



Maricopa County Sheriff's Office

Paul Penzone, Sheriff



INCIDENT REPORT

EVENT	Reported Date: 4/5/2020	Reported Time: 17:05	IR #: IR20010107	Original/Supp? ORIGINAL	Hand Written? <input type="checkbox"/> Yes	Info Only <input type="checkbox"/> Yes	Access Level: Open	Case Status: Cleared By Arrest	MC (Event) #: MC20069981
	Serial #: S2214	Last Name: BOWEN				Shift Supervisor: S1361		Name: BLAIN, J	
	Body Camera Activated? Yes	Reason not Active:							
	Break in Video? Yes	Reason for break: no public contact							
INCIDENT	Radio Code: VEO VIOLATION OF EMERGENCY ORDER			From Date: 4/5/2020		From Time: 15:27		9-1-1 Tape Requested:	
				To Date: 4/5/2020		To Time: 17:07		No	
	Location: 12645 N SAGUARO BLVD			City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCSO Personnel On Scene: 1	
	Is this IR related to others? NO								
Additional MCSO Personnel On Scene:			Serial#: S1361		Last Name: BLAIN				

SYNOPSIS

On 04/05/2020 Sergeant Blain S1361 and I responded to Euro Pizza Cafe in reference to a reported Violation of an Emergency Order. Marita Kraja was found to be in violation of the Governor Ducey's Executive Order 2020-09, by allowing "On site" dining by setting up tables and chairs in front and on the side of her business and allowing her patrons to drink, eat and congregate.

OFFENSE	ID: 1	Court Precinct: 0742 - Fountain Hills MC	ARS Section: 26-317	Description: MIL AFFAIR/EMERG SERVICE VIOL				Date of Crime: 4/5/2020	Counts: 1	
	Location Type: RESTAURANT		Criminal Activity Type: NOT APPLICABLE			Hate Crime/Bias?: * UNKNOWN *				
	Domestic Violence? NO		Burglary? NO		Number of Premises Entered:					
	Entry Point:		Force Used?	Exit Point:			Force Used?			
	Violent Crime Against Person?: No	Suspect Used:		Type of Weapon Used:			Homicide/Agg Assault Circumstances:			
PERSON	ID: 1	Type: SUSPECT	Name Type: Individual	VR Form & Pamphlet Given?		Reason NOT Given:				
				VR_PamphletDeliveryMethod:						
	Name - Last: KRAJA		First: MURITA		Middle:	Suffix:	DL/ID #: [REDACTED]	St.: AZ	Status: VALID	
	Home	Street Nbr. [REDACTED]	Dir: [REDACTED]	Street Name [REDACTED]	Suffix: [REDACTED]	Dir.	Unit/Apt	City: [REDACTED]	State: [REDACTED]	ZIP: [REDACTED]
	Cell Phone: [REDACTED]		Home Phone:		Email Address:					
	Race: WHITE		Sex: F	Ethnicity: NOT HISPANIC OR LATINO		SSN:	DOB: [REDACTED]	Age Range: From: 55 To: 55		Juvenile: No
	Resident of Jurisdiction? YES		Height Range: From: 503 To: 503		Weight Range: From: 160 To: 160		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:			

PERSON	ID:	Type:	Name Type:	VR Form & Pamphlet Given? Reason NOT Given:							
	1	OTHER	Business	VR_PamphletDeliveryMethod:							
	Name - Last:			First:		Middle:	Suffix:	DL/ID #:	St.:	Status:	
	KRAJA										
	Home	Street Nbr.	Dir:	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:	
	Cell Phone:		Home Phone:		Email Address:						
	Race:		Sex:	Ethnicity:		SSN:	DOB:	Age Range:		Juvenile:	
								From: To:		Unknown	
Resident of Jurisdiction?		Height Range:		Weight Range:		Hair:		Eye Color:			
		From: To:		From: To:							
Was consent to search the Person requested?				Consent Given?		Person Search Conducted?					
Search Options:											
Was this an Investigatory Detention?				Arrested?		ARS:			Type:		
Work	Work Business Name: Euro Pizza Cafe							Work Phone:			
	Street Nbr.	Dir:	Street Name:		Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:	
	12645	N	SAGUARO		BLVD		11	FOUNTAIN HILLS	AZ	85268	
FBI#:		SID:		BK#:		Scanned Address:					

PERSON	ID:	Type:	Name Type:	VR Form & Pamphlet Given? Reason NOT Given:							
	1	VICTIM	State of Arizona	VR_PamphletDeliveryMethod:							
	Name - Last:			First:		Middle:	Suffix:	DL/ID #:	St.:	Status:	
	Home	Street Nbr.	Dir:	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:	
	Cell Phone:		Home Phone:		Email Address:						
	Race:		Sex:	Ethnicity:		SSN:	DOB:	Age Range:		Juvenile:	
								From: To:		Unknown	
Resident of Jurisdiction?		Height Range:		Weight Range:		Hair:		Eye Color:			
		From: To:		From: To:							
Was consent to search the Person requested?				Consent Given?		Person Search Conducted?					
Search Options:											
Was this an Investigatory Detention?				Arrested?		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 04/05/2020 at approximately 1534 hours, Sergeant Blain S1361 and I responded to Euro Pizza Cafe located at 12645 N Saguaro Blvd., Fountain Hills, AZ in reference to a report of a Violation of Emergency Report.

Sergeant Blain had received a phone call from the District 7 Captain, advising the Town Manager had complaints from residents that Euro Pizza had customers outside their business sitting and eating at high top tables.

It should be noted, Sergeant Blain and I activated our Axon body worn camera for this incident.

Upon our arrival, we observed approximately 7-10 people either standing or sitting at tables outside in the front and side of the business. One male was observed drinking a bottle of Budweiser without a bag around it. The male stated he received the alcoholic beverage from Euro Pizza, while he waited for his food to be ready for take out. A couple was seen eating a pizza, calzone and salad outside in the breeze way in a booth provided by Euro Pizza. The door leading to the restaurant's bathrooms was propped open and customers were seen using the bathrooms. Customers sitting at the tables stated they were waiting for their food to be ready.

NARRATIVE

Axon capture was used to upload pictures of the front of the restaurant to include the tables, chairs, customers waiting and access to the bathrooms.

We spoke to the business owner, later identified as Merita Kraja and she gave us the following statement:

Merita stated the tables in front of her business belonged to her business, and they were for the customers as they waited for their take out food. Merita allows customers to purchase alcoholic beverages and take them to go. The beverages are unopened and placed in a sealed paper bag. Merita explained she cannot control what the customers do with the alcohol as they wait for their food. Merita explained the table where the male was drinking an alcoholic beverage belonged to Keller Williams.

When Merita was asked if she could place her tables and chairs inside her business, she refused to. The tables and chairs were for customers as they waited for their food. Merita reported the tables and chairs are cleaned every 15 minutes. Merita has the tables cleaned every 15 minutes and not after each customer sits down at the tables. I observed several people sit at the tables before any type of cleaning was performed. Merita became very loud when we spoke to her about moving her tables and chairs inside. Merita kept stating it's not her problem and she cannot control what the customers do.

Sergeant Blain S1361 tried to explain to her that cleaning the tables every 15 minutes was not good enough, because within that time frame several customers can use the chairs and tables between cleaning. Merita stated she can't control that. Merita was also questioned about the booth seats that were on the side of her business. It should be noted the booth seating was grayish in color and had a table pulled up to it. The table also had chairs on the opposite side of it, which customers were using while eating their pizza, salad, and calzone. This was all captured on Sgt. Blain's Body-Worn Camera video footage.

Sgt. Blain asked Merita several times why she couldn't place the tables and chairs inside the business? Sgt. Blain also suggested when the customers came up to the main entrance to order food, after they were done ordering suggest having them wait in their vehicles and text or call when the food was ready. Merita said no she couldn't do that. Merita said she could control the front tables and when she sees someone eating at the booth she has them leave. Merita refused to speak to us anymore regarding the tables and chairs and walked inside her business. She stated she was not going to be bullied and began yelling at Sgt. Blain that she wasn't going to talk about it anymore. Sgt. Blain tried to explain to her that we were not bullying her and was just trying to make it safe for everyone and that she could get cited and that we wanted to prevent that. Merita didn't want to hear anything else and went back inside her business.

While talking with Merita, she pointed out that the table and chairs in front of the Keller Williams business belonged to Keller Williams. The employee inside Keller Williams stated the table and chairs in front of her business belonged to her and she would move them inside immediately, in which she did without incident. She was very understanding about the Order and stated they have been working from home and she was inside the office to pick up some things.

Sgt. Blain stated that he contacted Captain Kratzer and that he was going to follow-up with this incident tomorrow. (Please refer to Captain Kratzer's supplement for further information.)

Nothing further.

Attachment:		Description:	
HISTORY			
Completed By:	S2214 BOWEN, D	On: 4/5/2020	At: 19:01
Reviewed By:	S1361 BLAIN, J	On: 4/6/2020	At: 09:26
Approved By:	S1361 BLAIN, J	On: 4/6/2020	At: 10:17



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) #:	
	4/7/2020	14:17	IR20010107	SUPPLEMENT	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	Open	Cleared By Arrest	MC20069981	
	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: VEO VIOLATION OF EMERGENCY ORDER				From Date: 4/5/2020		From Time: 16:35		9-1-1 Tape Requested:	
					To Date:		To Time:			
	Location: 12645 N SAGUARO BLVD				City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCSO Personnel On Scene: 0	
Is this IR related to others? YES										
Related Incident: IR20009238										

SYNOPSIS

On 04/07/2020 at 1417 hours, Merita Kraja was cited and released for a violation of Governor Ducey's Executive Order 2020-09, regarding restaurants not permitting on-site dining due to a violation that occurred on 04/05/2020.

PERSON	ID:	Type:	Name Type:	VR Form & Pamphlet Given?		Reason NOT Given:				
	1	SUSPECT	Individual							
	Name - Last:			First:		Middle:	Suffix:	DL/ID #:	St.:	Status:
	KRAJA			MERITA					AZ	VALID
	Home	Street Nbr.	Dir:	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:
	Cell Phone:		Home Phone:		Email Address:					
	Race:	Sex:	Ethnicity:	SSN:	DOB:	Age Range:	Juvenile:			
	WHITE	F	NOT HISPANIC OR LATINO			From: 55 To: 55	No			
Resident of Jurisdiction?	Height Range:	Weight Range:	Hair:	Eye Color:						
YES	From: 503 To: 503	From: 160 To: 160	BROWN - BRO	BROWN - BRO						
Was consent to search the Person requested?			Consent Given?		Person Search Conducted?					
No					No					
Search Options:										
Was this an Investigatory Detention?			Arrested?		ARS:		Type:			
No			Yes		26-317		Cited and Released			
Work	Work Business Name: Euro Pizza Cafe						Work Phone:			
	Street Nbr.	Dir:	Street Name:	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:	
	12645	N	SAGUARO	BLVD		11	FOUNTAIN HILLS	AZ	85268	
FBI#:		SID:		BK#:		Scanned Address:				

NARRATIVE

On 04/07/2020 at 1417 hours, I contacted Merita Kraja (Idrizaj), the owner of the Euro Pizza Cafe located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ at the Cafe, in order to issue her a citation for a violation of the Governor's Executive Order 2020-09, which occurred on 04/05/2020. (Please see Dep. Bowen's S2214 original IR for details of the violation, as well as his and Sgt. Blain's S1361 Body-Worn Camera footage).

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

It should be noted that MCSO District VII deputies and command personnel have had numerous contacts with Merita since March 21, 2020 to educate her and attempt to gain her voluntary compliance on the Governor's Executive Order 2020-09, which currently prohibits restaurants from allowing on-site dining due to the COVID-19 pandemic. These contacts were sometimes the result of calls for service by people reporting that there were individuals dining or drinking on her patio or on tables in the breezeway near her restaurant. Often times, these complaints were provided to MCSO through the Town Manager of Fountain Hills, based on people reaching out to him, the Mayor, or Council

Members with complaints that Euro Pizza Cafe was not adhering to the Executive Order.

I met with Merita in-person at the Cafe on 04/01/2020 to inform her that after speaking to the Maricopa County Environmental Services, the AZ Department of Liquor License, the Property Owner and the Property Management Company, that this was her final warning to remove all of the tables and chairs from the area she commonly referred to as "public" or "common" area, which was where many patrons were found eating food from her restaurant and drinking alcohol from her restaurant, or else she would be issued a criminal citation for violating the Executive Order.

On 04/02/2020, when I contacted Merita again to see if she had moved the tables, she had moved nearly all of the tables in the area and appeared to be actively moving the last of the tables and chairs.

On 04/04/2020 and 04/05/2020, MCSO received complaints that people were dining on the patio and on the tables provided by the restaurant. Deputies responded both times and did not find anyone dining on the patio on 04/04/2020, but did find people eating on a booth style bench with a table and chair pushed up against it on 04/05/2020. They also found a couple of patrons sitting at high top tables in front of the restaurant on this date, but they were not consuming food, only beverages while they waited for their food.

On 04/06/2020 I reviewed the IR and the Body-Worn Camera footage from the incident on 04/05/2020 and determined this to be a violation of the Governor's Executive Order 2020-09, which I had been attempting to work with Merita on for compliance since my involvement in this on 03/26/2020. I attempted to contact Merita at the Cafe on 04/05/2020 to issue her the citation for this offense, however she was not there. I then confirmed she would be at the restaurant on today's date, 04/07/2020 and issued her the citation.

The citation issued was Citation Number 070003342009801 out of the McDowell Mountain Justice Court, which was a Class 1 Misdemeanor for ARS26-317 which states, "Any person who violates any provision of this chapter or who knowingly fails or refuses to obey any lawful order or regulation issued as provided in this chapter shall be guilty of a class 1 misdemeanor. This provision does not apply to the refusal of any private organization or member thereof to participate in a local emergency or state of emergency as defined by this chapter."

Of importance in this matter, the Governor's Executive Order, 2020-09 prohibiting on-site dining for restaurants took effect on 03/19/2020. The Governor's Stay at Home, Stay Connected, Stay Healthy Order took effect on 03/31/2020 at 1700 hours.

I believe there is probable cause to charge this due to the following contacts, observations, conversations, information learned, etc. that supports Merita knowingly failing or refusing to obey a lawful order or regulation issued in the Executive Order:

03/21/2020- MCSO contacted Merita after being advised of patrons dining on the patio of the Euro Pizza Cafe. Deputy responded and found numerous people eating/drinking on patio and breezeway area of property on tables and chairs provided by Euro Pizza Cafe. Deputy brought a copy of Executive Order 2020-09 and attempted to educate owner and gain voluntary compliance, but owner stated she knew the Order and was acting within the Order. (MC20060022/ No IR Dep. Rafferty S2183)

03/26/2020- MCSO contacted and advised of patrons again eating and drinking on the patio and breezeway area of restaurant, in violation of the Executive Order. Restaurant had a sign indicating to see the hostess for patio seating. Deputy and Sergeant took a copy of the Executive Order in an attempt to educate and gain voluntary compliance. Owner stated she was okay operating the way she was and refused to close the patio or move the tables and chairs. She requested the Captain to call her. (MC20063680/ IR20009238 report by Dep. Cosme S1501).

03/26/2020- Merita contacted by the Captain of the district and I explained to her that the Order stated that restaurants cannot allow on-site dining and her patio constituted "on-site". Merita agreed to close her patio, but told me she would be leaving her tables and chairs up in the public area, which deputies referred to as the breezeway. Merita requested I meet with her in-person on 03/27/2020 to see what she was referring to. (MC20063680/ IR20009238 supplement report by Cpt. Kratzer S1520).

03/27/2020- I met with Merita at the Cafe and observed approximately 8-10 tables out in the breezeway. Her patio was closed and there were approximately three separate groups eating and drinking on the tables in this area. Merita admitted that tables and chairs were hers and I told her that these needed to be moved because this was still allowing on-site dining. Merita argued this, stating it was public area and was not her premises so she could keep her tables and chairs outside. Patrons were observed eating food from her establishment and drinking buckets of beers sold by

NARRATIVE

her restaurant. (MC20064140/ IR20009238 supplement report by Cpt. Kratzer S1520).

03/31/2020- I went to the restaurant to speak with Merita and again request that she remove the tables and chairs, as the Town was still relaying that guests were dining on-site and the Governor's Executive Order was going into effect that evening at 1700 hours. Merita was not there, however I observed several groups of people sitting at the tables and chairs provided by Euro Pizza in the breezeway area eating food and drinking buckets of beer from Euro Pizza. (MC20066588/ IR20009238 supplement report by Cpt. Kratzer S1520).

03/31/2020- I went back to the restaurant to again try and contact Merita and request that she move the tables and chairs in preparation of the Governor's Stay at Home Order, as well as to comply with the current 2020-09 Order. Merita was not there this time either and again numerous patrons were observed sitting and eating on the table and chairs provided by Euro Pizza Cafe. Patrons were eating pizza and drinking buckets of beer. (MC20066667/ IR20009238 supplement report by Cpt. Kratzer S1520).

04/01/2020- Governor's Stay at Home Order was now in effect and I went to the restaurant to make contact with Merita and see if she had removed the tables and chairs from the breezeway and if not, attempt to further talk to her in hopes of gaining voluntary compliance on the matter. I again observed three separate groups of individuals eating and drinking food from Euro Pizza and buckets of beer from Euro Pizza. I then spoke to Merita and again requested that she remove the tables and chairs, to which she stated she was not going to. Merita claimed the Health Department and the Liquor Dept. had both come within the past two days and that the Health Dept. told her she was operating within the Order and had no violations. I had to then conduct additional follow-up with both entities to see if this was the case and discovered neither had provided this information to her. I was also able to speak to both the Property Owner and Property Management Company who stated they would tell her immediately to move the tables and chairs from the area. (Contact with Merita under MC20067311/ IR20009238 supplement by Cpt. Kratzer S1520; Contact with Health Dept., Liquor Dept. and Property Owner and Property Management Company under MC20063680/ IR20009238 supplement by Cpt. Kratzer).

04/02/2020- I went to the restaurant to contact Merita after conducting the follow-up efforts and to inform her that this would be her final warning regarding on-site dining and any subsequent violations would result in the issuance of a criminal citation for a violation of the Executive Order. Merita had moved nearly all of the tables and chairs from the breezeway area and was actively moving the ones that were left. She was thanked and provided the enforcement warning. (MC20068105/ IR20009238 supplement by Cpt. Kratzer S1520)

04/04/2020- MCSO patrol deputy went to the Euro Pizza Cafe for reports of patrons dining on the patio of the establishment. The deputy did not locate anyone eating on the premises. (MC20069171/ No IR Dep. Bowers S1961).

04/05/2020- MCSO received complaints of patrons dining at tables in front of the restaurant. Deputies responded and found a couple eating at a booth style bench, with a table and a chair pulled up to it, eating in the breezeway area. A couple of tables were also observed at the front with guests sitting at them waiting for to-go food orders, some were sitting and drinking beverages from the restaurant, but not dining. (MC20069981/ IR20010107 report authored by Dep. Bowen S2214).

04/05/2020- I called and spoke to the Property Management Company again to see if they had informed Merita to move the tables from the breezeway area. I was provided the email string from them to Merita, which told her several times to move all of the tables and chairs from the common area of the property so patrons would not sit and eat or congregate. I was told Merita attempted to argue through email about the directive and she was ultimately told to move the tables and chairs immediately. (MC2006981/ IR20009238 supplement by Cpt. Kratzer S1520).

04/07/2020- Merita was issued a citation for the violation of the Governor's Executive Order for the violation on 04/05/2020. (MC20071310/ IR20010107 supplement report by Cpt. Kratzer S1520).

Nothing further.

Attachment:

Description:

HISTORY

Completed By: S1520	KRATZER, L	On: 4/7/2020	At: 17:23
Reviewed By: S1674	HALVERSON, J	On: 4/8/2020	At: 11:17



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) #:	
	4/6/2020	13:01	IR20010107	SUPPLEMENT	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	Open	Cleared By Arrest	MC20069981	
	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:			From Date: 4/5/2020		From Time: 15:27		9-1-1 Tape Requested:		
	VEO VIOLATION OF EMERGENCY ORDER					To Date:		To Time:		
	Location: 12645 N SAGUARO BLVD			City: FOUNTAIN HILLS		ZIP: 85268		The number of Additional MCSO Personnel On Scene:		
Is this IR related to others? YES										
Related Incident: IR20009238										

SYNOPSIS

On 4/06/2020 at approximately 1301 hours, I called and spoke to Eric Shaefer, Property Manager for the Fountainside Plaza property where Euro Pizza is located at 12645 N. Saguaro Blvd. #11 in Fountain Hills, AZ.

PERSON	ID:	Type:	Name Type:	VR Form & Pamphlet Given?		Reason NOT Given:					
	1	RESPONSIBLE PARTY	Individual			VR_PamphletDeliveryMethod:					
	Name - Last:			First:		Middle:		Suffix:	DL/ID #:	St.:	Status:
	SCHAEFER			ERIC					NONE		
	Home	Street Nbr.	Dir.	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:	
	Cell Phone:	Home Phone:		Email Address:							
	Race:	Sex:	Ethnicity:	SSN:	DOB:	Age Range:	Juvenile:				
		M	UNKNOWN			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: Shaefer & Associates							Work Phone:			
	Street Nbr.	Dir.	Street Name:	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:		
	7641	E	GRAY	RD			SCOTTSDALE	AZ	85260		
	FBI#:		SID:		BK#:		Scanned Address:				

NARRATIVE

On 04/06/2020 at 1301 hours I called Eric Shaefer by telephone at [REDACTED]. Eric is the Property Manager for the Fountainside Plaza property located at 12645 N. Saguaro Blvd. in Fountain Hills. This Property Management Company is responsible for the property where Euro Pizza Cafe is located in Suite #11.

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

I had previously spoken to Eric on 4/1/2020 in reference to IR20009238. This was a report originally authored by Dep. Cosme S1501 and supplemented by me numerous times for follow-up work that was conducted regarding continuous allegations of the Euro Pizza Cafe violating Governor Ducey's Executive Order 2020-09, which prohibits restaurants from allowing on-site dining while the COVID-19 pandemic is actively being monitored by the state. There are numerous documented instances in which patrons have been observed eating and drinking alcohol on the property on tables and chairs belonging to the Euro Pizza Cafe. The owner, Merita Kraja (Idrizaj) has been contacted multiple times by MCSO due to complaints/calls by citizens and Town of Fountain Hills Officials regarding their concern that the

NARRATIVE

restaurant is not adhering to the Governor's Executive Order. It should also be noted that after the Governor's Stay at Home, Stay Safe, Stay Connected Order took effect on 3/31/2020 at 1700 hours, Merita still refused to move her tables and chairs from the property and patrons continued to dine and drink alcohol at the location. Each of these instances of violations, attempts to educate the restaurant owner, and requests for voluntary compliance were documented under IR20009238, as well as this IR, IR20010107. Nearly all of this was also captured on Body-Worn Camera in Evidence.com under numerous event numbers (MC#'s) associated to the above listed IR's.

My previous conversation on 4/1/2020 with Eric was documented in a supplemental report to IR20009238 and in summary, Eric and the Property Owner both stated that Merita would be told by the Property Management Company to move these tables and chairs immediately, due to them being in an area that is technically considered common area by the landlord, which up to this point Merita has been given the okay to utilize this area for her tables and chairs. When I explained the issues that were now occurring due to the Executive Order prohibiting on-site dining and Merita's refusal to move the tables and chairs to deter patrons from dining on-site or congregating, Eric stated he would tell Merita immediately to move the tables and chairs. He told me he would be emailing Merita and that he would carbon copy me on the email so I knew that she was told to remove the tables.

On this date, 4/6/2020, when I called Eric back, my intention was to find out if he had sent the emails to Merita or advised her to move the tables and chairs, as I had not received any emails from him and MCSO had been called back to the restaurant on Sunday, 4/5/2020 for patrons again eating on tables and chairs put out by Euro Pizza in the area in question.

Eric advised me that he did email Merita and that he did carbon copy me on the emails. He attempted to verify my email address and it was learned he mistyped my last name, resulting in me never receiving them. Eric then stated he had a number of back-and-forths with Merita and he copied me on everything because she was in typical fashion- uncooperative. Eric then pulled up the emails and read me the conversation. He said right after he spoke to me on 4/1/2020, he emailed her the following on 1636 hours:

Merita, I received a call from Captain Larry Kratzer with the Maricopa County Sheriff's Department. I believe he spoke to you as well. I realize the tables and chairs are placed in a common area/breezeway, but the tables and chairs belong to you and customers are using them to congregate, drink buckets of beers, etc. This may not take place. Please remove those tables immediately and relocate to your patio area. If it's not done right away, we will have to remove them. Once the Governor's Order is lifted, we are fine with the tables and chairs being put back, provided that such placement is in compliance with your liquor license terms.

Eric stated that Merita replied back to her the next morning and simply replied:

That's not the case.

Eric then said he responded back to her stating:

Whatever "the case is", the bottom line is the landlord is not interested in any sort of dispute with the County, nor is it interested in being responsible for any sort of spread of the virus. We do not want tables and chairs in the common area/breezeway until which time the Governor's Order is lifted. The chairs and tables need to be relocated to your area immediately.

Eric said that Merita replied back to him stating the following:

Attached you will find the County Health Department record. She come to make sure we are in compliant. She obviously passed us, went around with detail. People have nothing better to do. They are bored at home. If the cop had found us in violation, he would have. He has to show up when people complain. Don't worry, it is not directed at you. As always, it is me. I have handled it with him and they are not sure what is allowed or what is not. I gave him the contact with the County Liquor Board. They should take it with the people that are around after 5 and not obeying stay at home orders. I am following all the order.

Eric then wrote back to her on Thursday, 4/2/2020 at 7:55 am:

I am not interested in a debate. I am making the landlord's position crystal clear. Relocate the tables and chairs to your patio now, until further notice. End of discussion.

Eric stated that Merita never responded to him after the last email to her.

NARRATIVE

I informed Eric that I did go out to the property on 4/2/2020 in the afternoon and that Merita had moved just about all of the tables and chairs. There was one large booth style bench that was still out, but Merita appeared to be actively moving things around to comply.

I then told Eric that over the weekend, on Sunday, 4/5/2020, we received calls again that she had two high top tables in front of the restaurant and people were sitting there dining again. I also told him that when deputies went on site, they observed the booth style table still out in the breezeway with a table pushed up to it and two customers sitting and eating pizza from her restaurant and drinking beverages.

I told Eric that I never received his emails and he discovered that he spelled my name wrong and was able to send me the email correspondence right then. These emails have been provided as an attachment to this supplemental report.

I asked Eric if there were any other actions he could take as the Property Management Company in order to help us avoid on-site dining. Eric stated that he could go over himself and remove the tables. He said he just has not yet had time yet to do this, but said he would be happy to help in this manner. I told Eric I would remain in contact with him regarding this issue if we continued to experience issues.

That concluded my conversation with Eric.

Nothing further.

Attachment:



Description: **Emails from Eric Shaefer to Merita**

HISTORY

Completed By: S1520	KRATZER, L	On: 4/7/2020	At: 12:41
Reviewed By: S1674	HALVERSON, J	On: 4/7/2020	At: 15:22
Approved By: S1674	HALVERSON, J	On: 4/7/2020	At: 15:22

FW: Table/Chairs

Eric Schaefer <[REDACTED]>

Mon 4/6/2020 1:11 PM

To: Larry Kratzer (MCSO) <L_Kratzer@MCSO.maricopa.gov>

Eric J. Schaefer
Principal | Associate Broker
Schaefer + Associates, LLC
7641 East Gray Rd #A2
Scottsdale, AZ 85260
[REDACTED]

Simply put: If this email and/or attachment isn't intended for you, don't open it and let me know that it was sent in error.

From: Eric Schaefer
Sent: Thursday, April 02, 2020 7:16 AM
To: 'MERITA IDRIZAJ' <[REDACTED]>
Cc: 'l_kratzer@mcs.maricopa.gov' <l_kratzer@mcs.maricopa.gov>
Subject: RE: Table/Chairs

Merita –

Whatever “the case” is, the bottom line is that the Landlord is not interested in any sort of dispute with the County, not is it interested in being responsible for any sort of spread of the virus. We do not want tables and chairs in the common area breezeway until such time as the governor’s order is lifted. The chairs and tables need to be relocated immediately.

Eric J. Schaefer
Principal | Associate Broker
Schaefer + Associates, LLC
7641 East Gray Rd #A2
Scottsdale, AZ 85260
[REDACTED]

Simply put: If this email and/or attachment isn't intended for you, don't open it and let me know that it was sent in error.

From: MERITA IDRIZAJ <[REDACTED]>
Sent: Wednesday, April 01, 2020 11:31 PM
To: Eric Schaefer <[REDACTED]>
Subject: Re: Table/Chairs

That’s not the case.

Merita

On Apr 1, 2020, at 4:36 PM, Eric Schaefer <[REDACTED]> wrote:

Merita –

I received a call from Captain Larry Kratzer with the Maricopa County Sheriff's Department. I believe he has spoken with you as well. I realize that the table and chairs are placed in a common area breezeway, but those tables and chairs belong to you and customers are using them to congregate, drink buckets of beer, etc. That may not take place. Please remove those tables and chairs immediately and relocate them to your patio area. If it is not done right away we will have to remove them.

Once the Governor's order is lifted we are fine with the tables and chairs being put back, provided that such placement is in compliance with your liquor license terms.

Thank you.

Eric J. Schaefer
Principal | Associate Broker
Schaefer + Associates, LLC
7641 East Gray Rd #A2
Scottsdale, AZ 85260
[REDACTED]

Simply put: if this email and/or attachment isn't intended for you, don't open it and let me know that it was sent in error.

FW: inspection report

Eric Schaefer <[REDACTED]>

Mon 4/6/2020 1:10 PM

To: Larry Kratzer (MCSO) <L_Kratzer@MCSO.maricopa.gov>

Eric J. Schaefer
Principal | Associate Broker
Schaefer + Associates, LLC
7641 East Gray Rd #A2
Scottsdale, AZ 85260
[REDACTED]

Simply put: if this email and/or attachment isn't intended for you, don't open it and let me know that it was sent in error.

From: Eric Schaefer
Sent: Thursday, April 02, 2020 7:55 AM
To: Euro Pizza Cafe <europizzacafe@cox.net>
Cc: l_kratzer@mcs.maricopa.gov
Subject: RE: inspection report

Merita – I am not interested in a debate: I am making the Landlord's position crystal clear -- relocate the tables and chairs to your patio now, until further notice.

End of discussion.

Eric J. Schaefer
Principal | Associate Broker
Schaefer + Associates, LLC
7641 East Gray Rd #A2
Scottsdale, AZ 85260
[REDACTED]

Simply put: if this email and/or attachment isn't intended for you, don't open it and let me know that it was sent in error.

From: Euro Pizza Cafe <europizzacafe@cox.net>
Sent: Thursday, April 02, 2020 7:51 AM
To: Eric Schaefer [REDACTED]
Subject: Fwd: inspection report

Attached you'd find the county health department report. She'd come to make sure we are in compliance. She obviously passed us, went around, was detailed etc.

People have nothing better to do bored at home. If the cop had found us in violation, he would've. He has to show up (his words) if people complain.

Don't worry it's not directed to you. As always it's me. I handled with him, they are not sure what's allowed or not. Gave him some contact with the county and liquor board.

They should take it with the people that are around after 5 and not obeying stay at home orders.

I am following all the guidelines of the governors and the county. No risk here

Merita



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

Case Notes



Case Number: IR20010107	Last Update Date: 4/9/2020	Last Update Time: 15:05
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Note History:

4/9/2020 15:05 McAtee, J
Case Status changed from: Open to: Cleared By Arrest



Maricopa County Sheriff's Office

ARIZONA TRAFFIC TICKET AND COMPLAINT

Report Number

IR20010107

Complaint
070003342009801

OLN

Seized

☐ Yes

In Possession

☒ Yes

State

AZ

Class

D

Military

☐ Yes☐ COLLISION☐ FATALITY☐ SERIOUS INJURY☐ COMMERCIAL☐ HAZ MAT☐ 16 PASSENGER

DEFENDANT	PersonType INDIVIDUAL	Name: First MERITA	Middle	Last IDRIZAJ (KRAJA)	Interpreter Required? <input type="checkbox"/>	Spanish Only? <input type="checkbox"/>	Other Language	
	Residential Address				City	State	Zip Code	
	SSN				Gender FEMALE	Eyes BRO	Hair BRO	
	Height 503				Weight 165	Origin W	DOB	
Business Address 12645 N. SAGUOR BLVD. #11				City FOUNTAIN HILLS	State AZ	Zip Code 85268	Email Address	
VEHICLE	Year	Color	Make	Model	Style	License Plate	Seized <input type="checkbox"/> Yes	
	Registered Owner			Address			City	State
State								Zip Code

THE UNDERSIGNED CERTIFIES THAT:

AT	Date 04/05/2020	Time 15:27	SPEED:	Approx 0	Posted 0	R&P 0	Speed Measurement Device OTHER	Equipment Number NONE	Direction Of Travel	Lane
	On-Highway	Highway	Milepost	Location 12645 N. SAGUARO BLVD. #11 FOUNTAIN HILLS, AZ				Precinct 0711	County MARICOPA	STATE OF ARIZONA

THE DEFENDANT COMMITTED THE FOLLOWING:

A	Section 26-317	Statute ARS	Violation MIL AFFAIR/EMERG SERVICE VIOL	<input type="checkbox"/> Domestic Violence Case
	Description:			<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Civil <input type="checkbox"/> Petty Offense <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Criminal
B	Section	Statute	Violation	<input type="checkbox"/> Domestic Violence Case
	Description:			<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Civil <input type="checkbox"/> Petty Offense <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Criminal
C	Section	Statute	Violation	<input type="checkbox"/> Domestic Violence Case
	Description:			<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Civil <input type="checkbox"/> Petty Offense <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Criminal
D	Section	Statute	Violation	<input type="checkbox"/> Domestic Violence Case
	Description:			<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Civil <input type="checkbox"/> Petty Offense <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Criminal
E	Section	Statute	Violation	<input type="checkbox"/> Domestic Violence Case
	Description:			<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Civil <input type="checkbox"/> Petty Offense <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Criminal

You Must Appear At:	Court MCDOWELL MTN. JC	Court No. 0711	AT THE DATE AND TIME INDICATED:	Date 04/29/2020	Time 8:30 AM
	Court Phone No. (602) 372-7000	Business Address 18380 NORTH 40TH STREET		City, State, Zip Code PHOENIX, AZ 85032	

CRIMINAL: <input checked="" type="checkbox"/> Without admitting guilt, I promise to appear as directed herein.	Signature not Obtained <input type="checkbox"/>	<input type="checkbox"/> VICTIM?	FINGERPRINTED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
CIVIL: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.		<input type="checkbox"/> VICTIM NOTIFIED?	<input type="checkbox"/> IN CUSTODY	
JUVENILE: <input type="checkbox"/> Bring one Parent.		I certify upon reasonable grounds, I believe the person named above committed the acts described and I have served a copy of this complaint upon the defendant.		
X		L. Kratzer	S1520	MC20069981
		COMPLAINANT	BADGE NO.	EVENT NUMBER

ADDITIONAL OFFICERS			
Name	ID. NO.	Role	Agency

TRANSMISSION TO COURTS	
Transmission Date 04/07/2020	Transmission Response

CONDITIONS	
Conditions - Lighting <input type="checkbox"/> Dawn <input type="checkbox"/> Daylight <input type="checkbox"/> Dusk <input type="checkbox"/> Night <input type="checkbox"/> Street Lights	Other - Lighting
Conditions - Weather <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Dry <input type="checkbox"/> Wet	Other - Weather
Conditions - Traffic <input type="checkbox"/> Light <input type="checkbox"/> Moderate <input type="checkbox"/> Heavy	Other - Traffic
Street Lights Functional <input type="checkbox"/> Yes <input type="checkbox"/> No	Defendant's Vehicle: Number of Occupants

VEHICLE DETAILS

Vehicle Number	Year	Make	Marked Unit <input type="checkbox"/> Yes	Speedometer:	Calibrated <input type="checkbox"/> Yes	Date	By
Speed Measuring Device Calibration Checked:				Unit Number NONE	Begin Shift	End Shift	Tuning Fork Number
WITNESS LIST							
Name: First	Last	Address		City	State	Zip Code	Phone
OFFICER'S NARRATIVE							