

Juvenile

DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - JAIL GOLD - DEFENDANT (N.T.A.'s ONLY)

Please contact
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2.2300

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Room 202

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WEST CLERK'S OFFICE

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38844 State Road #80

Belle Glade, FL 33430
Telephone: **561-996-4843**

Probable Cause Affidavit
Palm Beach Police Department
Agency ORI# FLO 500600

| | |
|---|-------------------------------|
| Defendant: Tsai, Nancy A. | Police Case: 14-000151 |
| Race/Sex: W/F | |
| DOB: 05/19/1947 | |
| Charges: Exploitation of the Elderly Person >\$100,000 | F.S.S. 825.103 (1) and (2)(a) |
| Grand Theft from Persons over 65 >\$50,000 | F.S.S. 812.0145 (2)(a) |

On December 30, 2013, I met with the Office of Financial Regulation Investigation Manager Andrea Appleman and Financial Investigator Keri Whitehurst in reference to an Exploitation of an Elderly Person.


Appelman advised she received an investigative report completed by the Financial Industry Regulatory Authority (FINRA), Office of Fraud Detection and Market Intelligence (OFDMI) for further review by her office. The investigative report involved former FINRA registered representative and former employee of UBS Financial Services (UBS), identified as Dennis Torkil Melchior.

Upon speaking with Appleman and Whitehurst and, upon review of the investigative report, I learned that Melchior, while employed with UBS, served as the broker for the Helga Marston Trust. Helga Marston is a 92 years old, Palm Beach resident, who suffers from the infirmities of aging.

In 2011, Marston opened a Trust account with UBS. In December of 2011, Marston granted Nancy Tsai, her long-term friend, Power of Attorney (POA) and subsequently was named trustee to Marston's Trust account.

Although Tsai is not a named beneficiary of the Trust, she had complete control over Marston's finances and had the ability to distribute the Trust's assets at her discretion. According to UBS, their concern was that there was a conflict of interest being that Nancy Tsai, who was Marston's POA, and Melchior, who was Marston's broker for her Trust account, were in a romantic relationship.

The foregoing instrument was sworn to or affirmed
Before me this 22nd day of April, 2014
By, Det. Daniel Wilkinson ID 9031,
Who is personally known to me



Signature of Police Officer (F.S.S.117.10)

State of Florida
County of Palm Beach



Signature/Arresting Officer

Date: 04/22/14

Additional concerns occurred when it was discovered that between January 2012 and April 2013, Tsai made several large distributions from the Trust account, including the purchase of a penthouse apartment in excess of 2 million dollars and a Bentley automobile. According to UBS, Tsai was the point of contact for these transactions being she managed all of Marston's personal affairs as her POA.

Based on the fact that Marston is 92 years old, was not in good health and did not drive, there was nothing to indicate that those purchases primarily benefitted Marston or were purchased in her best interest. Nancy Tsai clearly violated F.S.S. 736.0802 (1), Duty of Loyalty, in that the Trustee (Tsai) shall administer the Trust solely in the interest of the beneficiary (Marston).

At the conclusion of this meeting and information obtained, I conducted a vehicle registration check for Tsai, which confirmed that a 2013 Bentley Continental GT was registered to Tsai.

As a result of meeting with Appleman and Whitehurst, I spoke with personnel from UBS, which I requested any and all documents associated with Helga Marston and her relationship with Dennis Melchior.

Upon receiving and reviewing these documents, it was learned that Melchior was terminated from UBS on April 22, 2013 due "to a loss in confidence in Melchior's professional judgment for reasons including his failure to apprise management of issues that raised conflict of interest regarding expenditures from Marston's trust account".

In turn, Melchior responded to FINRA, in writing, dated July 11, 2013, denying any misconduct. He stated his relationship with Tsai began after she became POA for Marston's accounts and that all transactions were for Marston's benefit. Melchior asserted that Tsai always conferred with Marston before making any notable transactions in Marston's account.

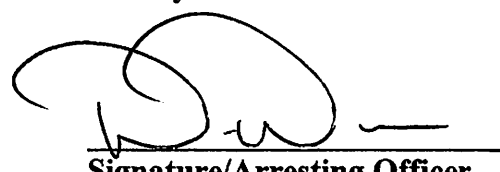
On September 9, 2013, FINRA mailed a customer cooperation letter to Marston's home. On September 17, 2013, Tsai contacted FINRA on Marston's behalf. Tsai stated that both she and Marston were overwhelmingly happy with the way Melchior managed the accounts and asserted UBS's/FINRA's supervision of the matter was overbearing. To date, neither UBS nor FINRA have been able to contact Marston regarding her account activity.

On December 30, 2013, I spoke with Rebecca Figueroa, Assistant Property Manager, for Marston's apartment building (Lowell House) located at 340 South Ocean Blvd on Palm Beach.

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Figueroa advised she has not seen Marston for approximately six or seven months due to her falling and breaking her pelvis.

Figueroa confirmed she had knowledge of the purchase of the second penthouse apartment and identified Marston being the owner. According to Figueroa, Marston's POA, Tsai, explained that the second penthouse was purchased to provide lodging for Marston's 24-hour medical staff when she returns to her residence. As of this date, Figueroa has not observed any occupants for the second penthouse unit nor has Marston returned home.

At the conclusion of this contact, Figueroa provided me with the name of Marston's primary private duty nurse, Anne Coon, and added that Marston is presently a resident at the Lourdes Noreen McKeen Assisted Living Facility located in West Palm Beach.

Upon learning this, I made contact with Coon who confirmed that Marston is presently a resident at the Lourdes Noreen McKeen Assisted Living Facility and that Nancy Tsai is Helga Marston's Power of Attorney and handles all of Marston's affairs.

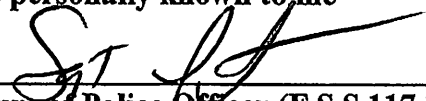
On December 31, 2013, I went to the Lourdes Noreen McKeen Assisted Living Facility and spoke with the on-duty nurse, Kim Swai. Swai also confirmed Marston was admitted to the Lourdes Noreen McKeen Assisted Living Facility and has been since February 2013. Swai advised Marston was not in good health at the time of being admitted into the facility and that Marston suffers from Dementia and Alzheimer's disease. Swai stated that Marston also needed a blood transfusion the week prior to my visit.

Swai further advised that Marston has twenty-four hour care, with rotating shifts, provided by several private duty nurses with one, on-duty nurse per shift. During my visit, Marston awoke from her sleep and did not appear to recognize her nurse, Swai, who had been her nurse for over ten months. Marston also did not recognize her surroundings.


On December 31, 2013, I was contacted by Nancy Tsai as a result of my conversation with Figueroa at Marston's building. Tsai confirmed that she has known Marston for over 40 years and that Marston's health is failing. Tsai provided the name of Marston's attorney, Paul Como, Marston's physician, Dr. Goldstein, and her accountant, Bernadine Atkins.

On January 7, 2014, I made contact with Marston's physician, Dr. Gabriela Goldstein, at her office. This contact was to determine the level of Marston's mental capacity and whether she

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had the ability to approve the purchase of the penthouse apartment or the 2013 Bentley automobile.

Dr. Goldstein advised that Marston became her patient on March 18, 2013. According to her initial observation and based on what Tsai (POA) indicated on Marston's medical intake documents, Goldstein concluded Marston to have "zero" mental capacity. Goldstein stated that Marston was unaware of her surroundings and described it to be as if she was placed on another planet. Goldstein subsequently provided me with a letter that documented her medical opinion of Marston's mental capacity.

Dr. Goldstein advised in her letter, "Given her health and disposition, in addition to medical help, assisted living, and housing maintenance, she needs help with financial matters, such as payments of bills, preparation and filing of tax returns, and management of her finances. Without this assistance, she (Marston) would probably be in financial default and disarray". Although the information provided in Goldstein's letter does not provide the exact time in which Marston's mental capacity began to diminish, it does establish March 18, 2013 as a time where Marston had "zero" mental capacity.

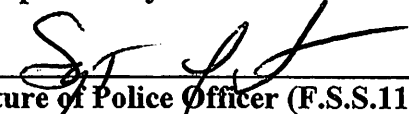
On January 10, 2014, during a sworn taped statement, Dr. Goldstein was further questioned regarding Marston's mental capacity. During this sworn taped statement, Dr. Goldstein stated that there was no doubt in her mind that Marston had "zero" mental capacity and needed help.

A review of records maintained by UBS associated with Helga Marston and the Helga Marston Trust, I confirmed that on April 30, 2013, a penthouse apartment located at 340 South Ocean Blvd, Penthouse 1, on Palm Beach was purchased by the Helga Marston Trust.

Upon review of documents provided by UBS, these documents confirmed Tsai's request for \$2,350,000 dollars to fund the purchase of that penthouse apartment. Management personnel from UBS Services declined to fund the initial purchase due to the fact the purchase and sale agreement was in the name of Nancy Tsai and not in the name of Helga Marston or the Helga Marston Trust.

On April 5, 2013, in order to complete the real estate transaction, Tsai provided Marston with an "Assignment of Contract", which assigned all of her rights, title and interest in purchasing that penthouse apartment to Helga Marston, Trustee of the Helga Marston Trust. This was done several weeks after Dr. Goldstein found Marston to have "zero" mental capacity.

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A review of the buyer and seller that was documented in the original "AS IS" Residential Contract for Sale and Purchase, the seller was identified as Carolyn J. Maness, Trustee of the 1966 Carolyn J. Maness Living Trust and the buyer was identified as Nancy Tsai.

Upon assigning the right of the purchase and sale agreement to Marston, Les Evans who is the real estate attorney for Tsai, provided an addendum to the contract to amend and modify the original purchase and sale agreement. The addendum was signed by Helga Marston on April 16, 2013, which was approximately month after Dr. Goldstein found Marston to have "zero" mental capacity.

According to UBS Services, this corrective action by Tsai was not sufficient to fund the purchase of the penthouse apartment. UBS advised that a new purchase and sale agreement would be necessary to complete the transaction with Helga Marston listed as the only buyer of that penthouse apartment. As a result, a new purchase and sale agreement was prepared.

Michelle Beeler, Secretary for Marston's attorney, Paul Como, notarized the final purchase and sale agreement. During a sworn taped statement, Beeler advised that during the execution of the final purchase and sale agreement, Marston asked as to the meaning of each page that she was either signing and/or initialing. Beeler advised she explained each page but it appeared that Marston was not able to hear her.

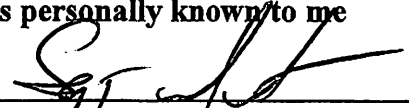
According to Beeler, Nancy Tsai, who was also present, assisted her by whispering the meaning of each page to Marston. Beeler stated that it appeared that Marston acknowledged her understanding of each page.

As a result, on April 30, 2013, \$2,292,958.05 was withdrawn from the UBS Helga Marston Trust Premier Variable Line of Credit Account, [REDACTED] and sent to Guy Rabideau, Esquire and Sabadell United Bank, in order to complete the real estate transaction.

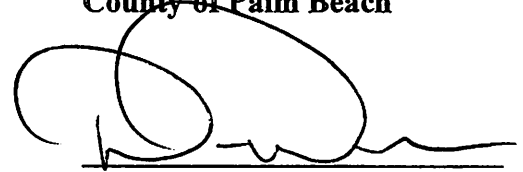
On February 12, 2013, Tsai purchased a 2013, Gray, two-door Bentley Continental GT V8 Coupe (VIN [REDACTED]) from Brahman Motor Cars of Palm Beach in the amount of \$170,048.21. The funds utilized to purchase this vehicle were from the Helga Marston Trust account, [REDACTED] held at UBS Services, and was paid by UBS Check # [REDACTED]

The Florida vehicle registration, dated 2/27/2013, reflected Nancy Tsai as the sole owner of the vehicle listed above. The "Florida Application to Vehicle Certificate of Title" also reflected Nancy Tsai to be the sole owner of the vehicle and was dated 2/27/13. Insurance for this vehicle at the

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time of purchase was Commerce and Industry Insurance, Policy # PCG [REDACTED] documenting the insured listed as Nancy Tsai and Arnold Polzin.

There is no indication that the purchase of this vehicle had any benefit to the Helga Marston Trust and/or Helga Marston or was done in her best interest.

On December 14, 2012, Tsai leased a 2013, Black, four-door, Mercedes E350S4 (VIN [REDACTED]) from Mercedes Benz of Palm Beach under the terms of 4 years and 40,000 miles. The amount due upon delivery of the vehicle was \$1251.93. The funds utilized to provide this initial payment was from Helga Marston's UBS Visa Signature Credit Card, ending in [REDACTED], and linked to the Helga Marston Trust UBS account [REDACTED]. Payment was provided on December 14, 2012.

There is also no indication that the lease of this vehicle had any benefit to the Helga Marston Trust and/or Helga Marston or was done in her best interest.

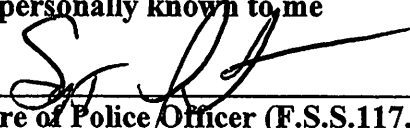
On this same date, Tsai submitted a Certificate of Authority – Auto Pay from the Helga Marston Trust certifying the authorization of electronic debit in the amount of the regularly scheduled payment under the lease agreement.

Upon review of UBS Helga Marston Trust Account [REDACTED] monthly payments to Mercedes Benz Financial Services have occurred in the amount of \$956.46. The "Florida Application to Vehicle Certificate of Title" reflects Nancy Tsai to be the co-owner/lessee of the vehicle and was dated 12/29/12. Insurance for this vehicle at the time of purchase was Chartis Property Casualty Co, Policy # PCG 0004610348 with the insured listed as Nancy Tsai.

The lease of this vehicle has provided no apparent benefit to the Helga Marston Trust and/or Helga Marston or was done in her best interest.

On October 27, 2012, Tsai purchased a 2013, Black, four-door, Mercedes S550 (VIN [REDACTED]) from Mercedes Benz of Palm Beach in the amount of \$104,227.30. Of this amount, a UBS check was written from the Helga Marston Trust Account [REDACTED] via UBS check # [REDACTED] in the amount of \$101,227.30. The remaining balance was paid via American Express. The Florida vehicle registration, dated 10/27/2012, reflects Nancy Tsai as the sole owner of the vehicle listed above. Insurance for this vehicle at the time of purchase was Chartis Property Casualty Co, Policy # [REDACTED] with the insured listed as Nancy Tsai.

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The purchase of this vehicle has provided no apparent benefit to the Helga Marston Trust and/or Helga Marston or was done in her best interest.

On February 7, 2013, Tsai chartered a round trip flight from Injet LLC, DBA, ACP Jet Charters. Upon reviewing documents from ACP Jet Charters LLC, it was discovered that the first flight departed the West Palm Beach International Airport (PBI) at 0700 hours and arrived at the Lester B. Pearson International Airport in Toronto, Canada at 0948 hours. A review of the flight manifest revealed Tsai to be the sole occupant of this flight.

On this same date, Tsai chartered a second flight to return to West Palm Beach. The flight departed the Lester B. Pearson International Airport at 1600 hours and arrived at the West Palm Beach International Airport at 1854 hours. Review of this flight manifest revealed the following occupants: Tsai, Arnold Polzin, Rhoda Polzin, and Audrey Carroll Polzin.

Lunch during this flight consisted of four All-American Deli Sandwiches, four packages of fresh fruit, six cookies, two packages of yogurt and a delivery fee for the lunch expense of \$479.45. The total expense for both flights is \$28,273.25. Tsai, provided payment on February 14, 2013, using UBS Visa debit card that is linked to the Helga Marston Trust account [REDACTED] (ending in [REDACTED]). Tsai signed the Credit Card Authorization accepting the total charges from the flight.

Helga Marston was not on this flight's passenger manifest and had been admitted to the Lourdes Noreen McKeen assisted living facility during the time of this flight.

On February 13, 2013, Tsai provided a cash payment to herself, Nancy Tsai, in the amount of \$10,794.90 from the UBS Helga Marston Trust Account [REDACTED]. Tsai received direct benefit of this transaction. No further explanation regarding the use of these funds were provided in the documents provided by UBS Services.

On March 16, 2013 Tsai made arrangements for Sandy Polzin (same last name as the occupants listed on the above listed flight manifest) to stay at the Bradley Park Hotel from March 8, 2013 through March 16, 2013. The total amount of the stay was \$2,566.32, which Tsai provided payment via the Helga Marston Trust UBS Visa credit card ending in 5981, which was linked to the Helga Marston Trust Account [REDACTED].

In June 2013, Tsai closed the account with UBS Services and transferred all Marston's funds from the Helga Marston Trust to Fidelity Investments. According to a letter from Tsai to UBS, Tsai believed that UBS's involvement with Marston's Trust accounts was too overbearing.

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On January 27, 2014, Debbie Noury, Principle Investigator for Fidelity Investments, contacted me to advise suspicious activity was occurring in the Helga Marston Trust Account [REDACTED]

Upon reviewing account records maintained by Fidelity Investments, I learned that between June of 2013 and January of 2014, approximately \$970,000 was transferred from the Helga Marston Trust account to a JP Morgan Chase Account # [REDACTED]. According to records maintained by JP Morgan Chase, the customer for Account # [REDACTED] is Helga Marston.

During the course of this investigation, I learned that although Dennis Melchior's financial broker's license has been revoked by FINRA, Nancy Tsai added him as an investment advisor to the Fidelity Investment Helga Marston Trust account and paid him \$7,500 monthly since June 2013. This was done by Tsai even though the Helga Marston Trust pays a fee to Fidelity Investments for licensed brokers to manage her account.

According to Noury, on January 28, 2014, based on the high amount of money transferred from the Fidelity Helga Marston Trust Account to the JP Morgan Chase account, # [REDACTED] and the fact that Dennis Melchior was listed as an Investment Advisor even though his license was revoked, Fidelity Investments restricted access to funds in all accounts associated with Helga Marston or the Helga Marston Trust.

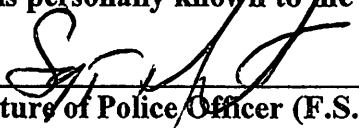
A review of bank records maintained by J.P. Morgan Chase, revealed the account holder to be Helga Marston. Monthly statements from this account revealed multiple payments to American Express, Account # [REDACTED], totaling \$69,341.59, to Gregory Giuliano Construction totaling \$302,018 and to H & D Maintenance totaling \$109,569.35.

It should be noted that the payments to Gregory Giuliano Construction was for renovations to the penthouse that was purchase by Tsai. It should also be noted that the payments to H & D Maintenance was also for renovations for Marston's penthouse in New York.

A review of records maintained by American Express for Account # [REDACTED] revealed Helga Marston is the primary account holder with one additional American Express card linked to the account. The additional card, # [REDACTED] listed Nancy Tsai as the secondary account holder.

On July 12, 2013, Tsai purchased for herself an airline ticket from Delta Airlines traveling from West Palm Beach (PBI) to New York (La Guardia) using card ending in [REDACTED] (American Express card assigned to Marston) in the amount of \$391.90. It should be noted that Marston

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was admitted to the Lourdes Noreen McKeen Assisted Living Facility during the time this flight was purchased.

On September 7, 2013, Tsai purchased herself an airline ticket from Delta Airlines traveling from New York (La Guardia) to West Palm Beach (PBIA) using card ending in [REDACTED] (American Express card assigned to Marston) in the amount of \$351.90. It should be noted that Marston was admitted to the Lourdes Noreen McKeen Assisted Living Facility during the time this flight was purchased.

On September 19, 2013, Tsai purchased herself an airline ticket from Delta Airlines traveling from West Palm Beach (PBIA) to New York (La Guardia) using card ending in [REDACTED] (American Express card assigned to Marston) in the amount of \$281.90. It should be noted that Marston was admitted to the Lourdes Noreen McKeen Assisted Living Facility during the time this flight was purchased.

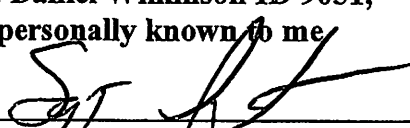
On September 28, 2013, Tsai purchased herself an airline ticket from Delta Airlines traveling from New York (La Guardia) to West Palm Beach (PBIA) using card ending in [REDACTED] (American Express card assigned to Marston) in the amount of \$356.90. It should be noted that Marston was admitted to the Lourdes Noreen McKeen Assisted Living Facility during the time this flight was purchased.

On September 28, 2013, Tsai purchased herself an airline ticket from Delta Airlines traveling from West Palm Beach (PBIA) to New York (La Guardia) using card ending in [REDACTED] (American Express card assigned to Marston) in the amount of \$356.90. It should be noted that Marston was admitted to the Lourdes Noreen McKeen Assisted Living Facility during the time this flight was purchased.

On November 14, 2013, Tsai purchased herself a round trip airline ticket from Delta Airlines traveling from West Palm Beach (PBIA) to New York (La Guardia) returning to West Palm beach using card ending in [REDACTED] (American Express card assigned to Marston) in the amount of \$1083.75. It should be noted that Marston was admitted to the Lourdes Noreen McKeen Assisted Living Facility during the time this flight was purchased.

On January 29, 2014, Tsai purchased herself an airline ticket from Delta Airlines traveling from West Palm Beach (PBIA) to New York (La Guardia) using card ending in [REDACTED] (American Express card assigned to Marston) in the amount of \$551.95. It should be noted that Marston

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was admitted to the Lourdes Noreen McKeen Assisted Living Facility during the time this flight was purchased.

A further review of American Express records from February 2013 to February 2014 revealed the following restaurant purchases: Café Europe, \$7,762.72; Bice Restaurant, \$119.64; Cheesecake Factory, \$278.69; Palm Beach Grill, \$2,418.04; Chez Jean Pierre Restaurant, \$3,726.13; Flagler Steakhouse, \$1,102.07; Table 26, \$1,590.71; Michael McCarty Restaurant, \$906.26 and Buccan Restaurant, \$150.26. The above listed restaurant expenditures totaled \$18,054.52.

Records also identified following Furniture and Decor purchases: Capital Lighting, \$13,991.57; El Dorado Furniture, \$13,503.02; City Furniture, \$7,508.05; EcoSmart, \$5,397.00, ZGallerie, \$958.07. The above listed Furniture and Décor expenditures total \$41,358.21.

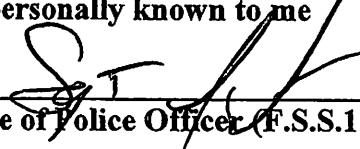
Records further identified the following miscellaneous purchases made in New York: Lingerie and Company NY, \$139.36; Bloomingdales NY, \$505.18; Raheem Limo Service NY, \$1,043.00, Tiffany Two Nails NY, \$63.00. The above listed New York miscellaneous expenditures total \$1,750.54.

On February 19, 2014, As a result of my investigation, I contacted Stephen Zahako from Florida Department of Children and Families (DCF) to discuss possible guardianship options for Helga Marston and the Helga Marston Trust. As a result of this contact, DCF conducted an investigation to determine the mental capacity of Helga Marston.

On March 19, 2014, Arthur Strauss, a licensed clinical social worker (LCSW), conducted a mental evaluation on Helga Marston to determine her mental capacity. Upon completing the evaluation, Strauss determined that Marston lacked the ability to marry, contract, have a driver's license, to travel, to seek employment, to determine her own residence, to consent to medical treatment, to apply for government benefits, to sue or be sued, or to manage and dispose of property. Strauss concluded that Marston mental diagnosis was that of Alzheimer's typed dementia, paranoia, psychosis, and anxiety.

On March 20, 2014, Dr. Edward Rubin conducted an evaluation on Helga Marston's mental capacity. After the completing the evaluation, Rubin determined that Marston lacked the ability to vote, contract, have a driver's license, to seek employment, to determine her own residence, to consent to medical treatment, to apply for government benefits, to sue or be sued, to manage and dispose of property or make decisions about her social environment. Rubin

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concluded his evaluation with a mental diagnosis of Marston in that she has early dementia, unspecified psychosis, and forgetfulness.

On March 27, 2014, Jane Ansley, PhD, conducted an evaluation on Helga Marston to determine her mental capacity. After the completing her evaluation, Ansley determined that Marston lacked the ability to vote, to marry, contract, have a driver's license, to travel, to seek employment, to determine her own residence, to consent to medical treatment, to apply for government benefits, to sue or be sued, to manage and dispose of property or to make decisions about her social environment. Ansley concluded her evaluation with a mental diagnosis of Marston in that she has age related cognitive decline.

As a result of the mental evaluations conducted on Marston, DCF scheduled a hearing to petition the court to determine the mental capacity and to appoint a guardian for Helga Marston.

On March 25, 2014, in response to the scheduled hearing, Edward Downey, Esq, a representative for the Helga Marston Trust, forwarded a letter to Colleen Farnsworth, Legal Counsel for DCF, to offer a pre-hearing resolution to Helga Marston's incapacity and guardianship issues.

In his letter, Downey expressed Tsai's willingness to continue her effort to oversee the medical care of Marston. Downey wrote in his letter that Tsai "recognizes the suspicions that have been raised by the initial erroneous titling in the Palm Beach Apartment in the Lowell House (where Helga Marston owns an apartment) and the initial titling of two additional automobiles".

Downey further stated that Tsai and her daughter are long time acquaintances to Helga Marston and are beneficiaries under Helga Marston testamentary plan as set forth in the Revocable Trust Instrument.

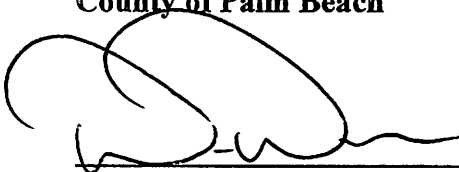
A review of Helga Marston's Will, initially written by Marston in 2011 and amended in May 2013, contained instructions for certain tangible items to be distributed.

The amended Will stated that Tsai's daughter, E. Sarah Paul, is to receive all tangible property at Marston's personal Palm Beach residence, 340 South Ocean Blvd on Palm Beach. Further, Marston's amended Will stated, "If I own multiple residences at said address, I give E. Sarah Paul the tangible personal property located in the residence at that address of her choosing". Helga Marston's Will further stated, "I give the rest of my property, real and personal, wherever

**The foregoing instrument was sworn to or affirmed
Before me this 22nd day of April, 2014
By, Det. Daniel Wilkinson ID 9031,
Who is personally known to me**


Signature of Police Officer (F.S.S.117.10)

**State of Florida
County of Palm Beach**


Signature/Arresting Officer

Date: 04/22/14

situated, herein called my residuary estate, to the trustee of the Helga Marston Declaration of Trust", which is Nancy Tsai.

This Will was amended and executed by Helga Marston on May 23, 2013. According to Dr. Goldstein, in March 2013, Marston was deemed to have "zero" mental capacity. It should also be noted the cost of the renovation and décor of the penthouse unit that was purchased by Nancy Tsai exceeded \$569,000.

Based on the way Marston's Will was amended after she was deemed to have "zero" mental capacity, the renovation and décor purchased by Tsai did not benefit Marston, who was admitted to an assisted living facility during that time frame, and could only benefit herself and/or her daughter, E. Sarah Paul.

In addition, based on the way Marston's Will was amended after she was deemed to have "zero" mental capacity, Tsai, as a co-trustee, made herself eligible to receive Marston's property, including the 2013 Bentley GT Coupe, 2013 Mercedes S550, 2013 Mercedes E350, Marston Palm Beach and New York penthouse apartment located at 888 Park Avenue in New York and all funds in bank accounts associated to Helga Marston.

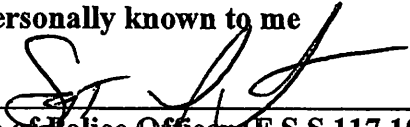
On August 10, 2014, Palm Beach County 15th Circuit Judge, Diana Lewis, advised the Marston suffers from incapacities due to age related infirmities and dementia. In addition, Lewis advised Marston lacks the capacity to make informed decisions about her financial affairs and making decisions for her care and safety.

As a result of Judge Lewis' finding, "A Stipulation For Resolution of Issues Raised by Petition for Determination of Incapacity/Petition for Appointment of Guardian" was created and agreed upon on April 10, 2014 by DCF, Helga Marston through counsel, Nancy Tsai, E. Sarah Paul and Bernadine Adkins, Marston's accountant.

The document kept Tsai as Marston's health care surrogate and permitted the Helga Marston Trust to remain in effect with all terms and conditions, provided that Helga Marston and Nancy Tsai are to resign as co-trustees and Finemark National Bank & Trust be designated and appointed as the successor trustee of the Helga Marston Trust.

The document also stipulated that the Durable Power of Attorney, dated May 23, 2013, appointing Tsai shall no longer have any force and effect.

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The document appointed Helga Marston's accountant, Bernadine Atkins, as the Guardian of the property of Helga Marston. According to this document, Atkins is to manage Helga Marston's tangible property, artwork and jewelry.

Lastly, the document stipulates that Tsai renounce the nomination to be the personal representative for the Helga Marston Will and Testament.

Based on the aforementioned investigation, I have probable cause to arrest Nancy Tsai for **Exploitation of Elderly Person/Disabled Adult**, contrary to F.S.S 825.103 (1) and (2)(a), in that Nancy Tsai did while standing in a position of trust and confidence knew or should have known that Helga Marston, an elderly person and disabled adult, lacked the capacity to consent and did obtain and used the funds, assets and property of Helga Marston, which had a value of over \$100,000, with the intent to temporally or permanently deprive Helga Marston of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than Helga Marston.

I also have probable cause to charge Nancy Tsai with **Grand Theft from Persons over 65 >\$50,000**, contrary to F.S.S. 812.0145 (2)(a), in that Nancy Tsai did knowingly obtain and use U.S. currency of a value in excess of \$50,000, which was the property of Helga Marston, a person 65 years of age or older, knowing or having reason to believe that Helga Marston was 65 years of age or older, with the intent to permanently or temporarily deprive Helga Marston of the property or benefit therefrom or to appropriate the property to the use of Nancy Tsai or to the use of any other person not entitled thereto.

**The foregoing instrument was sworn to or affirmed
Before me this 22nd day of April, 2014
By, Det. Daniel Wilkinson ID 9031,
Who is personally known to me**



Signature of Police Officer (F.S.S.117.10)

**State of Florida
County of Palm Beach**



Signature/Arresting Officer

Date: 04/22/14