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FBI Seizes Equipment from Ray Martinez's Restaurant Amid Federal Investigation

Federal agents executed a warrant at Don Felito's Cookshop, seizing a kitchen hood system, wall panels, and other equipment as part of an investigation involving allegations of wire fraud and federal program bribery.

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Former Police Commissioner Ray Martinez. By. V.I. LEGISLATURE

An early morning visit to the work site of Don Felito's Cookshop, owned by former Police Commissioner Ray Martinez, by the Federal Bureau of Investigations on December 16 resulted in the removal of several pieces of kitchen equipment following the execution of a warrant that had been issued by the U.S. District Court days earlier.

An application for the warrant was made by an FBI special agent on December 5, stating that the Bureau had reason to believe that the equipment – a commercial kitchen hood, half height side curtains, a fire suppression system and stainless steel wall panels – was subject to civil seizure and forfeiture rules. The seizures were in connection with violations of federal laws against wire fraud, honest services wire fraud, conspiracy to commit wire fraud, federal program bribery, and conspiracy to commit federal program bribery, the FBI alleges. However, although the warrant was unsealed after the items were seized, the special agent’s affidavit establishing probable cause is still not available to the public.

Nevertheless, having read the affidavit himself, U.S. Magistrate Alan Teague agreed with the FBI’s rationale for probable cause and issued the seizure warrant on the same day, sealing the documents from public scrutiny.

After the equipment was seized on December 16, the matter was partially unsealed, with the U.S. Attorney’s office arguing that because the underlying investigation is still ongoing, certain facts must remain confidential. “There is an extremely high probability that disclosure of the sensitive information contained in the search warrant affidavit could result in the tampering with and/or harassment of witnesses and destruction of evidence,” the motion to partially unseal the case read.

Earlier this year, Mr. Martinez was [served with an FBI target letter](#) notifying him that he was under investigation in connection with a federal crime. The matter is related to Mon Ethos Pro Consulting, which was contracted by the V.I. Police Department. After the no-bid contract – signed by Mr. Martinez in his capacity as police commissioner – was executed, the firm allegedly provided him with funds to complete work on Don Felito’s, a restaurant project he has been working on for quite some time.

The news of the investigation led Governor Albert Bryan Jr. to request that Mr. Martinez hand in his resignation.

The day after the FBI visit, the attorney representing Don Felito’s Cookshop filed a motion requesting the return of the seized property. According to Michael Sheesley, the execution of the seizure warrant was “an effort to embarrass Ray Martinez, the principal of Don Felitos.” He claims that agents failed to inform the court that the kitchen hood system was part of the Don Felitos property, and similarly failed to follow the necessary legal requirements prior to a seizure of real property. Instead, the FBI misused their powers of seizure in retaliation for Martinez’s lack of cooperation, the attorney argued. “The United States’ tactics were calculated to attempt to embarrass Martinez because he would not come to a pre-indictment plea agreement with the United States regarding alleged criminal activity,” his motion for property return stated.

Citing prior case law, Mr. Sheesley’s motion argues that because it took at least three men with power tools about an hour and a half to remove the hood system from where it was installed, the equipment meets the definition of a real property fixture. Thus, it could only validly be seized after the entry of an order of forfeiture, the attorney said. Prior to the seizure, several alternative paths must be followed – none of which the FBI adhered to, Mr. Sheesley contended. They did not file a complaint and serve notice on the property owner. The court did not issue a notice of application for a seizure warrant nor conduct a hearing on the matter. Neither did the government prove to the court that “less restrictive measures such as a lis pendens, restraining order, or bond would not suffice to protect the Government’s interests” in the same way seizing the property would, Mr. Sheesley’s motion argues.

The property, Mr. Sheesley says, suffered water damage due to the hole in the roof that was left by the FBI's removal of the hood system. He is asking the court to order the prompt return and reinstallation of the equipment, and for Magistrate Teague to require prosecutors to provide evidence of why a bond or other security is necessary. While he does not explicitly ask for damages to compensate Don Felitos for the damage suffered by the hood system's removal, Mr. Sheesley's motion does request "any other further relief that may be permitted."

As of press time, the Government has not yet responded to the motion.

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