



Maricopa County Sheriff's Office

Paul Penzone, Sheriff



INCIDENT REPORT

EVENT	Reported Date:	3/26/2020	Reported Time:	17:58	IR #:	IR20009238	Original/Supp?	ORIGINAL	Hand Written?	<input type="checkbox"/> Yes	Info Only	<input checked="" type="checkbox"/> Yes	Access Level:	Open	Case Status:	Inactive	MC (Event) #:	MC20063680				
	Serial #:	S1501	Last Name:							COSME, J			Shift Supervisor:		S1080			Name:		HARVEY, G		
	Body Camera Activated?	Yes	Reason not Active:																			
	Break in Video?	No	Reason for break:																			
INCIDENT	Radio Code:					670 WELFARE CHECK					From Date:		3/26/2020		From Time:		17:58		9-1-1 Tape Requested:		No	
	Location:					12645 N. SAGUARO BLVD #11					City:		FOUNTAIN HILLS		ZIP:		85268		The number of Additional MCSO Personnel On Scene:		0	
	Is this IR related to others?					NO																

SYNOPSIS

On 03/26/20, at approximately 1758 hours, I responded to the Euro Pizza Restaurant located at 12645 N. Saguaro Blvd. #11, due to concerns by Fountain Hills Town Staff that this establishment was not abiding by Governor Ducey's Executive Order regarding restaurants not allowing on-site dining. I observed numerous people sitting and eating on the patio of the establishment.

PERSON	ID:	1		Type:	OWNER		Name Type:	Individual		VR Form & Pamphlet Given?		Reason NOT Given:											
	Name - Last:		MERITA		First:		IDRIZAJ		Middle:		Suffix:		DL/ID #:		St.:		AZ		Status:		VALID		
	Home	Street Nbr.	Dir:	Street Name		Suffix:	Dir.	Unit/Apt		City:		State:		ZIP:									
	Cell Phone:		Home Phone:		Email Address:																		
	Race:		WHITE		Sex:	F		Ethnicity:		NOT HISPANIC OR LATINO		SSN:		DOB:		Age Range:		From: 55 To: 55		Juvenile:		No	
	Resident of Jurisdiction?		YES		Height Range:		From: 503 To: 503		Weight Range:		From: 165 To: 165		Hair:		BROWN - BRO		Eye Color:		BROWN - BRO				
	Was consent to search the Person requested?		No		Consent Given?		Person Search Conducted? No																
	Search Options:																						
	Was this an Investigatory Detention?		No		Arrested?		No		ARS:		Type:												
	Work	Work Business Name:		Work Phone:																			
Street Nbr.		Dir:	Street Name:		Suffix:	Dir.	Unit/Apt		City:		State:		ZIP:										
FBI#:		SID:		BK#:		Scanned Address:																	

NARRATIVE

On 03/26/20 at approximately 1758 hours, Sgt. Douglas s1658 requested that I respond to the Euro Pizza Restaurant located at 12645 N. Saguaro Blvd. #11 to see if there were patrons sitting and eating on the restaurant's outdoor patio area.

Sgt. Douglas had received this request from Captain Kratzer S1520, who had been notified by Town of Fountain Hills Staff that this establishment may not be adhering to the Governor's Executive Order prohibiting restaurants from allowing on-site dining.

It should be noted that this same restaurant was believed to be allowing on-site dining on Saturday, 03/21/20 as well. This was a call that Dep. Rafferty S2183 went to under MC20060022 on 03/21/20, at 1500 hours, for a similar situation in which Town Staff had notified MCSO of the same issue occurring that day. It was found that patrons were also utilizing the patio area of the restaurant to eat.

NARRATIVE

Upon arrival, I activated my assigned body worn camera. I parked in the east parking lot because I was familiar with the layout of the restaurant. I knew the Euro Pizza patio is located on east side of the restaurant facing the Fountain Park.

As I approached the restaurant, I noticed multiple people, approximately 9, sitting and eating in the patio where there are chairs and tables set up. I took photos and uploaded them onto evidence.com.

There is a pillar within the patio that has three hanging signs. One of the signs states, "Euro Pizza Cafe." The second sign states it's a dog friendly patio. The third sign states, "Please See Hostess For Patio Seating Thank You."

I walked to the front of the restaurant which faces west. I entered the restaurant and asked one of the waitress who was in charge. The waitress stated it was Merita and went to the back to get her.

I recognized Merita from a previous contact I had with her not related to the restaurant. Merita's full name is Merita Idrizaj and she is the owner of Euro Pizza.

I advised Merita I was sent by my supervisor because there are people sitting in the patio. Merita agreed the patio belongs to the restaurant. Merita said she has a number 12 and 7 liquor license which allow her to sale beer to go. Merita stated once people buy the alcohol they can drink it where they want. Merita said the governor lifted the ban on alcohol to go.

Merita said the people in the patio pickup their food orders and can eat where ever they want. Merita stated they can be on the patio because she is not doing table service. Merita said the governor's order states there is no dinning in at restaurants.

I told Merita I would be taking a report on what I observed and she said the only thing I need to write is that I did not observe table service and dinning in.

Merita told me I wasn't suppose to be in the restaurant because "non-employees," are not allowed inside. Merita said the next time I could talk to her outside. Merita stated, I was no longer welcome at her restaurant.

-Nothing Further--

Attachment:

Description:

HISTORY

Completed By: S1501	COSME, J	On: 3/26/2020	At: 20:09
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Reviewed By: S1080	HARVEY, G	On: 3/27/2020	At: 14:28
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Approved By: S1080	HARVEY, G	On: 3/27/2020	At: 16:19
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Maricopa County Sheriff's Office

Paul Penzone, Sheriff

SUPPLEMENT



INCIDENT REPORT

EVENT	Reported Date: 3/27/2020	Reported Time: 12:59	IR #: IR20009238	Original/Supp? SUPPLEMENT	Hand Written? <input type="checkbox"/> Yes	Info Only <input type="checkbox"/> Yes	Access Level: Open	Case Status: Inactive	MC (Event) #: MC20063680
	Serial #: S1520	Last Name: KRATZER, L				Shift Supervisor: S1674		Name: HALVERSON, J	
	Body Camera Activated? Yes	Reason not Active:							
	Break in Video? No	Reason for break:							
INCIDENT	Radio Code: 670 WELFARE CHECK			From Date: 3/26/2020		From Time: 17:58		9-1-1 Tape Requested:	
				To Date:		To Time:		No	
	Location: 12645 N. SAGUARO BLVD #11			City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCSO Personnel On Scene: 0	
	Is this IR related to others? NO								

SYNOPSIS

On 03/27/2020 at 1259 hours, I met with the owner of Euro Pizza, Merita Kraja (aka Idrizaj), at the Euro Pizza establishment located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ to conduct follow-up regarding compliance with the Governor's Executive Order, pertaining to restaurants not allowing on-site dining.

NARRATIVE

On 3/26/2020, I was contacted by the Town Manager of Fountain Hills, Grady Miller, who advised me that he had received reports that the Euro Pizza Restaurant, located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, was allowing patrons to sit on their patio area and dine, which was in violation of Governor Ducey's Executive Order 2020-09, regarding restaurants not allowing on-site dining until further notice.

Dep. Cosme S1501 ultimately responded to the restaurant and authored the original Incident Report for his response to this incident under IR20009238/ MC20063680 (A summary of this contact by Dep. Cosme is detailed later in this Supplement). I then conducted follow-up the next day on 3/27/20 at 1259 hours. When I contacted the owner on this date at the Euro Pizza Restaurant, I provided dispatch with the IR number taken by Dep. Cosme, however I failed to provide them with the same MC# and a new MC# and incident was created for my follow-up on 3/27/20 under MC20064140. This follow-up and this new MC# is directly related to MC20063680. It should be noted that I had my Body-Worn Camera activated during my contact with the owner and the footage for my contact related to this incident can be found in Evidence.com under MC20064140.

Prior to this incident, I was also aware of another similar issue involving the same restaurant, which occurred on Saturday, March 3/21/20 at 1500 hours. This incident was under MC20060022 and was handled by Dep. Rafferty S2183. Regarding this incident, a Town of Fountain Hills staff member had observed patrons dining on the patio of the Euro Pizza and they believed this to be a violation of the Governor's Executive Order and MCSO was contacted to look into the perceived violation. Dep. Rafferty and I spoke after this incident and he told me that when he went to the restaurant, he observed approximately 10 people on the patio area of the restaurant eating. He took a copy of the Governor's Executive Order 2020-09 with him in order to speak to the owner or management of the restaurant about the Order not allowing "on-site dining". Dep. Rafferty told me that the owner, who I believed he said was Maria at the time (Owner's name was actually "Merita"), told him she didn't need to see the Order, she already had a copy of the Order and had spoken to several other people, to include the Mayor, and knew she was not violating the Governor's Order. It should be noted that later conversation with the Town of Fountain Hills Town Manager and Town Mayor determined that the current Mayor of Fountain Hills, Ginny Dickey, did not have a conversation with the owner of Euro Pizza and did not provide her any type of approval, opinion, or suggestion that she could allow patrons to sit on her patio or in the common area of breezeway of the business. Mayor Dickey stated she did not have any conversation through phone or text with this business owner. It was later discussed that the owner of the business may have been eluding to the prior Mayor of Fountain Hills, but this was never asked or determined. Dep. Rafferty explained that the owner believed she was not in violation, as she was only allowing take-out orders, or to-go orders and told the deputy that she could not control what patrons did or where they ate once they got their to-go order and left. That concluded the contact with the Euro Pizza owner and Dep. Rafferty.

After receiving the phone call from the Town Manager on 3/26/20, I contacted the on-duty patrol supervisor, Sgt. Walt

NARRATIVE

Douglas S1568 and requested that he send a deputy by to the Euro Pizza to see if they were allowing patrons to dine on their patio area and to again speak to the restaurant owner about Governor Ducey's Executive Order in an attempt to gain voluntary compliance with the Order. I requested that if a deputy believed there to be a violation of the Governor's Order, that Sgt. Douglas have the deputy author an IR detailing his observations, his conversation with the owner, and the outcome of the conversation with the owner. Within a short time, Sgt. Douglas called me back and sent me a text with a photograph of a sign that belonged to Euro Pizza that was situated near the patio area. The photograph also showed patrons clearly sitting on tables situated outside the restaurant, which appeared to be on the patio of the establishment. The sign out front stated, "Please see hostess inside for patio seating". Sgt. Douglas told me that Dep. Cosme S1501 responded and did observe patrons sitting on the patio of the establishment, as well as at tables situated in what he referred to as a breezeway that led back to the patio of the restaurant. Sgt. Douglas explained that Dep. Cosme spoke to the owner of the Euro Pizza, who he identified as "Merita" and not "Maria" as I had previously thought her name was. He said that Merita told them she is not doing anything wrong and is not allowing table service, nor was she allowing anyone to sit inside her restaurant. When asked about the patrons sitting on the patio and in the breezeway area, she said that this is common area and she is not responsible for where people choose to sit once they leave with their food. Much of what Sgt. Douglas told me sounded like what Merita had said to Dep. Rafferty back on 3/21/20. Sgt. Douglas further explained that Merita told Dep. Cosme he wasn't welcomed at her restaurant and told him he was risking spreading the Corona Virus by being inside her restaurant. She then requested that she be able to speak to the Captain (meaning me). I told Sgt. Douglas I would call Merita at the phone number listed for the restaurant.

I then called the publicly listed phone number for Euro Pizza found on Google and a female answered. I identified myself and asked to speak to Merita. The female told me she would get Merita and Merita picked up the phone a few seconds later. I then introduced myself to Merita and told her that I was aware she had requested to speak to me after deputies were just there in regards to a report that the Euro Pizza was allowing customers to sit and eat on the patio area of her restaurant. Merita told me that some patrons were using her patio to sit, as well as tables that were in the common area of the property. Merita told me that she is not allowing guests to sit inside or come into her restaurant, nor is she allowing table service so she is in compliance with the Governor's Order. I explained to Merita that the Governor's Executive Order prohibits "on-site" dining, to which she stated she was not allowing on-site dining. I told Merita that her patio area is part of her establishment/business and would be considered on-site, to which Merita argued that it was not on-site. I explained to Merita that my understanding and interpretation of on-site would include her patio and I requested that she close her patio, put up signage to indicate to guests that it was closed, and that she take appropriate measures to ensure people were not sitting on her patio. Merita stated again that she had talked to several people and understood the Order and knew she was ok operating in the manner she was operating. Merita never made any mention to me about speaking to the Mayor. I told Merita that we disagreed in that regard and I further explained that MCSO has a duty to enforce the laws, to include the Governor's Executive Order. I told Merita that I had already contacted the Maricopa County Attorney's Office (MCAO) and was awaiting a recommendation as to how local law enforcement could cite or charge for violations of this Order, if need be. I explained to Merita that she appeared to be violating the Order by allowing patrons to sit on her patio and dine, that if she continued to do so and not take measures to close the patio, that I would see it appropriate to cite her for any violations of the Order. Merita told me that my interpretation and her interpretation were different and that if I had to cite her for this, a judge would have to decide whose interpretation was right. I then told Merita that the sign she had on the outside of her restaurant about seeing the hostess for patio seating was encouraging patrons to dine on-site. Merita stated that was an old sign and she would remove it.

I told Merita that any restaurant or grocery store that we have been to has taken many steps to ensure their dining rooms and table areas were closed by using caution tape, upside down tables and chairs, cones, signage, etc. to make it very clear to customers that they could not dine on-site. Merita then offered to "compromise" and told me she would close her patio by placing tables in front of the arches and putting signage that indicated it was closed. I thanked Merita for complying, but she then told me she would not move the tables and chairs from the common area. I inquired about where this common area was, as I was not familiar with this restaurant or the area surrounding it. Merita explained that she has two liquor licenses and they allow for patrons to consume alcohol at the tables she has set up in the walkway/common area of the property that leads to the patio of her restaurant. I asked Merita if the tables and chairs in this area belonged to her and her restaurant or if these were owned by someone else like the property owner. Merita stated they were hers. I then told her it would be my understanding that continuing to leave the tables and chairs out in this area would still promote or encourage patrons to dine on-site, thus violating the Order. Merita disagreed with this and asked if I could come and see what she was willing to do and then speak to her in-person about the matter, as well as an additional matter she had which was somewhat unrelated to this issue. I told her that I would meet with her in-person the next day, on Friday, March 27, 2020. I reiterated to Merita again that I would strongly encourage her to remove all tables and chairs and add signage that made it clear patrons could not dine on-site and ended the phone call with her at that time.

On Friday, 3/27/20 at 1259 hours, I responded to the Euro Pizza located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, to speak to Merita. I first walked to the common area/breezeway area and noticed multiple tables and chairs set up along the walkway. This area is a walkway between the Euro Pizza and another establishment. It is approximately 20 feet wide and it allows people access to the rear of the businesses and the Fountain Park. As I walked this walkway towards where the patio area is for Euro Pizza, I noticed approximately 6-8 tables with several chairs at each table situated near the right side of the walkway, closest to the wall to Euro Pizza. These tables and chairs would appear to be seating for the Euro Pizza based on their proximity to the restaurant. I also observed some folded umbrella's and portable heaters that were pushed up against the wall and not in use. Near the back by the Fountain Park is where the restaurant's patio area is located. I noted that it did appear that tables and chairs were now blocking the entry to the patio itself and there was a sign indicating it was closed. Immediately next to the arch ways that lead into the patio (arches were blocked to not allow patrons entrance) were other tables and chairs and I noticed three groups of people sitting and drinking beer and/or eating. One group appeared to be eating their food from Euro Pizza which was in to-go containers. Another table had two men sitting at it and they had a bucket of beer, which consisted of a metal bucket with handles, ice inside, with approximately 6 beers. Two were open and the men were sitting and drinking facing the Fountain. The other table had 2-3 guests sitting at it and they were also drinking a beer and had food that appeared to be from the restaurant in a bag. They were not eating the food. One of the patrons asked me if they were allowed to be there and I explained to them that the restaurant was supposed to be taking measures to not allow any guests to sit and eat or drink there. I told them I was not asking them to leave and was there to speak to the owner.

I then walked up to the front doors of the restaurant and noticed both doors were open and were blocked with a table and an employee, who was taking orders and providing patrons with their to-go orders. I noticed two small tables out in front of the open doors to the restaurant, which appeared to be tables belonging to the restaurant and possibly set up for patrons waiting to get their to-go orders. I then asked an employee at the front door of the restaurant if Merita was available and she went and got her. Merita then introduced herself and walked me towards the back of the restaurant towards the patio. I asked Merita as we walked past the numerous tables and chairs in the walkway/breezeway area if these tables belonged to her. She stated they did. I then pointed out to her that by these tables and chairs being placed there, it was allowing patrons to sit and congregate and I pointed to the three occupied tables. I explained to her that the Governor's Executive Order stated that restaurants shall not allow on-site dining. Merita stated she was not allowing on-site dining. I told her that the tables and chairs she has out in the walkway is allowing on-site dining.

Merita then pointed out a nearby coffee shop that had two tables set up outside, but no one was currently sitting at and no chairs were at the table. I explained to her that this business would have to adhere to the Executive Order as well. I then pointed out to Merita that two of the men sitting on her tables near her patio area had a bucket of beer (bucket with ice containing six bottles of beer) and that this did not appear to be a to-go item. Merita told me that it was for to-go ordering. I then asked her if someone were to order this, would they get to keep the bucket with ice to-go and she stated yes.

Merita then attempted to explain that the Executive Order lifted the restrictions on alcohol sales to-go. I explained to her that I understood this, but this was not the issue. The issue was that she was allowing patrons to dine and drink on her premises. Merita stated that where these tables and chairs were set up were not "on the premises". She talked about a special "exemption" she has that allows her to use the common area. Merita stated the place where she pays insurance and lease for is the fenced patio she blocked off at my request. I then explained to Merita that she owns the tables that she has in the walkway (an area she claimed is public area and not a part of her establishment) and it encourages people to sit and eat there. Merita told me that this does not encourage people to eat there and she cannot tell them where to sit. I explained to her that if the tables and chairs that she owns were not out in this area, people would not be sitting there and eating. Merita then told me it is common area just like the Frozen Yogurt business near her's and she asked me to walk over to that business with her. This business was about 75 yards away and had rear access to the Fountain Park. Merita showed me how there were tables out in the open area behind the Yogurt shop. I told her that this business would have the same requirement to not allow patrons to dine outside and their tables would need to be brought in as well and the area secured. Merita claimed that the area where the Frozen Yogurt shop had their tables and the area where she had her tables in the walkway are "public area" and they do not pay for the area to be a part of their business. Merita then tried to explain that the restrictions put in place right now are that no more than ten people can congregate together and must stay six feet apart in public areas. I told Merita that this pertained to public areas and not restaurants for dining or allowing patrons to sit.

Merita then began to talk about the walkway/breezeway area. She stated that her patio is unique and that when the town became a dog friendly town, she had to apply for special licensing. She stated in order to for her to comply with the Health Department, she had to call the long area (Merita pointed to and made gesture to refer to the walkway/breezeway area) as public area. She said because of this, it did not require a fence and then anyone could sit

NARRATIVE

there with dogs. Merita claimed that the Health Department told her if the area was fenced and dogs were in the area, she would have to spray it down with water every hour. She said because of this, it took her forever and technically, it is called "public area" and she described this as a loophole that exists. Merita stated she compromised with me and closed her patio off. She said she put the signage and she is doing to-go orders and people are taking the food and they can go anywhere after that. She again emphasized that this area where people are currently sitting and tables and chairs belonging to her are set up, is called public area. I told Merita that my take on it was that the tables and chairs are being put out by her, which promotes people to sit there and dine. Maria contested that this is not on-site dining and stated she is not talking to these people once they have paid and left with their food. I told Merita that I perceived this as a violation of the Governor's Executive Order not allowing on-site dining as she is allowing patrons to purchase buckets of beers and then sit and congregate in the breezeway of the property with tables and chairs she has provided. Merita stated they are not congregating and that they are far from each other. Merita stated that is the loophole.

I explained to Merita that her and I do not agree on this and I informed her that I have requested from the MCAO an opinion as to how local law enforcement can enforce violations of the Governor's Executive Order. I told Merita again that my suggestion to her and other restaurants is that they take in all of their tables and chairs and make it clear with appropriate signage that all on-site dining options are closed. I told Merita that if she put tables and chairs out, people are going to sit there. Merita stated the tables and chairs are always there and that she does not take them in and put them out daily. She stated they have always been there. Merita stated they are there 24/7, nights and weekends and do not get brought in. It should be noted that these tables are not bolted to the ground or fixed tables, but very much movable and temporary. Merita stated that 15 years ago when the Town went to the Dog Friendly title, she had to go through the Health Dept. the County, the liquor Board to get the area designated as a "public area".

I explained to Merita that the perception this has on the public is that her restaurant is open and people can dine on-site. Merita stated she understood this, but said that if anyone called the County, they would tell them that is not their (Euro Pizza's) premise, it is a public area where her tables are. I asked Merita if she pays a lease for the area where she currently has tables. Merita stated she does not pay any money, any insurance, or anything for that area because she applied for an exception and she was able to remove the fence. Merita stated that she also put a table near the front of the restaurant to sit there while they wait. I told her that when I pulled up, I believed I saw someone sitting there eating at that table. Merita asked what is she supposed to tell them; get up and leave? I told Merita that most businesses are trying to make it very clear that patrons are not supposed to be eating on the property. Merita stated this is not her property.

I explained to Merita that I had to conduct some additional follow-up with the Town, the County, and the MCAO. I thanked Merita for closing her patio and the additional signage she has put up. I again told her that my recommendation would be for her to remove all of the tables and chairs because it is promoting people to eat on-site. Merita stated maybe she would remove every other table.

Merita continued to explain the "rare" special exemption her license through the Liquor Dept. and the County Health Department provides for this "public area". I then explained to her that I am working with the MCAO to determine whether local law enforcement can enforce violations of the Governor's Executive Order or if a state department would be responsible for investigating reported violations. I had previously mentioned to Merita when I spoke to her on the telephone on March 26, 2020 that if local law enforcement could enforce violations, I intended on citing her for the on-site dining that was taking place.

That concluded my contact with Merita regarding this issue.

Nothing further.

Attachment:	
	Description:

HISTORY

Completed By: S1520	KRATZER, L	On: 4/1/2020	At: 12:39
Reviewed By: S1674	HALVERSON, J	On: 4/1/2020	At: 12:52



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

INCIDENT REPORT

SUPPLEMENT



EVENT	Reported Date: 3/31/2020	Reported Time: 16:23	IR #: IR20009238	Original/Supp? SUPPLEMENT	Hand Written? <input type="checkbox"/> Yes	Info Only <input type="checkbox"/> Yes	Access Level: Open	Case Status: Inactive	MC (Event) #: MC20066667
	Serial #: S1520	Last Name: KRATZER, L				Shift Supervisor: S1674		Name: HALVERSON, J	
	Body Camera Activated? Yes	Reason not Active:							
	Break in Video? No	Reason for break:							
INCIDENT	Radio Code: 670 WELFARE CHECK			From Date: 3/26/2020		From Time: 18:54		9-1-1 Tape Requested:	
				To Date:		To Time:			
	Location: 12645 N. SAGUARO BLVD #11			City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCO Personnel On Scene:	
	Is this IR related to others? NO								

SYNOPSIS

On 3/31/2020 at 1623 hours, I attempted to conduct follow-up by contacting Merita Kraja (Idrizaj) at the Euro Pizza Cafe located at 12645 N. Saguaro Blvd. #11 in Fountain Hills. This was in regards to allegations of violations of the Governor's Executive Order 2020-09 regarding restaurants not allowing on-site dining.

NARRATIVE

On 3/31/2020 at 1623 hours, I attempted to once again contact Merita Kraja in reference to on-going issues at the restaurant she owns, Euro Pizza Cafe, located at 12645 N. Saguaro Blvd. #11 in Fountain Hills. The issues were related to the restaurant allowing on-site dining, which is in violation of Governor Ducey's Executive Order 2020-09.

This was my second attempt on this date to contact Merita, with the first attempt under MC20009238. A Supplemental Report was authored for that attempted contact as well. In both attempts to contact Merita, which resulted in negative contact, additional perceived violations of the Governor's Executive Order were observed.

My Body-Worn Camera was activated for the duration of this incident.

My purpose of contacting Merita again reference this IR was to attempt to further discuss the matter with her in an attempt to gain voluntary compliance with the Executive Order, as MCO had received numerous complaints that the restaurant was allowing on-site dining. Additionally, it had just been announced that Governor Ducey had implemented a new Executive Order (Stay at Home, Stay Connected, Stay Healthy Order) which was to take affect at 1700 hours on 3/31/2020. I had previously spoke to Maria in-person on Friday, 3/27/20, as well as on the phone on 3/26/20, and two patrol deputies had made in-person contact with her on 3/21/20 and 3/26/20 for this same issue. Additionally, Town Officials with the Town of Fountain Hills had expressed numerous concerns over the fact that this restaurant was continuing to allow patrons to sit and dine and drink on-site. Additional restaurants in the Town of Fountain Hills were also beginning to allow patrons to sit on their patios and some cited the fact that Euro Pizza was doing it and getting away with it, so they believed they could do it as well (according to the Town Mayor and Town Manager).

When I first arrived at the restaurant, I walked to the side common/breezeway area of the restaurant again to see if anything had changed since my prior stop in at 1437 hours. I found no changes to the tables or sitting area Merita had set up. I found two separate groups of two people eating at the tables. One group was a group of two females I had seen ordering food when I first stopped by at 1437 hours and these two females were consuming the bottle of wine they purchased from the restaurant at the table that was situated against the side of the Euro Pizza Cafe.

I then attempted to contact Merita at the front of the restaurant. I observed another lone female sitting at a table that had been set up by Merita for guests to wait for their to-go orders (Merita told me this on Friday, 3/27/20 and she stated this was not part of her property). This female appeared to have a purple beverage, likely wine in a paper cup, but I never inquired as to the contents in the cup.

At the front of the restaurant, I was greeted by the same employee as before, who told me Merita never came in and still wasn't there. I provided her with my business card and thanked her.

NARRATIVE
That concluded my contact for this incident.
Nothing further.

Attachment:	
	Description:

HISTORY			
Completed By:	S1520 KRATZER, L	On: 4/1/2020	At: 13:47
Reviewed By:	S1674 HALVERSON, J	On: 4/1/2020	At: 13:55
Approved By:	S1674 HALVERSON, J	On: 4/1/2020	At: 13:55



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

INCIDENT REPORT

SUPPLEMENT



EVENT	Reported Date: 3/31/2020	Reported Time: 14:37	IR #: IR20009238	Original/Supp? SUPPLEMENT	Hand Written? <input type="checkbox"/> Yes	Info Only <input type="checkbox"/> Yes	Access Level: Open	Case Status: Inactive	MC (Event) #: MC20009238
	Serial #: S1520	Last Name: KRATZER, L				Shift Supervisor: S1674		Name: HALVERSON, J	
	Body Camera Activated? Yes	Reason not Active:							
	Break in Video? No	Reason for break:							
INCIDENT	Radio Code: 670 WELFARE CHECK			From Date: 3/26/2020		From Time: 18:54		9-1-1 Tape Requested:	
				To Date:		To Time:			
	Location: 12645 N. SAGUARO BLVD #11			City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCSO Personnel On Scene:	
	Is this IR related to others? NO								

SYNOPSIS

On 3/31/2020 at approximately 1437 hours, I attempted to conduct follow-up by going to the Euro Pizza Cafe located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ to make contact with the owner, Merita Kraja (Idrizaj). This was in reference to the restaurant having multiple reported violations of Governor Ducey's Executive Order 2020-09 regarding restaurants not allowing on-site dining.

NARRATIVE

On 3/31/2020 at approximately 1437 hours, I went to the Euro Pizza Cafe located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ to make contact with the owner, Merita Kraja (Idrizaj). This was in reference to the restaurant having multiple reported violations of Governor Ducey's Executive Order 2020-09 regarding restaurants not allowing on-site dining.

My Body-Worn Camera was active for the duration of this incident.

My purpose of contacting Merita again reference this IR was to attempt to further discuss the matter with her in an attempt to gain voluntary compliance with the Executive Order, as MCSO had received numerous complaints that the restaurant was allowing on-site dining. Additionally, it had just been announced that Governor Ducey had implemented a new Executive Order (Stay at Home, Stay Connected, Stay Healthy Order) which was to take affect at 1700 hours on 3/31/2020. I had previously spoke to Maria in-person on Friday, 3/27/20, as well as on the phone on 3/26/20, and two patrol deputies had made in-person contact with her on 3/21/20 and 3/26/20 for this same issue. Additionally, Town Officials with the Town of Fountain Hills had expressed numerous concerns over the fact that this restaurant was continuing to allow patrons to sit and dine and drink on-site.

When I arrived at the restaurant, I first walked to the side common area/breezeway between the Euro Pizza Cafe and the other establishment. This is the area where Merita had numerous tables and chairs set up previously and patrons were sitting in this area eating and drinking. I wanted to see if Merita had taken any measures to remove the tables and chairs and/or added any signage to deter patrons from dining here or congregating. I immediately saw that the tables and chairs were still out and numerous patrons were currently sitting and eating or sitting and drinking. One table had three men who had a bucket of beers (metal bucket with handles, ice in the bottom of the bucket, and about 6 unopened beers in the bucket). Two of the men had an open beer in hand or in front of them as well that they were drinking from. I asked the group if they had ordered the bucket of beers to-go and they seemed a little reluctant to answer. Two of the subjects appeared to be the same two who were sitting at the table on Friday when I met Merita at the restaurant. One of the subjects stated "Yes", and I clarified that he did order the bucket of beers to go. The man did not provide a clear answer after that. I then asked if they were able to take the bucket with them, to which one man replied no. As I could sense some uneasiness with the question, I asked if the restaurant addressed whether they could take the bucket or not and one man said no.

I also observed another table with two patrons, who also had a bucket of beer and who were sitting and drinking. These tables were within about 3-5 feet of the closed off patio to the Euro Pizza Cafe.

I then approached the open doors of the restaurant to ask to speak to Merita. There were two women ordering food and I overheard them order a bottle of wine. As they completed their order and walked away from the doors, I

NARRATIVE
<p>overheard one of them say, "I'll grab a table", referring to the tables on the side common/breezeway area. I then watched as they walked towards the tables. Later, when I came back to the restaurant at 1623 hours, both women were observed sitting at the tables near the restaurant in the common area/breezeway, with the wine bottle open and both consuming the wine at the tables owned by Merita.</p> <p>I spoke to an employee at the front doors and asked to speak to Merita. The female employee told me she was not in at the moment and said she may be back in later today. I told her I would stop by later. I then told the employee that I had already spoken to Merita about it, but wanted to let her know, that patrons were being served buckets of beer to consume on-site and the Executive Order did not allow for that. The employee simply stated, "ok".</p> <p>That concluded my contact at the restaurant.</p> <p>Nothing further.</p>

Attachment:	
	Description:

HISTORY			
Completed By:	S1520	KRATZER, L	On: 4/1/2020 At: 13:25
Reviewed By:	S1674	HALVERSON, J	On: 4/1/2020 At: 13:28
Approved By:	S1674	HALVERSON, J	On: 4/1/2020 At: 13:53



Case Notes

Case Number:	Last Update Date:	Last Update Time:
IR20009238	4/9/2020	15:06

Note History:

4/9/2020 15:06 McAtee, J

This case is Inactive. It is related to 20-0010107. A citation was issued under the related case.

4/9/2020 15:05 McAtee, J

Case Status changed from: Open to: Inactive

4/9/2020 14:27 McAtee, J

This case is placed back into Open Status, I am aware Captain Kratzer has issued a Citation to the Suspect in this case. Once the Citation is reviewed, this case will be closed.

4/9/2020 14:26 McAtee, J

Case Status changed from: Inactive to: Open

4/3/2020 10:00 McAtee, J

Case Status changed from: Open to: Inactive

4/3/2020 10:00 McAtee, J

Based upon extensive efforts by Captain L. Kratzer, the business in this investigation was found to be on compliance with the Executive Order. This case is closed as Inactive.

4/2/2020 11:50 McAtee, J

This case is now listed as an Active Investigation and is assigned to Captain L. Kratzer for follow up and disposition.

4/2/2020 11:49 McAtee, J

Type (Radio Code) changed from: 670 to: VEO

Case Status changed from: Inactive to: Open

Case Owner ID changed from: S1501 to: S1520



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

SUPPLEMENT



INCIDENT REPORT

EVENT	Reported Date:	Reported Time:	IR #:	Original/Supp?	Hand Written?	Info Only	Access Level:	Case Status:	MC (Event) #:	
	4/1/2020	16:00	IR20009238	SUPPLEMENT	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	Open	Inactive	MC20063680	
	Serial #: S1520	Last Name: KRATZER, L				Shift Supervisor: S1674		Name: HALVERSON, J		
	Body Camera Activated? Yes	Reason not Active:								
INCIDENT	Break in Video? No		Reason for break:							
	Radio Code: 670 WELFARE CHECK				From Date: 3/26/2020		From Time: 18:54		9-1-1 Tape Requested:	
					To Date:		To Time:			
	Location: 12645 N. SAGUARO BLVD #11				City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCSO Personnel On Scene:	
Is this IR related to others? NO										

SYNOPSIS

On 04/01/2020 at 1600 hours I spoke to Officer Mario Trevizo with the AZ Department of Liquor regarding the Euro Pizza Cafe located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ and possible violations of the Governor's Executive Order 2020-09.

PERSON	ID:	Type:	Name Type:	VR Form & Pamphlet Given?		Reason NOT Given:				
	1	OTHER	Individual							
	Name - Last:			First:		Middle:	Suffix:	DL/ID #:	St.:	Status:
	TREVIZO			MARIO				NONE		
	Home	Street Nbr.	Dir.	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:
	Cell Phone:		Home Phone:		Email Address: Mario.Trevizo@azliquor.gov					
	Race:		Sex:	Ethnicity:		SSN:	DOB:	Age Range:		Juvenile:
								From: To:		Unknown
	Resident of Jurisdiction? UNK		Height Range:		Weight Range:		Hair:		Eye Color:	
			From: To:		From: To:					
Was consent to search the Person requested? No				Consent Given?		Person Search Conducted? No				
Search Options:										
Was this an Investigatory Detention? No				Arrested? No		ARS:		Type:		
Work	Work Business Name: AZ Department of Liquor Licenses and Control						Work Phone:			
	Street Nbr.	Dir.	Street Name:		Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:
	FBI#:		SID:		BK#:		Scanned Address:			

NARRATIVE

On 04/01/2020 at approximately 1600 hours I called Officer Mario Trevizo with the AZ Department of Liquor Licenses and Control. This was in reference to the Euro Pizza Cafe located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ and continued potential violations of Govern Ducey's Executive Order 2020-09 regarding restaurants not allowing on-site dining.

My Body-Worn Camera was activated for the duration of this incident.

I obtained the phone number for Ofc. Mario Trevizo through a contact I had with the AZ Dept. of Liquor, Nathaniel Snyder. I had emailed Nathaniel previously in an attempt to obtain the valid Liquor Licenses for the Euro Pizza Cafe, due to the fact that the owner, Merita Kraja (Idrizaj) has tables and chairs set up in the walkway/breezeway area of the property, which she claims is common or public area and patrons have been using these tables to eat and drink food and alcohol from Euro Pizza. Merita contends that since this area is public area, she is not responsible for ensuring guests are not dining here "on-site". I have been trying to determine if Euro Pizza does indeed have responsibility for this area through licenses, permits, or other documentation since it appears the tables and chairs are always set up on

NARRATIVE

site for the Euro Pizza business., which would support the fact that Merita and Euro Pizza are responsible for allowing guests to dine on-site and violate the Governor's Executive Order.

I called Mario at [REDACTED]. The conversation went as follows:

I introduced myself to Mario and explained the reason for my call. I provided him with some of the history of the issues I have been dealing with regarding Euro Pizza and what the owner's contention is about the common area where she has tables set up and patrons are eating and drinking alcohol at these tables. I asked Mario if this sounded like anything that the AZ Dept. of Liquor would permit. Mario stated this didn't sound right because anytime they have a liquor license and the business has a patio, it needs to be enclosed. He stated that if a restaurant had the area enclosed at one time and then later removed the fencing, then this could be an issue. Mario added that if the license was lifted for this area and that is no longer her area, then she can no longer allow patrons to consume alcohol in that area. Mario attempted to locate the licenses for the Euro Pizza. I told him that Merita informed me she has a #7 and a #12 license. He was able to provide the license numbers for both as 074002 and 12074623. Mario could not locate any other licenses on file for her. He told me he could look and see what the diagram of the premises looked like to see if the area in question was approved for alcohol consumption. Mario did state that he located some temporary extensions for special events, such as St. Patrick's Day and other events, but these would be just for the day or the duration of the approved special event.

I told Mario that the application for the extension of premises/patio permit I had from 2010 showed a diagram of the area in question that she now has tables set up in and the application shows the exact area shaded with request to extend her license to this area. I told him that she noted in the application that security measures would include fencing the 323 feet proposed extension. I also told him that the owner of the property at the time, Charles Dunn Company, provided a letter with the application stating they would recommend approval and listed one of the stipulations that she fence the area with similar fencing as her current patio. I also told Mario that Merita told me today that she at one time had fencing around the area in question, but then she was given the exemption and allowed to renovate and remove the fencing. Mario stated this sounds like an issue because she submitted to have this area included as an extension of her liquor license and then later removed the fencing. He stated she would be violating Title 4 of the Arizona Revised Statutes if she removed this fencing because patrons could leave with alcohol. I explained to Mario that I told Merita I was having a hard time believing the AZ Dept. of Liquor would allow her to permit guests to consume alcohol in this area with it being open and her having no responsibility. I told him that Merita explained they did this because she has a license that allows her to sell alcohol to-go at anytime. I further explained to him that Merita told me John Kavanagh, a local politician, worked on her behalf to get the exemption for this area with the Dept. of Liquor and the Health Dept. when the town became a Dog Friendly town.

I asked Mario if it is possible that some exemption does exist that might allow for what she is telling me. Mario stated there was always certain possibilities, but he doubted it. He stated that he didn't think she would have this approval. I then asked Mario if she would have received this sort of exemption, would it definitely be documented in some fashion or was there a possibility it wouldn't be. Mario said he didn't think so, but recommended I speak to his supervisor to make certain. Mario provided me with a phone number for Sgt. Wes Kuhl at [REDACTED]. Mario said he would email his sergeant the permits so he had it for when I called him.

I then asked Mario if we had a suspicion that she is not in compliance with her liquor license, would his department investigate and conduct the normal Liquor License violations. Mario stated during the times right now with the Executive Order, they are going out when they hear violations by citizens and he knows local PD will cite for the Executive Order Violations. Mario stated if we have potential violations and we take a report and have good video footage of the violations, there are several administrative violations they can cite the owner for.

I told Mario that Merita told me today that she had a investigator from the Liquor Department come out to her establishment two days ago based on a complaint she was allowing patrons to be served at the bar and they told her she was not in violation. I told him that Merita was trying to tell me that this was also in regards to her not being in violation for people eating and drinking alcohol over on the common area where she has tables. I asked Mario if an inspector came out, would they would just deal with the complaint they had or if they would expand their inspection to include other things. Mario stated they will just deal with the complaint and they wouldn't typically print out the diagrams to see if the business is following the application unless this was part of the complaint.

That concluded my contact with Mario.

Nothing further.

Attachment:		Description:	
HISTORY			
Completed By:	S1520	KRATZER, L	On: 4/2/2020 At: 14:16
Reviewed By:	S1674	HALVERSON, J	On: 4/3/2020 At: 09:26
Approved By:	S1674	HALVERSON, J	On: 4/3/2020 At: 09:26



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

INCIDENT REPORT

SUPPLEMENT



EVENT	Reported Date: 4/1/2020	Reported Time: 16:22	IR #: IR20009238	Original/Supp? SUPPLEMENT	Hand Written? <input type="checkbox"/> Yes	Info Only <input type="checkbox"/> Yes	Access Level: Open	Case Status: Inactive	MC (Event) #: MC20063680
	Serial #: S1520	Last Name: KRATZER, L				Shift Supervisor: S1674		Name: HALVERSON, J	
	Body Camera Activated? Yes	Reason not Active:							
	Break in Video? No	Reason for break:							
INCIDENT	Radio Code: 670 WELFARE CHECK				From Date: 3/26/2020		From Time: 18:54		9-1-1 Tape Requested:
					To Date:		To Time:		
	Location: 12645 N. SAGUARO BLVD #11				City: FOUNTAIN HILLS		ZIP: 85268	The number of Additional MCSO Personnel On Scene:	
	Is this IR related to others? NO								

SYNOPSIS

On 04/01/2020 at 1622 hours I called Frano Milicevic, a legal representative of the Property called Fountainside Plaza located at 12645 N. Saguaro Blvd. in Fountain Hills regarding on an-going issue with the Euro Pizza Cafe and potential violations of the Governor's Executive Order 2020-09.

PERSON	ID: 1	Type: RESPONSIBLE PARTY	Name Type: Individual	VR Form & Pamphlet Given?		Reason NOT Given:				
				VR_PamphletDeliveryMethod:						
	Name - Last: MILICEVIC			First: FRANO		Middle:	Suffix:	DL/ID #: NONE	St.:	Status:
	Home	Street Nbr.	Dir:	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:
	Cell Phone: [REDACTED]		Home Phone:		Email Address:					
	Race:		Sex:	Ethnicity:		SSN:	DOB:	Age Range: From: To:		Juvenile: Unknown
	Resident of Jurisdiction? UNK		Height Range: From: To:		Weight Range: From: To:		Hair:		Eye Color:	
	Was consent to search the Person requested? No			Consent Given?		Person Search Conducted? No				
	Search Options:									
	Was this an Investigatory Detention? No			Arrested? No		ARS:		Type:		
Work	Work Business Name: Fountainside Plaza						Work Phone:			
	Street Nbr. 12645	Dir: N	Street Name: SAGUARO		Suffix: BLVD	Dir.	Unit/Apt	City: FOUNTAIN HILLS	State: AZ	ZIP: 85268
	FBI#:		SID:		BK#:		Scanned Address:			

PERSON	ID:	Type: RESPONSIBLE PARTY		Name Type: Individual	VR Form & Pamphlet Given?		Reason NOT Given:				
					VR_PamphletDeliveryMethod:						
	Name - Last: SHAFER				First: ERIC		Middle:	Suffix:	DL/ID #:	St.:	Status:
	Home	Street Nbr.	Dir:	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:	
	Cell Phone: [REDACTED]		Home Phone:		Email Address:						
	Race:			Sex:	Ethnicity:		SSN:	DOB:	Age Range: From: To:		Juvenile: Unknown
	Resident of Jurisdiction? UNK		Height Range: From: To:		Weight Range: From: To:		Hair:		Eye Color:		
	Was consent to search the Person requested? No				Consent Given?		Person Search Conducted? No				
	Search Options:										
	Was this an Investigatory Detention? No				Arrested? No		ARS:		Type:		
Work	Work Business Name: Property Management							Work Phone:			
	Street Nbr.	Dir:	Street Name:		Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:	
	FBI#:		SID:		BK#:		Scanned Address:				

NARRATIVE

On 04/01/2020 at 1622 hours I was able to contact Frano Milicevic by phone at the phone number of [REDACTED]. Frano is a legal representative of the Lipa LLC and Kuna LLC who owns the Fountainside Plaza property located at 12645 N. Sagauo Blvd. in Fountain Hills. This property includes the Euro Pizza Cafe business, owned by Merita Kraja (Idrizaj).

My Body-Worn Camera was active for the duration of this incident.

A contact phone number for this representative was located through law enforcement databases after determining the owner of the property through the Maricopa County Assessors Website.

The intent of contacting the property owner was to inquire about the area in which Euro Pizza has tables and chairs set up in an area Merita refers to a public or common area. This area and these tables have been at the center of on-going issues at the property concerning violations of Governor Ducey's Executive Order 2020-09 regarding restaurants not allowing on-site dining, and more recently, the Governor's Stay at Home, Stay Connected, Stay Healthy Order. Merita has admitted to owning the tables and chairs in this area and she has stated that her business does not pay lease for this area or insurance, but that she has been given permission by the property owner to put tables in this area. She has been requested to move these tables and chairs on at least 6 different occasions, however she will not, stating it is public area and she is not responsible for it, as well as citing it being a "loophole" and a matter of principal. Merita contends that the common area here is no different than common areas at parks and if patrons order food or alcohol to-go and then choose to sit here to eat it or consume the alcohol, she cannot control this. At the same time, Merita has stated she has certain exemptions from the AZ Dept. of Liquor Licenses and Control and the Maricopa County Environmental Services (who she refers to as the Health Department) to allow patrons to sit and eat here and consume alcohol in this area without any responsibility for the area. She stated that this exemption was provided in approximately 2012 when the Town of Fountain Hills moved to "Dog Friendly Town" and State House of Representatives John Kavanagh assisted her in getting these exemptions from both entities.

It should be noted that law enforcement has observed for themselves over two dozen patrons sitting on these tables over the past three days, eating and drinking food and alcohol from the Euro Pizza Cafe. Many of these patrons have purchased buckets of beer that are served in a metal buckets with ice and numerous glass beer bottles to which Merita contends is a to-go item. Additionally, the restaurant has displayed a sign that encouraged guests to see the hostess for patio seating, patrons have been heard saying after ordering their meal to-go that they are going to grab a table on the patio, and many other instances have occurred which are clear violations of the Governor's Executive Order for no on-site dining.

My phone call with Frano went as follows:

I introduced myself to Frano and asked him if he was the owner of the Fountainside Plaza located at 12645 N. Sagauo

NARRATIVE

in Fountain Hills. Frano stated the owner is Kuna and Lipa LLC. I asked Frano if he is a representative for them and ok to speak to me on behalf of the company. Frano stated yes. I then explained to him why I was calling. Frano stated he would be glad to speak to me about the issue and then he would have me call his Property Manager. Frano stated he probably already knew who the call was regarding and I told him it was Merita with the Euro Pizza Cafe. I told Frano that Merita has closed her patio as requested, however she has tables and chairs in what she states are public area of the property that she is not willing to move. I told him that I've tried to educate her and obtain voluntary compliance from Merita, but she will not budge. Frano stated that Merita needs to move the tables. He stated from a landlord perspective he said she needs to cease and desist and move her tables out of the common area. Frano stated to talk to his property manager and let him reach out to her and tell her she needs to move her tables and see if she would comply. Frano provided me with the Property Manager's name and phone number. It was Eric Shafer at [REDACTED]. He stated that Eric already knows about this because when he had a missed call and message from the Sheriff's Office, they had a bet as to who the call was in regards to.

I then called Eric Shafer at the number provided. I introduced myself to Eric and told him why I was calling. Eric told me that Frano just called him and told him I would be calling him. I told Eric that we are having a problem with a business owner on the property not complying with the Governor's Executive Order and I was hoping for some help from his end with gaining compliance. Eric stated he was very much aware of Merita and the Euro Pizza restaurant. He stated that he has had numerous challenges with her. Eric told me that the patio is Merita's patio exclusively and she shouldn't be using it. He said it is not a common area. Eric told me if she is using it and shouldn't be, he would definitely call her and tell her to stop using it. I then explained to Eric the area I was talking about was in the breezeway between the two businesses. Eric told me this area is common area and not part of Euro Pizza, although she does have tables and chairs in the area. Eric said that they have never really cared that Euro Pizza has had their stuff there, but if the concern is that people cannot be eating there or congregating there, he said they control the common areas and they will tell her to move her property from there.

Eric told me that he would tell her right now through email and that he would carbon copy me on this email informing her to move her stuff. Eric said he would author the email right away and copy me on it. I thanked him for his help and he thanked me for the call.

That concluded my contact for this incident.

Nothing further.

Attachment:				Description:					
HISTORY									
Completed By:		S1520		KRATZER, L		On:	4/2/2020	At:	15:03
Reviewed By:		S1674		HALVERSON, J		On:	4/3/2020	At:	09:29
Approved By:		S1674		HALVERSON, J		On:	4/3/2020	At:	09:29



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

INCIDENT REPORT

SUPPLEMENT



EVENT	Reported Date: 4/1/2020	Reported Time: 14:23	IR #: IR20009238	Original/Supp? SUPPLEMENT	Hand Written? <input type="checkbox"/> Yes	Info Only <input type="checkbox"/> Yes	Access Level: Open	Case Status: Inactive	MC (Event) #: MC20067311
	Serial #: S1520	Last Name: KRATZER, L				Shift Supervisor: S1674		Name: HALVERSON, J	
	Body Camera Activated? Yes	Reason not Active:							
	Break in Video? No	Reason for break:							
INCIDENT	Radio Code: 670 WELFARE CHECK			From Date: 3/26/2020		From Time: 18:54		9-1-1 Tape Requested:	
				To Date:		To Time:			
	Location: 12645 N. SAGUARO BLVD #11			City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCSO Personnel On Scene:	
	Is this IR related to others? NO								

SYNOPSIS

On 4/01/2020 at 1423 hours, I went to the Euro Pizza Cafe located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ to conduct follow-up on this case.

NARRATIVE

On 04/01/2020 at 1423 hours, I went to the Euro Pizza Cafe located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ to conduct follow-up on this case.

My Body-Worn Camera was activated for the duration of this incident.

The purpose of going to the Euro Pizza Cafe was to see if the owner, Merita Kraja (Idrizaj) had removed the tables and chairs from the common/breezeway area of the property where dozens of patrons over the past week had been observed dining and drinking alcohol on-site. This was in regards to the Governor's Executive Order 2020-09, which prohibits restaurants from allowing on-site dining during the declared State of Emergency. It should also be noted that the night prior to this contact on 3/31/2020, the Governor's Stay at Home, Stay Connected, Stay Healthy Order also went into effect.

When I arrived at the location, I first walked to the common/breezeway area of the restaurant. I immediately noticed that all of the tables and chairs were still set up in the area and there were 3 separate groups of people sitting and eating and/or drinking alcohol at the tables and there was one group of two that had Frozen Yogurt from a nearby business. Merita had already told me that these tables and chairs belong to her and that she does not believe she is responsible for this area since it is in a public area, owned by the property. She has told me that she does not pay a lease for this area and does not pay to insure this area and therefore, it is not a part of her premise or her property. Merita has been asked numerous times by me to store the tables and chairs so that they are not out where people can sit and eat at them due to the Order not allowing on-site dining. Merita has stated she does not believe she has to move them because she is not allowing table service, not allowing patrons to sit inside her restaurant, or at her patio, which is what she believes she is responsible for.

As I walked to the back of the walkway area, I saw one group of about 5-6 men eating at one table. They had several boxes of pizza open on the table and had a several beverages and beers, all from Euro Pizza. They were actively eating and drinking as I walked by. Another group consisted of two men who also had a bucket of beer from Euro Pizza and the two were sitting and drinking. The final group also consisted of two men who both had beer and were sitting and drinking. I approached the group of five men and told them that I was informing and educating folks about the Governor's Stay at Home Order and told them they could not be out and about eating pizza and drinking beer like they were. One of the men stated that they (indicating Euro Pizza) said the side patio was okay to sit at. I informed him that we have been working with the establishment to gain compliance on the matter and told all of the men that we are not looking to enforce this through a citation at this point, but that violations of the Executive Order are a Class 1 Misdemeanor. They were told we were focusing on education at this point.

I then walked up to the front of the restaurant to speak with Merita. Merita came out a few seconds later and we began to talk. I told Merita that the Governor's Stay at Home Order is now in effect as of 1700 hours last night and that I just spoke to several of her patrons and told them that they are subject to a citation for violations. Merita told me it is up to

NARRATIVE

them, referring that this is the decision of the patrons as to whether they are out and about during this time. She said they shouldn't be out and about. I then told Merita that this was my last attempt to try and get her to work with us and pull the tables and chairs inside. Merita then said that she just had the Health Department (the official entity is the Maricopa County Environmental Services Department) and the Liquor Department (AZ Department of Liquor) inspectors out within the past two days. Merita stated she could email me the inspection that said she was in compliance. Merita stated that the Health Department came out just yesterday. I asked Merita if the inspector looked at the public area where she has tables set up and Merita stated yes. She said the inspector took pictures and told her that she was in compliance. Merita stated that she asked the inspector who she needs to reply to and who is responsible for enforcement of the Governor's Order and she said the inspector told her to reply to her, because the Health Department reports to the Governor. I explained to Merita that the latest Governor's Executive Order informed local law enforcement that we can enforce these violations, as well as Sheriff Penzone. Merita asked how she is violating the Executive Order. I told Merita that I have already told her numerous times that she was violating it by having her tables and chairs out in the area where patrons are dining on-site.

I then showed Merita a copy of a liquor license application she put in back in 2010 that showed that the area where these tables were, in what she commonly refers to as "public area". This application showed the area in question being requested by her to extend her existing patio area by 323 square feet and that this area would be fenced. Merita stated that this was a one-time premise extension for a special event and not a permanent request for an extension. I then told Merita that she had previously told me that in order to use the "public area" for her tables to allow patrons to eat and drink alcohol she had to work with the Health Department and Liquor Department, but when I spoke to the Liquor Department yesterday, they stated they do not allow for unfenced areas for alcohol consumption. Merita stated that she has an exemption and the person I spoke to needs to look again because she worked with John Kavanagh (current AZ House of Representative Member whose wife was the prior Mayor of Fountain Hills) to get the area exempt. Merita spoke about how the Town of Fountain Hills became a "Dog Friendly" town and she first had the area fenced, but then it took her three years to go through the process to not have to have the fence and get the exemption. Merita then stated that the guy from the Liquor Department was just here the other day due to a complaint of them serving beer at the bar.

I then tried to again reiterate to Merita that the Governor's current Executive Order states that people should stay home, but with her tables and chairs being out, people are dining here like normal. Merita asked if we were enforcing staying out until 5 pm with individuals and said that she has been telling people not to stay out there after 5 pm, which would get her into trouble. Merita seemed to have an understanding of the Governor's Stay at Home Order required people to not be out and congregating after 5 pm. I explained to her this is not the case, the only thing noted surrounding 5 pm was that the Order took effect at 5 pm last night.

I told Merita that in order for MCSO to cite an individual for a violation of the Governor's Executive Order, we have been directed to educate first and only in situations when there is pattern or practice of the same individuals violating the Order over and over, they could be cited. I then told Merita that with her leaving her tables and chairs out in the area she claims is public area, she is promoting people to sit there and eat and drink when the Order only allows for them to run to essential businesses for essential tasks or to be outside to exercise. I asked Merita why she wouldn't just pull the tables so people wouldn't eat there. Merita stated she has several tables around so that people can sit while they are waiting for their food orders. I told Merita that people are not using these tables in the common area to sit and wait, they are using the tables to eat pizza and drink beer from her restaurant.

I then told Merita that patrons who are using these tables are sitting there and drinking buckets of beer from her restaurant and this is not alcohol to-go. I told Merita that I asked her staff yesterday if the bucket of beer was to-go and they said no. Merita said that the buckets of beer can be to-go. I told Merita there is no way this is a to-go item. I told Merita that I even asked a customer who had a bucket of beer if this was to-go and he stated no. I told Merita that most things are based on a reasonable person standard and her restaurant serving buckets of beer would not pass the reasonable person standard that this is a to-go item.

I finally explained to Merita that it didn't appear that she had any intentions of moving the tables and chairs to deter people from dining on-site and that I had already told her that if it was determined local law enforcement could enforce the Order, I would be issuing her a citation for the Class 1 Misdemeanor. I told her this was my last attempt to hopefully gain voluntary compliance. Merita then told me she would send me the emails from what the Health Department sent her based on the inspection yesterday. I told Merita to send me what she had and I would look at it and speak to them to see if their inspection scope was simply a health inspection, or if it was for compliance with the Governor's Executive Order as Merita believed they told her they enforced the Order and not local law enforcement. I then asked Merita if she had something from the Liquor Department that also stated she was in compliance, as she had stated to me. Merita said that they had a complaint that she was serving patrons at the bar and that is why they came out. She said

NARRATIVE

she spoke to the person from the Liquor Department who told her that he knew she was not doing it (meaning serving people at the bar). I told Merita that it sounded as though he was simply just looking into that allegation about her restaurant serving alcohol inside at the bar and not the issues of her not complying with the Governor's Executive Order.

I told Merita that I would speak to both the Health Department and the Liquor Department to see if what she was saying was accurate. I then asked Merita if she paid any lease at all for the public area she has her tables set up on, to which she responded she did not. I told her I would also be speaking to the property owner as well to confirm that this area is not hers and is public.

I asked Merita if the area in question was ever fenced as the Liquor License Application I had on hand showed. Merita stated it was fenced at one time. She said the area was smaller and they had to have a door as well. She said she was later able to remodel and remove the fencing and the door once the town became Dog Friendly in about 2008. I asked Merita if in order to do this if she had to get approval from both the Health Department and the Liquor Department. Merita stated yes, that both had to give approval for the exemption she received to have the area listed as "Public Area". Merita said that even when this occurred, John Kavanagh had to call to see what the hold up was. I asked Merita if she is allowed to serve alcohol here and allow people to eat here, but has no responsibility for what happens in this area. Merita confirmed that this was the case.

I then explained to Merita that I was going to call both entities after she told me this information and if I could confirm what she was telling me was true, then it may change the fact that she was in violation. I told her, however, if I didn't find this information, that I would be citing her. At this point, Merita asked me, "Don't you have a bigger fish to fry than come after me?". I explained to Merita that our concern is the health and well being of everyone.

While speaking to Merita about this, a group of men who were previously observed by me to be drinking a bucket of beer at the tables in the walkway/breezeway area walked up to the front of the restaurant to return the bucket the beers were in. Merita saw this and asked the men why they don't just keep the bucket. The man seemed a little confused and then one of them responded that they were going to, but they didn't want to cost her a bucket and they were going to walk around. Merita told them the bucket was for their perk. Merita then told me, "see that's the thing". I responded that they didn't seem to know the bucket was theirs to keep and that I wouldn't have thought that either.

I told Merita after speaking to her about all of this, that I couldn't understand why she wouldn't pull the tables out of the area so no one would be encouraged or promoted to sit there, even if it were "common area" as she contended. Merita responded that it is a common area and that she was trying to preserve the principal of it. I then asked Merita if in order to use the breezeway/common area in the way she is using it, did she not have to get some type of license or permit, or exemption from the Health Department or the Liquor Department to use the area in this manner. I told Merita that she would have had to take some sort of action to be able to use this area. Merita stated no, they don't care about tables, chairs, or anything. The only thing they care about is if someone leaves with a beer through a fenced area. I asked Merita if the Liquor Department came out on a normal day, outside of the Executive Order, would they determine someone sitting there with alcohol to be a violation. Merita stated no, not at all. Merita stated the area in question is public area and it is not her responsibility.

Realizing I wasn't getting anywhere with Merita on the issue, I told her again that I couldn't understand why she wouldn't just help the situation and remove the tables. I told her that it appears she is leaving the tables and chairs out to encourage business. Merita denied this and said no, that she feels like she is just being harassed. I then asked Merita if she understood that the current Governor's Order means people can only go out for essential things. Merita said she understood and asked how this her problem. I told her that restaurants are required to take precautions to make sure guests know they cannot eat on-site. I told Merita that we continue to disagree on this matter. Merita stated she did take measures to close her patio based on what I asked her to do. Merita then asked me when the calls regarding her restaurant going to end. I told her that people are calling in and concerned about COVID-19 spreading and it's over genuine concern for people's safety.

I told Merita that due to the fact that we cannot seem to find common ground on the matter, she said it best the other day when she said in the end a judge will have to decide who is correct on the matter. Merita stated she is open to that.

Merita then told me that this is a matter of principal and she does not allow anyone to bully her. She said when the Health Inspector came yesterday and told her she was in compliance, but I then come there twice a day, every day, she feels that it is harassment. She said it is a little bit too much.

NARRATIVE

I told Merita that our intent is to gain voluntary compliance through education so that it doesn't have to go the route of a criminal citation. I told her that I would love for it to not end this way, but I told Merita that everyday patrons are sitting at tables, we are going to get calls that the Euro Pizza Cafe is not adhering to the Order.

I then told Merita that my plan was to contact both entities she had contact with over the past two days to see what they say. I told Merita that if I am unable to find any new information that changes my mind that she is violating the Order, she will be cited. I told her this was my last attempt to gain voluntary compliance.

Merita believed that this is a matter of opinion on my part that she is violating the Governor's Executive Order. I again told her that a judge in the end may have to decide this. Merita stated, "Lets do that.". I told Merita I wasn't trying to threaten her and I hoped it would never get to that point. Merita stated she hoped not either. I told her that she was not willing to budge, to which she stated she did and closed her patio. I told Merita that I still contend that the common area where her tables and chairs are is her responsibility and they should be pulled in for compliance. Merita stated it is a matter of principal. I told her she has the right to that belief and it may in the end result in court litigation, to which she again replied, "Lets do it.". She said it's not a belief on her part, it is the principal.

This concluded my contact with Merita.

Attachment:	
	Description:

HISTORY

Completed By:	S1520	KRATZER, L	On:	4/2/2020	At:	12:10
Reviewed By:	S1674	HALVERSON, J	On:	4/3/2020	At:	09:17
Approved By:	S1674	HALVERSON, J	On:	4/3/2020	At:	09:17



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

INCIDENT REPORT

SUPPLEMENT



EVENT	Reported Date: 4/1/2020	Reported Time: 15:33	IR #: IR20009238	Original/Supp? SUPPLEMENT	Hand Written? <input type="checkbox"/> Yes	Info Only <input type="checkbox"/> Yes	Access Level: Open	Case Status: Inactive	MC (Event) #: MC20063680
	Serial #: S1520	Last Name: KRATZER, L				Shift Supervisor: S1674		Name: HALVERSON, J	
	Body Camera Activated? Yes	Reason not Active:							
	Break in Video? No	Reason for break:							
INCIDENT	Radio Code: 670 WELFARE CHECK			From Date: 3/26/2020		From Time: 18:54		9-1-1 Tape Requested:	
				To Date:		To Time:			
	Location: 12645 N. SAGUARO BLVD #11			City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCSO Personnel On Scene:	
	Is this IR related to others? NO								

SYNOPSIS

On 04/01/2020 at 1533 hours I spoke to Maricopa County Environmental Services worker, Trisha Bergman by phone regarding follow-up on this case.

PERSON	ID: 1	Type: WITNESS	Name Type: Individual	VR Form & Pamphlet Given?		Reason NOT Given:				
				VR_PamphletDeliveryMethod:						
	Name - Last: BERGMAN			First: TRISHA		Middle:	Suffix:	DL/ID #: NONE	St.:	Status:
	Home	Street Nbr.	Dir.	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:
	Cell Phone: [REDACTED]		Home Phone:		Email Address: Trisha.Bergman@maricopa.gov					
	Race:		Sex:	Ethnicity:		SSN:	DOB:	Age Range: From: To:		Juvenile: Unknown
	Resident of Jurisdiction? UNK		Height Range: From: To:		Weight Range: From: To:		Hair:		Eye Color:	
	Was consent to search the Person requested? No			Consent Given?		Person Search Conducted? No				
	Search Options:									
	Was this an Investigatory Detention? No			Arrested? No		ARS:		Type:		
Work	Work Business Name: Maricopa County Environmental Services						Work Phone: (602) 526-6198			
	Street Nbr.	Dir.	Street Name:		Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:
	FBI#:		SID:		BK#:		Scanned Address:			

PERSON	ID:	Type: OTHER		Name Type: Individual	VR Form & Pamphlet Given?		Reason NOT Given:				
	1				VR_PamphletDeliveryMethod:						
	Name - Last:				First:		Middle:	Suffix:	DL/ID #:	St.:	Status:
	BUSTILLOS				MAGALI				NONE		
	Home	Street Nbr.	Dir.	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:	
	Cell Phone:		Home Phone:		Email Address: Magali.Bustillos@Maricopa.gov						
	Race:			Sex:	Ethnicity:		SSN:	DOB:	Age Range:		Juvenile:
									From: To:		Unknown
	Resident of Jurisdiction? UNK		Height Range:		Weight Range:		Hair:		Eye Color:		
			From: To:		From: To:						
Was consent to search the Person requested? No					Consent Given?		Person Search Conducted? No				
Search Options:											
Was this an Investigatory Detention? No					Arrested? No		ARS:		Type:		
Work	Work Business Name: Maricopa County Environmental Services							Work Phone: (602) 506-7037			
	Street Nbr.	Dir.	Street Name:			Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:
	FBI#:		SID:		BK#:		Scanned Address:				

NARRATIVE

On 04/01/2020 at approximately 1533 hours I called Trisha Bergman, an Environmental Health Specialist with the Maricopa County Environmental Services. This was in regards to an on-going investigation into the Euro Pizza Cafe located at 12645 N. Sagauo Blvd. in Fountain Hills, AZ and potential violations of the Governor's Executive Order 2020-09 regarding restaurants not allowing on-site dining.

During my conversation with the owner of the Euro Pizza, Merita Kraja (Idrizaj), she informed me she had a health inspection the day prior on 3/31/2020 and was told by the inspector that she was not in violation of the Governor's Executive Order and that the Health Department (Maricopa County Environmental Services) was responsible for investigating violations of the Executive Order and not local law enforcement. Merita provided me with a copy of the health inspection, which included the phone number to the inspector, Trisha Bergman.

I was interested in determining if the Maricopa County Environmental Services Department did tell Merita that they were responsible for the enforcement of the Governor's Executive Order, whether they told her she was in compliance with the Order if they were responsible for enforcement, and if they could tell me if Euro Pizza had any sort of license, permit, or any other document that showed the area Merita has tables and chairs where guests are dining on-site is an area she has sought approval for through such documents.

My phone conversation with Trisha went as follows:

I introduced myself and explained my purpose for calling her. I asked her if she had conducted an inspection at the Euro Pizza Cafe on 3/31/2020 and she stated she did. I then explained the issue we were having with Euro Pizza utilizing the common area or the breezeway area of the property to have tables and chairs, which has resulting in numerous patrons using this area to eat and drink food and alcohol from the Euro Pizza Cafe. I then told her that the owner, Merita, had claimed she (Trisha) had told her yesterday at the inspection that she had no issues or violations. Trisha stated they are not enforcing any of those laws and they are just food code. Trisha provided some additional information on the conversation she had with Merita. She stated that Merita told her he (meaning a deputy) wanted to come into the restaurant and Trisha told her that no one except authorized personnel should be coming in unless it is an emergency. I told Trisha I was aware of this issue because Merita had told me the night Dep. Cosme responded to her restaurant on 3/26/20 and came inside the restaurant to speak to her about the perceived violation and she didn't think he should have come in.

Trisha stated that was the only conversation she had with Merita. She said there was no conversation at all with her about tables or chairs or anything. She said their status is that we (MCSO) is responsible for the enforcement of the Governor's Executive Order. I told Trisha that Merita told me she told her that the Health Department is responsible for the enforcement of the Order. Trisha laughed and stated no, that she is only responsible for the food code. Trisha stated she never told Merita that Maricopa County Environmental Services is responsible for enforcement of the Governor's Executive Order.

NARRATIVE

I then asked Trisha if when she conducted her inspection on 3/31/20, if she was conducting any inspection on the premise at all in terms of the patio or common area where guests might eat food or drink alcohol. Trisha was not conducting an inspection that involved this and stated that she could see if Merita had a Dog Variance for her area, which would require her to clean the area designated as such. I explained to her that Merita told me that she once had the area fenced, but since the town moved to a dog friendly designation, she was able to remove the fence and still allow this, but she was no longer responsible for cleaning the area. Trisha responded, "no, no". She said that she would try to pull up the paperwork which should be on file with them. Trisha was able to see that Merita had a dog friendly patio that was approved on 3/13/2019 and was attempting to look at the conditions to show where this area included, but she wasn't able to get connectivity to the system. Trisha did tell me that based on the way the conversation went with Merita on 3/31/20, she wondered if this would blow up. Trisha did say that if she was approved for a dog friendly patio, she would be responsible for the area. Trisha attempted to pull up the document to see if there was a diagram to show where this area would include, but could not connect. She suggested that I call and speak to her supervisor, Magali Bustillos.

I then called Magali Bustillos at [REDACTED]. I explained the reason for my call to her and told her that I had just spoke to Trisha, who had recommended I call her. I explained to her that Trisha was trying to log in to their main site to see if any document on file with Maricopa County Environmental Services that shows a diagram of where Euro Pizza's patio area is. This was again to determine if Euro Pizza has some form of permit, license or document that shows they are indeed responsible for the area where tables are set up and where guests are dining on-site, since Merita contends the area is public area and not something she is responsible for. I asked Magali if there was anything she could find that did show the area in question was the responsibility of the restaurant, that is what I would be interested in. I then asked Magali if she could tell me what the responsibilities would be for a restaurant if they did indeed have a dog friendly patio designation. Magali told me that a dog friendly patio requires the following:

- * A separate entrance must be provided from the exterior of the food establishment to the outdoor patio
- * A dog is not allowed to be within 7 feet of an entrance of the interior of the restaurant
- * Restaurant must have a sign that says "Dog Friendly Patio", "Dog Access Only to Outdoor Patio", and then the phone number for Environmental Services for complaints
- * No food or alcohol can be prepared on outdoor patio
- * Restaurant must keep the area clean, cleaned every 6 hours
- * Employees cannot pet, touch, or handle any dogs
- * Pets must be kept on short leash and remain in the control of the customer the entire time
- * Dogs cannot sit on any seats, laps, tables, or countertop or similar surface on patio

I explained that Merita told me that she worked with a State Representative who lived in Town to get exemptions to this because the Town of Fountain Hills went to a dog friendly designation and I was interested in knowing if they had anything that would show record of her being provided an exemption. This was important to see if she had something on file that did make the area in question a "public area" or not, or if she was still responsible for the area where tables are currently set up and guests are regularly dining.

Magali told me she would look and see what she could find and call me back if she found anything. She did state that she would see what she could find on the permit, but she didn't think that this would be something that would be found on a permit which would document she was provided some form of an exemption because of someone she knew.

This concluded my contact at this time with the Environmental Services Department.

Nothing further.

Attachment:				Description:			
HISTORY							
Completed By:		S1520	KRATZER, L		On: 4/2/2020		At: 13:12
Reviewed By:		S1674	HALVERSON, J		On: 4/3/2020		At: 09:21
Approved By:		S1674	HALVERSON, J		On: 4/3/2020		At: 09:21



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

SUPPLEMENT



INCIDENT REPORT

EVENT	Reported Date: 4/2/2020	Reported Time: 15:34	IR #: IR20009238	Original/Supp? SUPPLEMENT	Hand Written? <input type="checkbox"/> Yes	Info Only <input type="checkbox"/> Yes	Access Level: Open	Case Status: Inactive	MC (Event) #: MC20063680
	Serial #: S1520	Last Name: KRATZER, L				Shift Supervisor: S1674		Name: HALVERSON, J	
	Body Camera Activated? Yes	Reason not Active:							
	Break in Video? No	Reason for break:							
INCIDENT	Radio Code: 670 WELFARE CHECK			From Date: 3/26/2020		From Time: 18:54		9-1-1 Tape Requested:	
				To Date:		To Time:			
	Location: 12645 N. SAGUARO BLVD #11			City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCSO Personnel On Scene:	
	Is this IR related to others? NO								

SYNOPSIS

On 04/02/2020 at 1534 hours I conducted follow-up regarding this investigation at the Euro Pizza Cafe located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ in reference to potential violations of the Governor's Executive Order 2020-09 regarding no on-site dining for restaurants.

NARRATIVE

On 04/02/2020 at 1534 hours, I went to the Euro Pizza Cafe located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ to conduct follow-up on this investigation.

My Body-Worn Camera was activated for the duration of this incident.

As previously noted, this is an on-going investigation regarding continued violations of Governor Ducey's Executive Order 2020-09 which prohibits restaurants from allowing on-site dining. At issue is the Euro Pizza Cafe having tables and chairs set up in an area the owner, Merita Kraja (Idrizaj), contends is "public" or "common" area of the property and dozens of patrons have been utilizing the tables and chairs over the past week and a half to dine on-site. Merita admits that the tables and chairs belong to her and that they remain there every single day, 24/7 and do not get moved or brought in daily. Merita has also been requested numerous times to remove the tables and chairs to deter patrons from using the area to dine on-site and she has refused to, stating it is a "loophole" and she is not responsible for where patrons eat once they take her food to-go. Merita has also said when asked to remove the tables and chairs to avoid the on-site dining, that it is a matter of principle that she will not remove them. Nearly all of the guests that I have observed sitting on these tables and chairs over the past week have been patrons eating food from the Euro Pizza Cafe and drinking alcohol from the Euro Pizza Cafe.

The purpose of today's visit to the restaurant was to check and see if Merita had removed the tables and chairs as was requested of her the day prior, on Wednesday, April 1, 2020. It should be noted that this was not the first request for her to voluntarily comply with the Governor's Executive Order. She had been contacted on 3/21/20, 3/26/20, 3/27/20, 3/30/20, attempted contact on 3/31/20, and then again on 4/1/20. In each of these contacts, Merita was talked to by law enforcement in order to educate her and request that she willingly complied with MCSO's perception of violations of the Executive Order 2020-09. It should also be noted, and it has been documented in previous supplemental reports, that Merita originally was reported to be allowing patron's access to the fenced patio of her establishment and the contact on 3/21/20 and 3/26/20 dealt with those issues. I spoke to Merita on the telephone on 3/26/20 at her request, and attempted to educate her about the use of her patio area being a violation of the Executive Order. Merita, at that time, agreed to close the patio area and put signage out to advise patrons the area was closed. Merita contended at that time that the common walkway area where her tables were, was not her premises and therefore, not her responsibility to ensure no on-site dining was occurring in that area. Efforts and contacts since 3/27/20 were made in attempt to gain her compliance of moving the tables and chairs in the area she claimed was common or public area.

Prior to the Governor's Stay at Home, Stay Connected, Stay Safe Executive Order that was to take effect 3/31/20 at 1700 hours and which outlined the ARS to use for enforcement, there was much discussion within MCSO as to how to enforce the existing 2020-09 Order. After the Stay at Home Order was issued, MCSO had to provide direction to staff regarding when we transition from an educational standpoint to an enforcement standpoint. With the new Order taking effect on 3/31/20, it was imperative that Merita be educated again on the new Order, as well as the existing Order and

NARRATIVE

that voluntary compliance should occur. If a patterned or progressive violations were to occur after educational attempts and requests for voluntary compliance, MCSO would have to take enforcement action.

It should also be noted that numerous phone calls to the Maricopa County Environmental Services and the AZ Dept. of Liquor License and Control were made to determine if this area in question was in fact the responsibility of Merita, based on whether there were current licenses, certificates, or any other documentation that existed that showed Merita and her restaurant owned or had a legal responsibility for this area. When nothing concrete could be determined, I was successful in contacting the Property Owner representative, as well as the Property Management Company who both verified the area is common area for the property and they allowed Merita's restaurant to have tables in the area. Once they were made aware of the issues with patron's dining on-site and congregating there, they told me they would have her move the tables immediately.

When I arrived at the restaurant, I walked to the rear patio area and the area in question. I saw Merita outside and she stated, "Somebody's happy today. You got what you wanted didn't you?". All of the tables and chairs appeared to be removed from the common area/walkway area at this time. There was still a bench against the wall, but Merita was outside actively pushing chairs to the fenced patio area in what appeared to be her attempts to remove the seating. I told Merita that this was not a personal matter and Merita did tell me she believed that this was not personal. She then asked me about another, unrelated issue she has been having with harassment from a person. I told Merita that I had contacted the Maricopa County Environmental Services regarding her telling me that Trisha told her they are responsible for violations of the Governor's Executive Order and Merita's statement that Trisha told her she was not in violation at all. I told Merita that Trisha told me she never said this and believed this was a misunderstanding of what Merita believed she was talking about. Merita contended that this is what Trisha told her and that this was her perception of why she came.

Merita then stated she called the Liquor Dept. and she found out that the date was 2013 when she received the exemption of not having to have the area fenced. She said that the person she spoke to, "Wes", told her that being in the situation, if anyone took alcohol to-go and claimed something happened to them while sitting in the area that was once fenced, she could be held liable. I told Merita that I was having a difficult time getting to the bottom of this issue with the exemption she claimed she had. Merita said Wes told her he would encourage her "not to get into that". Merita stated she had to be convinced before she was willing to move the tables and again, reiterated to her it was a matter of principle.

In conclusion, it the tables and chairs that were previously set up on the area Merita and the owners of the property cited as "common area", which were at the heart of the issue of people dining on-site and creating a violation of the Governor's Executive Order 2020-09, have been removed at this time.

Nothing further.

Attachment:			
		Description:	
HISTORY			
Completed By:	S1520	KRATZER, L	On: 4/3/2020 At: 09:26
Reviewed By:	S1674	HALVERSON, J	On: 4/3/2020 At: 09:34
Approved By:	S1674	HALVERSON, J	On: 4/3/2020 At: 09:34



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

INCIDENT REPORT

SUPPLEMENT



EVENT	Reported Date: 4/8/2020	Reported Time: 11:32	IR #: IR20009238	Original/Supp? SUPPLEMENT	Hand Written? <input type="checkbox"/> Yes	Info Only <input type="checkbox"/> Yes	Access Level: Open	Case Status: Inactive	MC (Event) #: MC20063680
	Serial #: S1520	Last Name: KRATZER, L				Shift Supervisor: S1674		Name: HALVERSON, J	
	Body Camera Activated? No	Reason not Active: No Contact							
	Break in Video? No	Reason for break:							
INCIDENT	Radio Code: VEO VIOLATION OF EMERGENCY ORDER			From Date: 3/26/2020		From Time: 18:54		9-1-1 Tape Requested:	
				To Date:		To Time:			
	Location: 12645 N. SAGUARO BLVD #11			City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCSO Personnel On Scene:	
	Is this IR related to others? YES								
Related Incident: IR20010107									

SYNOPSIS

This supplement is to clarify the correct event numbers (MC#'s) for two supplements I wrote for this investigation, in which I accidentally listed the wrong MC#'s for.

NARRATIVE

On 04/07/2020 when writing my final supplement report for this case and related case (IR20010107), I realized that I listed the wrong MC# on two of my supplements for IR20009238.

The first supplement report with the wrong MC# listed was one I wrote for 3/31/2020 at 1437 hours under IR20009238. I incorrectly listed the MC# as MC20009238 instead of what should have been MC20066588. The report was already reviewed and approved and I was unable to make the change in TraCS, so this supplement will serve as the explanation.

I also realized that the supplement I wrote for 4/2/2020 at 1534 hours under IR20009238 had the incorrect MC# listed. MC20063680 was documented accidentally and it should have been MC20068105. This report had been approved and reviewed already and I was unable to make the corrections on the reports in TraCS.

This supplement report will serve as the explanation for the two errors made.

Nothing further.

Attachment:	
	Description:

HISTORY

Completed By:	S1520	KRATZER, L	On:	4/8/2020	At:	11:38
Reviewed By:	S1674	HALVERSON, J	On:	4/8/2020	At:	11:39
Approved By:	S1674	HALVERSON, J	On:	4/8/2020	At:	11:39