of the following: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries 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		<input type="checkbox"/> Posted Bond <input type="checkbox"/> South County Mental Health		PROPERTY - Received By		Released By		<input type="checkbox"/> Released To											
Transported By _____																			
Date Transported		Time Transported		Other															
Location (Court, Room) <b>South County 200 W Atlantic Ave Delray Beach, FL 33444</b>																			
Court Date and Time																			
INSTRUCTION NO. 1 - Mandatory appearance in court <input checked="" type="checkbox"/> INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.																			
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN COMTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.																			
Signature of Defendant (or Juvenile and Parent/Custodian) _____ Date Signed _____																			
HOLD for Other Agency				Signature of Arresting Officer <i>ALSUP, KRISTI L.</i> #646				Name Verification (Printed by Arrestee) (PRINT)											
<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other				Name of Arresting Officer (Print) <b>ALSUP, KRISTI L.</b>				I.D. # <b>646</b>		PAGE <b>1 OF 1</b>									
Intake Deputy		I.D. #		Pouch #		Transporting Officer		I.D. #		Agency		Witness here if subject signed with an "X".							

No Photo Available

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				(561) 923-3153									
<p>The undersigned certifies and swears that he/she has just and resonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.</p> <p>The Person taken into custody ...</p> <p><input type="checkbox"/> committed the below acts in my presence.      <input type="checkbox"/> was observed by _____ who told _____</p> <p><input type="checkbox"/> confessed to _____ that he/she saw the arrested person committ the below acts.</p> <p><input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.</p> <p>On the <u>29</u> day of <u>March</u> <u>2017</u> at <u>07:41</u> (Specifically include facts constituting cause for arrest.)</p>													
<p>On 11/25/15 I was assigned a fraud case that was reported on 11/24/15. I reviewed the initial report written by Ofc. Cortez who spoke with the complainant/victim Douglas Fournier; Fournier reported his contractor Timothy Diamond submitted forged permit requests to the city and abandoned the renovation project.</p> <p>On 12/01/15 I spoke with Fournier who advised he hired contractor Timothy Diamond, President of Delray Ocean Estates North Inc from a recommendation by their realtor Linda Diamond (Timothy's sister-in-law) and they signed a contract with Diamond on 05/16/15. Diamond began work on his home renovation at 2046 NW 29th Rd Boca Raton in May 2015. Fournier advised he would reply via email and send documentation supporting his issues with Diamond.</p> <p>On 12/02/15 I received an email from Fournier with an attached file consisting of documents stating that Diamond committed forgery and fraud as follows: Diamond presented Fournier with a lien waiver in the amount of \$20,000.00 purportedly signed by Dean Cuddy of Coastline Roofing in order to induce him to pay additional money to Diamond and his company. Cuddy subsequently told Fournier that he did not sign this lien waiver document in the amount of \$20,000. Fournier made a subsequent progress payment in the amount of \$4,670 to Coastline Roofing and in exchange for the payment, Cuddy executed a notarized partial lien waiver documenting the \$4670.00 progress payment. Fournier provided copies of both documents to show the signature variations. Fournier stated Diamond also presented him with an estimate from Baracco Trim for interior doors and induced him to pay Diamond a deposit of \$3,180.00 in order to place the interior door order. Fournier learned Baracco did not produce the estimate and no doors were ever delivered for the project to account for the \$3,180.00 payment for door materials. Other issues Fournier reported with Diamond involved Diamond paying subcontractors that were providing services on this project with checks that returned with insufficient funds and discovering the contract submitted to the City of Boca Raton for permits contained a</p>													
ADMINISTRATIVE	<p>SWORN AND SUBSCRIBED BEFORE ME</p> <p><u>LAURIE, FREDERICK T</u> <i>(Signature)</i></p> <p>NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)</p> <p><u>03/29/2017</u>      DATE</p>												
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<p>forged signature of his wife Linda Fournier. Lastly, Fournier advised Diamond represented himself as a licensed contractor in the state of Florida and they learned of a cease and desist order issued by the licensing bureau back in 1995 against Tim Diamond.</p> <p>On 12/30/15 I received an email from Fournier containing the draw schedule and payments made to Diamond, Delray Ocean Estates North Inc and/or direct to their subcontractors.</p> <p>On 01/19/16 I received an email from Fournier containing a copy of the Florida Dept. of Professional Regulation complaint that he filed with the licensing agency against Diamond and the actual contract signed with Diamond.</p> <p>On 01/25/16 I met with victim Douglas Fournier at the BRPD station and collected a sworn written statement. Fournier's statement advised Tim Diamond presented documents that were forged to induce him to make payments. Fournier advised materials were never delivered for an order he paid for in response to a forged estimate. Fournier's written statement was submitted into evidence.</p> <p>On 04/27/16 Fournier emailed a copy of the civil complaint they filed against the Diamonds and Delray Ocean Estates North Inc. The files provided by Fournier via email: "documents for police report", "draw schedule", "payments", "construction_related_complaint_package" , "contractor agt signed" and "Complaint filed copy" pdf files were copied to a CD and submitted into evidence.</p> <p>On 01/23/17 I requested Chase and Bank of America subpoenas from the SAO to retrieve the Fournier's and Tim Diamond's bank records. I requested a copy of the Department of Business and Professional Regulation report.</p> <p>On 01/27/17 I USPS certified mailed the Bank of America subpoena. I received a copy of DBPR report regarding the complaint Fournier made against Tim Diamond for working as an unlicensed contractor. The DBPR report contained a letter that stated as follows: "After a thorough investigation and legal review, the Department of Business and Professional Regulation determined that the facts and circumstances did not warrant commencement of formal administrative action." The facts of the closing order were as follows: "This investigation was predicated upon a complaint submitted by Douglas Fournier ("Complainant") alleging that Subject performed an act requiring licensure as a Certified General Contractor without the requisite license and without being properly qualified in the State of Florida by contracting to perform regulated construction contracting services, including but not limited to, roofing and undisclosed plumbing and electrical services, for compensation, at 2046 NW 29th Road, Boca Raton, Florida 33431. On January 14, 2016, Subject was notified via both Certified Mail and US Mail of the investigation and provided with a copy of the Uniform Complaint Form. On April 26, 2016, Subject was personally served a Notice to Cease and Desist. On January 22, 2016,</p>								
ADMINISTRATIVE	<p>SWORN AND SUBSCRIBED BEFORE ME</p> <p><b>LAURIE, FREDERICK T</b> <i>[Signature]</i> NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)</p> <p><b>03/29/2017</b> DATE</p>							
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P R O B A B L E C A U S E S T A T E M E N T	<p>Subject's brother William Diamond ("License Holder") provided a written response stating that he is a licensed contractor and that he runs a family business with his brothers, one of which is Subject. Investigation disclosed that the contract is through License Holder's company, that the permits were obtained by License Holder, and that payments were made to License Holder's company. After legal review, the case warrants dismissal in that: Subject has no prior or pending complaints with the Department, a Notice to Cease and Desist was issued, and there is insufficient evidence for the Department to meet its burden of proof.</p> <p>The "DPBR_report" pdf file was copied to a CD and submitted into evidence.</p> <p>On 02/14/17 I received the Bank of America subpoena response. The subpoena records showed the two wire transfers received into Diamond's Bank of America account from the Fournier's Chase account ending [REDACTED] for \$16,500 on 06/11/15 and \$34,410.00 on 06/24/15, balances reflecting negative cash flow and returned checks Diamond paid to subcontractors. The subpoena response files CD and response documents were submitted into evidence.</p> <p>On 03/07/17 I spoke with Alex Baracco of Baracco Trim regarding the estimate for interior doors provided to Fournier. Baracco provided his email address and I emailed him a copy of the estimate provided to Fournier for his review.</p> <p>On 03/08/17 I collected an audio recorded statement from Alex Barraco after his review of the estimate provided to Fournier with his company name that I emailed. Barraco advised the estimate was not a document he produced and he stated his name is not spelled correctly on the estimate; the correct spelling is Barraco not Baracco as it was spelled on the fictitious estimate. Barraco advised the address and contact information was not his; he believed the address and contact information on the estimate was Tim Diamond's information. Barraco stated he did not provide any materials for the job. The audio recorded statement collected from Barraco was copied to a CD; the CD and copy of the estimate Barraco reviewed were submitted into evidence.</p> <p>On 03/10/17 I spoke with the owner of Coastline Roofing, Dean Cuddy and faxed him copies of the lien document with the \$20,000 amount and the lien document with the \$4670 amount. Cuddy called me back after reviewing both of the lien documents. I collected an audio recorded statement from Dean Cuddy. Cuddy advised the document with the \$20,000 sum was not a document that he signed and he had not seen the document prior to the dispute that began between Fournier and Diamond, the document dated November 12, 2015 for \$4670 was a document that he did sign. The audio recorded statement collected from Cuddy was copied to a CD; the CD and a copy of the two lien documents reviewed by Cuddy were submitted into evidence.</p> <p>On 03/13/17 I received the Chase Bank subpoena response. The Chase records for the</p>							
A C M I N I S T R A T I V E	<p>SWORN AND SUBSCRIBED BEFORE ME</p> <p><i>Laurie, Frederick T</i> <i>604</i> LAURIE, FREDERICK T NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)</p> <p>03/29/2017 DATE</p> <p>SIGNATURE OF ARRESTING/INVESTIGATING OFFICER</p> <p><i>Alsup, Kristi L</i> <i>646</i> ALSUP, KRISTI L (646) NAME OF OFFICER (PLEASE PRINT)</p> <p>03/29/2017 DATE</p>							

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**PROBABLE CAUSE AFFIDAVIT  
SUPPLEMENT**

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

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<b>FL 0500200</b>	<b>BOCA RATON POLICE DEPARTMENT</b>

**3 | 2 | 2015-016349**

Charge Type: Check as many as apply.	<input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other	Special Notes:
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Name (Last, First, Middle)	Alias
<b>DIAMOND, TIMOTHY ANDREW</b>	

Race      Sex      Date of Birth  
**W      M      03/31/1964**

victim's accounts record the checks and wire transfers paid to Tim Diamond and/or Delray Ocean Estates per the draw schedule for the project. It should be noted, checks issued to Diamond were being cashed not deposited (ink fingerprints and back of checks show check cashing store stamps) into the Bank of America account held by Diamond. The subpoena request and response documents were copied to a CD for the case file. The Chase subpoena request and response documents were submitted into evidence.

On 03/20/17 Det. Arenas and I went to the current address on Tim Diamond's driver's license, 7701 E Country Club Blvd Boca Raton. Diamond's son answered the door and advised his dad was not home, I received a call later from Diamond and he advised he would discuss with his attorney and call me back.

On 03/28/17 I received a call from Diamond's attorney Don Thomas who advised Diamond would not be providing a statement in response to the allegations of forged documents and grand theft.

The investigation revealed probable cause to show Timothy Diamond committed: organized scheme to defraud pursuant to FSS 817.034 (4)(a)2 and grand theft over \$300 pursuant to FSS 812.014 (2C1).

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SWORN AND SUBSCRIBED BEFORE ME

LAURIE, FREDERICK T

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

03/29/2017

DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

ALSUP, KRISTI L (646)

NAME OF OFFICER (PLEASE PRINT)

03/29/2017

DATE

PAGE  
**4 OF 4**

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P. I. O.