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AG Grewal and Col. Callahan Issue Weekly Round-Up on COVID-19 Enforcement Matters

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TRENTON – Attorney General Gurbir S. Grewal and Colonel Patrick J. Callahan, Superintendent of the New Jersey State Police, today announced enforcement actions from the past week, including coughing and spitting assaults and noteworthy violations of Governor Murphy's Executive Orders. The Attorney General also announced enforcement actions targeting price-gouging, consumer fraud violations, and alcoholic beverage control violations.

"We're cracking down on those who jeopardize public health and undermine public safety," said Attorney General Grewal. "We have zero patience for those who spit on cops, gouge prices, or try to exploit this pandemic for their personal gain."

"Although law enforcement and medical professionals are on the frontlines of the battle against COVID-19, we are ultimately winning the war because of the extraordinary resolve and fortitude of New Jersey citizens who are doing their part day in and day out, abiding by the executive orders and sacrificing for the greater good," said Colonel Patrick Callahan, Superintendent of the New Jersey State Police. "Those who choose to ignore the law and selfishly place others at risk will face swift law enforcement action."

Assaults and Threats Against Police Officers, EMTs, or Others

- **Margaret O'Leary, 20, of Secaucus, N.J.**, was charged on May 12 with four counts of aggravated assault on a police officer (3rd degree), two counts of throwing bodily fluids (4th degree), resisting arrest (3rd degree), and disorderly persons offenses after an incident that began with a 911 hang-up call marked by screaming in the background. Upon their arrival at her home, Secaucus Police encountered what they described as an irate and combative O'Leary. She allegedly approached police and pulled at one officer's vest, then allegedly kicked the same officer in the groin. When an ambulance arrived, O'Leary refused medical attention. At police headquarters, O'Leary reportedly became combative again. As police tried to transport her to an ambulance, she allegedly removed a spit guard and spit at an officer. Once in the ambulance, O'Leary allegedly

removed a second spit guard and spit at another officer. In addition to the other charges, O'Leary was charged with refusing to be fingerprinted, a disorderly persons offense.

- **Sughuy Cepeda, 43, of Teaneck, N.J.**, was charged on May 11 by the Englewood Police Department with terroristic threats during an emergency (2nd degree), and contempt (disorderly persons offense). At approximately 1:00 a.m., Englewood Police were called to a disturbance at a residence, where they found Cepeda present despite a temporary restraining order prohibiting her from being there. She was arrested four times before for violating the TRO. Upon arrest and transport, Cepeda allegedly threatened to spit on the arresting officer. She has been charged twice before for claiming to have COVID-19 and either spitting or threatening to spit on officers: on April 4, when she was charged with second-degree terroristic threats during an emergency, among other charges, and on April 19, when she was charged with contempt.
- **David Hathaway, 61, of Newton, N.J.**, was arrested on May 9 by the Andover Township Police Department for DWI, throwing bodily fluids at a law enforcement officer (4th degree), resisting arrest (disorderly persons offense), and violating the emergency orders. When Hathaway was arrested on suspicion of driving while intoxicated, he allegedly resisted arrest and threw a facial covering containing blood and saliva at officers.

Other Criminal Charges Involving Indictable Offenses

- **Josefina Brito-Fernandez, 49, of Camden, N.J.**, was charged on May 14 with five counts of endangering the welfare of another (3rd degree and 4th degree). Brito was a home health aide who cared for an 80-year-old Camden city resident. On April 16, Brito was not feeling well and went to the Camden COVID-19 testing sight for testing. She allegedly did not disclose this fact to the elderly person for whom she cared, or the patient's family. Once she was tested, Brito-Hernandez was told to self-isolate -- even before her results came back -- because she had been in contact with someone who was suspected to be positive for COVID-19 (and who ultimately was found to be positive). Notwithstanding the direction she received to self-isolate, Brito-Hernandez went to work on April 17 as usual and did not wear a face mask or any other personal protective equipment. (Her employer mandated that PPE be worn at all times.) Brito allegedly can be seen on in-home video caring for her elderly patient by feeding her, giving her a sponge bath and taking her vital signs -- all while not wearing PPE. Brito also cared for two developmentally disabled siblings in the household, also without wearing PPE. The elderly patient and four other members of the household subsequently tested positive for COVID-19. The elderly patient was subsequently hospitalized and passed away several days later.

Price Gouging Enforcement

AG Grewal announced updates on the Division of Consumer Affairs' actions to stop price gouging. As of this week:

- The Division has issued 104 subpoenas to retailers and online marketplaces reported by consumers for allegedly engaging in unfair price increases and other alleged unscrupulous practices. The subpoenas for additional information include allegations of food and face mask price gouging by online retailers and companies offering grocery delivery service.
- Approximately 975 cease-and-desist letters have been sent, warning retailers about the penalties for violating New Jersey's price-gouging law, and the Consumer Fraud Act's protections from gross and unreasonable inflation of the price of any product during a state of emergency.

The Division has logged a total of 4,732 complaints related to the COVID-19 emergency against 2,535 locations. More than 85 percent of the complaints allege unlawful price hikes on essential items like food, bottled water, cleaning products, and personal protective equipment such as masks, disinfectants and sanitizers.

In addition to price gouging, the Division is looking into complaints from consumers alleging unlawful refund practices as a result of closures related to the COVID-19 health emergency. To date, the Division's overall complaints include 266 reports of health clubs, hotels, ticket agents and other business allegedly refusing to issue refunds after they closed or suspended services as a result of the COVID-19 pandemic.

New Jersey's price-gouging law, which took effect on March 9 upon Governor Murphy's declaration of a state of emergency, prohibits excessive price increases during a declared state of emergency and for 30 days after its termination. A price increase is considered excessive if the new price is more than 10 percent higher than the price charged during the normal course of business prior to the state of emergency, and the increased price is not attributable to additional costs imposed by the seller's supplier or additional costs of providing the product or service during the state of emergency.

Price-gouging and other consumer fraud violations are punishable by civil penalties of up to \$10,000 for the first violation and \$20,000 for the second and subsequent violations. Violators may also be required to pay consumer restitution, attorney's fees, and investigative fees, and will be subject to injunctive relief. Each sale of merchandise is considered a separate violation.

Consumers who suspect consumer fraud, violations, or believe that businesses have unfairly increased their prices in response to COVID-19, are encouraged to file complaints [online](#) to report specific details investigators can follow up on. Photographs of items being sold, receipts and pricing can now be uploaded to our new price gouging complaint form.

Other Violations of Executive Orders, Including "Stay at Home" Order, and Ordinance

- **Antwan Strickland, 20, of Roebling, Jemir Jones, 21, of Mount Laurel, and Rashaun Turner, 33, of Burlington Township** were charged May 14 with violating the emergency orders after Burlington Police responded to a report of a dozen people gathered in the back yard of an abandoned home in Burlington city. Strickland, Jones and Turner were previously warned by police in connection with several similar incidents involving large gatherings. In addition, Strickland and Jones were among four people charged with violating the emergency orders and other disorderly persons offenses in Burlington city on May 10.
- **Chan Kwon, 49, of Perth Amboy, N.J.**, was charged on May 13 with violating the emergency orders by operating a non-essential business. Kwon owns a beauty supply store in Perth Amboy. The May 13 incident was the second time Kwon has been charged with violating the emergency orders. He received a summons on May 5 under similar circumstances.
- **Yisrael Knopfler, 44, of Lakewood, N.J.**, was charged with violating the emergency orders and other disorderly persons offenses on May 11 in connection with an incident that began when police found him hosting a gathering of more than 10 people in his back yard, where a tent was set up. Upon the officers' arrival, a group of approximately 20 men approached and began yelling at them. Host Knopfler allegedly became verbally aggressive and uncooperative with the police and, at one point, made physical contact with an officer.
- **Chaim Oestreicher, 52 and Sarah Oestreicher, 49, of Lakewood**, were cited on May 11 after police arrived at their home to find approximately 15-to-20 people gathered in the back yard next to an uncontained fire.

- **Chaim Gutman, 37**, was cited on May 11 with violating the emergency orders after police responded to a report of loud music and found a band playing on the deck at his home before a crowd of between 50 and 100 people.
- **Miran Lee, 45, of Passaic, N.J.**, was charged on May 12 with violating the emergency orders and risking/causing widespread injury (4th degree) after police found her massage business – New Asian Massage – open and serving customers. On two prior occasions, Lee was issued summonses for violating the emergency orders by operating the same non-essential business and failing to practice social distancing.
- **Mohammad Bahar, 42, of Cliffside Park, N.J.**, was charged on May 12 with violating the emergency orders by operating a non-essential retail business -- S&S Furniture Gallery in Irvington. Bahar, the store manager, was cited after police observed the store open and operating with customers inside.
- **Diana Ron, 38, of Union, N.J. and Dunia Mora, 59, of Irvington, N.J.**, were both cited for violating the orders on May 11. Ron owns Antojito's Restaurant in Irvington, while Mora is the restaurant's manager. Both received a summons after police observed that the bar/restaurant was open for business on May 11 and serving alcoholic drinks to customers inside the establishment.
- **James Robyn, 69, of Chester, N.J.**, was charged with violating the orders on May 11 after police found his retail pool and hot tub store open for business, with multiple customers shopping inside. Robyn was reportedly warned two weeks ago that the store could not be open. He was charged with violating the emergency orders by operating a non-essential business.
- **Rami Jabara, 45, of Little Ferry, N.J.**, was charged by the Paterson Police Department on May 10 with violating the emergency orders for opening the jewelry store he owns, Jerusalem Jewelry on Main Street. Officers found the store open with customers inside shopping, despite the fact that Jabara was warned by police the day before for opening the non-essential business.
- **Sergio J. Moya Jr., 27, of Jersey City**, was charged by the Port Authority Police Department on the night of May 8 with resisting arrest (disorderly persons offense), disorderly conduct (petty disorderly persons offense), and violating the emergency orders. Moya allegedly harassed ticket agents at Newark Airport and refused to leave.

COVID-Related Violations of State Alcohol Laws

AG Grewal announced that the Division of Alcoholic Beverage Control (ABC) this week issued charges seeking to suspend for 10 days the liquor license of an Atlantic County bar, the Watering Hole Café in Hamilton, for allowing patrons to drink on premises in violation of COVID-19 emergency orders. Three other establishments were fined for violating COVID-19 mask requirements. Under executive orders issued by Governor Murphy, businesses licensed to sell alcohol in the state are permitted to remain open during the COVID-19 state-of-emergency, but only for take-out or delivery services of food and alcohol. No table or bar service is permitted, and on premise alcohol consumption is prohibited. Workers and customers are required to wear masks on the premises.

The three establishments issued fines for violations of COVID-19 mask requirements included:

- [Olive Garden](#) in Hamilton (Atlantic County) (\$500) for allowing employees on premises without masks.
- [Sakura Japanese Steakhouse](#) in Mays Landing (\$500) for allowing employees on premises without masks.

- Community Liquors in Ventnor (\$250) for allowing customers on premises without masks.

Violation of the emergency orders is a disorderly persons offense carrying a sentence of up to six months in jail and a fine of up to \$1,000. Such violations are charged by summons, without arrest.

Since the state of emergency was declared in New Jersey on March 9, at least 29 people have been charged with second-degree terroristic threats during an emergency for spitting, coughing, or otherwise threatening to deliberately expose officers, medical personnel, or others to COVID-19. Second-degree offenses carry a sentence of five to 10 years in state prison and a fine of up to \$150,000.

Third-degree charges carry a sentence of three to five years in prison and a fine of up to \$15,000, while fourth-degree charges carry a sentence of up to 18 months in prison and a fine of up to \$10,000.

The charges are merely accusations and the defendants are presumed innocent until proven guilty.

If you are seeing a lack of compliance with the Governor's emergency orders in your town, please contact your local police department or report here:

covid19.nj.gov/violation

No one should take advantage of this pandemic to further their own biased agendas. COVID-19 is no excuse to promote anti-Semitic conspiracy theories and or other biased stereotypes. Please report bias crimes at **1-800-277-BIAS**.

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